

Family Handbook



Last Updated 9/23

Welcome to the Charter School of Morgan Hill

Welcome

On behalf of the faculty, staff, families, students, and Board of Directors, I would like to welcome you and your child to a school community in pursuit of an excellent education for all children. This is a school based on the belief that families are their child's first and most important teachers and we look forward to working, learning, and teaching with you. We deeply value the commitment you have made to send your child to a school of choice and to be a part of the Charter School of Morgan Hill ("CSMH," "School," or the "Charter School") community.

Brief History and Vision of CSMH

A core group of educators, parents, and community members dedicated thousands of hours to the planning, design, and implementation of CSMH, a process that began in February 2000. Early on, the founders identified the key elements of the school's mission: family involvement, project-based learning, and community interaction. The charter document, in which the school is referred to by its corporation name "South Valley Charter School," was unanimously approved by the Morgan Hill Unified School District Board of Trustees ("District" or "authorizer") in January of 2001 and CSMH opened in August of 2001.

Handbook Use and Purpose

This handbook is designed to help family members and students get acquainted with CSMH. It explains some of our philosophies, beliefs, structures, procedures, and policies. The school's discipline standards are based on the philosophy that student behavior should result from respect students have for themselves, other people, and their environment. These standards establish a uniform set of behavioral expectations that apply to society and the school environment. They ensure that the school is a safe place to be, with a focus on student learning. Although this Handbook is not intended to be an official policy manual, we hope that it will serve as a useful reference for you while your child is enrolled at CSMH. Because CSMH is a growing and changing organization, this handbook will be revised and updated on an ongoing basis.

We hope that this handbook provides you with useful information about the programs, procedures, and culture that make CSMH a unique and positive option within the public school system. We welcome your ideas and comments regarding ways this handbook can be improved to increase its value to you and our families.

Paige Cisewski
Executive Director

Susan Pfefferlen
Principal

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Charter School Information

Charter Schools – General Information

Charter schools are nonsectarian public schools of choice. Charter schools were developed to allow for greater educational freedom from many of the restrictions placed on traditional public schools. The intent of charter schools is to increase learning opportunities for all pupils, to encourage different and innovative teaching methods, and to promote performance-based accountability in public schools. The "charter" document that establishes each such school is a contract detailing the school's mission, program, goals, students served, methods of assessment, and ways to measure the school's success. Our charter document is located on the school's website at www.csmh.org.

The length of time for which charters are granted in California is five years. At the end of the term, the entity granting the charter may renew the school's contract. Charter schools are accountable to their authorizer, in our case, the Morgan Hill Unified School District, to produce positive academic results and adhere to the charter contract. The basic concept of charter schools is that they exercise increased autonomy in return for this accountability. They are accountable for both academic results and fiscal practices to several groups: the sponsor that grants them, the parents who choose them and the public that funds them.

Mission and Vision of the Charter School of Morgan Hill

Charter School of Morgan Hill uses project-based learning, strong family involvement and community interaction to develop lifelong learners prepared to be successful and innovative participants in the global community.

CSMH is committed to:

- developing K-8 students who are self-motivated, self-disciplined, and socially responsible
- partnering staff, students, parents, and community to create a unique, challenging, and individualized learning environment with high academic standards and expectations
- applying academic learning to real-life activities through project-oriented programs
- providing advanced opportunities in science, technology, languages, and the arts
- building programs that foster thinking which is original, critical, collaborative and reflective
- respecting diversity and whole child development - cognitive, emotional, social, and physical

Student Outcomes

Student Outcomes represent the goals our students are trying to accomplish during their time at CSMH. These Outcomes are incorporated at every grade level and into all our classes. They help provide a common language and focus for the school community. CSMH students will be proficient at:

Academic Achieving

- Students will possess the skills, attitudes and habits needed to succeed as contributing citizens of the 21st century.

- Students will demonstrate proficiency of the California State Academic Content Standards in the areas of language arts, math, social studies, science, physical fitness, fine arts, foreign language and technology.

