

# PARENT STUDENT HANDBOOK

2025-2026





## Superintendent's Message

Dear Vista Students, Families, Staff, and Community Members,

Welcome to the 2025–2026 school year! The start of a new school year brings with it a sense of possibility, purpose, and excitement.

As we begin this new school year, I want to extend a warm welcome to each of you, whether you're returning or joining the Vista Family for the first time. This is a time of new beginnings, fresh opportunities, and the chance to set goals, build relationships, and grow together.

Our schools are ready to support you every step of the way. We are committed to fostering a safe, inclusive, and engaging learning environment where every student can thrive academically, socially, and emotionally. Our dedicated educators and staff are excited to help each student reach their full potential through high-quality instruction and caring relationships.

Our goal for every Vista student is to become globally competent. We will accomplish that by providing students with opportunities to investigate the world beyond their immediate environment, recognize and weigh divergent perspectives, including their own and those of others, developing a strong sense of empathy and understanding, communicate their ideas to a variety of audiences using different modalities, and take action to improve their own conditions and those affective the world around them.

As an organization, as we enter the new school year, we will continue to focus on our three main priorities:

- **Accelerate Learning:** Ensuring that every student has the tools and support they need to flourish academically.
- **Move As One:** Developing and implementing processes and systems to improve organizational effectiveness that align our resources with our vision and priorities.
- **Pave the Path:** Creating opportunities and removing barriers to achieve excellence and organizational growth.

Together, we will make this a year of meaningful progress, connection, and celebration. I encourage you to stay involved, stay curious, and take pride in every step of your journey.

Here's to a successful and inspiring 2025–2026 school year!

Warm regards,

A handwritten signature in blue ink, appearing to read 'Collin Felch', written in a cursive style.

Collin Felch, Ed.D.  
Superintendent  
Vista Charter Public Schools



## Principal's Message

Dear Vista Lago Families,

Welcome to the inaugural year of Vista Lago Global Academy! We are honored that you have chosen to partner with us on this historic journey. Our mission is to provide your student(s) with a transformational and equitable educational experience, grounded in the belief that every child deserves an exceptional free public education.

A little about me: I was born in Mexico and immigrated to the United States at the age of 2. As the second oldest of six children and an English Language Learner (ELL) raised in Compton, I experienced firsthand the challenges of a struggling school system. These experiences ignited my passion and dedication to creating opportunities for all students. As a first-generation college graduate, I am deeply committed to building a school that values equity, inclusion, and student-centered learning.

I bring over 18 years of experience in education to this role, including time as an English teacher, school administrator, and work with the NYC Department of Education and Harlem Children's Zone. I am also currently pursuing a doctorate in Educational Justice at the University of Redlands.

In our first year, we will focus on equipping our teachers with the tools they need to deliver high-quality, aligned instruction from day one. By fostering biliteracy, we aim to enhance students' cognitive development and unlock their full potential. Our goal is to save time, build meaningful relationships, and create a personalized learning environment for every student.

Starting a new TK-9 school is no small task, but with the expertise of our team and the support of families like yours, I am confident we will succeed. My top priorities this year are to earn your trust, foster a positive and inclusive school culture, and create a place where every child feels supported, valued, and inspired to thrive.

I am honored to serve as Vista Lago's founding principal and will approach this work with love, care, and a commitment to amplifying your voices. Thank you for entrusting us with your child's education. Together, we will build a school community we can all be proud of.

**Con amor y respeto,**

A handwritten signature in black ink, appearing to read "Daniela Carrillo". The signature is fluid and cursive.

Ms. Carrillo  
Founding Principal  
Vista Lago Global Academy



## **Principal's Message**

Dearest Vista Family,

I have spent the vast majority of my professional career growing at Vista. I started my journey at Vista in 2011 as a 6th grade math and science teacher and have been in leadership here since 2019. I am very honored and blessed to be able to lead this organization into the future. This is a great school and organization and I look forward to ensuring that Vista continues to get better year after year.

I truly believe in developing the whole child. I believe in our rigorous instructional program that meets each student where they are at, supports them where they struggle, and pushes them in areas where they excel. I believe that teaching our core values of Grit, Empathy, Accountability, and Respect will lead to great personal and academic success. I believe that failure and mistakes can lead to a successful future. I believe in our community and families and that together we can truly make a difference in the lives of our students.

Thank you for choosing Vista, we take your decision to trust your child's education and safety with us very seriously. If at any time you have questions, concerns, or ideas that you wish to share with me and my team, I am glad to listen and partner with you. To ensure and make a lasting impact on your child it takes the school, the parents, and the community working together and over the course of these next years, I look forward to working with and for you.

Sincerely,

Daniel Sommer, Principal

Vista Charter Middle School



## **Principal's Message**

Hello Vista Horizon Global Academy Families!

My name is Enock Benavides and I am thrilled for the chance to be the proud principal for Vista Horizon Global Academy this school year—and beyond. Some of you already know me, because we've been lucky enough to be partners and colleagues for our Vista Charter Public Schools District for several years. Others probably know very little about me.

Let me start by telling you a bit about myself. I was the Spanish Teacher at Vista Charter Middle School for 10 years. Next, I was given the chance to move out of the classroom to be the Academic Interventionist Coordinator and Assistant Principal for Vista Charter Middle School. When I started my career, I didn't think I would ever be a principal; however, when I started working as an Academic Interventionist Coordinator, I learned how much I loved working with teachers and students in a leadership role. I loved collaborating with teachers, interacting with students, and working with families. I also enjoyed working with principals and learned a great deal about leading a school.

This school year, I am looking forward to collaborating, working as a team, and supporting our school community. We are a Team and partners in the educational success of our students in our community. I believe in Transforming the School Experience for all students by working with all stakeholders as a team. I also believe partnership with parents and community partners is essential to support the education of our students.

On a personal level, I am married, I have 3 children, and a dog. I spend a lot of my free time playing music, hiking, playing soccer, and going out with my family. I also love to read books about instructional strategies, leadership, and to serve my home base community of faith.

I am blessed to be an addition to the Vista Horizon Global Academy this year. I am here to serve, collaborate, and work with all of you to help our students in our community.

With Love and Respect,

Mr. Benavides, Principal  
Vista Horizon Global Academy



## Principal's Message

Vista Families,

My name is Jay Proano, Principal of Vista Meridian Global Academy. I began my journey with Vista Charter Middle School in 2015 as a sixth-grade English, History, and PLTW STEM teacher. During my time at Vista Charter Middle School, I have had the pleasure of meeting many families and working with numerous students. I've also been fortunate to collaborate with many outstanding educators. While at Vista Charter Middle School, I assisted in developing an intervention program known as "The NEST." This program focuses on small group instruction for both struggling and gifted students. I concluded my time at Vista Charter Middle School as an assistant principal, where I oversaw our behavior support team and saw the restorative process positively impact many of our students.

Throughout my years as an educator, I have learned to appreciate the unique challenges each year brings. Each year, I have needed to learn new slang, keep up with trends, and continuously adapt to our students' needs. This process of teaching and adaptation has helped me grow as an educator. Over time, I have realized that building relationships and establishing connections are among the things I value most about being in this field and working with this community. It brings me great joy to hear about my former students getting accepted to college, passing a driver's test, publishing their first book, or starting their own families. Celebrating these achievements and knowing that I played a small role in them is what motivates me.

Last school year I transitioned into this new role as Principal of Vista Meridian Global Academy. It was the start of working with a new team and new students. It was a major time of change and growth as we moved into a new building. I had the opportunity to be part of the first round of Senior Portfolio Presentations, first Prom, and first graduating class of seniors. Although we face a unique situation being on a split campus, I believe it highlights our team's dedication and our students' adaptability. Throughout any changes that Meridian has experienced, the team here has remained focused on prioritizing our students. Their commitment to transforming the school experience is truly inspiring and I look forward to being a part of that journey as we continue to grow, expand, and transform the school experience for our Santa Ana community.

Thank you for being a part of the Vista Family.

Jay Proano  
Principal  
Vista Meridian Global Academy



## Principal's Message

Dear Vista Condor and Vista Heritage Families,

It is my great honor and privilege to serve as the proud Principal of *Vista Condor Global Academy* and *Vista Heritage Global Academy*. Over the years, our schools have grown, evolved, and strengthened—and that progress is a direct reflection of the passion, commitment, and collaboration of our incredible staff, dedicated students, and supportive families.

Our theme for the 2025–2026 school year is “**One World. Every Child. Infinite Potential!**”

This is more than a motto—it is a promise. **All students** will receive a world-class education that meets their unique academic and social-emotional needs. **All students** will learn empathy, kindness, and respect for the diverse voices around them. **All students** will feel known, valued, and supported by a team of adults who care deeply for their well-being. **All staff** will deliver excellence in instruction and care—treating every child as their own. **All staff** will embrace continuous learning, modeling a growth mindset in all that we do. **All parents** will be welcomed as vital partners in our Vista Family, playing an essential role in the success of our students. Together, united by a shared vision, we will transform education and empower our students to lead, achieve, and thrive—locally and globally.

To achieve our goals, we remain deeply committed to academic excellence—beginning with a strong foundation in literacy and core content areas. Our Language Arts instruction is anchored by *MyView* and *MyPerspectives*, while *i-Ready Math* and *Amplify Science* support rigorous, standards-based learning across disciplines. Coupled with our global education focus, these programs empower students to grow as confident, capable scholars prepared for a dynamic world. Through the continued use of *Kagan Structures*, students engage in high-level collaboration, critical thinking, and meaningful academic discourse. Just as essential, we cultivate a nurturing and inclusive school culture through *Way of Council*—strengthening trust, empathy, and authentic relationships across our community.

Our innovative STEAM initiatives, including *Project Lead the Way* and our cutting-edge *Spyder Lab* which prepare students for the future, especially for careers that haven't even been imagined yet. And through our global education framework, we nurture students to become compassionate, culturally aware, and socially responsible citizens of the world.

Thank you for entrusting us with your children. This community deserves nothing less than excellence, and I am fully committed to delivering just that. You will receive my very best every single day—and I ask the same of each of you. Let's make this year our most impactful one yet.

With pride, purpose, and partnership—let's soar,

Mrs. Allessandro

Principal  
Vista Condor Global Academy  
Vista Heritage Global Academy



## Principal's Message

Greetings Palm Lane Global Academy Families,

As we prepare to launch the 2025–2026 school year, I want to take a moment to express my heartfelt gratitude and excitement. As a mother of five children myself, I understand deeply that choosing a school for your child is a deeply personal and meaningful decision. I am truly honored and thankful that you have entrusted Palm Lane Global Academy with your child's education and development.

It is with great pride that I begin my fourth year as principal of Palm Lane Global Academy. I am so proud to be part of such a strong, united, and thriving community—one where families, staff, and students work together in partnership to ensure the best for our children.

I remain steadfast in my commitment to transforming the school experience every day—for every child. Our mission goes beyond academics; we believe in supporting the whole child. This year, we will continue to enhance and strengthen our signature practices, with a continued focus on the social-emotional well-being of all students. We want every student to thrive not just academically, but personally and emotionally as well.

This summer, our dedicated staff and I have worked hard to ensure a strong and purposeful launch to the new school year. We have developed new strategic plans, secured key community partnerships, and added innovative resources that will further enrich our academic programs and provide meaningful opportunities for our students to grow, explore, and discover their passions.

At Palm Lane Global Academy, we are committed to equity, excellence, and opportunity. We believe that when schools and families work together, children flourish. That is why I remain dedicated to fostering strong partnerships with you and to maintaining an open-door policy. Your voice matters, and our collaboration is the foundation of our success.

Thank you for your continued support, trust, and belief in our mission. I look forward to a wonderful and inspiring school year filled with growth, achievement, and joyful learning.

In Service,

Debby Prado  
Principal  
Palm Lane Global Academy



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# GENERAL INFORMATION

## SCHOOL CALENDAR

### Vista Charter Public Schools

WE TRANSFORM THE SCHOOL EXPERIENCE

[www.vistacharterpublicschools.org](http://www.vistacharterpublicschools.org)

### 2025-2026 Instructional Calendar



Superintendent: Collin Felch, Ed.D.  
Assistant Superintendent, Karen Amaya



<b>T1</b> 8/11/2025 11/7/2025	<b>Q1/S1</b> 8/11/2025 10/10/2025
<b>T2</b> 11/10/2025 3/6/2026	<b>Q2</b> 10/14/2025 12/19/2025
	<b>Q3/S2</b> 1/13/2026 3/27/2026
<b>T3</b> 3/9/2026 6/5/2026	<b>Q4</b> 4/7/2026 6/5/2026

Regular School Day
Unassigned(No School)
Holidays
PD - Pupil Free

## BELL SCHEDULE

To see our updated Bell Schedule and dismissal procedures, please visit our schools' websites.

- [www.vistacharterms.org](http://www.vistacharterms.org)
- [www.vistahorizonglobal.org](http://www.vistahorizonglobal.org)
- [www.vistaheritagems.org](http://www.vistaheritagems.org)
- [www.vistacondor.org](http://www.vistacondor.org)
- [www.vistameridian.org](http://www.vistameridian.org)
- [www.palmlaneglobalacademy.org](http://www.palmlaneglobalacademy.org)
- [www.vistalaglobalacademy.org](http://www.vistalaglobalacademy.org)

## SCHOOL/ HOME COMMUNICATION

Vista Charter Public Schools (referenced in this handbook as “VCPS”, “Charter School,” or “the school”) communicate with parents through various means, including but not limited to, phone calls, letters, email, school website, ParentSquare, ClassDojo, eKadence, and automated phone calls. These forms of communication may come directly from a teacher, principal, or other staff member.

All school communication regarding school wide events, assemblies, programs, schedule changes, student tardies and absences will be made through one of the above-mentioned forms of communication.

## VISITORS TO SCHOOL CAMPUSES

All campus visitors must have the consent and approval of the principal/designee. Permission to visit must be given at the time requested if at all possible or within a reasonable period of time following the request. Children who are not enrolled at the school are not to be on the campus unless prior approval of the principal has been obtained. Visitors may not interfere with, disrupt or cause substantial disorder in any classroom or school activity. Vista Charter Public Schools Policy states that smoking and the use of all tobacco products is prohibited on all Vista Charter Public Schools property or attending any school-sponsored events. Visitors are expected to:

1. Visits during school hours should first be arranged with the teacher and Principal or designee, at least forty-eight (48) hours in advance, if possible. If a conference is desired, an appointment should be set with the teacher during non-instructional time, at least forty-eight (48) hours in advance, if possible. Parents/guardians seeking to visit a classroom during school hours must first obtain the approval of the classroom teacher and the Principal or designee.
2. All visitors (including volunteers) shall register in the main office and complete a Visitor's Permit in the main office immediately upon entering any school building or grounds when during regular school hours. When registering, the visitor is required to provide their name, address, age (if under 21), their purpose for entering school grounds, and proof of identity.
3. For purposes of school safety and security, the Principal or designee may design a visible means of identification for visitors while on school premises.
4. If the visitor is a government officer/official (including but not limited to local law enforcement officers) the officer/official will also be asked to produce any documentation that authorizes school access.
5. While on campus, visitors are to enter and leave classrooms as quietly as possible, not converse with any student, teacher, or other instructional assistant unless permitted, and not interfere with any school activity. No electronic listening or recording device may be used in a classroom without the teacher's and Principal's written permission.
6. Before leaving campus, the visitor shall return the Visitor's Permit and sign out of the Visitors Logbook in the main office.

Any individual who disrupts a school site or fails to follow school rules and/or procedures is subject to removal from the school site and may be further restricted from visiting the school.

#### Parent Involvement

A critical dimension of effective schooling is parent involvement. Research has shown conclusively that parent involvement at home and in their children's, education improves student achievement. Furthermore, when parents are involved at school, their children go further, and they go to better schools.

#### **IMPORTANT FACTS**

1. Families provide the primary education environment.
2. Parent involvement improves student achievement.

3. Parent involvement is most effective when it is comprehensive, supportive, long-lasting, and well-planned.
4. The benefits of parent involvement are not limited to early childhood or the elementary level; there are continuing positive effects through high school.
5. Involving parents in supporting their children's education at home is not enough. To ensure the quality of schools as institutions serving the community, parents are encouraged to be involved at all levels in the schools.
6. The extent of parent involvement in a child's education is more important to student success than family income or education.
7. We cannot look at the school and the home in isolation from one another; families and schools need to collaborate to help children adjust to the world of school. This is particularly critical for children from families with different cultural and language backgrounds.

### **PARENT PARTICIPATION POLICY (PPP)**

Vista Charter Public Schools recognize that, when schools and parents form strong partnerships, our children's potential for educational success improves significantly. Teachers and school administrators become more aware of parent and community expectations and may implement their suggestions regarding programs and operations. Parents learn the scope of the school's instructional program and set high expectations for their children. As a result, schools can better focus on student growth and success.

### **SCHOOL RESPONSIBILITIES**

Vista Charter Public Schools will provide high-quality curriculum and instruction in a supportive and effective learning environment that enables all students to meet California's student academic achievement. VCPS will:

- Provide a safe, supportive, and effective learning environment for all students.
- Monitor student progress.
- Provide parents with information about their children's progress through parent conferences, progress reports, and online access.
- Provide parents access to staff through email, phone calls, and personal conferences in a timely and professional manner.
- Offer parents the opportunity to volunteer in their child's school.
- Hold parent teacher conferences to discuss this compact and its relevance to the individual child's achievement as needed.
- Provide parents the opportunity to observe classroom activities.

### **PARENT RESPONSIBILITIES**

We, as parents, will support my child's learning in the following ways:

- Read the Parent Handbook.
- Ensure my child is in school and on time daily and wearing the school uniform.
- Provide a quiet place for my child to work.
- Attend parent conferences and school events.
- Volunteer when and where able (highly encouraged).
- Ensure homework is completed and returned on time.
- Limit child's time watching TV and/or playing video games.
- Ensure my child reads a minimum of 30 – 60 minutes each day.

- Read all notices sent home and respond when needed.
- Visit the school website, check messaging apps and Power School regularly.
- Update the school every time phone numbers and/or addresses change.
- Inform the school each time my child is absent via phone call and written note.

## **STUDENT RESPONSIBILITIES**

Students will share the responsibility to meet Vista’s high academic standards in the following ways:

- Come to school on time prepared to learn.
- Do my homework every day and turn it in on time.
- Ask for help when I do not understand the content.
- Read for at least 30-60 minutes every night.
- Limit the amount of time spent watching and/or playing video games during the school week.
- Commit to a bully-free school and speaking to an adult if there is ever a problem.
- Immediately give all school notices to my parents or guardians.
- Wear the school uniform each day, high school exempted.
- Complete all of my class work and show my parents my agenda daily.
- Respect adults, my peers, and school property.

## **PARENT ENGAGEMENT OPPORTUNITIES**

Vista Charter Public Schools will build and encourage strong familial relationships to ensure effective parent involvement. Vista is committed to support a partnership with you to improve student academic achievement.

We encourage each parent to volunteer and support the education of their child. This can be achieved by completing a combination of the following:

- Read the parent handbook and return the signed tear-off.
- Attend any scheduled parent conferences initiated by parent or school.
- Attend Back to School Night and Open House.
- Attend family nights.
- Attend Coffee with the Principal.
- Attend special school events (as announced).
- Attend IEP meetings and SST meetings when applicable.
- Academic enrichment hours with the family (Museums, library, cultural events, etc.).
- Classroom observations.
- Volunteer onsite (office help, community service, translating, school maintenance, supervising students, etc.).

The above-mentioned list is only a suggestion of the many opportunities parents will have to participate at Vista Charter Public Schools. We believe that by participating you will be cultivating memories that will last a lifetime. We want your child to attain the greatest heights of their potential. With you by their side, there is no limit to how high they will go.



## ADA ALTERNATIVE FORMAT PLAN

### Purpose

The purpose of this document is to provide guidelines for ensuring that students, parents, and staff with disabilities have access to school materials in alternative formats. This plan outlines the procedures for requesting, producing, and delivering accessible formats such as braille, large print, audio, and accessible digital formats in compliance with the Americans with Disabilities Act (ADA).

### Guidelines

#### I. Requesting Alternative Formats

##### A. Pre-request Information:

- Individuals requesting materials in alternative formats must provide necessary information about the type of accommodation required (e.g., braille, large print, audio, or accessible digital formats).
- The school will work with external specialists or technology as needed to meet these requests.