Effective Communication

- Students will exhibit effective communication skills through listening, speaking, reading, and writing. They will do this in a critical, reflective, and responsible fashion using a variety of media.
- Students will demonstrate skills from a variety of technological sources for the purposes of research, analysis, communication, organization, self-expression, and problem solving.
- Students will develop fundamental skills in speaking, reading, writing, and listening comprehension of a foreign language and will understand key aspects of that culture.

Critical Thinking

- Students will master age-appropriate principles of mathematics and logical reasoning and be able to apply them to real life situations.
- Students will utilize scientific research and inquiry methods to understand and apply major concepts underlying various branches of science. This includes the ability to hypothesize, evaluate data, and define and solve problems through observation, analysis, construction, testing and communication of findings using appropriate methods, materials, and tools of technology.
- Students will demonstrate cognitive processing abilities utilizing complex and critical thinking skills by identifying, accessing, integrating, and utilizing available resources and information to reason, make sound decisions, solve realistic problems in a variety of contexts and articulate their thought process.

Personal Responsibility

- Students will develop positive attitudes toward technology uses that support lifelong learning, collaboration, personal pursuits, and productivity.
- Students will apply lifelong learning skills including goal setting, study skills, planning, implementing, and completing tasks, and the ability to reflect on and evaluate one's own learning.
- Students will demonstrate a responsibility for their own learning and be adept at using their own experiences to apply and create new knowledge.
- Students will demonstrate a strong work ethic and self-motivation in school.
- Students will demonstrate a well-developed sense of their own creativity and an appreciation of the visual and performing arts.

Social Responsibility

- Students will understand the ethical, cultural, and societal issues related to technology.
- Students will respect, appreciate, and understand diverse cultures and individual differences.
- Students will understand what it means to be socially responsible and to participate in their school and their community.
- Students will learn and effectively use the skills necessary for working cooperatively and collaboratively in a variety of situations.

- Students will develop their physical skills, which enable them to participate in individual and team activities. They will recognize and pursue habits of fitness, healthy living and mental well-being.
- Students will be inspired to learn through a better understanding of the kinds of issues, skills, and ethics that are required to function successfully in society.
- Students will exhibit healthy social-emotional skills and self-esteem by demonstrating respect for diversity and making positive choices for themselves and in interpersonal relationships.
- Students will have general knowledge of civics, history, and geography and how they relate to today's world.
- Students will be aware of major world events and their geographical locations in order to understand the complexities of a global society.

Nondiscrimination Statement

CSMH is nonsectarian in its programs, admissions policies, employment practices, and all other operations. The School does not charge tuition and does not discriminate on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, gender expression, gender identity, nationality, race or ethnicity, immigration status or citizenship, religion, religious affiliation, sexual orientation, pregnancy, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics).

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 (“IDEA”).

CSMH does not discourage students from enrolling or seeking to enroll in CSMH 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 CSMH’s charter and relevant policies.

CSMH does not request nor require student records prior to a student’s enrollment.

Commented [MB2]: **New Client Note:** This is language pursuant to EC 243(a), newly added by AB1078 (2024).

A complaint pursuant to this section may be filed with the applicable school district, county office of education, or charter school under the Uniform Complaint Procedures (EC 243c)

Commented [CLF3]: **Client** - Per EC 244, which was included in the 2024 Budget Trailer Bill. Note that if the State Superintendent determines that a school violated this section, it shall be assessed a penalty against its LCFF funds.

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

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>

CSMH is committed to providing a work and educational atmosphere that is free of unlawful harassment under Title IX (sex), Title VI (race, color, or national origin), and Section 504 and Title II of ADA (mental or physical disability). CSMH 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. CSMH does not condone or tolerate harassment of any type, including bullying, discrimination, or intimidation, 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. 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:

Paige Cisewski
Executive Director
9530 Monterey Road
Morgan Hill, CA 95037
pcisewski@csmh.org

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

Commented [MB4]: NEW Client Note: The school is required to provide this Appendix G - Know Your Rights information to families pursuant to Education Code section 234.7(d)(1). While there is no specific requirement to provide this information **annually** (you can provide it upon enrollment instead), you may choose to include it here to fulfill the requirement.

Attendance

Attendance and Arrival

Attendance and participation in class are essential if the student is to gain the maximum benefit of the educational program. Regular and punctual school attendance of students is expected, encouraged, and will be enforced. School attendance is an area which requires mutual cooperation among the school, the parents and the student so that the whereabouts of each student will be known at all times during the school day. Students may not arrive at school more than 20 minutes before the bell rings since there is no supervision until that time. For the same reason, students must be picked up within 20 minutes after the school day ends.

Absences

If your child will be absent for any reason, please call the school attendance line at (408) 463-0266 and leave a message. When leaving a message, please leave your child's name, grade, date (or dates if you know there will be more than one), reason for absence, your name and relationship to the child. If we have not heard from you by 9:00 a.m., the office will begin calling to verify a child's absence. This is for the safety of your child.

Absence from school shall be excused only for health reasons, family emergencies and justifiable personal reasons, as required by law or permitted under this Attendance Policy.

A student's absence shall be excused for the following reasons:

1. Personal illness, including an absence for the benefit of the pupil's mental or behavioral health
2. Quarantine under the direction of a county or city health officer.
3. Medical, dental, optometric, or chiropractic appointments:
 - a. Students in grades 7 and 8, 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. Attendance at funeral services for a member of the student's immediate family:
 - a. Excused absence in this instance shall be limited to one (1) day if the service is conducted in California or three (3) days if the service is conducted out of state.
 - b. "Immediate family" shall be defined as parent or guardian, grandparent, spouse, son/son-in-law, daughter/daughter-in-law, brother, sister or any other relative living in the student's household.~~

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.

4.6. Participation in religious instruction or exercises as follows:

a. The student shall be excused for this purpose on no more than four (4) school days per month.

5.7. To permit the student to spend time with an immediate family member who is an active duty member of the uniformed services, as defined in Education Code section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the Charter School.

6.8. Attendance at the student's naturalization ceremony to become a United States citizen.

7.9. Authorized at the discretion of the Executive Director or designee, based on the facts of the student's circumstances, are deemed to constitute a valid excuse.

8.10. 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.

9.11. 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.

10.12. For the purpose of participating in a cultural ceremony or event. "Cultural" for these purposes means relating to the habits, practices, beliefs, and traditions of a certain group of people.

- ~~11.13.~~ For the purpose of a middle or high school pupil engaging in a civic or political event as indicated below, provided that the pupil notifies the school ahead of the absence. A “civic or political event” includes, but is not limited to, voting, poll working, strikes, public commenting, candidate speeches, political or civic forums, and town halls.
- a. A middle school or high school pupil who is absent pursuant to this provision is required to be excused for only one school day-long absence per school year.
 - b. A middle school or high school pupil who is absent pursuant to this provision may be permitted additional excused absences at the discretion of a school administrator.

- ~~12.14.~~ For the following justifiable personal reasons for a maximum of five (5) school days per school year, upon advance written request by the student’s parent or guardian and approval by the Executive Director or designee pursuant to uniform standards:
- a. Appearance in court.
 - b. Observance of a holiday or ceremony of the pupil’s religion (not to exceed one schoolday per semester).
 - c. Attendance at religious retreats.
 - d. Attendance at an employment conference.
 - e. Attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization.

A student who is absent due to an excused absence will be allowed to complete all assignments and tests missed during the excused absence that can be reasonably provided and will receive full credit upon satisfactory completion within a reasonable period of time. The teacher of the class from which a student is absent shall determine which tests and assignments are reasonably equivalent to, but not necessarily identical to, the tests and assignments that the student missed during the excused absence.

All other absences are considered unexcused unless specifically authorized at the discretion of a school administrator, based on the facts of the student’s circumstances, and deemed to constitute a valid excuse.

When students are absent for any reason, they are expected to make up the missed classroom assignments.

If your child comes down with a contagious illness, please notify the office immediately. We are required to send exposure notices to each family in the contagious child's class.

Independent Study Agreements

If a child must be taken out of school for three (3) days or more, we recommend that parents contact the school office to sign an Independent Study Agreement. This will be filled out by your child's teacher with all the assignments your child will miss during his/her absence. The Independent Study and the completed work must be turned in the day the student returns. A copy of the complete Policy is available upon request at the main office.