##### B. Request Process:

- Requests for alternative formats can be initiated by students, parents, or staff via email, phone, or an in-person meeting with the school's ADA coordinator.
- Upon receiving a request, the ADA coordinator will review it to ensure that it complies with ADA requirements and determine the appropriate format and timeline for delivery.

#### II. Producing Alternative Formats

##### A. Braille and Large Print:

- Braille and large-print materials will be prepared through specialized service providers to ensure accuracy and timely delivery.
- For materials not available in braille or large print, the school will ensure conversion and delivery within a reasonable timeframe.

##### B. Audio and Accessible Digital Formats:

- For students or individuals requesting audio formats, text-to-speech technology or professionally produced audio will be provided.
- Digital materials will be made accessible through compatible screen reader formats and will follow the Web Content Accessibility Guidelines (WCAG) to ensure ease of access for individuals with visual impairments or other disabilities.

#### III. Delivery and Distribution

##### A. Delivery Timeline:

- Once the request has been approved, the school will ensure that alternative formats are made available within 7–10 business days. Urgent requests will be handled on a case-by-case basis.

##### B. Follow-up:

- The ADA coordinator will follow up with the individual to ensure that the alternative format meets their needs. Any adjustments or additional accommodations will be made as necessary.

#### IV. Monitoring and Review

##### A. Tracking Requests:

- A system will be implemented to track all alternative format requests, ensuring that they are fulfilled in a timely and appropriate manner.

##### B. Annual Review:

- This plan will be reviewed annually to ensure compliance with federal regulations and to adjust procedures based on feedback from the community and changes in technology.

## V. Resources

- ADA National Network ([www.ada.gov](http://www.ada.gov))
- American Printing House for the Blind ([www.aph.org](http://www.aph.org))
- Web Content Accessibility Guidelines (WCAG)

## VI. Assistance

For assistance or further information, please contact the Vista Charter Public Schools' ADA Coordinator, Erika Najera at [enajera@vistacharterps.org](mailto:enajera@vistacharterps.org) or (213) 201-4000.

# INSTRUCTIONAL PROGRAM

## REPORT CARDS AND REPORTING PERIODS

It is Vista Charter School policy that all students succeed and are given every chance to excel in school.

### Elementary Schools

We have 3 grading cycles during the school year (see school calendar):

1. Teachers will notify parents of struggling students prior to issuing report cards.
2. All students will receive a parent conference during each reporting period.
3. Report Cards will be available on the POWERSCHOOL website and hard copies will be sent home.

### Middle and High Schools

We have 4 grading cycles during the school year. (See school calendar)

1. There will be two reporting periods per semester.
2. Teachers will notify parents of struggling students prior to issuing progress reports.
3. 1<sup>st</sup> & 3<sup>rd</sup> reporting periods are progress reports. The 2<sup>nd</sup> and 4<sup>th</sup> reporting period is the final semester grade.
4. Any student in danger of failing will have a parent conference.
5. Report Cards will be available on the POWERSCHOOL website and hard copies will be sent home.

Students must be enrolled in a class for a minimum of 5 weeks during a given reporting period in order for the teacher(s) to gather sufficient evidence to provide an academic mark(s) on the report card in that reporting period. If a student is enrolled for less than 5 weeks in a given reporting period, the teacher may give an “Incomplete” (I), “No Mark” (N), or “No Evidence” (NE) mark on the report card.

## REWARDS FOR EXCELLENCE IN ACADEMICS

Vista Charter Public Schools recognizes students for academic progress and achievement. Some ways that Vista Charter Public Schools honors growth and achievement are:

- Student of the Month
- Citizenship Awards
- Honor Roll
- Home Visits
- GEAR Awards
- Perfect Attendance

## VISTA STUDENT SCHOOL SUPPLIES

Vista Charter parents are encouraged to maintain the following school supplies for their students, which include, but are not limited to:

- A backpack
- Pencils
- Pens

- Eraser
- Glue stick
- Notebook
- Colored pencils or crayons
- Composition books

If you are unable to provide school supplies, Vista will provide them. Teachers may request other supplies as needed.

**Sharpies and other permanent markers are not allowed on campus except as provided by teachers for classroom use.**

### **INSTRUCTIONAL MATERIALS: CHROMEBOOKS, DEVICES, BOOKS, ETC.**

For classes where specialized instructional materials are required, Vista will provide them. Students who take such materials home for reading or homework will have a number assigned to each item and be responsible for the care and return of the materials. Instructional materials must be treated with care and returned to VISTA in good condition at the end of the school year or when a student leaves Vista Charter Public Schools for any reason.

California law allows a charter school to charge parents for the cost of any damage or loss caused by their child to any school property, including specialized instructional materials.

### **ENGLISH LANGUAGE LEARNERS**

The Charter School 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. The Charter School 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. The Charter School will implement policies to assure proper placement, evaluation, and communication regarding English Learners and the rights of students and parents.

State law requires Vista Charter Public Schools to assess the English language development of all English Learners (ELs) and of new enrollees in California public schools in order to determine each student's level of English proficiency in listening, speaking, reading and writing.

The ELPAC must be administered to new enrollees at the Vista Charter Public Schools with a home language other than English unless they have been assessed at another California Public School. Students who have previously been identified as being English Learners must also be administered the ELPAC annually to determine annual English language development progress until the EL student has been reclassified. For new enrollees who have a home language other than English, the ELPAC must be administered within 30 days of enrollment in a California public school. To find more information about the ELPAC, please contact your child's teachers or contact the school office.

State and federal law require that local educational agencies administer a state test of ELP to eligible students in kindergarten (or year one of a two-year kindergarten program, sometimes referred to as

“transitional kindergarten”) through grade twelve (ages 3-21). The ELPAC is aligned with California’s 2012 English Language Development Standards, and is comprised of two separate ELP assessments:

- Initial ELPAC—an initial identification of students as English learners
- Summative ELPAC—an annual summative assessment to measure an English learner's progress in learning English and to identify the student's ELP level

For more information, please visit <https://www.elpac.org>

### **CALIFORNIA ASSESSMENT OF STUDENT PERFORMANCE AND PROGRESS (CAASPP)**

State law requires that Vista Charter Public Schools administer the California Assessment of Student Performance and Progress (CAASPP) tests annually in grades 3-8 and 11. On January 1, 2014, the California Assessment of Student Performance and Progress (CAASPP) System was established. The primary purpose of the CAASPP System is to assist teachers, administrators, students, and parents by promoting high-quality teaching and learning through the use of a variety of assessment approaches and item types.

The California Assessment of Student Performance and Progress (CAASPP) System consists of the following assessments:

- Smarter Balanced English language arts/literacy and mathematics
- California Alternate Assessments for English language arts, mathematics, and science
- California Science Tests
- California Spanish Assessment

Upon request, parents have a right to information on the level of achievement of their student on every State academic assessment administered to the student.

### **PHYSICAL FITNESS TEST: GRADES 5, 7 AND 9**

State law requires that Vista Charter Public Schools administer the Physical Fitness Test (PFT) annually to all students in grades five, seven and nine. The state designated PFT is the FITNESSGRAM®. The FITNESSGRAM® is a set of tests designed to evaluate health related fitness and to assist students in establishing lifetime habits of regular physical activity.

The complete FITNESSGRAM® test battery measures student performance in the following areas:

1. aerobic capacity
2. body composition
3. muscular strength, endurance and flexibility

Teachers and administrators are responsible for preparing students to do their best on the test by providing instruction and appropriate practice in the skills and abilities that are tested. It is recommended that schools should provide students appropriate practice as part of the regular physical education (P.E.) program throughout the year. Students are tested between February and May.

A “passing” score has been defined as meeting the healthy fitness zone for 5 of 6 events. Parents should see that their children participate in a regular program of physical activity and nutrition. To find more information about the FITNESSGRAM®, please contact your child’s teachers.

### **GIFTED/HIGH ABILITY AND HIGH ACHIEVERS**

Gifted and High Ability students need to be challenged beyond cursory presentation of information. Within our programs, we provide access to gifted and high ability students through the same approach as supporting our lowest achievers. Teachers have the ability to create flexible groupings, which allows students access to the curriculum at their instructional level.

Strategies for effective instruction that address the needs of Gifted and High Ability students include:

- Differentiation of Instruction
- Acceleration of the pacing of instruction can provide an appropriate level of challenge.
- Flexible grouping of students to allow for more appropriate targeting of students’ needs
- Independent projects that present more rigorous tasks
- Provide additional challenge work
- Personal Learning Plan, in which students, with guidance can select their own targets for success.

Students are identified through an assessment process that begins with search (standardized test data, progress reports, cumulative records, etc.) & referral (either by teacher or parent). Applicants are screened by a committee for a recommendation of eligibility, and determination can be made by intellectual assessment, evaluation of academic abilities, and/or demonstration. Parents are notified in writing regarding the decision for identification.

### **TRANSFERABILITY OF COURSES**

Courses offered by Vista Charter Public Schools high schools that are accredited by the Western Association of Schools and Colleges are transferable to other public high schools. Each individual course meets college entrance requirements. Courses are approved by the University of California or the California State University as satisfying their prerequisites for admission may be considered as meeting college entrance requirements.

### **PUPIL PROMOTION AND RETENTION (PPR) POLICY**

Vista Charter Public Schools has created the following policy, with criteria for fluent English students (EO, IFEP, RFEP) and for Limited English Proficient students (LEP):

#### **GRADES 2 to 12 CRITERIA FOR RETENTION**

##### **FOR STUDENTS FLUENT IN ENGLISH (EO, IFEP, RFEP)**

- English/Language Arts: A final (June) Report Card English grade of F (Fail); **OR**
- Mathematics: A final (June) Report Card Mathematics grade of F (Fail)

##### **FOR LIMITED ENGLISH PROFICIENT STUDENTS (LEP) LEVELS 1-4**

- English/Language Arts or Mathematics: A final (June) Report Card grade of F (Fail); **AND**

- No advancement in overall ELPAC score (English Language Proficiency Assessments for California) for the past two years, including the present year.

## **STUDENTS WITH DISABILITIES**

- Vista Charter Public Schools provides a fully inclusive Special Education program.
- Will meet the criteria as indicated on their IEP.

**Parent/Guardian Notification:** Parents of students who have been identified for retention or at-risk for retention will be notified in writing as early in the school year as is practicable. A parent may request a meeting with the teacher or teachers responsible for the decision to retain the student.

**Opportunities for Remedial Instruction:** For students who have been identified for retention or at-risk for retention, parents will be notified by teachers of available intervention or remedial instruction, which will be provided for students as an opportunity to avoid retention.

**Process for Appeal:** A parent or guardian may appeal the teacher’s decision to promote or retain a student. If an appeal is made, the California Education Code states that the burden shall be on the appealing party to show why the decision of the teacher should be overruled.

The school principal will attend the above-mentioned meetings and, after consultation with the teacher or teachers, shall make the final determination for the student’s retention or promotion.

**Questions or Additional Information:** Please contact the school office if you have questions or need clarification of any of the information contained in the PPR policy.

## **ACADEMIC INTEGRITY**

The School Board of Vista Charter Public Schools believes that academic honesty and personal integrity are fundamental components of a student’s education and character development. The Board expects that students will not cheat, lie, plagiarize, claim products generated by Artificial Intelligence as their own, or commit other acts of academic dishonesty. Students are expected to be the sole authors of their work and to exhibit honest behavior and academic integrity. Use of another person’s work must be accompanied by specific citations and references. The purpose of this policy is to create and maintain ethics and integrity in all academic endeavors and to provide our students with an understanding of what is and is not acceptable.

Students, parents/guardians, staff and administrators shall be responsible for creating and maintaining a positive school climate that encourages honesty. Students found to have committed an act of academic dishonesty may be subject to disciplinary action.

Depending on the seriousness of the violation, the student may be counseled with the parent or guardian present or may be given no credit for the assignment.

### **Definitions**

- “*Plagiarism*”:
  - The unauthorized use or close imitation of the language and thoughts of another author and the representation of them as one’s own original work.

- To claim products generated by Artificial Intelligence as your own
- “*Artificial Intelligence*”: Artificial Intelligence (“AI”) is a computer, robot, or other programmed mechanical device having the humanlike capacity to perform operations and tasks analogous to learning and decision making in humans, or question answering. Examples of AI include the following:
  - “*Chatbot*”: a computer program in the form of a virtual e-mail correspondent that can reply to messages from computer users.
  - “*ChatGPT*”: ChatGPT is generative AI chatbot. It is a natural language processing tool driven by AI technology that allows human-like conversations and much more with a chatbot. The language model can answer questions and assist with tasks, such as composing emails, essays, music, images, and code.

### **Examples of Plagiarism and Academic Dishonesty**

1. Quoting someone else’s words, sentences, paragraphs, or an entire paper without acknowledging the source.
2. Paraphrasing someone else’s ideas, opinions, or theory without acknowledging the source.
3. Imitating someone else’s argument without acknowledging the source.
4. Using more of a source than is acknowledged in the citation.
5. Copying a fellow student’s work, paper, and/or essays and turning it in as your own.
6. Copying another student’s computer file and submitting the work as your own.
7. Buying an essay, paper, or written work online.
8. Using teacher manuals or answer keys.
9. Cheating during an examination, including the possessions of unauthorized material, unauthorized collaboration with others, or generating answers with a chatbot
10. Disclosing information to another student including an examination’s contents.
11. Using tools to generate text, art, code, or music, that students then represent they generated independently.

Regardless of the student's intent, the above acts constitute plagiarism and/or academic dishonesty. In essence, plagiarism is the theft of someone or something else’s ideas and/or work. Whether a student copies verbatim or simply rephrases the ideas of another person or through AI without properly acknowledging the source, it is still plagiarism. In the preparation of work submitted to meet assignment requirements, whether a draft or a final version of a paper or project (art, music, code, etc.) students must take great care to distinguish their own ideas, language, and work products from information derived or created from other sources. Sources include published primary and secondary materials, electronic media, information, and opinions gathered directly from other people, and products generated by AI. Students are expected to adhere to specific guidelines and/or instructions provided by their teachers. All citations must be in either APA or MLA format as instructed by the teacher. Students are solely responsible for their own work. Accordingly, students are expected to ask for assistance or clarifications on any issue where there may be questions or uncertainty. Students are prohibited from using AI to generate work products submitted for credit **unless the teacher approves the use of AI tools for the assignment or project**. In such cases, teachers shall clarify parameters for appropriate use of AI.

### **Examples of Using AI, Chatbots, ChatGPT, etc. that are Permissible**



1. Students may use AI to gain clarification on a topic they do not understand.
2. Use AI to inspire new ideas or new ways of thinking
3. Look up facts and verify the information with primary sources
4. Use it as a debate tool
5. Use it as an after-hours tutor
6. Generate a product from an AI generative tool and critically analyze the product for its effectiveness, aesthetic, or functionality.

### Consequences for Academic Dishonesty

Consequences per incident, not class specific:

- First offense - Student, parent and teacher meeting. No credit for affected test or assignment. The plagiarized assignment is to be re-assigned. Academic Dishonesty form documenting incident is completed. The original, signed by student and parent, is reviewed by administration and filed with main office.
- Second offense - Student, parent and school administrator or designee meeting, in accordance with Vista's focus on restorative practices. No credit given for affected test or assignment. Student may also be removed from any extracurricular activities, including fieldtrips, sports, camps, etc. The Academic Dishonesty form is filled out documenting the incident, signed by all parties, and filed in the main office.

Continued demonstration of academic dishonesty will result in further disciplinary action.

In addition, the Administration shall annually update its Parent-Student Handbook to address the School's expectations regarding the consequences for academic dishonesty.

### **Students with Individualized Education Program or Section 504 Plans**

If the student has an Individualized Education Program ("IEP") or Section 504 plan, the teacher of record will contact the Charter School's Director of Special Education or the 504 Coordinator and comply with all provisions of applicable law in addressing any student conduct concerns, including plagiarism and academic dishonesty.

# CONDUCT EXPECTATIONS

## ATTENDANCE

### Attendance Matters!

Every student is expected to attend school on a daily basis, unless there is valid justification for his/her absence. Parents and guardians are responsible for ensuring that their children go to school. Research is clear that school attendance is vital to students' achievement. Students who develop patterns of good attendance are much more likely to be successful both academically and socially:

- When students attend school, they get better grades, score better on standardized tests and are more likely to go to college.
- It is our responsibility to teach students the importance of attendance now so they are prepared for the future. Employers say good attendance demonstrates responsibility and is a key factor in the hiring and promotion of employees.
- Vista Charter Public Schools is working to improve in ways that will make students feel more welcome, safe and enthusiastic about showing up every day. Parents Influence Attendance-Get Involved!

Things families can do to help student attendance:

- Plan family vacations for non-school days only.
- Schedule non-emergency medical and dental appointments after school hours.
- Make sure your child's school has your accurate daytime contact information, including cell phone number and/or e-mail address.
- Communicate often with your child's teachers.
- Make your school aware of any problems that may be causing your child to miss school.

**PARENTS, PLEASE COMMUNICATE WITH THE SCHOOL FOR EVERY ABSENCE WITH A NOTE, EMAIL, OR PHONE CALL.**

### ABSENCES – EXCUSED

A pupil shall be excused from school when the absence is:

1. Due to his or her illness, including an absence for the benefit of mental or behavioral health.
2. Due to quarantine under the direction of a county or city health officer.
3. For the purpose of having medical, dental, optometric or chiropractic services rendered.
  - a. 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.
4. For the purpose of attending the funeral services or grieving the death of either a member of the pupil's immediate family, or of a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, so long as the absence is not more than five (5) days per incident. "Immediate family" means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.

5. For any of the following reasons, if an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, has died:
  - a. To access services from a victim services organization or agency.
  - b. To access grief support services.
  - c. To participate in safety planning or to take other actions to increase the safety of the pupil or an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, including, but not limited to, temporary or permanent relocation.

Absences under this section shall not be excused for more than three (3) days per incident, unless extended on a case-by-case basis at the discretion of the school administrator.

"Immediate family" means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.

6. For the purposes of jury duty in the manner provided for by law.
7. Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent.
8. For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Election Code.
9. For the purpose of 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. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the Superintendent of the school district.
10. For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.
11. For the purposes of participating in a cultural ceremony or event. Cultural means: relating to the habits, practices, beliefs and traditions of a certain group of people.
12. For the purpose of a middle school or high school pupil engaging in a civil or political event (excused for only one school day-long absence per school year) provided that the pupil notifies the school ahead of the absence. Civil or political event includes but is not limited to: voting, poll working, strikes, public commenting, candidate speeches, political or civic forums and town halls.
13. Authorized at the discretion of the school administrator

14. Authorized parental leave for a pregnant or parenting student for up to eight (8) weeks, which may be extended if deemed medically necessary by the student's physician.
15. Due to the student's participation in military entrance processing.
16. Participation in religious instruction or exercises as follows: the student shall be excused for this purpose on no more than four (4) school days per month.
17. A student 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 student 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.
18. In order to participate with a not-for-profit performing arts organization in a performance for a public-school student audience for a maximum of up to five (5) days per school year provided the student's parent or guardian provides a written note to the school authorities explaining the reason for the student's absence.
19. For the following justifiable personal reasons for a maximum of five (5) school days per school year (unless otherwise indicated), upon advance written request by the student's parent or guardian and approval by the Principal or designee pursuant to uniform standards:
  - a. Appearance in court.
  - b. Observance of a holiday or ceremony of the pupil's religion.
  - c. Attendance at religious retreats (not to exceed one school day per semester).
  - d. Attendance at an employment conference.
  - e. Attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization.

A pupil absent from school for the above excused reasons shall be allowed to complete all assignments and tests missed during the absence that can reasonably be provided and, upon satisfactory completion, shall be given full credit. The teacher of any class from which a pupil is absent shall determine what assignments the pupil shall make up and in what period of time the pupil shall complete such assignments. The tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

### **ABSENCES – UNEXCUSED**

Any absence for reasons other than those listed as EXCUSED ABSENCES are deemed unexcused.

### **TRUANCY CONSEQUENCES**

A student shall be classified as a truant if the student is absent from school without a valid excuse three (3) full days in one school year, or if the student is tardy or absent for more than any 30-minute period during the school day without a valid excuse on three (3) occasions in one school year, or any combination thereof.