Tardies

It is very important that each student be on time to school and class each day. Promptness is not only a necessary courtesy to the teacher and other students but, more importantly, it assures the child of getting off to a good start each day. Students who arrive late not only lose valuable class time in the office waiting for a tardy pass, but they miss out on the morning classroom activities. They also become an interruption to the classroom when they enter it late. Helping students to realize the importance of being

on time is part of building good habits for life. Children should arrive before the morning bell rings.

Tardiness is only excused for the same reasons for which an absence may be excused. All other tardies are considered unexcused.

Process for Addressing Truancy and/or Chronic Absences

Students shall be classified as 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. Any student who has once been reported as a truant and who is again absent from school without valid excuse one or more days, or tardy on one or more days, shall again be deemed a truant. Such students shall be reported to the principal or designee.

Consequences for truancy may include:

- letters sent from the school and/or placed in the student's cum file
- phone calls home
- conference with parent, principal, student, and other school personnel to develop a concrete plan to remedy the ongoing attendance problem

In our effort to promote satisfactory attendance, parents may receive calls after any absence, and can also expect calls or written notification if "excused" absences become in excess of 10% of the school days. If excused absences or tardies due to illness exceed 10% of school days, the administrator may request medical verification of the need for absence.

For all communications set forth in this section, the Charter School will use the contact information provided by the parent/guardian in the registration packet. It is the parent's or guardian's responsibility to update the Charter School with any new contact information.

Early Releases

We have been entrusted with the safety and overall care of your child. If it is necessary for your child to be released during the school day, you must first come to the office. The school secretary will call the student's classroom and have your child sent to the office. The parent must then sign the student out. If someone other than the parent/guardian is picking up the student, a note signed by the student's parent/guardian identifying the person along with permission for us to release your child is needed. Any individual, including parents, picking up a child during the school day will be asked to show identification. Upon your return, please check your child back into the office. These procedures are for your child's protection!

Involuntary Removal

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.

Campus Visitations

School Visits

Parents are urged to visit the school. A phone call to the teacher at least 24 hours in advance to schedule your visit is required and very much appreciated. All visitors on campus must register in the office and obtain a visitor's badge before entering a classroom. If your child wishes to bring a "child visitor" to class, prior permission from your child's classroom teacher and principal must be obtained. When registering, visitors are required to provide their name, address, age (if under 21), their purpose for entering school grounds, and proof of identity.

If the visitor is a government officer/official (including but not limited to local law enforcement officers, immigration enforcement officers, social workers, district attorneys, or U.S. attorneys) the officer/official will also be asked to produce any documentation that authorizes school access. CSMH shall make reasonable efforts to notify parents or guardians prior to permitting a student to be interviewed or searched, consistent with the law and/or any court order, warrant or instructions from RCS, consistent with the law. The CSMH Governing Board and Bureau of Children's Justice in the California Department of Justice, at BCJ@doj.ca.gov, will be timely informed regarding any attempt by a law-enforcement officer to access a school site or a student for immigration-enforcement purposes, as recommended by the Attorney General.

All visitors are asked to comply with current mandated and recommended health and safety protocols. Visitors (including volunteers) who demonstrate signs of a contagious disease (e.g., fever, coughing) may be denied registration. When recommended or requested by the Department of Public Health, visitors will be required to wear personal protective equipment, such as masks, and practice social distancing. CSMH reserves the right to implement additional measures for the protection of its school community, such as requiring forehead temperature checks before entry to the same extent being utilized for students and employees.

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 and/or subject to additional penalties.

Volunteers

Volunteers must register in the office upon arrival, obtain a volunteer badge and sign out upon leaving. This procedure is important so that we will know who is present in case of an emergency.

School Hours

Regular school day hours:

8:00 am – 2:45 pm (grades K-4th)

8:10 am – 3:02 pm (grade 5th – 8th)

Minimum school day hours:

8:00 am – 12:00 pm (grades K-4th)

8:10 am – 12:18 pm (grades 5th – 8th)

Health and Emergency Information

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. The following asbestos-related activities are planned or in progress at the Charter School: INSERT inspections, response actions, and post-response action activities, including periodic reinspection and surveillance activities that are planned or in progress for the school year OR indicate that no such activities are planned or in progress for the current school year

Commented [CLF5]: **New Client Note:** This annual notification of the availability of the asbestos management plan and asbestos related activities is required pursuant to the Asbestos Hazard Emergency Response Act (AHERA) at 15 USC 2641.

Emergency Forms

The school emergency form, completed by parents or guardians at the beginning of each school year, is a vital communication tool between parents/guardians and the school. A thorough completion of this online form is essential in case of an emergency involving your child. Emergency information is kept in the school database and a copy is given to the classroom teachers. It is very important that you keep emergency information updated throughout the school year. If you change jobs or residence or if people listed on your emergency back-up list change phone numbers, please notify us immediately. Also, be certain that people listed on the emergency form have been notified that they may be called upon to pick

up your child in an emergency situation. If there is a restraining order forbidding contact of an individual with your child, legal custody orders, or parent custodial issues that the school needs to be aware of, parents/guardians are responsible for providing the school with a current copy of such orders. When it is necessary for a student to be checked out of school during the school day, parents/guardians or other authorized individuals must sign the student out and will be asked to show identification.

Emergency School Closing

In the event that the school must be closed due to weather conditions or other emergencies, CSMH will activate the automatic text and/or call system to alert parents. CSMH will use the contact information listed on your emergency form for this purpose.

First Aid and Accidents

First Aid and accident procedures are followed by the Charter School staff. All accidents are reported to the office. Each teacher has a first aid kit in the classroom for minor injuries. Students with more serious injuries or illness are sent to the office. In an emergency situation, CSMH will call 911 if needed. Parents will also be contacted, and, if a parent cannot be reached, the person designated on the emergency card will be called.

Illness

If your child shows signs of not feeling well, please keep the child at home and inform the office. Children should be kept home whenever they have a fever, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, new loss of taste or smell, sore throat, excessive congestion or runny nose, nausea, or vomiting. Any student who develops these symptoms while at school will be separated from others. The isolation area will allow for adequate physical distancing while permitting supervision. Students will only be permitted to return to campus once they have met the center for disease control (“CDC”) criteria to discontinue home isolation.

Please notify the office immediately if your child becomes ill with a communicable disease, so that exposure notices can be sent home with the child's classmates.

Communicable Diseases

Communicable diseases can spread quickly through a school and dramatically affect the attendance and learning of children. Examples of common communicable disease are coronavirus, conjunctivitis (pink eye), lice, strep throat, chicken pox, or ringworm. A student suspected of having a communicable disease may be excluded from school until guidelines for readmission are met.

Returning to School after an Illness or Prolonged Absence

A student returning to school following a serious or prolonged illness, injury, surgery, or other hospitalization, must have written permission by a health care provider to attend school, including any recommendations regarding physical activity and exertion.

An excuse from physical education may be granted if a student 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 from physical education will be accepted for up to five (5) school days; thereafter, a written request is needed from the student's health provider.

Medication - General

Federal and state laws support the administration of medications to students while at school and require the following procedures.

All medications administered at school must be prescribed by a physician, licensed in California, even if they are purchased over the counter. The parent permission and physician authorization form (the "Permission to Administer Medication" form) must be completed for all medications, including those purchased over the counter. The student's physician must provide a written statement indicating the name of the medication, detailing the dose, method, and time schedules by which the medication is to be taken.

In addition, the parent/guardian shall provide the medication in the original prescription container, clearly labeled with the student's name, medication, dosage, and directions; or, in the case of an over-the-counter medication, in the original container. The parent/guardian must deliver the medication to the school personally or send it with a designated adult. It is the parent's responsibility to be certain the supply is available, and that the child is aware of when he/she should receive medication.

Students are not allowed to carry medications. The only exception would be students with medical needs who are required by their authorized healthcare provider to carry medication and self-administer this medication under the supervision of school personnel. Parents must consult with the health clerk/Principal regarding these students.