Chronically truant students are subject to consequences, including but not limited to the following:

- Phone calls and letters sent home

- Required family participation in truancy remediation conferences and Student Attendance Review Team (SART) meeting
- Possible retention
- Possible recommendation for involuntary removal from enrollment

*A copy of the school's complete Attendance and Truancy Policy and Procedures is available for review in the main office.*

## **BUS & VAN RULES**

At Vista Charter Public Schools, it is our pleasure to provide the safest transportation possible on school-related field trips. On Vista's transportation, safety precautions are a must! Your help is needed because safety is everyone's responsibility! This applies to all types of school-related transportation.

Students, when you are on the school bus, we expect you to behave as if you were in one of Vista's classrooms. The bus driver is in charge of the bus at all times. Any student who repeatedly violates the safety precautions and/or bus rules may be denied the privilege of riding the bus and is subject to other disciplinary action to be determined by the principal. To that end, the following conduct rules are called to your attention:

1. Students must go directly to a seat designated by Vista personnel and follow directions at all times. Students must remain seated, keeping aisles and exits clear.
2. Students must observe classroom conduct. All school rules apply on the bus. Obey the driver promptly and respectfully.
3. Students must be courteous and respectful to fellow students and to the bus driver.
4. Students must not engage in loud talking or laughing, excessive horseplay, or fighting, profane or abusive language.
5. Students need to understand that unnecessary confusion diverts the driver's attention and might result in a serious accident, thus threatening their own safety.
6. Students must refrain from chewing gum, eating and drinking on the bus.
7. Students must not have alcohol, tobacco or drugs in their possession on the bus.
8. Students must not throw or pass objects on, from or into the bus.
9. Students must treat bus equipment respectfully. Vandalism will not be tolerated. Keep the bus clean and sanitary.
10. Students must not extend any part of their bodies out of the bus windows.
11. Students are to remain absolutely quiet at railroad crossings until the bus has completely crossed and the driver says it is okay to talk.
12. Vista Charter Public Schools or our designated bus company is not responsible for lost or stolen items left on the bus.

### **Driver and School Personnel responsibilities prior to written conduct report:**

- Drivers and school personnel will confer with the student and/or change the student's seating assignment.
- Drivers and school personnel are to contact the principal after repeated warnings have not been heeded.

Students who ride school buses are expected to adhere to the same rules of conduct and behavior on the school bus as in school. Any student who engages in misconduct, disrupts school bus travel, disrespects the school bus driver or jeopardizes the safety of school bus rides is subject to disciplinary action, including removal from the bus transportation program or suspension if the behavior rises to the level of a violation of the Suspension/Expulsion Policy as referenced herein. If you have questions regarding student conduct on the school bus, please call the Main Office.

## **ALCOHOL, TOBACCO, DRUG & VIOLENCE PREVENTION AND PROHIBITION**

Vista Charter Public Schools does not tolerate the use, possession, or sale of drugs, alcohol, or tobacco by students on school campuses or at school-sponsored activities. School administrators will take immediate action to prevent, discourage, and eliminate the use or possession of drugs, alcohol, or tobacco on campus and at school activities.

Violation of this policy may result in discipline (up to and including suspension and/or expulsion).

**For information and resources on how to stop smoking/vaping, please visit the California Smoker's Helpline by calling 1-800-NO-BUTTS (1-800-662-8887) or visit <http://www.nobutts.org/>**

## **CELLPHONES & ELECTRONIC DEVICES**

All students are required to adhere to the following guidelines regarding cell phones and other private electronic devices:

Private devices may be used:

- Off campus before or after school.
- Before or after any Charter School sponsored activity occurring before or after the regular school day.
- In the case of an emergency, or in response to a perceived threat of danger.
- When a teacher or administrator of the Charter School grants permission to a student to possess or use a private device, subject to any reasonable limitation imposed by that teacher or administrator.
- When a licensed physician and surgeon determines that the possession or use of a private device is necessary for the health or well-being of the student.
- When the possession or use of a private device is required in a student's individualized education program ("IEP").

Private devices shall be turned **off** (not simply put in vibrate mode) and shall **not** be used:

- During instructional classroom time, including assemblies, and any other school activity, which takes place during the regularly scheduled school day on or off campus.
- During break periods, between class periods, or during lunch.
- During events sponsored by the Charter School held before or after regular school hours.
- On field trips or excursions sponsored by the Charter School.

Vista Charter Public Schools assumes no liability for the damage, loss, misuse of the cell phone by the student or another person – this includes theft as the phone should be on the student’s person at all times (i.e. not in unattended backpacks that are left in piles, tables or with friends)

At any time during a school activity, a school official may give specific directions regarding student use or non-use of a cell phone in which the student is expected to comply.

Permission for student possession or use of a cell phone may be revoked for inappropriate use by either parents or administration.

Students must comply any time a request is made by school personnel to cease the use of a cell phone, even before or after school while the student is on the school campus or at a school-sponsored activity.

Cell phone use on the school bus is for emergency purposes only; driver authorization is required.

Texting during tests, quizzes, including CAASPP testing, could result in immediate revocation of permission to carry a cell phone at school.

Consequences for violating the cell phone and electronic devices policy:

- 1st Offense: student warning, phone is sent to the Main Office for student to pick up at the end of the school day.
- 2nd Offense: Parent must come to the school to pick up the cell phone during school office hours.
- 3rd Offense: Parent must pick up the phone during school office hours and student loses the right to have a phone on campus and the cell phone will have to remain at home permanently.

### **VISTA DRESS CODE AND UNIFORM POLICY**

Our policy is based on student safety, mutual respect, and responsibility to establish Vista Charter Public Schools as a place of higher learning.

Rules for School Attire:

- Students are required to wear their appropriate Vista uniform every day. They may wear a t-shirt or long-sleeved shirt under the uniform, but not over it.
- Students must wear dark black or blue bottoms (pants, shorts, skorts, skirts). No large belt buckles or chains such as wallet chains are allowed. All shorts should be no more than four (4) inches above the knee.
- Caps and hats are not allowed, except for outdoor field trips.
- Please wear tennis shoes or other closed-toe shoes only. Headwear worn for purposes of religious observance is permitted, both indoors and outdoors.
- No sandals, flip-flops, or open-toed shoes are allowed.

- Students are expected to wear their regular uniforms or PE uniforms (when applicable) for P.E.
- For student safety earrings must be small and have no large hoops or dangling/protruding spikes.
- No clothing, jewelry, accessories, or hairstyles which are, or include, a picture, writing, or insignia which is: (1) gang related; (2) presents a safety hazard to the wearer or others; (3) advertises or symbolizes any type of alcohol, drugs, tobacco, or gambling; (4) includes weapons or acts which are illegal, violent, obscene, or hazardous to one's health; (5) sexually suggestive, crude, vulgar, profane; discriminatory, obscene, contain threats, libelous; or (6) offensive or degrading to students or staff on the basis of gender, cultural, religious or ethnic values.

Thank you for supporting and following this policy. Together, we can ensure that your child gets the most out of school by minimizing distractions and maximizing safety.

### **STUDENT USE OF TECHNOLOGY AND INTERNET ACCESS**

All uses of Vista Charter Public Schools' electronic equipment, computers, and internet networks (whether on site or via a school-issued hotspot or electronic device) are regulated by the Vista Charter Public Schools Acceptable Use Policy (AUP) that can be found on the Vista Charter Public Schools website. Access to the Internet from Vista Charter Public Schools is a privilege, not a right. Students may only access school technology and networks for an education purpose, which includes classroom activities, research in academic subjects, career or professional development activities, Charter School approved personal research activities.

All student users, who access school technology or networks , must have a signed Acceptable Use Agreement on file at the school.

VCPS 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 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.

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 agreed upon 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.

It is the user's responsibility not to initiate access to material that is inconsistent with the goals, objectives, policies, and educational mission of the Vista Charter Public Schools as well as adherence to any city, state and federal laws.

The following constitute inappropriate use:

1. Playing games or online gaming.
2. Downloading software, music, movies or other content in violation of licensing requirements, copyright or other intellectual property rights.
3. Installing software on Charter School equipment without the permission of a teacher or other authorized Charter School staff person.
4. Downloading, viewing or sharing inappropriate content, including pornographic, defamatory or otherwise offensive material.
5. Conducting any activity that is in violation of Charter School policy, the student code of conduct or local, state or federal law.
6. 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.
7. Conducting for-profit business.
8. Using hacking tools on the network or intentionally introducing malicious code or viruses into the Charter School's network.
9. Using any software or proxy service to obscure either the student's IP address or the sites that the student visits.
10. Disabling, bypassing, or attempting to disable or bypass any system monitoring, filtering or other security measures.
11. Accessing or attempting to access material or systems on the network that the student is not authorized to access.

### **STUDENTS' PERSONAL PROPERTY**

Personal items of value (cell phones, cameras, electronic games, radios, and computers, etc.) should not be brought to school since loss, theft, or damage is possible. Also, such items can be distracting to the educational process and may be confiscated by school personnel.

Vista Charter Public Schools is not responsible for loss or stolen items (including those in backpacks).

### **PROFESSIONAL BOUNDARIES: STAFF/STUDENT INTERACTION POLICY**

Vista Charter Public Schools ("VCPS" or "School") 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. This policy is available on VCPS's website.

### 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 School personnel:

A. Examples of PERMITTED actions (NOT corporal punishment)

1. Stopping a student from fighting with another student;
2. Preventing a pupil from committing an act of vandalism;
3. Defending yourself from physical injury or assault by a student;
4. Forcing a pupil to give up a weapon or dangerous object;
5. 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;
6. Engaging in group calisthenics, team drills, or other physical education or voluntary recreational activities.

B. Examples of PROHIBITED actions (corporal punishment)

1. Hitting, shoving, pushing, or physically restraining a student as a means of control;
2. Making unruly students do push-ups, run laps, or perform other physical acts that cause pain or discomfort as a form of punishment;
3. Paddling, swatting, slapping, grabbing, pinching, kicking, or otherwise causing physical pain.

Acceptable and Unacceptable Staff/Student Behavior

This policy is intended to guide all School 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)*

- (a) Giving gifts to an individual student that are of a personal and intimate nature.
- (b) Kissing of any kind.
- (c) Any type of unnecessary physical contact with a student in a private situation.
- (d) Intentionally being alone with a student away from the school.
- (e) Making or participating in sexually inappropriate comments.
- (f) Sexual jokes.
- (g) Seeking emotional involvement with a student for your benefit.
- (h) Listening to or telling stories that are sexually oriented.
- (i) Discussing inappropriate personal troubles or intimate issues with a student.
- (j) Becoming involved with a student so that a reasonable person may suspect inappropriate behavior.
- (k) Communication with students via an employee's personal accounts such as email and/or social media.

#### *Unacceptable Staff/Student Behaviors without Parent and Supervisor Permission*

**(These behaviors should only be exercised when a staff member has parent and supervisor permission.)**

- (a) Giving students a ride to/from school or school activities.
- (b) Being alone in a room with a student at school with the door closed.

- (c) Allowing students in your home.

Cautionary Staff/Student Behaviors

**(These behaviors should only be exercised when a reasonable and prudent person, acting as an educator, is prevented from using a better practice or behavior. Staff members should inform their supervisor of the circumstance and occurrence prior to or immediately after the occurrence)**

- (a) Remarks about the physical attributes or development of anyone.
- (b) Excessive attention toward a particular student.
- (c) Sending emails, text messages or letters to students if the content is not about school activities.

Acceptable and Recommended Staff/Student Behaviors

- (a) Getting parents' written consent for any after-school activity.
- (b) Obtaining formal approval to take students off school property for activities such as field trips or competitions.
- (c) Emails, text, phone and instant messages to students must be very professional and pertaining to school activities or classes (Communication should be limited to school technology).
- (d) Keeping the door open when alone with a student.
- (e) Keeping reasonable space between you and your students.
- (f) Stopping and correcting students if they cross your own personal boundaries.
- (g) Keeping parents informed when a significant issue develops about a student.
- (h) Keeping after-class discussions with a student professional and brief.
- (i) Asking for advice from fellow staff or administrators if you find yourself in a difficult situation related to boundaries.
- (j) Involving your supervisor if conflict arises with the student.
- (k) Informing the Principal or Superintendent about situations that have the potential to become more severe.
- (l) Making detailed notes about an incident that could evolve into a more serious situation later.
- (m) Recognizing the responsibility to stop unacceptable behavior of students or coworkers.
- (n) Asking another staff member to be present if you will be alone with any type of special needs student.
- (o) Asking another staff member to be present when you must be alone with a student after regular school hours.
- (p) Giving students praise and recognition without touching them.
- (q) Pats on the back, high fives and handshakes are acceptable.
- (r) Keeping your professional conduct a high priority.
- (s) Asking yourself if your actions are worth your job and career.

# STUDENT DISCIPLINE

## RESTORATIVE BEHAVIOR POLICY

Vista Charter Public Schools is committed to a holistic approach to student behavior and development. First and foremost, we apply restorative practices and use the Way of Council to address social emotional development. Interventions are categorized using a tiered approach.

### TIER I INCIDENT INTERVENTION EXAMPLES

- Warning
- Alternatives
  - Move from seat
  - Pre-arranged teacher buddy
  - Other teacher generated options
- Call parent
- Parent conference
- Daily behavior report
- Teacher Mentoring during recess/lunch
- Student Success Team meeting (SST)
- Removal from class

### TIER II INCIDENT INTERVENTION EXAMPLES

- Counsel student
- Parent conference
- Daily behavior report
- Restorative Circles
- Student Accountability Board
- SART (Student Attendance Review Team)
- Student Success Team meeting
- Refer to School Psychologist
- Refer to outside counseling/services

### TIER III INCIDENT INTERVENTION EXAMPLES

- Student Conference
- Parent Meeting with Behavioral Contract
- Restorative Circles
- Student Accountability Board
- SART (Student Attendance Review Team)
- Loss of Privilege List
- Student Shadow
- Assign to groups
- In-house Suspension
- School suspension
- Expulsion

## **STUDENT SEARCHES**

The Charter School recognizes and has determined that the occurrence of incidents which may include the possession of firearms, weapons, alcohol, controlled substances, or other items of contraband prohibited by law or Charter School rules and regulations, jeopardizes the health, safety and welfare of students and Charter School employees.

All students and staff have the right to attend campuses which are safe, secure, and peaceful. As such, Charter School has adopted a Policy outlining the reasonable search of students and their property, student use areas, and/or student lockers and the seizure of illegal, unsafe, unauthorized or contraband items and materials through a search based upon reasonable suspicion.

Student lockers, including P.E. lockers, are school property and remain at all times under the control of the Charter School. Students shall assume full responsibility for the security of their lockers. Student lockers may not be used to store illegal, unauthorized, or contraband materials. The acceptance and use of locker facilities on school campus by any student shall constitute consent by the student to the search of such locker facilities by authorized school personnel and/or law enforcement. Inspections of lockers may be conducted by school personnel and/or law enforcement through the use of trained dogs.

A student's personal cell phone, smartphone, or other personal electronic device shall not be searched by school officials without a warrant, the student's consent, or a legitimate emergency, unless the device is lost or abandoned. If the Charter School has a good faith belief that the device is lost, stolen, or abandoned, the Charter School may only access electronic device information in order to attempt to identify, verify, or contact the owner of the device. The Charter School is not prohibited from seizing/confiscating a student's personal electronic device, without searching its contents, if the student's use or possession of the private electronic device is in violation of Charter School rules or regulations.

## **SUSPENSION AND EXPULSION POLICY AND PROCEDURES**

Vista Charter Public Schools will follow the suspension and expulsion procedures in its charters and as revised from time to time for consistence with applicable law. Charter schools are otherwise exempt from the Education Code provisions applicable to districts.

Positive behaviors have been associated with positive academic outcomes (Birch & Ladd, 1997; Feshbach & Feshbach, 1987; Wentzel, 1993), while negative behaviors (e.g., inattention, distractibility, and withdrawn behaviors) have been associated with negative academic outcomes (Akey, 2006; Kane, 2004). VCPS cultivates a positive school environment that is characterized by mutual respect. Students are introduced to the school's expectations during the student orientation days, and they are also reviewed on the first day of school.

At VCPS we believe that high, clearly defined, and consistent expectations support students' self-confidence and that their efforts lead to success in school. Research demonstrates that schools in which students achieve high levels of performance tend to set high expectations and standards (Marzano, 2011). VCPS takes a proactive school-wide approach to behavior management.

VCPS's discipline policy requires every school within VCPS to adopt and implement a school-wide positive behavior support discipline plan. Under the District policy, "all school level plans will include: teaching school rules and social emotional skills; reinforcing appropriate student behavior; using

effective classroom management and positive behavior support strategies by providing early intervention for misconduct and appropriate use of consequences.”

### **VCPS’s School-wide Restorative Behavior Plan**

Student Expectations:

- **Grit**
- **Empathy**
- **Accountability**
- **Respect**

### **Key Elements to a School-wide Program**

To have a successful program, we must have:

- Teacher Collaboration and Coherence
- Clarity and Consistency for Students
- Parent Communication and Documentation

### **Our System**

#### **Character, College, Community**

Students build **character** that drives them to be **college** and career-bound and develop into effective citizens of their **communities**.

#### **School-wide Proactive Interventions**

VCPS is committed to a holistic approach to student discipline and development. First and foremost, we apply restorative practice and Way of Council to address social emotional development and any disciplinary actions as outlined earlier in this petition.

Students earn recognition (verbal, notes, phone calls home, awards) for the following positive behaviors:

- Demonstrating Random acts of kindness
- Demonstrating Random act of service
- Following routines/instructions without adult prompts
- Maintaining Organized materials
- Completing homework consistently
- Outstanding or improved test scores
- Using courtesy properly
- Self-monitoring to improve behavior
- Taking initiative to improve academics
- Having a positive attitude/ Being a positive role model to peers
- Participating consistently in class

#### **Interventions**

Some examples of interventions include:

- Verbal/written reprimand

- Community beautification (classroom or yard)
- Time-out activity (sent outside room or to another teacher)
- Written Reflection
- Changing seats
- Meaningful public or private apology
- + Choice / - Choice

These policies are distributed in the school's student handbook and describe the school's expectations regarding mutual respect, safety, personal responsibility, work habits, attendance, and more. Each family receives a copy of these policies and is required to verify that they have reviewed them with their children at the time of enrollment or at the beginning of the school year.

Students who do not live up to their responsibilities and who violate the school rules may expect some consequences for their behavior, such as:

#### Alternatives to Suspension:

- Warning
- Loss of Privileges
- Notices to parents by telephone or letter
- Referral to the administrator
- Request for parent conference
- Way of Council
- Harm Circle- restorative

Should the previous interventions not be successful, suspension or expulsion may occur.

- In-school suspension
- Suspension
- Expulsion

VCPS monitors student behavior in a variety of means such as such as classroom observations, data gathered using the system presented in this petition, analysis of suspension and expulsion data, and Power School.

The Suspension and Expulsion Procedures have been established in order to promote learning and protect the safety and wellbeing of all students at the Charter School. Although charter schools are exempt from school district procedures and process for suspensions and expulsions, in creating these procedures, the Charter School has reviewed Education Code Section 48900 *et seq.* which describe the offenses for which students at non-charter schools may be suspended or expelled and the procedures governing those suspensions and expulsions in order to establish its list of offenses and procedures for suspensions, expulsions, and involuntary removal. The language that follows is largely consistent with the language of the Education Code with regard to suspension/expulsion triggering conduct. The Charter School is committed to annual review of policies and procedures surrounding suspensions, expulsions, and involuntary removals, and may modify of the lists of offenses for which students are subject to suspension, expulsion or involuntary removal, and the procedures thereto so long as not materially different from this charter petition



Consistent with this Policy, it may be necessary to suspend or expel a student from regular classroom instruction. This shall serve as the Charter School's policy and procedures for student suspension, expulsion, and involuntary removal, and it may be amended from time to time without the need to seek a material revision of the charter so long as the amendments comport with legal requirements. Charter School staff shall enforce disciplinary policies and procedures fairly and consistently among all students. This Policy and its Procedures will be printed and distributed annually as part of the Student Handbook which 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 Charter School administration shall ensure that students and their parents/guardians<sup>1</sup> are notified in writing upon enrollment of all discipline and involuntary removal policies and procedures.

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 Charter 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 requires additional or different procedures. The Charter School will follow all applicable federal and state laws including but not limited to the applicable provisions of the Education Code, when imposing any form of discipline on a student identified as an individual with disabilities, for whom the Charter 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/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/guardian and shall inform the student, and the student's parent/guardian of the basis for which the student is being involuntarily removed, and the student's parent/guardian's right to request a hearing to challenge the involuntary removal. If a student's parent/guardian 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 the student's parent/guardian 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 removals for misconduct which may be grounds for suspension or expulsion as enumerated

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The Charter School shall ensure that a homeless child or youth's educational rights holder; a foster child or youth's educational rights holder, attorney, and county social worker; and an Indian child's tribal social worker and, if applicable, county social worker have the same rights as a parent or guardian to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, involuntary removal notice, and other documents and related information. For purposes of this Policy and its Procedures, the term "parent/guardian" shall include these parties.

below. Students may be involuntarily removed for reasons including, but not limited to, failure to comply with the terms of the student's independent study Master Agreement pursuant to Education Code Section 51747(c)(4).

Charter School shall not suspend or expel any student based solely on the fact that they are truant, tardy, or otherwise absent from school activities. Violations of the school's attendance expectations shall be addressed in accordance with Charter School Attendance and Truancy Policy and/or Independent Study Policy, as applicable.

No student may be suspended or expelled willful defiance or disruption. Instead, Charter School staff may refer a student who engages in willful defiance and/or disruption to the principal or designee for appropriate and timely in-school interventions or supports. Within five (5) business days, the principal or designee shall:

- 1) Document the actions taken and save the document to the student's record
- 2) Inform the referring staff member what actions were taken and if none, the rationale used for not providing any appropriate or timely in-school interventions or supports.

## **Jurisdiction**

A student may be suspended or expelled for prohibited misconduct if the act is related to school activity or school attendance occurring at any time including but not limited to:

- While on school grounds.
- While going to or coming from school.
- While using school-owned computers and servers.
- During the lunch period whether on or off the campus.
- During, or while going to or coming from, a school-sponsored activity.

A single suspension may not be issued for more than 5 consecutive school days. The total number of days for which a student, including students with a 504 Plan, may be suspended from school shall not exceed 20 days. Students with an IEP shall not be suspended for more than 10 school days in any school year.

## **Enumerated Offenses**

**Discretionary Suspension or Expulsion Offenses:** Students *may* be suspended or recommended for expulsion when it is determined the pupil:

- a) Caused, attempted to cause, or threatened to cause physical injury to another person.
- b) Willfully used force or violence upon the person of another, except self-defense.
- c) Unlawfully possessed, used, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind. Students who voluntarily disclose their use of a controlled

substance, alcohol, or an intoxicant of any kind in order to seek help through services or supports shall not be suspended solely for that disclosure.

- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases.
- g) Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.
- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of a student's own prescription products by a student. Students who voluntarily disclose their use of a tobacco product in order to seek help through services or supports shall not be suspended solely for that disclosure.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.
- l) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- m) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- n) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- o) Engaged in, or attempted to engage in, hazing. For the purposes of this policy, "hazing" means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. For purposes of this policy, "hazing" does not include athletic events or school-sanctioned events.

- p) Made terroristic threats against school officials and/or school property, which includes but is not limited to, electronic files and databases. For purposes of this policy, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for their own safety or for their immediate family’s safety, or for the protection of school property, which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or their immediate family.
- q) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this policy, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual’s academic performance or to create an intimidating, hostile, or offensive educational environment. This provision shall apply to students in any of grades 4 to 12, inclusive.
- r) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in Education Code Section 233(e). This provision shall apply to students in any of grades 4 to 12, inclusive.
- s) Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading the rights of either school personnel or volunteers and/or student(s) by creating an intimidating or hostile educational environment. This provision shall apply to students in any of grades 4 to 12, inclusive.
- t) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
  - 1) “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
    - i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of their age, or for a person of their age with exceptional needs) or students in fear of harm to that student’s or those students’ person or property.
    - ii. Causing a reasonable student to experience a substantially detrimental effect on their physical or mental health.
    - iii. Causing a reasonable student to experience substantial interference with their academic performance.

- iv. Causing a reasonable student to experience substantial interference with their ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
- 2) “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:
  - i. A message, text, sound, video, or image.
  - ii. A post on a social network Internet Web site including, but not limited to:
    - (a) Posting to or creating a burn page. A “burn page” means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
    - (b) Creating a credible impersonation of another actual student for the purpose of having one or more of the effects listed in subparagraph (1) above. “Credible impersonation” means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.
    - (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. “False profile” means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.
  - iii. An act of cyber sexual bullying.
    - (a) For purposes of this policy, “cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
    - (b) For purposes of this policy, “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.
- 3) Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
- u) A student who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a student who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1)(a)-(b).

- v) Possessed, sold, or otherwise furnished any knife or other dangerous object of no reasonable use to the student unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Superintendent or designee's concurrence.

**Non-Discretionary Suspension and Expulsion Offenses:** Students must be suspended and recommended for expulsion when it is determined the student:

- a) Possessed, sold, or otherwise furnished any firearm, explosive, or other destructive device unless, in the case of possession of any device of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Superintendent or designee's concurrence.
- b) Brandished a knife at another person.
- c) Unlawfully sold a controlled substance listed in Health and Safety Code Section 11053, et seq.
- d) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289 or former Section 288a of the Penal Code, or committed a sexual battery as defined in Penal Code Section 243.4

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

The Charter School will use the following definitions:

- The term "knife" means (A) any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing; (B) a weapon with a blade fitted primarily for stabbing; (C) a weapon with a blade longer than 3½ inches; (D) a folding knife with a blade that locks into place; or (E) a razor with an unguarded blade.
- The term "firearm" means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

The term "destructive device" means any explosive, incendiary, or poison gas, including but not limited to: (A) bomb; (B) grenade; (C) rocket having a propellant charge of more than four ounces; (D) missile having an explosive or incendiary charge of more than one-quarter ounce; (E) mine; or (F) device similar to any of the devices described in the preceding clauses.

### **In-School Suspension**

In-school suspensions are given as an alternative to out of school suspensions and are held in the Principal's office or other location designated by the Principal. A certificated/credentialed staff member supervises the student during the in-school suspension. During in-school suspensions, teachers provide the students with assignments to complete by the end of the school day. If the student has questions about the assignments, the teachers provide support. During the day of the suspension, the student's teachers address behaviors that may have contributed to the student's in-school suspension. In addition to completing assigned work, the student is required to complete a reflection addressing why the behavior occurred and what can be done in the future to ensure that the offense is not repeated. Parents/guardians are notified of the in-school suspension in writing by the Principal or his/her designee in the parent/guardian's native language. The notice contains the reason for the in-school suspension, as well as the length of time for the in-school suspension. The maximum number of days of in-school suspension per incident in one academic year is 6, and the maximum number of consecutive days is 3. In-school suspensions would always be subject to an administrative decision regarding the severity and nature of the underlying offense. In the case of a student who causes or attempts to cause hate violence, engages in harassment or threats or intimidation against students or staff, or who makes terrorist threats against school officials or school property, the administration would review the facts to determine if in school suspension would pose a threat to the safety of students, staff and visitors to the school. In many situations, in school suspension may not be an appropriate disciplinary option if a credible threat to school safety exists.

## **Out-Of-School Suspension**

A student may receive an out-of-school suspension if it is determined that the student's presence would be a danger to others at school and their removal from school is necessary.

## **Suspension Procedures**

Suspensions (whether in-school or out-of-school) shall be initiated according to the following procedures. The Principal, Assistant Principal, and Superintendent are authorized to suspend students. The procedures for investigating incidents and collecting evidence shall be fair and thorough. Suspensions shall be initiated according to the following procedures:

### **1. Conference**

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

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

At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his

or her defense. This conference shall be held within two school days, unless the pupil waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with school administration. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference.

## 2. Notice to Parents/Guardians

At the time of the suspension, an administrator or designee shall make a reasonable effort to contact the parent/guardian in person, by email, or by telephone. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension and the date of return following suspension. This notice shall state the specific offense(s) committed by the student as well as the date the student may return to school following the suspension. If Charter School officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent/guardian respond to such requests without delay.

## 3. Suspension Time Limits/Recommendation for Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension. Upon a recommendation of expulsion by the Superintendent or designee, the student and the student's parent/guardian may be invited to a conference to determine if the suspension for the student should be extended pending an expulsion hearing. In such instances when the Charter School has determined a suspension period shall be extended, such extension shall be made only after a conference is held with the student and the student's parent/guardian, unless the student and the student's parent/guardian fail to attend the conference.

This determination will be made by the Superintendent or designee upon either of the following: 1) the student's presence will be disruptive to the education process; or 2) the student poses a threat or danger to others. Upon either determination, the student's suspension will be extended pending the results of an expulsion hearing.

## 4. Homework Assignments During Suspension

In accordance with Education Code Section 47606.2(a), upon the request of a parent, a legal guardian or other person holding the right to make education decisions for the student, or the affected student, a teacher shall provide to a student in any of grades 1 to 12, inclusive, who has been suspended from school for two (2) or more school days, the homework that the student would otherwise have been assigned.

In accordance with Education Code Section 47606.2(b), if a homework assignment that is requested pursuant to Section 47606.2(a) and turned into the teacher by the student either upon the student's return to school from suspension or within the timeframe originally prescribed by the teacher, whichever is later, is not graded before the end of the academic term, that assignment shall not be included in the calculation of the student's overall grade in the class.

## **Authority to Expel**



Students recommended for expulsion are entitled to a hearing adjudicated by a neutral hearing officer to determine whether the student should be expelled. The procedures herein provide for such a hearing and the notice of said hearing.

A student may be expelled either by a neutral Hearing Officer or panel (“Administrative Panel”) appointed by the Superintendent following a hearing before it. An Administrative Panel appointed by the Superintendent shall consist of at least three (3) members who do not know have an instructional or supervisory relationship to the student. The Hearing Officer or Administrative Panel shall make the determination regarding the expulsion of any student found to have committed an expellable offense, subject to appeal and review by the Board of Directors.

### **Expulsion Procedures**

Students recommended for expulsion are entitled to a hearing to determine whether or not the student should be expelled. Unless postponed for good cause, the hearing shall be held within thirty (30) school days after the Superintendent or designee determines that the student has committed an expellable offense and recommends the student for expulsion.

The Superintendent or designee shall either select a Hearing Officer or appoint an Administrative Panel to hear and consider the recommendation for expulsion. The hearing shall be held in a confidential setting (complying with all student confidentiality rules under the Family Educational Rights and Privacy Act (“FERPA”).)

Written notice of the hearing shall be forwarded to the student and the student’s parent/guardian via email or other means at least ten (10) calendar days before the date of the hearing. Upon mailing the notice, it shall be deemed served. The notice shall include:

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

### **Special procedures for Expulsion Hearings Involving Sexual Assault or Battery Offenses**

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

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

9. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in the public at the request of the pupil being expelled, the complaining witness shall have the right to have his/her testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are not alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing by means of closed-circuit television.
10. Evidence of specific instances of a complaining witness's prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the panel conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstances can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

### **Record of Hearing**

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

### **Presentation of Evidence**

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

### **Expulsion Decision**

The determination of the Hearing Officer or Administrative Panel shall be in the form of written findings of fact and a written recommendation for expulsion, which will be reviewed by the Board of Directors as an appeal if requested by the parent/guardian within ten (10) calendar days of issuance of the notice of expulsion.

If the Hearing Officer or Administrative Panel decides not to recommend expulsion, or the Board of Directors ultimately decides on review/appeal not to expel, the student shall immediately be returned to their previous educational program.

If the Hearing Officer Administrative Panel decides not to recommend expulsion, or the Board of Directors ultimately decides on review/appeal not to expel, the student shall immediately be returned to his/her educational program at the Charter School.

### **Written Notice to Expel**

Following the expulsion determination, the Superintendent shall send written notice of the decision to expel, including the findings of fact, to the student or parent/guardian. This notice shall also include the following:

1. Notice of the specific offense(s) committed by the student
2. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the Charter School.

The parent/guardian shall have ten (10) calendar days to appeal by requesting review by the Board of Directors. If no appeal/review is requested, the expulsion becomes final on the eleventh (11<sup>th</sup>) day after notice was issued.

The Superintendent shall send a copy of the written notice of the decision to expel to the student's district of residence, upon finality of the expulsion. This notice shall include the following:

1. The student's name
2. The specific expellable offense committed by the student

### **Disciplinary Records**

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

### **Appeal and Board Review**

If an appeal is requested, the Board of Directors, or a committee thereof, shall review the expulsion within ten (10) school days following the conclusion of the hearing, or as soon thereafter as practicable, but no later than its next regularly scheduled meeting. The Board review/appeal is not a second hearing. Rather, the Board appeal is a review for procedural error, and whether the evidence supports the expulsion.

The Board of Directors' decision to expel shall be final—there is no further appeal.

### **Expelled Pupils/Alternative Education**

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

## **Rehabilitation Plans**

Students who are expelled from the Charter School may be given a rehabilitation plan upon expulsion as developed by the Principal or Superintendent at the time of the expulsion order, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date not later than one (1) year from the date of expulsion when the student may reapply to the Charter School for readmission.

## **Reinstatement and Readmission**

The decision to readmit a student after the end of the student's expulsion term or to admit a previously expelled student from another school district or charter school who has not been readmitted/admitted to another school or school district after the end of the student's expulsion term, shall be in the sole discretion of the Board of Directors following a meeting with the Principal or Superintendent and the student and student's parent/guardian to determine whether the student has successfully completed the rehabilitation plan and to determine whether the student poses a threat to others or will be disruptive to the school environment. The Principal or Superintendent or designee shall make a recommendation to the Board of Directors following the meeting regarding the Principal or Superintendent determination. The student's readmission is also contingent upon the Charter School's capacity at the time the student seeks readmission or admission to the Charter School.

## **Notice to Teachers**

The Charter School shall notify teachers of each student who has engaged in or is reasonably suspected to have engaged in any of the acts listed in Education Code Section 49079 and the corresponding enumerated offenses set forth above.

## **Involuntary Removal for Unexcused Absences**

As charter schools are schools of choice and as a charter school student who fails to attend school is potentially depriving another student of their opportunity to enroll, a student may be involuntarily removed as described within the Charter School's Board adopted Attendance Policy and after notice and an opportunity for a parent, guardian, educational rights holder to request a hearing prior to any involuntary removal. Students who are involuntarily removed for unexcused absences may be given a rehabilitation plan and will be subject to the readmission procedures set forth herein.

## **Special Procedures for the Consideration of Suspension and Expulsion or Involuntary Removal of Students with Disabilities**

### **1. Notification of SELPA**

The Charter School shall immediately notify the SELPA and coordinate the procedures in this policy with the SELPA of the discipline of any student with a disability or student that the Charter School or the SELPA would be deemed to have knowledge that the student had a disability.

### **2. Services During Suspension**

Students suspended for more than ten (10) school days in a school year shall continue to receive services so as to enable the student to continue to participate in the general education curriculum,

although in another setting (which could constitute a change of placement and the student's IEP would reflect this change), and to progress toward meeting the goals set out in the child's IEP/504 Plan; and receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur. These services may be provided in an interim alternative educational setting.

### 3. Procedural Safeguards/Manifestation Determination

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

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

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

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

- a. Conduct a functional behavioral assessment and implement a behavioral intervention plan for such child, provided that the Charter School had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;
- b. If a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and
- c. Return the child to the placement from which the child was removed, unless the parent/guardian and the Charter School agree to a change of placement as part of the modification of the behavioral intervention plan.

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

### 4. Due Process Appeals

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

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

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

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

## 5. Special Circumstances

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

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

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

## 6. Interim Alternative Educational Setting

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

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

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

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

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

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

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

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



# COMPLAINT PROCEDURES

## HARASSMENT, DISCRIMINATION, INTIMIDATION, AND BULLYING POLICY

Discrimination, 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, Vista Charter Public Schools ("Charter School") prohibits any acts of discrimination, harassment, intimidation, and bullying altogether.

As used in this policy, discrimination, harassment, intimidation, and bullying are described 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 and 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 associated with race, including, but not limited to, hair texture and protective hairstyles such as braids, locs, and twists), religion (including agnosticism and atheism), religious affiliation, medical condition, genetic information, marital status, age, or any combination of those characteristics, association with a person or group with one or more of these actual or perceived characteristics or any combination of those 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, Charter 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. Charter School staff who witness acts of misconduct prohibited by this Policy will take immediate steps to intervene when safe to do so.

This policy applies to incidents occurring on the school campus, at school-sponsored events and activities regardless of the location, through school-owned technology, and through other electronic means, whether perpetrated by a student, employee, parent/guardian, volunteer, independent contractor or other person with whom Charter School does business, and all acts of Charter School's Board of Directors ("Board") in enacting policies and procedures that govern Charter School.

Charter 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.

### **Definitions**

**Harassment** means conduct based upon one or more of the protected characteristics listed above that is severe or pervasive, which unreasonably disrupts an individual's educational or work environment or that creates a hostile educational or work environment. Harassment includes, but is not limited to:

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

**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 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 student <sup>2</sup> or students in fear of harm to that student's or those students' person or property.
- Causing a reasonable student to experience a substantially detrimental effect on the student's physical or mental health.
- Causing a reasonable student to experience a substantial interference with the student's academic performance.
- Causing a reasonable student to experience a substantial interference with the student's ability to participate in or benefit from the services, activities, or privileges provided by Charter School.

**Cyberbullying** is an electronic act that includes the transmission of harassing communication, direct threats, or other harmful texts, sounds, video 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 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. 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 student 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 student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student 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 student or a profile using the likeness or attributes of an actual student other than the student 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 student to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the

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<sup>2</sup> "Reasonable student" is defined as a student, including, but not limited to, a student with exceptional needs, who exercises average care, skill and judgment in conduct for a person of the student's age, or for a person of the student's age with the student's exceptional needs.

effects described in the 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.

### **Bullying and Cyberbullying Prevention Procedures**

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

#### **Cyberbullying Prevention Procedures**

Charter School advises students:

- To never share passwords, personal data, or private photos online.
- To think about what they are doing carefully before posting and by emphasizing that comments cannot be retracted once they are posted.
- 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.
- To consider how it would feel receiving such comments before making comments about others online.

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

#### **Education**

Charter 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. Charter School advises students that hateful and/or demeaning behavior is inappropriate and unacceptable in our society and at Charter 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.

Charter 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.

Charter School informs Charter 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.

### **Professional Development**

Charter 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 Charter School employees who have regular interaction with students.

Charter 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 Charter School and available research to be at elevated risk for bullying and provides its certificated employees with information on existing school and community resources related to the support of these groups. 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.

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

### **Complaint Procedures**

#### **Scope of the Complaint Procedures**

Charter 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:

- Are written and signed;
- Filed by an individual who alleges that they have 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 based on a protected characteristic, or by a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying; and
- Submitted to the Charter 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.

Charter School will comply with its Title IX Policy when investigating and responding to complaints alleging sex discrimination, including sex-based harassment, in its education program or activity, as applicable.

The following procedures shall be utilized for complaints of misconduct prohibited by this Policy that do not fall within the scope of Charter School's Title IX Policy or comply with the writing, timeline, or other formal filing requirements of the UCP. A copy of Charter School's Title IX Policy and UCP is available in the main office.

### **Submitting a Report or Complaint**

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.

Reports and complaints of misconduct prohibited by this Policy shall be submitted to the Principal (or the Superintendent if the complaint is against the Principal) as soon as possible after the incidents giving rise to the report or complaint.

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, and Charter School will investigate and respond to all oral and written reports of misconduct prohibited by this Policy, the reporting party is encouraged to submit a written report. 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 and other verbal or physical abuses. Any student who feels they are a target of such behavior should immediately contact a teacher, counselor, the Principal, a staff person or a family member so that the student can get assistance in resolving the issue in a manner that is consistent with this Policy.

Charter School acknowledges and respects every individual's right to privacy. All reports and complaints 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 and/or complainant confidential, as appropriate, except to the extent necessary to comply with applicable law, carry out the investigation and/or to resolve the issue, as determined by Charter School on a case-by-case basis.

Charter 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.

### **Investigation and Response**

Upon receipt of a report or complaint of misconduct prohibited by this Policy, the Principal or designee will promptly initiate an investigation. In most cases, a thorough investigation will take no more than twenty-five (25) school days.