Medication - Documentation

In order to administer medications to a student, CSMH requires the following (as indicated on the Permission to Administer Medication Form):

1. A written statement from the authorized health care provider detailing the medication name, method, amount, and time schedules by which the medication is to be taken is on file with the school office; and
2. Parent, guardian, or caregiver submits a written statement indicating his/ her desire that the school assist his/her child in taking the medication; and
3. Parent signs a release statement allowing designated school personnel to consult with the health care provider of the pupil regarding any questions that may arise about the medication.

If a student is required by their authorized healthcare provider to self-administer injectable epinephrine or inhaled asthma medication during the school day, the following documents must be provided.

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

Parents and physicians should complete the Permission to Administer Medication form and return it to the office. The student's form will be maintained with an individual medication log used to record

medication dispensed at school. This log documents all medications administered to the student and serves as protection for both the school and the student. A copy of the Permission to Administer Medication form will be kept in the student's Health Record. A new form must be completed for each school year and whenever there is a change in the medication dosage.

The school nurse or designated school employee will maintain a current, confidential list of students needing medication during regular school hours, including students with life-threatening conditions who carry injectable medication. This list shall be available on a need-to-know basis to appropriate school staff, along with emergency measures for allergic and anaphylactic reactions.

Epi-pens

The school nurse or trained personnel who have volunteered may use an EpiPen to provide emergency medical aid to persons suffering, or reasonably believed to be suffering from, an anaphylactic reaction. Anaphylaxis is a rapid, severe allergic response triggered by insect stings, foods, medications, latex materials, exercise or in rare cases by unknown causes. This is a life-threatening condition, requiring immediate treatment. Administering epinephrine to students during a medical emergency may help to insure the student's health and safety at school. CSMH has adopted a policy to provide life-saving epinephrine to students who need such treatment.

If parents/guardians do not wish their child to receive this treatment, they must complete the required form which is available in the office and on the parent website.

Hygiene

As a part of coming to school "Ready to Learn," your child needs to come to school clean. Good hygiene for children includes brushing their teeth at least twice a day, bathing on a regular basis, and brushing or grooming their hair each day.

With older students, body odor can become an issue. Children will be active each day. Please do not hesitate to send antiperspirant or deodorant to school with your older students, if necessary.

Sleep

It is very important for your child to get the appropriate amount of sleep. As active, growing individuals, children require anywhere from 10 to 12 hours of sleep nightly. A routine is often helpful in making sure your child gets enough sleep. Please set a regular bedtime for your child and enforce it.

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 school.

These required immunizations include:

Child's Grade	List of shots required to attend school
TK/K-12 Admission	<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>NOTE: 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>
Entering 7 th Grade	<p>Tetanus, reduced Diphtheria, and acellular Pertussis (Tdap) - One (1) dose Varicella - Two (2) doses</p> <p>NOTE: In order to begin 7th grade, students who had a valid personal belief exemption on file with a public or private elementary or secondary school in California before January 1, 2016 must meet the requirements listed for grades K-12 as well as requirements for 7th grade advancement (i.e., polio, MMR, chickenpox and primary series for diphtheria, tetanus, and pertussis). At least one dose of pertussis-containing vaccine is required on or after the 7th birthday.</p>

Health and Medical Conditions

The school office and administrators must be notified if a student with a medical or health condition requires accommodations at school in order to participate in the educational program. The school administrator will arrange a meeting with the parent or guardian of the child to determine the need for a health plan or an evaluation for Section 504 or special education eligibility. CSMH complies with all requirements for special education and/or Section 504, as appropriate for students' health or medical needs.

Oral Health Assessment

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

completed by a dental professional. Please contact the office if you have questions about this requirement.

Hearing, Vision, Scoliosis, and Physical Examinations, and Right to Refuse

Hearing and vision exams and scoliosis screening will be performed according to state mandates.

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

A parent/guardian having control or charge of any child enrolled in CSMH may file annually with the Executive Director 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.

Mental Health Services

CSMH 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 CSMH 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 – counseling referrals can be made by teachers, CSMH staff, parents or self-referrals. In a crisis situation, students may be seen one time by the onsite counselor. All other referrals require a parent permission form to be signed prior to students being seen for counseling. The counseling office may be reached by phone at (408) 463-0618. The CSMH counselors and interns support students by providing individual and group and counseling when a student is having a difficult time due to academic stress, transitional changes, peer issues and various social and emotional concerns. The counseling team is also available to meet with parents. Counseling services, whether provided by our Charter School 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 Paige Cisewski at (408) 463-0618 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 health office at (408) 463-0266.