At the conclusion of the investigation, the Principal or designee will, to the extent possible with respect to confidentiality laws, provide the complainant with information about the investigation and resolution of the incident/situation. However, the Principal or designee will not reveal confidential information related to other students or employees.

If the complaint is against the Principal, the Superintendent will conduct a fact-finding investigation and provide the complainant with information about the investigation and resolution of the incident/situation.

### **Consequences**

Students or employees who engage in misconduct prohibited by this Policy may be subject to disciplinary action up to and including expulsion from Charter School or termination of employment.

### **Right of Appeal**

Should a complainant find Charter School's resolution unsatisfactory, for complaints within the scope of this Policy, the complainant may, within five (5) business days of notice of Charter School's decision or resolution, submit a written appeal to the Superintendent, who will serve as the decisionmaker for the appeal or designate a decisionmaker for the appeal if the Superintendent investigated the initial complaint. The decisionmaker for the appeal will notify the complainant of the final decision.

**HARASSMENT, INTIMIDATION, DISCRIMINATION & BULLYING COMPLAINT FORM**

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

Email Address: \_\_\_\_\_

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 and conduct; what, if any, physical contact was involved; any verbal statements etc.) (Attach additional pages, if needed):

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

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

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

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

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

**To be completed by Charter School:**

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

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

## **TITLE IX POLICY PROHIBITING DISCRIMINATION BASED ON SEX**

This Title IX Policy Prohibiting Discrimination on the Basis of Sex (“Policy”) contains the policies and grievance procedures of Vista Charter Public Schools (“Charter School”) to address sex discrimination, including but not limited to sexual harassment, occurring within Charter School’s education program or activity.

Charter School does not discriminate on the basis of sex and prohibits any acts of sex discrimination in any education program or activity that it operates, as required by California law, Title IX (20 U.S.C. § 1681 *et seq.*) and the Title IX regulations (34 C.F.R. Part 106), including in admission and employment.<sup>3</sup>

This Policy applies to conduct occurring in Charter School’s education programs or activities including but not limited to incidents occurring on the school campus, during school-sponsored events and activities regardless of the location, and through school-owned technology, whether perpetrated by a student, parent/guardian, employee, volunteer, independent contractor or other person with whom Charter School does business.

Inquiries about the application of Title IX and 34 C.F.R. Part 106 (hereinafter collectively referred to as “Title IX”) may be referred to the Charter School Title IX Coordinator, the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

### **Definitions**

#### **Prohibited Sex Discrimination**

Title IX and California law prohibit discrimination on the basis of sex, including sex-based harassment and differences in the treatment of similarly situated individuals on the basis of sex with regard to any aspect of services, benefits, or opportunities provided by Charter School.

#### **Prohibited Sexual Harassment**

Under Title IX, “sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

- An employee of Charter School conditioning the provision of an aid, benefit, or service of Charter School on an individual’s participation in unwelcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Charter School’s education program or activity; or
- “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

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<sup>3</sup> Charter School complies with all applicable state and federal laws and regulations and local ordinances in its investigation of and response to reports and complaints of misconduct prohibited by this Policy.



Under California Education Code section 212.5, sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:

- a) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.
- b) Submission to, or rejection of, the conduct by the individual is used as the basis of employment 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.
- 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.

Examples of conduct that may fall within the Title IX or the Education Code definition of sexual harassment, or both:

- Physical assaults of a sexual or sex-based nature, such as:
  - Rape, sexual battery, molestation or attempts to commit these assaults.
  - Intentional physical conduct that is sex-based or sexual in nature, such as touching, pinching, patting, grabbing, brushing against another's body, poking another's body, violence, intentionally blocking normal movement or interfering with work or school because of sex.
- Unwanted sexual advances or propositions, derogatory sex-based comments, or other sex-based conduct, such as:
  - Sexually oriented or sex-based gestures, notices, epithets, slurs, 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 a student or employee 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.
  - Retaliation against an individual who has articulated a good faith concern about sex-based harassment.
- 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 above are not to be construed as an all-inclusive list of sex-based harassment acts prohibited under this Policy.

**Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

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

**Party** means a complainant or respondent.

**Respondent** means a person who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**Supportive Measures** are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to a party before or after the filing of a formal complaint of sexual harassment or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to Charter School’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Charter School’s educational environment, or deter sexual harassment.

### **Title IX Coordinator**

The Board of Directors of Charter School (“Board”) has designated the following employee as the Title IX Coordinator (“Coordinator”):

Collin Felch, Superintendent & Complaint Manager  
Vista Charter Public Schools  
601 North Fairview Street, Santa Ana, CA  
92703  
Phone: (714) 881-7407  
Email: [cfelch@vistacharterps.org](mailto:cfelch@vistacharterps.org)

The Coordinator is responsible for coordinating Charter School’s efforts to comply with the requirements of Title IX, receiving reports and complaints of sex discrimination, formal complaints of sexual harassment, and inquiries about the application of Title IX to Charter School, coordinating the effective implementation of supportive measures, and taking other actions as required by this Policy. The Coordinator or designee may serve as the investigator for formal complaints of sexual harassment.

### **Reporting Sex Discrimination**

All employees must promptly notify the Coordinator when the employee has knowledge of or notice of allegations of sex discrimination or sexual harassment occurring within Charter School's education program or activity.

Students are expected to report all incidents of misconduct prohibited by this Policy. Any student who feels they are a target of such behavior should immediately contact a teacher, counselor, the Principal, Coordinator, a staff person or a family member so that the student can get assistance in resolving the issue in a manner that is consistent with this Policy.

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. Charter School will promptly and effectively investigate and respond to all oral and written complaints and reports of misconduct prohibited by this Policy. Reports may be made anonymously, but formal disciplinary action cannot be based solely on an anonymous report.

### **Privacy**

Charter School acknowledges and respects every individual's right to privacy. All reports and complaints 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 but is not limited to keeping the identity of the reporter and other personally identifiable information 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 designee on a case-by-case basis.

### **Retaliation**

Charter 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.

### **Response to Sexual Harassment**

Charter School will respond promptly and in a manner that is not deliberately indifferent when it has actual knowledge, as defined in 34 C.F.R. § 106.30(a), of sexual harassment occurring in its education program or activity against a person in the United States.

Charter School's response will treat complainants and respondents equitably by offering supportive measures to a complainant, and by following the grievance procedures for formal complaints of sexual harassment that are listed below before imposing any disciplinary sanctions or other actions that are not supportive measures on a respondent for sexual harassment under Title IX.

### **Supportive Measures**

Once notified of sexual harassment or allegations of sexual harassment occurring in Charter School's education program or activity against a person in the United States, the Coordinator will promptly contact the complainant to discuss the availability of supportive measures, 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, and explain to the complainant the process for filing a formal complaint of sexual harassment.

Supportive measures may include but are not limited to: counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; mutual restrictions on contact between the parties; changes in work or on-campus housing locations; leaves of absence; increased security and monitoring of certain areas of the campus; and other similar measures.

Supportive measures will not unreasonably burden either party or be imposed for punitive or disciplinary reasons. Charter School will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair Charter School's ability to provide the supportive measures. The Coordinator is responsible for coordinating the effective implementation of supportive measures.

## **Grievance Procedures**

### **Scope and General Requirements**

Charter School has adopted and published grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited under Title IX and a grievance process that complies with 34 C.F.R. § 106.45 for formal complaints of sexual harassment.

Complaints of misconduct prohibited by this Policy that do not constitute a formal complaint of sexual harassment will be addressed in accordance with Charter School's Uniform Complaint Procedures, its employment discrimination complaint procedures, or the grievance procedures set forth in its Harassment, Intimidation, Discrimination, and Bullying Policy, as applicable. The following grievance procedures will apply to formal complaints of sexual harassment.

Upon receipt of a formal complaint of sexual harassment, the Coordinator or designee will promptly initiate these grievance procedures, or the informal resolution process if available, appropriate, and requested by all parties.

Charter School requires that any Title IX Coordinator, investigator, decisionmaker, and any person designated by Charter School to facilitate an informal resolution process not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Charter School will treat complainants and respondents equitably. Charter School presumes that the respondent is not responsible for the alleged sexual harassment until a determination is made at the conclusion of its grievance procedures.

Charter School may consolidate formal complaints of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Charter School allows for the temporary delay of the grievance process or limited extension of timeframes on a case-by-case basis for good cause. Requests for extensions must be submitted to the

Coordinator in writing at least one (1) business day before the expiration of the timeframe. If the grievance process is temporarily delayed or a timeframe is temporarily extended by Charter School, the Coordinator or designee will notify the parties of the reason for the delay or extension in writing.

Charter School will objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence.<sup>4</sup> Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

### **Dismissal**

Charter School must dismiss a formal complaint of sexual harassment for purposes of sexual harassment under Title IX if the conduct alleged:

- Would not constitute sexual harassment under Title IX even if proved;
- Did not occur in Charter School's education program or activity; or
- Did not occur against a person in the United States.

Charter School may dismiss a formal complaint of sexual harassment or any of the allegations therein if:

- The respondent is no longer enrolled or employed by Charter School;
- A complainant notifies the Coordinator in writing that the complainant would like to withdraw the complaint or any allegations therein; or
- Specific circumstances prevent Charter School from gathering sufficient evidence to reach a determination as to the complaint or allegations therein.

Upon dismissal, the Coordinator or designee will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. Dismissal under Title IX does not preclude action under another applicable Charter School policy.

### **Notice of the Allegations**

Upon receipt of a formal complaint of sexual harassment, the Coordinator or designee will provide written notice of the allegations to the parties whose identities are known. The notice will include:

- Charter School's grievance procedures and any informal resolution process;
- The allegations of sexual harassment including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details includes the identities of the parties involved in the incident(s), if known, the conduct allegedly constituting sexual harassment under Title IX, and the date(s) and location(s) of the alleged incident(s), if known;
- A statement that the respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility is made at the conclusion of the grievance process;
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and
- A statement that Charter School prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

### **Emergency Removal**

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<sup>4</sup> Inculpatory means tending to impute guilt or fault, and exculpatory means tending to absolve from guilt or fault.

Charter School may place a non-student employee respondent on administrative leave during the pendency of the grievance procedures in accordance with Charter School's policies.

Charter School may remove a respondent from Charter School's education program or activity on an emergency basis, in accordance with Charter School's policies, provided that Charter School undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any person 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 must not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

### **Informal Resolution**

At any time after a formal complaint of sexual harassment is filed and prior to determining whether sexual harassment occurred under Charter School's Title IX grievance procedures, Charter School may offer an informal resolution process to the parties. Charter School will not offer or facilitate informal resolution to resolve allegations that an employee sexually harassed a student, or when such a process would conflict with Federal, State, or local law. Parties will not be required or pressured to agree to participate in the informal resolution process.

Before initiation of the informal resolution process, Charter School will obtain the parties' voluntary, written consent to participate in the informal resolution and provide the parties with a written notice that explains:

- The allegations;
- The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint of sexual harassment arising from the same allegations;
- The right to withdraw and initiate or resume the grievance procedures at any time prior to agreeing to a resolution; and
- Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

### **Investigation**

In most cases, a thorough investigation will take no more than thirty (30) business days. Charter School has the burden to conduct an investigation that gathers sufficient evidence to determine whether sexual harassment occurred. The investigator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance in accordance with Title IX.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be used, accessed, considered, or disclosed), regardless of whether they are relevant:

- A party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless Charter School obtains that party's voluntary, written consent to do so for these grievance procedures; and

- Evidence about the complainant’s sexual predisposition or prior sexual behavior, unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.

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 from gathering and presenting 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.

Before the investigator completes the investigative report, Charter 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 to consider prior to completing 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.

### **Determination of Responsibility**

Before making a determination of responsibility, the decisionmaker must afford each party the opportunity to submit written, relevant questions that a party wants to ask of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decisionmaker must explain to the party proposing the questions any decision to exclude a question as not relevant.

Determinations will be based on an objective evaluation of all relevant and not otherwise impermissible evidence and credibility determinations will not be based on a person’s status as a complainant, respondent, or witness. The standard of evidence used to determine responsibility is the preponderance of the evidence standard.

Within twenty (20) business days after Charter School sends the investigation report to the parties, the decisionmaker, who will not be the same person as the Coordinator or investigator, will simultaneously send the parties a written determination of whether sexual harassment occurred. The written determination will include:

- The allegations of sexual harassment;
- A description of the 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 regarding the application of Charter School’s code of conduct to the facts;
- The decision and rationale for each allegation;

- Any recommended disciplinary sanctions for 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.

The determination regarding responsibility becomes final either on the date that Charter School provides the parties with the written appeal decision, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

### **Appeals**

Either party may, within five (5) business days of their receipt of Charter School’s written determination of responsibility or dismissal of a formal complaint of sexual harassment, submit a written appeal to the Chair of the VCPS Board of Directors, who will serve as the decisionmaker for the appeal or designate a decisionmaker for the appeal.

The complainant and respondent may only appeal from a determination regarding responsibility or Charter School’s dismissal of a formal complaint of sexual harassment or any allegations therein, on one or more of the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- The Coordinator, investigator(s), or decisionmaker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The decisionmaker for the appeal will not be the same person as the Coordinator, the investigator or the initial decisionmaker.

The decisionmaker for the appeal will: 1) notify the other party of the appeal in writing; 2) implement appeal procedures equally for the parties; 3) allow the parties to submit a written statement in support of, or challenging, the outcome within five (5) business days of notice of the appeal; and 4) within fifteen (15) business days of the appeal, provide a written decision simultaneously to the parties describing the result of the appeal and the rationale for the result.

### **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 Charter School or termination of employment. If there is a determination that sexual harassment occurred, the Coordinator is responsible for effective implementation of any remedies ordered by Charter School.

### **Training**

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 Title IX Coordinators, investigators, decisionmakers, and any person who facilitates a Title IX informal resolution process will receive Title IX training and/or instruction concerning sexual harassment as required by law.



## **Recordkeeping**

Charter 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 complaint or sexual harassment and the results of that appeal;
- Records of any informal resolution of a formal complaint or sexual harassment and the results of that informal resolution;
- All materials used to train Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process; and
- Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment.

The above records will be maintained in a secure location until destroyed in accordance with applicable laws and regulations.

**TITLE IX SEX DISCRIMINATION AND HARASSMENT COMPLAINT FORM**

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

Email Address: \_\_\_\_\_

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 and conduct; what, if any, physical contact was involved; any verbal statements etc.) (Attach additional pages, if needed):

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

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

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

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

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

**To be completed by Charter School:**

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

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

## **UNIFORM COMPLAINT PROCEDURES POLICY (UCP)**

Vista Charter Public Schools (“Charter School”) complies with applicable federal and state laws and regulations. Charter 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.

### Scope

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

1. Complaints alleging unlawful discrimination, harassment, intimidation or bullying against any protected group on the basis of the actual or perceived characteristics of age, ancestry, color, mental disability, physical disability, ethnic group identification, immigration status, citizenship, gender expression, gender identity, gender, genetic information, nationality, national origin, race or ethnicity, religion, medical condition, marital status, sex, sexual orientation, or any combination of those characteristics, or on the basis of a person’s association with a person or group with one or more of these actual or perceived characteristics or any combination of those characteristics in any Charter School program or activity. Unlawful discrimination includes, but is not limited to, noncompliance with Education Code sections 243(a) or 244(a).
2. Complaints alleging a violation of state or federal law or regulation governing the following programs:
  - Accommodations for Pregnant, Parenting or Lactating Students;
  - Adult Education Programs;
  - Career Technical and Technical Education and Training Programs;
  - Child Care and Development Programs;
  - Migrant Child Education Programs;
  - Consolidated Categorical Aid Programs;
  - Every Student Succeeds Act;
  - Education or graduation 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;
  - Regional Occupational Centers and Programs; and/or
  - State Preschool Programs.
3. Complaints alleging that a student enrolled in a public school was required to pay a pupil fee for participation in an educational activity as those terms are defined below.
  - a. “Educational activity” means an activity offered by the charter school that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities.
  - b. “Pupil fee” means a fee, deposit or other charge imposed on students, or a student’s parents/guardians, in violation of Education Code section 49011 and Section 5 of Article IX of the California Constitution, which require educational activities to be provided free

of charge to all students without regard to their families' ability or willingness to pay fees or request special waivers, as provided for in *Hartzell v. Connell* (1984) 35 Cal.3d 899. A pupil fee includes, but is not limited to, all of the following:

- i. A fee charged to a student as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory or is for credit.
  - ii. A security deposit, or other payment, that a student is required to make to obtain a lock, locker, book, class apparatus, musical instrument, uniform or other materials or equipment.
  - iii. A purchase that a student is required to make to obtain materials, supplies, equipment, or uniforms associated with an educational activity.
- c. Complaints regarding pupil fees, local control and accountability plans ("LCAP"), or noncompliance with Education Code sections 243 or 244 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 the respective applicable laws.
- d. If Charter School finds merit in a pupil fees complaint, or the California Department of Education ("CDE") finds merit in an appeal, Charter School shall provide a remedy to all affected students, parents/guardians that, where applicable, includes reasonable efforts by Charter School to ensure full reimbursement to all affected students and parents/guardians, subject to procedures established through regulations adopted by the state board.
- e. Nothing in this Policy shall be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or Charter School and other entities from providing student prizes or other recognition for voluntarily participating in fundraising activities.
4. Complaints alleging noncompliance with the requirements governing the Local Control Funding Formula ("LCFF") or LCAP under Education Code sections 47606.5 and 47607.3, as applicable. If Charter School adopts a School Plan for Student Achievement in addition to its LCAP, 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 no longer fall under the UCP. Instead, they 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 no longer fall under the UCP. Instead, they 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.

Charter School acknowledges and respects every individual's right 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) confidentiality of the parties, including but not limited to the identity of the complainant, and maintains the integrity of the process. Charter School cannot guarantee anonymity of the complainant. This includes keeping the identity of the complainant confidential. However, Charter School will attempt to do so as appropriate. Charter School may find it necessary to disclose information regarding the complaint/complainant to the extent required by law or necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee on a case-by-case basis. Charter School shall ensure that complainants are protected from retaliation.

### Compliance Officer

The following compliance officer(s) shall receive and investigate complaints and to ensure Charter School's compliance with law:

Collin Felch, Superintendent & Complaint Manager  
Vista Charter Public Schools  
601 North Fairview Street, Santa Ana, CA 92703  
Phone: (714) 881-7407  
Email: [cfelch@vistacharterps.org](mailto:cfelch@vistacharterps.org)

The compliance officer(s) 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 Superintendent or designee.

Should a complaint be filed against the Superintendent, the compliance officer for that case shall be the President/Chair of the Charter School Board of Directors.

### Notifications

The Superintendent or designee shall make available copies of this Policy free of charge.

Charter School shall annually provide written notification of Charter School's UCP to employees, students, parents/guardians, advisory committees, private school officials or representatives, and other interested parties as applicable.

The annual notice shall be in English. When necessary, under Education Code section 48985, if fifteen (15) percent or more of the students enrolled in Charter School speak a single primary language other than English, this annual notice will also be provided to the parent/guardian of any such students in their primary language.

The annual notice shall include the following:

1. 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.
2. A statement clearly identifying any California State preschool programs that Charter 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 Charter School is operating pursuant to Title 22 licensing requirements.

3. A statement that Charter School is primarily responsible for compliance with federal and state laws and regulations.
4. A statement that a student enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.
5. A statement identifying the title of the compliance officer, and the identity(ies) of the person(s) currently occupying that position, if known.
6. 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.
7. A statement that the complainant has a right to appeal Charter School's decision to the CDE by filing a written appeal within thirty (30) calendar days of the date of Charter School's Decision, except if Charter School has used its UCP to address a complaint that is not subject to the UCP requirements.
8. A statement that a complainant who appeals Charter 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.
9. A statement that if Charter School finds merit in a UCP complaint, or the CDE finds merit in an appeal, Charter 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.
10. 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 section 262.3.
11. A statement that copies of Charter School's UCP shall be available free of charge.

#### Procedures

The following procedures shall be used to address all complaints which allege that Charter School has violated federal or state laws or regulations enumerated in the section "Scope," above. The compliance officer 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 or unlawful discrimination, harassment, intimidation 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 Superintendent or designee, upon written request by the complainant setting forth the reasons for the extension. Such extension by the Superintendent or designee shall be made in writing. The period for filing may be extended by the Superintendent 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 Superintendent 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 Charter School Board of Directors approved the LCAP or the annual update was adopted by Charter 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, LCAP, or noncompliance with Education Code section 243 or 244 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, Charter School staff shall assist the complainant in the filing of the complaint.

- **Step 2: Mediation**

Within three (3) business 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 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 the investigation of the complaint.

The use of mediation shall not extend Charter 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) business days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or the complainant's representative to repeat the complaint orally.

The complainant and/or the complainant's representative shall have an opportunity to present evidence or information leading to evidence to support the allegations in the complaint.

A complainant's refusal to provide the compliance officer with documents or other evidence related to the allegations in the complaint, or a complainant's failure or refusal to cooperate in the investigation or the complainant's 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.

Charter School's refusal to provide the compliance officer 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**

Charter School shall issue an investigation report (the "Decision") based on the evidence. Charter School's Decision shall be in writing and sent to the complainant within sixty (60) calendar days of Charter School's receipt of the complaint unless the timeframe is extended with the written agreement of the complainant. Charter 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:

1. The findings of fact based on evidence gathered.
2. The conclusion providing a clear determination for each allegation as to whether Charter School is in compliance with the relevant law.
3. Corrective actions, if Charter School finds merit in the complaint and any are warranted or required by law.
4. Notice of the complainant's right to appeal Charter School's Decision within thirty (30) calendar days to the CDE, except when Charter School has used its UCP to address complaints that are not subject to the UCP requirements.
5. 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 the employee was informed of Charter School's expectations. The Decision shall



not give any further information as to the nature of the disciplinary action except as required by applicable law.

### Appeals to the CDE

If dissatisfied with the Decision, the complainant may appeal in writing to the CDE within thirty (30) calendar days of receiving the Decision. The appeal shall be accompanied by a copy of the complaint filed with Charter 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. Charter School failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, Charter School's Decision lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in Charter School's Decision are not supported by substantial evidence.
4. The legal conclusion in Charter School's Decision is inconsistent with the law.
5. In a case in which Charter 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 Decision, the Superintendent or designee shall forward the following documents to the CDE within ten (10) calendar days of the date of notification:

1. A copy of the original complaint.
2. A copy of the Decision.
3. 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.
4. A report of any action taken to resolve the complaint.
5. A copy of Charter School's complaint procedures.
6. 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 Charter School for resolution as a new complaint. If the CDE notifies Charter School that its Decision failed to address an allegation raised by the complaint and subject to the UCP process, Charter 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 Charter School when one of the conditions listed in 5 C.C.R. section 4650 exists, including but not limited to cases in which through no fault of the complainant, Charter School has not taken action within sixty (60) calendar days of the date the complaint was filed with Charter School.

Complaints alleging noncompliance with Education Code section 243 or 244 may be filed with the SSPI directly, and the SSPI may directly intervene without waiting for an investigation by Charter School. The complainant shall present the SSPI with evidence that supports the basis for the direct filing and why immediate action is necessary.

#### Civil Law Remedies

A complainant may pursue available civil law remedies outside of Charter 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 waiting period does not apply to injunctive relief and is applicable only if Charter School has appropriately, and in a timely manner, apprised the complainant of their right to file a complaint.

# UNIFORM COMPLAINT PROCEDURE FORM

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

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

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Career Technical and Technical Education and Training   | <input type="checkbox"/> Every Student Succeeds Act   | <input type="checkbox"/> School Plans for School Achievement        |
| <input type="checkbox"/> Child Care and Development Programs   | <input type="checkbox"/> Local Control Funding Formula/ Local Control and Accountability Plan | <input type="checkbox"/> Pupil Fees                                 |
| <input type="checkbox"/> Consolidated Categorical Aid Programs   | <input type="checkbox"/> Migrant Child Education Programs                                     | <input type="checkbox"/> Pregnant, Parenting, or Lactating Students |
| <input type="checkbox"/> Education or graduation 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 |   |   |

**For allegation(s) 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"/> Genetic Information            | <input type="checkbox"/> Sex (Actual or Perceived)   |
| <input type="checkbox"/> Ancestry                                     | <input type="checkbox"/> Immigration Status/Citizenship | <input type="checkbox"/> Sexual Orientation (Actual or Perceived)  |
| <input type="checkbox"/> Color  | <input type="checkbox"/> Marital Status                 | <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"/> Medical Condition              |  |
| <input type="checkbox"/> Ethnic Group Identification                  | <input type="checkbox"/> Nationality / National Origin  |  |
| <input type="checkbox"/> Gender / Gender Expression / Gender Identity | <input type="checkbox"/> Race or Ethnicity              |  |
|   | <input type="checkbox"/> Religion                       |  |

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 the Compliance Officer:

**Collin Felch, Superintendent & Complaint Manager**  
**Vista Charter Public Schools**  
**601 North Fairview Street, Santa Ana, CA 92703**  
**Phone: (714) 881-7407**  
**Email: [cfelch@vistacharterps.org](mailto:cfelch@vistacharterps.org)**

## HEALTH, SAFETY, AND WELLNESS

### ADMINISTRATION OF MEDICATION

Any pupil who is required to take, during the regular school day, medication prescribed for him by an authorized health care provider may be assisted by the school nurse or other designated school personnel if the school receives:

1. A written statement from an authorized health care provider licensed by the State of California to prescribe medications detailing the method, amount, and time schedules by which such medication is to be taken; and
2. A written statement from the parent or guardian of the pupil indicating the desire that the school assist the pupil in the matters set forth in the health care provider's statement.

Students may not carry or use medication on campus without written consent. However, students may carry and self-administer certain medication (e.g., inhaled asthma medication or auto-injectable epinephrine medication) if the school receives the appropriate documentation.

This includes:

1. A written statement from the authorized health care provider detailing the name of medication, method, amount and time schedules by which the medication is to be taken and confirming that the pupil is able to self-administer the medication.
2. A written statement from the parent or guardian of the pupil consenting to the self-administration, providing release for the school nurse or other health care 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 liability in the case of adverse reaction.

A pupil may be subject to disciplinary action if they possess or use unauthorized medication or if the medication is used in a manner other than as prescribed. The required *Administration of Medication Form* is available from the school nurse or administrator.

### MANDATED REPORTING REQUIREMENTS

Any Vista Charter Public School employee who has a reasonable suspicion that child abuse or neglect has occurred or is occurring is required by law to file a suspected child abuse report with an appropriate child protective services agency: either the local police or sheriff's department, or the Department of Children and Family Services.

Vista Charter Public Schools are committed to working toward the creation of a city where the violent resolution of conflict and child neglect is no longer an option. The goal is to create a safe school community where stakeholders are aware of the impact that violent choices have on people and where they internalize, adopt and implement tools and strategies to effectively navigate situations where violence is a possibility.

### COMMUNICABLE DISEASE PREVENTION

A student suspected of having a communicable disease will be excluded from school until guidelines for readmission are met. Guidelines for exclusion and readmission follow policies set forth by the Vista Charter Public Schools, the state Department of Health and Department of Education. Guidance in addressing

communicable diseases also comes from the Center for Disease Control and Prevention and national organizations.

Temporary exclusion of a student from school generally occurs for communicable diseases, including, but not limited to, the following conditions: COVID, conjunctivitis (“pink eye”); skin infections (impetigo), strep throat, chickenpox, scabies, head lice, and pertussis (“whooping cough”).

Exclusion may occur immediately or at the end of the school day, depending on the disease, its communicability and Vista Charter Public Schools, county and state policy. Readmission to school is based on condition and appropriate treatment.

An effort will be made to notify parents/guardians generally about school exposure to chickenpox, head lice, or other communicable diseases that pose a risk to students. No personally identifiable information about any specific student will be shared with the parent/guardian community. The parent/guardian of a student for whom chickenpox presents a particular hazard should contact the school nurse. Students at risk include those with conditions affecting the immune system and those receiving certain drugs for the treatment of cancers or organ transplants. Information on the treatment and prevention of head lice is available from the school nurse or school health personnel.

### **EMERGENCY PREPAREDNESS**

Vista Charter Public Schools work diligently to make sure that students and staff are prepared for an emergency. It has a detailed Emergency Plan that provides guidance for the school staff in an emergency. Our school conducts emergency drills that meet or exceed the state mandated requirements and accommodate persons with disabilities.

Regular drills are a part of a school’s activities. Our school conducts the following types of drills:

- Fire Drill
- Earthquake or Emergency Drill
- Protected Campus or “Lockdown” Drill
- Duck, Cover and Hold Drill
- Take Cover Drill

Parents are asked to make sure that their students actively participate and take these drills seriously. These drills make the public schools the safest place for students during an emergency. In addition to conducting regular drills, each school stocks emergency supplies to sustain students and staff. These supplies include the following: water, food, first aid supplies, search and rescue supplies and sanitation items. These supplies are checked regularly by school staff and inspected by Office of Environmental Health and Safety inspectors.

### **WHAT PARENTS CAN DO TO BE BETTER PREPARED**

Parents can be better prepared for an emergency by doing the following:

1. Visit your Vista School and ask us about what will happen during an emergency.
2. Make sure that your child’s Emergency Card is current and correct, as well as the designated adult who can receive your child in case you cannot be present.
3. Instruct your child to take all emergency drills seriously. Regularly review home and school emergency procedures with your child.
4. Prepare a Family Disaster Plan and review it regularly with everyone in your family.
5. Prepare a Disaster Supply Kit for your home, car(s) and work.

6. Eliminate the hazards from your home that could hurt you or your child in an emergency.
7. Contact the American Red Cross for disaster preparedness information. Visit the website: [www.redcross.org](http://www.redcross.org)
8. Get Community Emergency Response Training (CERT) from your local fire department.

## **WHAT PARENTS CAN DO DURING AN EMERGENCY**

Parents need to be familiar with the school's emergency procedures. Knowing where to go to pick up your child will save time and reduce anxiety. Parents should remember that Vista Charter Public Schools have emergency procedures in place to protect all the students and we will follow these procedures during an emergency. Parents should also remember that students look to them for guidance and support during an emergency; parents who are calm can inspire students to do the same. This will go a long way to promote recovery and a return to normalcy. Parents who have questions about our school's emergency procedures are encouraged to contact their principal.

## **EMERGENCY RESPONSE**

In the event that there is an emergency, parents should remember that schools are among some of the safest buildings in the community. By law, California public schools are built to a higher standard than other public buildings, as required by the Field Act; therefore, schools will generally not sustain the same damage as residential or commercial buildings. Schools also have extensive Fire Life Safety Systems that include fire alarms and sprinkler systems that are designed to protect students and staff.

In general, schools will respond to emergencies by moving students to the safest possible location. During fires or earthquakes, students will be moved out of the classrooms to a safe assembly area, usually the school field or play yard. During an emergency, parents who want to pick up their children may be asked to go to the Request Gate located on the school's perimeter. This is a specific location that schools will use to release students.

**Please remember that students will only be released to a person whose name is listed on the student's Emergency Card.**

During a threat of violence, students will be sheltered in a locked classroom away from anything that can hurt them. During an emergency when the campus must be protected, parents will not be able to pick up their children until the school campus is declared to be safe by the Police or Sheriff 's Department. Parents need to understand that the students are being sheltered in a secure classroom for their safety and will be released only when it is safe to do so.

## **MISCELLANEOUS HEALTH INFORMATION**

- A student returning to school with sutures, casts, crutches, brace(s), or a wheelchair must have a health care provider's written permission to attend school and must comply with any safety procedures required by the school administration and health services personnel.
- A student returning to school following a serious or prolonged illness, injury, surgery, or other hospitalization (including psychiatric and drug or alcohol inpatient treatment), must have written permission by the health care provider to attend school, including any recommendations regarding physical activity.

- An excuse (less than 10 weeks) from a physical education class may be granted to a student who is unable to participate in regular or modified curriculum for a temporary period of time due to illness or injury. A parent's written request for an excuse will be accepted for up to 5 days; thereafter, a written request is needed from the student's health care provider.
- A current Vista Charter Public Schools Emergency Information Card must be on file at the school so that parents can be notified promptly in case of accident or illness involving their child.
- School authorities may excuse any pupil in grades 7-12 from the school for the purpose of obtaining confidential medical services without the consent of the parent or guardian.
- Students may wear personal protective gear ( sunglasses or sun visors) while outdoors at recess, gym, etc.
- Students may use sunscreen (over the counter) as an allowable sun protection measure for their outdoor activities while at school.

### **CHANGE OF RESIDENCE, EMERGENCY INFORMATION**

It is the responsibility of parents, guardians or adult foster caregivers to inform the school of any change of address, telephone number or emergency information. Parents must provide a manner to receive both written (U.S. Mail and email) and oral communication (telephone, cell) regarding their student. For the protection of the student's health and welfare, and to facilitate immediate communication with the parent/legal guardian or caregiver, the school requires the parent/legal guardian to provide current emergency information on an official Emergency Card at school. Every parent/legal guardian or caregiver must complete an Emergency Card for each student at the time of enrollment.

Emergency information should include, but is not limited to the following:

- Home address and current telephone, including cell phone
- Employment/business addresses and phone numbers
- Emergency Contact(s): name, address, and telephone numbers of adult(s) authorized to pick up and care for the student in an emergency situation, if the parent/legal guardian cannot be reached.

Students will only be released to a person listed on the emergency card unless the parent/legal guardian has provided written authorization for the school to release the student to an individual not named on the emergency card. Parents are required to update this information as needed throughout the school year.



## **APPENDIX A: ANNUAL NOTICES**

### **ANIMAL DISSECTIONS**

Students at the Charter School may perform animal dissections as part of the science curriculum. Any student who provides their teacher with a written statement, signed by their parent/guardian, specifying the student'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 student. It shall not, as a means of penalizing the student, be more arduous than the original education project. The student shall not be discriminated against based upon their moral objection to dissecting or otherwise harming or destroying animals, or any parts thereof.

### **CAL GRANT PROGRAM NOTICE**

The Charter School is required by state law to submit the Grade Point Average ("GPA") of all high school seniors by Oct. 1 of each year, unless the student (if the student is 18 years of age or older) or parent/guardian (for those under 18 years of age) 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 years of age) has opted out by or before February 1.

### **CALIFORNIA HEALTHY KIDS SURVEY**

The Charter School will administer the California Healthy Kids Survey ("CHKS") to students at grades five, seven, nine, and eleven whose parent or guardian provides written permission. The CHKS is an anonymous, confidential survey of school climate and safety, student wellness, and youth resiliency that enables the Charter School to collect and analyze data regarding local youth health risks and behaviors, school connectedness, school climate, protective factors, and school violence.

### **CANCER PREVENTION ACT**

Students in the state are advised to adhere to current immunization guidelines, as recommended by the Advisory Committee on Immunization Practices (ACIP) of the federal Centers for Disease Control and Prevention (CDC), the American Academy of Pediatrics, and the American Academy of Family Physicians, regarding full human papillomavirus (HPV) immunization before admission or advancement to the eighth grade level of any private or public elementary or secondary school.

Because the vaccine is more effective when given at younger ages, two doses of HPV vaccine are recommended for all kids between the ages of 9 to 12 years, and the second dose should be given before the start of 8th grade. Kids who wait until later to get their first dose of HPV vaccine may need three doses.

HPV vaccination can prevent over 90 percent of cancers caused by HPV. HPV vaccines are very safe, and scientific research shows that the benefits of HPV vaccination far outweigh the potential risks.

### **COLLEGE PREPARATORY COURSE OFFERINGS**

Students enrolled in grades 9-12 have the option of dually enrolling in the following courses at their local community college.

## **CONCUSSION/HEAD INJURIES**

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 Charter 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 the athlete 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.

## **DIABETES**

The Charter 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:

1. A description of type 2 diabetes.
2. A description of the risk factors and warning signs associated with type 2 diabetes.
3. 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.
4. A description of treatments and prevention of methods of type 2 diabetes.
5. A description of the different types of diabetes screening tests available.

A copy of the information sheet regarding type 2 diabetes is available at:

<https://www.cde.ca.gov/ls/he/hn/type2diabetes.asp>.

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

The Charter School will provide an information sheet regarding type 1 diabetes to the parent or guardian of a student when the student is first enrolled in elementary school, pursuant to Education Code Section 49452.6. The information sheet shall include, but shall not be limited to, all of the following:

1. A description of type 1 diabetes.
2. A description of the risk factors and warning signs associated with type 1 diabetes.
3. A recommendation that parents or guardians of students displaying warning signs associated with type 1 diabetes should immediately consult with the student's primary care provider to determine if immediate screening for type 1 diabetes is appropriate.
4. A description of the screening process for type 1 diabetes and the implications of test results.
5. A recommendation that, following a type 1 diagnosis, parents or guardians should consult with the pupil's primary care provider to develop an appropriate treatment plan, which may include consultation with and examination by a specialty care provider, including, but not limited to, a properly qualified endocrinologist.

A copy of the information sheet regarding type 1 diabetes is available at: <https://www.cde.ca.gov/ls/he/hn/type1diabetes.asp>. Please contact the office if you need a copy of this information sheet or if you have any questions about this information sheet.

## **DANGERS OF SYNTHETIC DRUGS**

The illicit use and abuse of synthetic drugs represents an emerging and ongoing public health threat in California. The fentanyl crisis specifically, has impacted communities across the state, leading to a sharp increase in fentanyl poisonings and deaths in recent years. This notice aims to address the crisis with a preventative approach ensuring students and families are educated on the deadly consequences of recreational drug use.

A synthetic drug is a drug with properties and effects similar to a known hallucinogen or narcotic but having a slightly altered chemical structure, especially such a drug created in order to evade existing restrictions against illegal substances. Synthetic drugs include but are not limited to synthetic cannabinoids (“synthetic marijuana,” “Spice,” “K2”), methamphetamines, bath salts, and fentanyl.

The California Department of Public Health (“CDPH”) has expounded on the extreme danger of drugs laced with fentanyl. Illicit fentanyl can be added to other drugs to make them cheaper, more powerful, and more addictive. Illicit fentanyl has been found in many drugs, including heroin, methamphetamine, counterfeit pills, and cocaine. Fentanyl mixed with any drug increases the likelihood of a fatal overdose. Furthermore, it is nearly impossible to tell if drugs have been laced with fentanyl without additional testing, because fentanyl cannot be seen, smelled, or tasted when used as a lacing agent. Social media platforms may be used as a way to market and sell synthetic drugs, such as fentanyl.

Additional information regarding fentanyl from the CDPH’s Substance and Addiction Prevention Branch [can be found here](#).

## **EDUCATION OF FOSTER AND MOBILE YOUTH**

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

- “*Foster youth*” means any of the following:
  1. A child who has been removed from their home pursuant to Section **309** of the California Welfare and Institutions Code (“WIC”).
  2. A child who is the subject of a petition filed pursuant to WIC section 300 or 602 (whether or not the child has been removed from the child’s home by juvenile court).
  3. A child who is the subject of a petition filed pursuant to WIC section 602, has been removed from the child’s home by the juvenile court, and is in foster care.
  4. A nonminor under the transition jurisdiction of the juvenile court, as described in WIC section 450, who satisfies all of the following criteria:
    - a. The nonminor has attained 18 years of age while under an order of foster care placement by the juvenile court.
    - b. The nonminor is in foster care under the placement and care responsibility of the county welfare department, county probation department, Indian tribe, consortium of tribes, or tribal organization.
    - c. The nonminor is participating in a transitional independent living case plan.