Community Resources:

- Community Solutions - This counseling center provides a variety of services on a sliding scale basis to children and families. Morgan Hill (408) 779-2113. Gilroy (408) 842-7138
- 24/7 Line-Ages 7-24 - Helpline for any reason that children or young adults need to talk or seek services. 888-247-7717
- Suicide and Crisis Hotline - 855-278-4202
- Bill Wilson Safe Place Housing - Helps to find housing for youth who are experiencing homelessness. 408-243-0222
- Eastfield Ming Quong - Provides emergency screenings for mental health as well as ongoing counseling services. 408-379-9085

National Resources:

- 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.

Carpool Information

General Do's and Don'ts

- Be patient
- Do drive slowly in the parking lot and always use caution
- Do use the appropriate entrances (Bailey light) and exits (south and/or north exit)
- Do drop off in designated areas only
- Do re-enter Monterey Road from the parking lot carefully. Enter only when it is clear. It is more important to enter safely than quickly.
- Do have your carpool sign displayed in your front window / on your front visor
- Do follow the instructions of the teachers directing traffic
- Do stay in your car and allow our helpers to assist with loading and unloading
- Do use the crosswalks at all times
- Don't ever drop off or pick up on Monterey Road
- Don't use the south entrance to enter the campus – this is the staff entrance
- Don't park in the neighbor's field or use this as a drop off area
- Don't attempt to have conferences with the teachers on duty – schedule one at a more appropriate time

- Don't ever leave your car unattended in the drop off or pick up area

Morning Do's and Don'ts

- Do come down the frontage road – if the frontage road is full, please line up on both sides
- Do drive on the left side of the yellow line (European style)
- Do drive as far up as you can go in the unloading zone
- Do have your child ready to unload – shoes on, backpacks packed, goodbyes already said
- Don't pass – even if you want to park
- Don't let your children out on the frontage road (in the dirt) and then attempt to exit

Afternoon Do's and Don'ts

- Do come down the frontage road
- Do line up in both lanes on the frontage road – every other car
- Do make sure your child knows their carpool name
- Do pull as far forward as you can in the loading zone – we will make sure the students get to your car
- Don't allow your child to go into the parking lot alone. They must be escorted by a parent to the parked car.

Field Trip Information

Field Trips

At CSMH, we believe field trips are an important part of project-based learning. The Bay Area has many resources to offer our children in respect to their learning. A field trip is any planned journey for one or more students away from CSMH. Field trips are approved by the principal.

The teacher/sponsor(s) shall provide parents and guardians with information concerning the purpose and destination of the trip, transportation, eating arrangements, date and time of departure, estimated time of return, arrangements for supervision, safety precautions (if high risk activity is involved), and a detailed itinerary when the field trip will extend beyond the school day.

Permission Slips

Field trips enrich our program. Attendance on the trips is voluntary, but if your child does attend, it is mandatory that a permission slip be signed by a parent or guardian. Students must have signed permission slips to go on field trips, including walking trips.

The Parent/Guardian Permission form must be signed and returned to the teacher before any student leaves the school building on a trip. Parental permission shall include written consent from parents/guardians authorizing the supervisors to arrange for necessary medical treatment. Permission received by telephone is not permitted. If a student does not have written permission, the student will be provided alternative educational activities in a supervised area/classroom at CSMH until the class returns from the trip.

All persons making the field trip or excursion shall be deemed to have waived all claims against the Charter School or the State of California for injury, accident, illness, or death occurring during or by reason of the field trip or excursion. All adults taking out-of-state field trips or excursions and all

parents/guardians of students taking out-of-state field trips or excursions shall sign a statement waiving such claims.

Field Trip Chaperones and/or Drivers

As field trips and excursions are an integral part of the Charter School learning experience, parents are encouraged to participate in an assisting role with students. The Executive Director or the coordinating teacher will provide parents and guardians with specific supervisory guidelines prior to any Charter School group trip involving students. Topics to be included are safety regulations, emergency responses, and responsibilities of the parent volunteers and language or behavior requirements of all attendees.