5. A dependent child of the court of an Indian tribe, consortium of tribes, or tribal organization who is the subject of a petition filed in the tribal court.<sup>5</sup>
  6. A child who is the subject of a voluntary placement agreement, as defined in WIC section 11400.
- “*Former juvenile court school student*” means a student who, upon completion of the student’s second year of high school, transfers from a juvenile court school to the Charter School.
  - “*Child of a military family*” refers to a student who resides in the household of an active duty military member.
  - “*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, so 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. This 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.
  - “*Newcomer pupil*” is a person aged 3 to 21 years, who was not born in any of the 50 United States, the District of Columbia, or the Commonwealth of Puerto Rico, and has not been attending one or more schools in any one or more of the 50 United States, the District of Columbia, or the Commonwealth of Puerto Rico, for more than three (3) full academic years. This also includes a “pupil participating in a newcomer program,” as defined in Education Code section 51225.2, as that section read on January 1, 2023, who was enrolled in the Charter School before January 1, 2024. The Charter School may, in its discretion, also extend the rights in Education Code sections 51225.1 and 51225.2 to a “pupil participating in a newcomer program,” as defined in Education Code section 51225.2, as that section read on January 1, 2023.
  - “*Educational Rights Holder*” (“*ERH*”) means a parent, guardian, or responsible adult appointed by a court to make educational decisions for a minor pursuant to WIC sections 319, 361 or 726, or a person holding the right to make educational decisions for the student pursuant to Education Code section 56055.
  - “*School of origin*” means the school that the foster youth attended when permanently housed or the school in which the foster youth was last enrolled. If the school the foster youth attended when permanently housed is different from the school in which the student was last enrolled, or if there is some other school that the foster youth attended within the immediately preceding 15 months, the Charter School liaison for foster youth, in consultation with and with the agreement of the foster youth and the ERH for the youth, shall determine, in the best interests of the foster youth, the school that shall be deemed the school of origin. For a foster youth who is an individual with exceptional needs as defined in Education Code section

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<sup>5</sup> The Charter School shall not require an Indian tribe or tribal court representative to certify that any student is a dependent of an Indian tribe, consortium of tribes, or tribal organization.

56026, “school” as used in the definition of “school of origin” includes a placement in a nonpublic, nonsectarian school as defined in Education Code section 56034, subject to the requirements of Education Code section 56325.

- “*Best interests*” means that, in making educational and school placement decisions for a foster youth, consideration is given to, among other factors, the opportunity to be educated in the least restrictive educational program and the foster youth’s access to academic resources, services, and extracurricular and enrichment activities that are available to all Charter School students.
- “*Partial coursework satisfactorily completed*” includes any portion of an individual course, even if the student did not complete the entire course.

Within this notice, foster youth, former juvenile court school students, a child of a military family, a currently migratory child, and a newcomer pupil 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/guardian” or “ERH.”

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

Vista Horizon Global Academy

Ingrid Flores, Community School Coordinator  
980 South Hobart Blvd.  
Los Angeles, CA 90006  
(213) 224-6800

Vista Charter Middle School

Tony Serpas, Community School Coordinator  
2900 West Temple Street  
Los Angeles, CA 90026  
(213) 201-4000

Palm Lane Global Academy

Viviana Tellez, Community School Coordinator  
1646 West Palm Lane  
Anaheim, CA 92802  
(657) 213-8980

Vista Condor Global Academy

Zoila Lubin, Community School Coordinator  
2609 West 5th Street  
Santa Ana, CA 92703  
(714) 988-2719

Vista Heritage Global Academy

Leonardo Mariscal Escalona, Community School Coordinator  
2609 West 5th Street

Santa Ana, CA 92703  
(714) 988-2719

Vista Meridian Global Academy

Jesus Montoya, Counselor  
1300 South Bristol Street  
Santa Ana, CA 92704  
(714) 988-4188

Vista Lago Global Academy

Daniela Carrillo, Principal  
28200 Lake Street  
Lake Elsinore, CA 92530  
(951) 384-2056

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/guardian to ensure that each student 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 students, 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 in 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 (subject to the Charter School's capacity and pursuant to the procedures stated in the Charter School's charter and Board policy). 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.

If the Charter School operates an intersession program, Charter School shall grant priority access to foster youths. Notwithstanding any other law, if the foster youth will be moving during an intersession period, the pupil's educational rights holder, or Indian custodian in the case of an Indian child, shall determine which school the pupil attends for the intersession period, if applicable. "Intersession program" means an expanded learning program offered by the Charter School on nonschooldays, including, but not limited to, summer school. "Indian custodian" is as the term is defined in Section 1903 of Title 25 of the United States Code.

**High School 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 newcomer pupils 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, the length of the student's school enrollment, or, for students with significant gaps in school attendance, the student's age as compared to the average age of students in the third or fourth year of high school, may be used, whichever will qualify the student for the exemption. For a newcomer pupil, enrollment in grade 11 or 12, based on the average age of students in the third or fourth year of high school, 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/guardian, 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 and consult with students who are exempted from the Charter School's additional graduation requirements and the student's ERH. The consultation shall include all of the following:

1. Discussion regarding how any of the requirements that are waived may affect the pupil's postsecondary education or vocation plans, including the ability to gain admission to a postsecondary educational institution.
2. Discussion and information about other options available to the pupil, including, but not limited to, a fifth year of high school, possible credit recovery, and any transfer opportunities available through the California Community Colleges.
3. Consideration of the pupil's academic data and any other information relevant to making an informed decision on whether to accept the exemption.

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.

If a Foster and Mobile Youth who was eligible for an exemption and 1) was not properly notified of the availability of the exemption, or 2) previously declined the exemption pursuant to this Policy, the Charter School shall exempt the student within thirty (30) days of the exemption request, if an exemption is requested by the student or the student's ERH and the student at one time qualified for the exemption, even if the student is no longer a Foster and Mobile Youth or the court's jurisdiction of the pupil has terminated.

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 Foster and Mobile Youth.

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 additional graduation requirements by the end of the student's fifth year of high school, the Charter School shall do the following:

1. Consult with the student and the student's ERH regarding the student's option to remain at the Charter School for a fifth year to complete the Charter School's graduation requirements, consistent with the laws regarding continuous enrollment and satisfactory progress for Charter School students over age 19.
2. Consult with the student, and the ERH 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. Consult with and provide information to the student and the student's ERH 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 student's ERH.
5. For a student identified as a foster youth, consult with the student, and the student's ERH, regarding the student's option to remain in the school of origin.

Through January 1, 2028, upon making a finding that a Foster and Mobile Youth **is not reasonably able to complete the Charter School's additional graduation requirements but is reasonably able to complete state coursework requirements specified in Education Code Section 51225.3** within the student's fifth year



of high school, the Superintendent or designee shall exempt the pupil from Charter School's graduation requirements and provide pupil the option of remaining in school for a fifth (5<sup>th</sup>) year to complete the statewide coursework requirements. Charter School shall consult with the Foster and Mobile Youth and their ERH regarding all of the following:

1. The pupil's option to remain in school for a fifth year to complete the statewide coursework requirements.
2. How waiving the local educational requirements and remaining in school for a fifth year may affect the pupil's postsecondary education or vocation plans, including the ability to gain admission to an institution of higher education.
3. Whether any other options are available to the pupil, including, but not limited to, possible credit recovery, and any transfer opportunities available through the California Community Colleges.
4. The pupil's academic data and any other information relevant to making an informed decision on whether to accept the exemption and option to remain in school for a fifth year to complete the statewide coursework requirements.

If a Foster and Mobile Youth is not eligible for an exemption in the year in which the pupil transfers between schools, or for a newcomer pupil, is not eligible for an exemption in the student's third year of high school, because Charter School makes a finding that the pupil is reasonably able to complete Charter School's additional graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school, then Charter School shall do the following:

1. Within the first 30 calendar days of the *following* academic year, Charter School shall reevaluate eligibility;
2. Provide written notice to the pupil, the pupil's ERH, and the pupil's social worker or probation officer, if applicable, whether the pupil qualifies for an exemption upon reevaluation, based on the course completion status of the pupil at the time of reevaluation, to determine if the pupil continues to be reasonably able to complete Charter School's additional graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school.
3. If, given their course completion status at that time the reevaluation is conducted, the pupil is not reasonably able to complete Charter School additional graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school, the Charter School shall provide written notice to the pupil and the pupil's ERH of the pupil's options to:
  - i. Receive an exemption from all coursework and other requirements adopted by the governing board body of Charter School that are in addition to the statewide coursework requirements specified in Section 51225.3, **or**
  - ii. Upon agreement with the pupil's ERH, stay in school for a fifth year to complete the Charter School's additional graduation requirements.

The pupil (if not a minor) or the pupil's ERH shall have sole discretion whether to accept the exemption, based on the pupil's best educational interests.

**Reporting Requirements:** Charter School shall report to the California Department of Education ("CDE") annually on the number of pupils who, for the prior school year, graduated with an exemption from the Charter

School's graduation requirements that are in addition to the statewide coursework requirements. This data shall be reported for pupils graduating in the fourth year and fifth year cohorts, and shall be disaggregated by cohort, pupil category, race, and disability status. The CDE shall make this data publicly available on an annual basis aligned with other reporting timelines for the California dashboard graduation data. For purposes of this notice, "pupil category" means the categories of pupils identified in the "Definitions" section of this Policy, above.

**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 two (2) business days. The Charter School shall compile the complete educational record of the student, 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 student'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 recordkeeping 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 parent/guardian consent. Students who are 16 years of age or older or have finished 10th grade may access their own school records.

**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.

### **EDUCATION OF HOMELESS CHILDREN AND YOUTH**

The term “homeless children and youth” means individuals who lack a fixed, regular and adequate nighttime residence. It includes children and youths who (42 U.S.C. § 11434a):

1. Are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
2. Have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings;
3. Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and/or
4. 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 Charter School Liaison.

**School Liaison:** The Superintendent or designee designates the following staff person as the School Liaison for homeless students (42 U.S.C. § 11432(g)(1)(J)(ii)):

Vista Horizon Global Academy

Ingrid Flores, Community School Coordinator  
980 South Hobart Blvd.  
Los Angeles, CA 90006  
(213) 224-6800

Vista Charter Middle School

Tony Serpas, Community School Coordinator  
2900 West Temple Street  
Los Angeles, CA 90026  
(213) 201-4000

Palm Lane Global Academy

Viviana Tellez, Community School Coordinator  
1646 West Palm Lane  
Anaheim, CA 92802  
(657) 213-8980

Vista Condor Global Academy

Zoila Lubin, Community School Coordinator  
2609 West 5th Street  
Santa Ana, CA 92703  
(714) 988-2719

Vista Heritage Global Academy

Leonardo Mariscal Escalona, Community School Coordinator  
2609 West 5th Street  
Santa Ana, CA 92703  
(714) 988-2719

Vista Meridian Global Academy

Jesus Montoya, Counselor  
1300 South Bristol Street  
Santa Ana, CA 92704  
(714) 988-4188

Vista Lago Global Academy

Daniela Carrillo, Principal  
28200 Lake Street  
Lake Elsinore, CA 92530  
(951) 384-2056

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

1. Homeless students are identified by Charter School personnel through outreach and coordination activities with other entities and agencies and through the annual housing questionnaire administered by the Charter School
2. Homeless students enroll in and have a full and equal opportunity to succeed at the Charter School.
3. Homeless students and families receive educational services for which they are eligible, including services through Head Start programs (including Early Head Start programs) under the Head Start Act, early intervention services under part C of the Individuals with Disabilities Education Act, any other preschool programs administered by the Charter School, if any, and referrals to health care services, dental services, mental health services and substance abuse services, housing services, and other appropriate services.
4. Parents/guardians are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children.
5. Public notice of the educational rights of homeless children is disseminated at places frequented by parents or guardians of such youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, and in a manner and form understandable to the parents and guardians of homeless youth and unaccompanied youth.

6. Enrollment/admissions disputes are mediated in accordance with law, the Charter School's charter, and Board policy.
7. Parents/guardians and any unaccompanied youth are fully informed of all transportation services, as applicable.
8. Charter School personnel providing services receive professional development and other support.
9. The Charter School Liaison collaborates with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths.
10. Unaccompanied youth are enrolled in school; have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth; and are informed of their status as independent students under section 480 of the Higher Education Act of 1965 and that the youths may obtain assistance from the Charter 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.

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/>

**Housing Questionnaire:** Charter School shall administer a housing questionnaire for purposes of identifying homeless children and youth. Charter School shall ensure that the housing questionnaire is based on the best practices developed by the CDE. Charter School shall annually provide the housing questionnaire to all parents/guardians of students and to all unaccompanied youths at Charter School. The housing questionnaire shall include an explanation of the rights and protections a student has as a homeless child or youth or as an unaccompanied youth. The housing questionnaire shall be available in paper form. The housing questionnaire shall be available in English, and if fifteen (15) percent or more of the students enrolled at Charter School speak a single primary language other than English, it shall also be written in the primary language. The questionnaire shall be translated into other languages upon request of a student's parent/guardian or an unaccompanied youth. Charter School shall collect the completed housing questionnaires and annually report to the CDE the number of homeless children and youths and unaccompanied youths enrolled. (Education Code Section 48851.)

**School Stability:** The Charter School will work with homeless students and their parent/guardian to ensure that each student 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 students, including, but not necessarily limited to, interscholastic sports. All decisions regarding a homeless student'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.

Homeless students have the right to remain in their school of origin if it is in their best interest. The Charter School will immediately enroll a homeless student seeking reenrollment in the Charter School as the student's school of origin (subject to the Charter School's capacity and pursuant to the procedures stated in the Charter

School's charter and Board policy). The Charter School will also immediately enroll any homeless student 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).

Homeless students have the right to remain in their school of origin following the termination of the child's status as a homeless student 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.

If the Charter School operates an intersession program, Charter School shall grant priority access to homeless students. Notwithstanding any other law, if the homeless student will be moving during an intersession period, the pupil's parent, guardian, educational rights holder, Indian custodian<sup>6</sup> in the case of an Indian child, or, if none of the preceding are applicable, an accompanied homeless student themselves shall determine which school the pupil attends for the intersession period, if applicable. "Intersession program" means an expanded learning program offered by the Charter School on nonschooldays, including, but not limited to, summer school. "Indian custodian" is as the term is defined in Section 1903 of Title 25 of the United States Code.

**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, the length of the student's school enrollment, or, for pupils with significant gaps in school attendance, the pupil's age as compared to the average age of pupils in the third or fourth year of high school 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 ("ERH"), and the School Liaison of the availability of the exemption and whether the student qualifies for an exemption.

The Charter School shall notify and consult with students who are exempted from the Charter School's additional graduation requirements and the student's ERH. The consultation shall include all of the following:

1. Discussion regarding how any of the requirements that are waived may affect the pupil's postsecondary

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<sup>6</sup> "Indian custodian" means any Indian person who has legal custody of an Indian child under tribal law or custom or under State law or to whom temporary physical care, custody, and control has been transferred by the parent of such child. *Section 1903 of Title 25 of the United States Code*

education or vocation plans, including the ability to gain admission to a postsecondary educational institution.

2. Discussion and information about other options available to the pupil, including, but not limited to, a fifth year of high school, possible credit recovery, and any transfer opportunities available through the California Community Colleges.
3. Consideration of the pupil's academic data and any other information relevant to making an informed decision on whether to accept the exemption.

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.

If a homeless student who was eligible for an exemption and 1) was not properly notified of the availability of the exemption, or 2) previously declined the exemption pursuant to this Policy, the Charter School shall exempt the student within thirty (30) days of the exemption request, if an exemption is requested by the student or the student's ERH and the student at one time qualified for the exemption, even if the student is no longer homeless.

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 additional graduation requirements by the end of the student's fifth year of high school, the Charter School shall do the following:

1. Consult with the student and the student's ERH regarding the student's option to remain at the Charter School for a fifth year to complete the Charter School's graduation requirements, consistent with the laws regarding continuous enrollment and satisfactory progress for Charter School students over age 19.
2. Consult with the student, and the ERH 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. Consult with and provide information to the student and the student's ERH 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 student's ERH.
5. Consult with the student, and the student's ERH, regarding the student's option to remain in the school of origin.

Through January 1, 2028, upon making a finding that a homeless student **is not reasonably able to complete the Charter School's additional graduation requirements but is reasonably able to complete state coursework requirements specified in Education Code Section 51225.3** within the student's fifth year of high school, the Superintendent or designee shall exempt the pupil from Charter School's graduation requirements and provide pupil the option of remaining in school for a fifth (5<sup>th</sup>) year to complete the statewide coursework requirements. Charter School shall consult with the homeless student and the student's ERH regarding all of the following:

1. The pupil's option to remain in school for a fifth year to complete the statewide coursework requirements.
2. How waiving the local educational requirements and remaining in school for a fifth year may affect the pupil's postsecondary education or vocation plans, including the ability to gain admission to an institution of higher education.
3. Whether any other options are available to the pupil, including, but not limited to, possible credit recovery, and any transfer opportunities available through the California Community Colleges.
4. The pupil's academic data and any other information relevant to making an informed decision on whether to accept the exemption and option to remain in school for a fifth year to complete the statewide coursework requirements.

If a homeless student is **not** eligible for an exemption in the year in which the pupil transfers between schools, because Charter School makes a finding that the pupil is reasonably able to complete Charter School's additional graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school, then Charter School shall do the following:

1. Within the first 30 calendar days of the **following** academic year, Charter School shall reevaluate eligibility;
2. Provide written notice to the pupil, the ERH, and the pupil's social worker or probation officer, if applicable, whether the pupil qualifies for an exemption upon reevaluation, based on the course completion status of the pupil at the time of reevaluation, to determine if the pupil continues to be reasonably able to complete Charter School's additional graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school.



3. If, given their course completion status at that time the reevaluation is conducted, the pupil is not reasonably able to complete Charter School additional graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school, the Charter School shall provide written notice to the pupil and the ERH of the pupil's options to:
  - iii. Receive an exemption from all coursework and other requirements adopted by the governing board body of Charter School that are in addition to the statewide coursework requirements specified in Section 51225.3, **or**
  - iv. Upon agreement with the ERH, stay in school for a fifth year to complete the Charter School's additional graduation requirements.

The pupil (if not a minor) or the ERH shall have sole discretion whether to accept the exemption, based on the pupil's best educational interests.

**Reporting Requirements:** Charter School shall report to the California Department of Education ("CDE") annually on the number of pupils who, for the prior school year, graduated with an exemption from the Charter School's graduation requirements that are in addition to the statewide coursework requirements. This data shall be reported for pupils graduating in the fourth year and fifth year cohorts, and shall be disaggregated by cohort, pupil category, race, and disability status. The CDE shall make this data publicly available on an annual basis aligned with other reporting timelines for the California dashboard graduation data.

**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.

**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 homeless student who enrolls at the Charter School, a copy of the Charter School's complete policy shall be provided at the time of enrollment. A copy of the complete Policy is available upon request at the main office.

## **INFORMATION REGARDING FINANCIAL AID**

The Charter School shall ensure that each of its students receives information on how to properly complete and submit the 1) Free Application for Federal Student Aid (FAFSA) or 2) the California Dream Act Application as appropriate, at least once before the student enters 12<sup>th</sup> grade. The Charter School 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>

The Charter School shall confirm that each of its students in grade 12 completes and submits a FAFSA to the United States Department of Education, or if the student is exempt from paying nonresident tuition pursuant to Education Code section 68130.5, a California Dream Act Application to the Student Aid Commission. Students who are exempt or whose parent/guardian (if the student is a minor) have opted-out will not be required to comply.

## **HUMAN TRAFFICKING PREVENTION**

California has the highest number of incidents of human trafficking in the U.S., and all students may be vulnerable. The Charter School believes it is a priority to inform our students about (1) the 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 media and mobile device applications are used for human trafficking.

In accordance with the California Healthy Youth Act, the 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.

## **IMMUNIZATIONS**

Pursuant to the California Health and Safety Code and the California Code of Regulations, children must provide proof of having received required immunizations (shots) before they can attend school unless they meet the requirements for an exemption. Immunization records are required for all incoming students. Verification of immunizations will be completed with written medical records from the child's doctor or immunization clinic. To ensure a safe learning environment for all students, the Charter School follows and abides by the health standards set forth by the state of California. The immunization status of all students will be reviewed periodically. Those students who are not in compliance with the State requirements must be excluded from attendance until the requirements are met. Students who have been exposed to a communicable disease for which they have not been immunized may be excluded from school at the discretion of the Charter School.

These required immunizations include:

Child's Grade	List of shots required to attend school
<b>TK/K-12 Admission</b>	<p>Diphtheria, Tetanus and Pertussis (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</p> <p><b>NOTE:</b> Four doses of DTaP are allowed if one was given on or after the fourth birthday. Three doses of DTaP 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 for DTaP. 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.</p>
<b>Entering 7<sup>th</sup> Grade</b>	<p>Tetanus, reduced Diphtheria, and acellular Pertussis (Tdap) - One (1) dose</p> <p><b>NOTE:</b> 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 the requirements listed for grades K-12 as well as requirements for 7<sup>th</sup> grade advancement. At least one dose of pertussis-containing vaccine is required on or after the 7th birthday.</p>

### **INVOLUNTARY REMOVAL PROCESS**

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) schooldays before the effective date of the action (“Involuntary Removal Notice”). 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. The Involuntary Removal Notice shall include the charges against the student and an explanation of the student’s basic rights including the right to request a hearing before the effective date of the action. 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 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 Charter School’s suspension and expulsion policy.

Upon parent/guardian request for a hearing, the Charter 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 Charter 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 the 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) 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.

### **LOCATION OF ALL AUTOMATED EXTERNAL DEFIBRILLATOR(S) ON CAMPUS**

All Vista Charter Public Schools campuses that offer athletics programs have an Automated External Defibrillator (AED) located in the main corridor or main office of the school.

### **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, the 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, the 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.

### **MENTAL HEALTH SERVICES**

The Charter 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/or violence. Access to mental health services at the Charter 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 are available to your child:

#### Available on Campus:

- School-based counseling services – your child is encouraged to directly contact a Charter School counselor by coming into the counseling office during school hours and making an appointment to speak with a counselor. Our 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 Charter School or by an outside provider listed herein, are voluntary.
- Special education services – if you believe your child may have a disability, you are encouraged to directly contact the school's main office 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 school’s main office.

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.

**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 Board of Directors shall not refuse to approve the use or prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction or any book or other resource in a school library on the basis that it includes a study of the role and contributions of Native Americans, African Americans, Latino Americans, Asian Americans, Pacific Islanders, European Americans, LGBTQ+ Americans, persons with disabilities, or members of other ethnic, cultural, religious, or socioeconomic status groups. The Charter School Board of Directors shall not adopt or approve the use of any textbook, instructional material, supplemental instructional material, or curriculum for classroom instruction if the use of such would subject a student to unlawful discrimination pursuant to Education Code section 220.

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. The 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 inquiries 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).

The 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.

The 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 the 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.

Pursuant to California law and the California Attorney General’s guidance to K-12 schools in responding to immigration issues (“Guidance”), Charter School provides equal access to free public education, regardless of a student’s or their parent’s or guardian’s immigration status or religious beliefs. The complete Guidance, including *Appendix G – Know Your Rights* can be reviewed via the following link: <https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/school-guidance-model-k12.pdf>

The 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:

Collin Felch, Superintendent & Complaint Manager  
Vista Charter Public Schools  
601 North Fairview Street, Santa Ana, CA 92703  
Phone: (714) 881-7407  
Email: [cfelch@vistacharterps.org](mailto:cfelch@vistacharterps.org)

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

### **OPIOID INFORMATION SHEET**

The Charter School annually provides each athlete with an Opioid Factsheet for Patients published by the Centers for Disease Control and Prevention. The athlete and, if the athlete is 17 years of age or younger, the athlete’s parent or guardian shall sign a document acknowledging receipt of the Opioid Factsheet for Patients and return that document to the Charter School before the athlete initiates practice or competition. The fact sheet is available at:

<https://www.cifstate.org/sports-medicine/CDC-Patient-Opioid-Factsheet-a.pdf>

### **ORAL HEALTH ASSESSMENT**

Students enrolled in transitional kindergarten or kindergarten in a public school or while enrolled in first grade if the student was not previously enrolled in kindergarten in a public school are required to present proof of having

received an oral health assessment completed by a dental professional that was performed within 12 months before the student's initial enrollment in a public school. Please contact the main office if you have questions about this requirement.

### **PARENT AND FAMILY ENGAGEMENT POLICY**

The Charter School aims to provide all students in our school significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps while abiding by guidelines within the Elementary and Secondary Education Act ("ESEA"). The Charter School staff recognizes a partnership with families is essential to meet this goal. Our Parent and Family Engagement Policy leverages and promotes active involvement of all families as partners with schools to ensure student success. A copy of the Charter School's complete Policy is available upon request in the main office.

### **PHYSICAL EXAMINATIONS AND RIGHT TO REFUSE**

A parent/guardian having control or charge of any child enrolled in the Charter School may file annually with the Superintendent a written and signed statement stating that the parent/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.

### **PREGNANT AND PARENTING STUDENTS**

The Charter School recognizes that pregnant and parenting students 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 student is entitled to eight (8) weeks of parental leave, or more if deemed medically necessary by the student's physician, which the student may take before the birth of the student'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 student who gives or expects to give birth and the infant, and to allow the pregnant or parenting student to care for and bond with the infant. The Charter School will ensure that absences from the student's regular school program are excused until the student is able to return to the regular school program.

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

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

Collin Felch, Superintendent & Complaint Manager  
Vista Charter Public Schools  
601 North Fairview Street, Santa Ana, CA 92703  
Phone: (714) 881-7407  
Email: [cfelch@vistacharterps.org](mailto:cfelch@vistacharterps.org)

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 Superintendent.

### **SAFE STORAGE OF FIREARMS**

The purpose of this notice is to inform and to remind parents and legal guardians of all students at the Charter School of their responsibilities for keeping firearms out of the hands of children as required by California law. There have been many news reports of children bringing firearms to school. In many instances, the child obtained the firearm(s) from his or her home. **These incidents can be easily prevented by storing firearms in a safe and secure manner, including keeping them locked up when not in use and storing them separately from ammunition.**

To help everyone understand their legal responsibilities, this notice spells out California law regarding the storage of firearms. Please take some time to review this notice and evaluate your own personal practices to assure that you and your family are in compliance with California law:

- With very limited exceptions, California makes a person criminally liable for keeping any firearm, loaded or unloaded, within any premises that are under their custody and control where that person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, and the child obtains access to the firearm and thereby (1) causes death or injury to the child or any other person; (2) carries the firearm off the premises or to a public place, including to any preschool or school grades kindergarten through twelfth grade, or to any school-sponsored event, activity, or performance; or (3) unlawfully brandishes the firearm to others.
  - The criminal penalty may be significantly greater if someone dies or suffers great bodily injury as a result of the child gaining access to the firearm.
- With very limited exceptions, California also makes it a crime for a person to negligently store or leave any firearm, loaded or unloaded, on their premises in a location where the person knows or reasonably should know that a child is likely to gain access to it without the permission of the child's parent or legal guardian, unless reasonable action is taken to secure the firearm against access by the child, even where a minor **never** actually accesses the firearm.
- In addition to potential fines and terms of imprisonment, as of January 1, 2020, a gun owner found criminally liable under these California laws faces prohibitions from possessing, controlling, owning, receiving, or purchasing a firearm for 10 years.
- Finally, a parent or guardian may also be civilly liable for damages resulting from the discharge of a firearm by that person's child or ward.

The county or city may have additional restrictions regarding the safe storage of firearms. Thank you for helping to keep our children and schools safe. Remember that the easiest and safest way to comply with the law is to keep firearms in a locked container or secured with a locking device that renders the firearm inoperable.

### **SCHOOL SAFETY PLAN AND ASBESTOS MANAGEMENT PLAN**



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

The Charter School has also established an Asbestos Management Plan. The Plan is available upon request at the main office.

## **SECTION 504**

The Charter 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 Charter 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 Charter 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 Superintendent. A copy of the Charter School's Section 504 policies and procedures is available upon request at the main office.

## **SEXUAL HEALTH EDUCATION**

The Charter School offers comprehensive sexual health education 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 Charter School does not require active parental consent ("opt-in") for comprehensive sexual health education and HIV prevention education. Parents and guardians may:

- Inspect written and audiovisual educational materials used in comprehensive sexual health education and HIV prevention education.
- Excuse their child from participation in comprehensive sexual health education and HIV prevention education in writing to the Charter School.
- Be informed whether the comprehensive sexual health or HIV/AIDS prevention education will be taught by Charter School personnel or outside consultants. When the Charter 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
- Request a copy of Education Code sections 51930 through 51939.

Anonymous, voluntary, and confidential research and evaluation tools to measure students' 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 Charter 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 Charter 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.

### **SPECIAL EDUCATION /STUDENTS WITH DISABILITIES**

We are dedicated to the belief that all students can learn and must be guaranteed equal opportunity to become contributing members of the academic environment and society. The Charter School provides special education instruction and related services in accordance with the Individuals with Disabilities Education Improvement Act ("IDEA"), Education Code requirements, and applicable policies and procedures of the Charter School's SELPA and authorizer. These services are available for special education students enrolled at the Charter School. We offer high quality educational programs and services for all our students in accordance with the assessed needs of each student. The Charter School collaborates with parents, the student, teachers, and other agencies, as may be indicated, in order to appropriately serve the educational needs of each student.

Pursuant to the IDEA and relevant state law, the Charter School is responsible for identifying, locating, and evaluating children enrolled at the Charter School with known or suspected disabilities to determine whether a need for special education and related services exists. This includes children with disabilities who are homeless or foster youth. The Charter School shall not deny nor discourage any student from enrollment solely due to a disability. If you believe your child may be eligible for special education services, please contact the main office.

### **STUDENT RECORDS, INCLUDING RECORDS CHALLENGES, DIRECTORY INFORMATION, AND CCGI NOTICE**

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

1. The right to inspect and review the student's education records within 5 business days after the day the Charter School receives a request for access. Parents or eligible students should submit to the Charter School Superintendent or designee a written request that identifies the records they wish to inspect. The Charter School official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the Charter School to amend a record should write the Charter School's Superintendent or designee, clearly identify the part of the record they want changed and specify why it should be changed. If the Charter School decides not to amend the record as requested by the parent or eligible student, the Charter 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. If the Charter School decides to amend the record as requested by the parent or eligible student, the Superintendent must order the correction or the removal and destruction of the information and inform the parent or eligible student of the amendment in writing.

3. The right to provide written consent before the Charter 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 Charter School officials with legitimate educational interests. A Charter School official is a person employed by the Charter 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 Charter School’s Board of Directors. A Charter School official also may include a volunteer, consultant, vendor, or contractor outside of the Charter School who performs an institutional service or function for which the Charter 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, therapist, or contracted provider of digital educational platforms and/or services; 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 Charter School official in performing their tasks. A Charter School official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility.

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

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the Charter 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

5. The right to request that the Charter 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 a 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 Charter 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 Charter School to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A Charter 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:

1. Charter School officials who have a legitimate educational interest as defined by 34 C.F.R. Part 99;
2. Other schools to which a student seeks or intends to enroll so long as the disclosure is for purposes related to the student’s enrollment or transfer. When a student transfers schools, the Charter 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 student intends to enroll. The Charter School will make a reasonable attempt to notify the parent or eligible student of the request for records at the parent's or eligible student's last known address, unless the disclosure is initiated by the parent or eligible student. Additionally, the Charter 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 a hearing;

3. Certain government officials listed in 20 U.S.C. § 1232g(b)(1) in order to carry out lawful functions;
4. Appropriate parties in connection with a student's application for, or receipt of, financial aid if it is necessary to determine eligibility, amount of aid, conditions for aid or enforcing the terms and conditions of the aid;
5. Organizations conducting certain studies for the Charter School in accordance with 20 U.S.C. § 1232g(b)(1)(F);
6. Accrediting organizations in order to carry out their accrediting functions;
7. Parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1986;
8. Individuals or entities, in compliance 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;
9. Persons who need to know in cases of health and safety emergencies;
10. State and local authorities, within a juvenile justice system, pursuant to specific State law;
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 student'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 Charter School for students and parents, and any individualized education program ("IEP") or Section 504 plan that may have been developed or maintained by the Charter School; and/or
12. A victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceedings conducted by the Charter School with respect to that alleged crime or offense. The Charter School discloses the final results of the disciplinary proceeding regardless of whether the Charter School concluded a violation was committed.

"Directory Information" is information that is generally not considered harmful or an invasion of privacy if released. The Charter School may disclose the personally identifiable information that it has designated as directory information without a parent's or eligible student's prior written consent. The Charter School has designated the following information as directory information:

1. Student's name
2. Parent's/guardian's address
3. Telephone listing

4. Parent's/guardian's electronic mail address
5. Dates of attendance
6. Grade level
7. Participation in officially recognized activities and sports

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

Please notify the Superintendent at:

Collin Felch, Superintendent & Complaint Manager  
Vista Charter Public Schools  
601 North Fairview Street, Santa Ana, CA 92703  
Phone: (714) 881-7407  
Email: [cfelch@vistacharterps.org](mailto:cfelch@vistacharterps.org)

A copy of the complete Policy is available upon request at the main office.

Please note that data collected and reported by Charter School to the California Longitudinal Pupil Achievement Data System ("CALPADS"<sup>7</sup>) pursuant to state law, will be shared with the California College Guidance Initiative ("CCGI"<sup>8</sup>) and will:

- 1) Be used to provide pupils and families with direct access to online tools and resources.
- 2) Enable a pupil to transmit information shared with the CCGI to both of the following:
  - a. Postsecondary educational institutions for purposes of admissions and academic placement.
  - b. The Student Aid Commission for purposes of determining eligibility for, and increasing uptake of, student financial aid.

Please visit the CCGI website at [CaliforniaColleges.edu](http://CaliforniaColleges.edu) to access resources that help students and their families learn about college admissions requirements.

## **SUICIDE PREVENTION**

In compliance with Education Code section 215, Charter School has developed a Suicide Prevention Policy. To ensure the policies regarding suicide prevention are properly adopted, implemented, and updated, Charter School created an in-house Suicide Prevention Crisis Team ("SPCT") consisting of administrators, mental health professionals, relevant staff, parents, and students (for middle and high schools only). To ensure the SPCT reflects the student body's perspective,

The functions of the SPCT are to:

- Review mental health related school policies and procedures;
- Provide annual updates on school data and trends;
- Review and revise school prevention policies;

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<sup>7</sup> CALPADS is a database maintained by the CDE which consists of pupil data from elementary and secondary schools relating to, among other things, demographic, program participation, enrollment, and statewide assessments data.

<sup>8</sup> CCGI is an authorized provider of an institutional service to all California local educational agencies and part of the state's efforts to make college-going a more streamlined experience for students. The CCGI currently receives enrollment data for all public-school students enrolled in grades six through twelve from the California Department of Education ("CDE").

- Review and select general and specialized mental health and suicide prevention training;
- Review and oversee staff, parent/guardian, and student trainings;
- Ensuring the suicide prevention policy, protocols, and resources are posted on the school website;
- Ensure compliance with Education Code section 215;
- Collaborate with community mental health organizations;
- Identify resources and agencies that provide evidence-based or evidence-informed treatment;
- Help inform and build skills among law enforcement and other relevant partners; and
- Collaborate to build community response.

### **SUDDEN CARDIAC ARREST PREVENTION**

The Charter 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 the Charter School must review the information sheet on sudden cardiac arrest via the following link: <https://www.cde.ca.gov/pd/ca/pe/documents/pescaform.pdf>

### **SURVEYS ABOUT PERSONAL BELIEFS**

Unless the student’s parent/guardian gives written permission, a student will not be given any test, questionnaire, survey, or examination containing any questions about the student’s, or the student’s parents’ or guardians’ personal beliefs or practices in sex, family life, morality, or religion.

### **TEACHER QUALIFICATION INFORMATION**

As the Charter School receives Title I federal funds through the Elementary and Secondary Education Act (“ESEA”), as reauthorized and amended by the Every Student Succeeds Act (“ESSA”), all parents/guardians of students attending the Charter School may request information regarding the professional qualifications of classroom teachers and/or paraprofessionals, including at a minimum:

1. Whether the student’s teacher:
  - a. Has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
  - b. Is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; and
  - c. Is teaching in the field of discipline of the certification of the teacher; and
2. Whether the child is provided services by paraprofessionals and, if so, their qualifications.

Upon request, the Charter School will provide the information to the parents/guardians in a timely manner. Parents/guardians may contact the Superintendent at (714) 881-7407 or at [cfelch@vistachartper.org](mailto:cfelch@vistachartper.org) to obtain this information.

### **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. The 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 the 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 Superintendent 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, the Charter School will post signs stating "Tobacco use is prohibited" prominently at all entrances to school property.

## **SCHOOL MEALS AND STUDENT WELLNESS**

Pursuant to California law, the Charter School shall make available a nutritionally adequate breakfast and a nutritionally adequate lunch free of charge and with adequate time to eat, during each school day to any student who requests a meal without consideration of the student's eligibility for a federally funded free or reduced-price meal, with a maximum of one (1) free breakfast meal and one (1) free lunch meal during each school day. This shall apply to all pupils in kindergarten through grade twelve (12).

Applications for school 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. All families are encouraged to complete the application form. Completed application forms can be returned to the main office. Income eligibility guidelines for federally funded free and reduced-price meals are available at: <https://www.cde.ca.gov/ls/nu/rs/>

Based on a parent/guardian's annual earnings, a parent/guardian may be eligible to receive the Earned Income Tax Credit from the Federal Government (Federal EITC). The Federal EITC is a refundable federal income tax credit for low-income working individuals and families. The Federal EITC has no effect on certain welfare benefits. In most cases, Federal EITC payments will not be used to determine eligibility for Medicaid, Supplemental Security Income, food stamps, low-income housing, or most Temporary Assistance For Needy Families payments. Even if you a parent/guardian does not owe federal taxes, they must file a federal tax return to receive the Federal EITC. Be sure to fill out the Federal EITC form in the Federal Income Tax Return Booklet. For information regarding your eligibility to receive the Federal EITC, including information on how to obtain the Internal Revenue Service (IRS) Notice 797 or any other necessary forms and instructions, contact the IRS by calling 1-800-829-3676 or through its website at [www.irs.gov](http://www.irs.gov).

A parent/guardian may also be eligible to receive the California Earned Income Tax Credit (California EITC) starting with the calendar year 2015 tax year. The California EITC is a refundable state income tax credit for low-income working individuals and families. The California EITC is treated in the same manner as the Federal EITC and generally will not be used to determine eligibility for welfare benefits under California law. To claim the California EITC, even if you do not owe California taxes, you must file a California income tax return and complete and attach the California EITC Form (FTB 3514). For information on the availability of the credit

eligibility requirements and how to obtain the necessary California forms and get help filing, contact the Franchise Tax Board at 1-800-852-5711 or through its website at [www.ftb.ca.gov](http://www.ftb.ca.gov).

Charter School shall allow students, teachers, and staff to bring and carry water bottles. Water bottles may be excluded from libraries, computer labs, science labs, and other places where it is deemed dangerous to have drinking water. Charter School may develop additional policies regarding the types of water bottles that may be carried.

Charter School adheres to all applicable requirements regarding placement and maintenance of water bottle refilling stations on campus.

Charter School shall encourage water consumption through promotional and educational activities and signage that focus on the benefits of drinking water and highlight any water bottle filling stations that are located on campus.

A copy of the complete Policy, which includes the Charter School's meal charge policy, is available upon request at the main office. The Charter School also maintains a School Wellness Policy pursuant to state and federal requirements.

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, Charter School is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

mail:

U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; or

fax:

(833) 256-1665 or (202) 690-7442; or

email:

[Program.Intake@usda.gov](mailto:Program.Intake@usda.gov)

Charter School is an equal opportunity provider.



## **USE OF STUDENT INFORMATION LEARNED FROM SOCIAL MEDIA**

The Charter School complies with all federal, state, and local guidelines regarding the gathering and/or maintenance of information about any enrolled student obtained from social media in the student's educational record. The Charter School gathers student information from social media. Such information shall be maintained in the Charter School's records with regard to the student and shall be destroyed within one (1) year after a student turns 18 years of age or within one (1) year after the student is no longer enrolled in the Charter School, whichever occurs first. A non-minor student or a student's parent or guardian may access the student's records for examination of the information, request the removal of information or corrections made to information gathered or maintained by the Charter School by contacting the Superintendent.

## **WORKPLACE READINESS WEEK AND WORK PERMITS**

The week of each year that includes April 28 shall be known as "Workplace Readiness Week." All public high schools, including charter schools, shall annually observe that week by providing information to students on their rights as workers.

Beginning August 1, 2024, any minor seeking the signature of a Charter School verifying authority on a Statement of Intent to Employ a Minor and Request for a Work Permit-Certificate of Age will be issued, before or at the time of receiving the signature of the verifying authority, a document clearly explaining basic labor rights extended to workers. An infographic explaining these rights is available at: <https://laborcenter.berkeley.edu/wp-content/uploads/2024/05/Know-Your-Rights-FINAL.pdf>