A participating parent or guardian will be assigned to a specific group of students to supervise and will be responsible for these students at all times during the field trip or excursion. Under no circumstances will a parent or guardian consume alcohol or use controlled substances (except for medications taken under a physician's orders) during a field trip or excursion. The parent or guardian will notify the coordinating teacher, in advance of the field trip or excursion, should he/she be under a physician's orders and using medications.

All adults taking out-of-state field trips or excursions, and all parents or guardians of pupils taking out-of-state field trips or excursions are required to sign a statement waiving all claims against CSMH, its employees, and the State of California for injury, accident, illness, or death occurring during or by reason of the field trip or excursion.

Any parent who transports a child on a field trip must have signed a form stating that the driver has the following insurance coverage: Bodily Injury \$100,000 - \$300,000/ accident, Property Damage \$25,000/accident, Medical \$10,000, Single limit of \$300,000. This completed form must be on file in the office before the parent may transport students. A copy of a current license, vehicle registration, insurance card and a criminal background check conducted by California Department of Justice ("DOJ") are also required. Employees or volunteers whose DOJ report reveals a Driving Under the Influence conviction shall not be permitted to transport students or operate any vehicle on Charter School business for ten (10) years from the date of the conviction. Any employee or volunteer convicted of a felony shall not be permitted to transport Charter School students on Charter School business.

Siblings of students should not accompany a class on field trips. If you are chaperoning a trip and absolutely need to bring a sibling along, please clear this with your child's teacher prior to the day of the trip.

Costs

All field trip costs are paid by CSMH, except for the 8th grade Washington D.C. trip. No student shall be prevented from participating in a field trip or excursion because of lack of sufficient funds. Please contact the Executive Director for more information.

School Bus and Passenger Safety

All students who are transported in a school bus or school student activity bus shall receive instruction in school bus emergency procedures and passenger safety.

Academic Information

Class Assignments

At CSMH, the staff carefully group students to try to place each student in a situation that will be the most educationally beneficial to the child. Classes assignments decisions are made by a team of teachers and administrators and a variety of factors are taken into consideration. Parents may put any specific requests about the type of program that best suits their child's learning needs in writing and turn this information into the office. Parent input about a child's particular needs is taken into consideration but a request for a specific teacher should not be made.

Homework

Homework will be assigned both to extend and reinforce the lessons taught at school or to research and/or support class project-based learning. It is the responsibility of the parent to designate a time and place where the child may do his/her homework. Homework is also viewed as a bridge between home and school, giving students an opportunity to share their work with and involve family members. We expect students to share with their parents what they are learning. Developing a disciplined schedule and good study and work habits will be advantageous to any child. Students are expected to follow given directions, do work that is neat and turned in on time.

Parents are responsible for monitoring and assisting with homework assignments of their child. Each child should attempt to complete homework independently but may need assistance. If your child needs assistance, please do not do his or her homework for him/her. As a parent, guide your child in doing the best that he or she can, allowing them to do their own work.

Each teacher will discuss the expectations for amount of time spent on homework and homework procedures on Back to School Night. If your child has difficulty with the homework, send the teacher a note so that the teacher can provide additional instruction if necessary.

Report Cards

Students receive report cards twice a year: one at the semester break in January and one at the end of the school year.

Conferences

Weeks dedicated to teacher/parent conferences are scheduled two times a year. The first conference week is scheduled in October and is mandatory and a second conference period is held in March and is by request. In addition, parents or teachers may ask for an additional meeting at any time during the school year should the need arise. Please keep in mind that the more we know about your child, the better we can meet his/her needs. Never hesitate to contact us at any time with information that will enable us to better understand and help your child.

Academic Probation (middle school students)

At the Charter School of Morgan Hill, our courses present rigorous academic challenges. All teachers provide students with many opportunities to be successful. The development of each student is our primary concern. When students are not performing academically, they will be placed on academic probation and given the opportunity to improve.

Students in middle school will be placed on academic probation if any of the following apply:

- A student's grade point average ("GPA") falls below a 2.0
- A student receives two D's in any one grading period
- A student receives one F in any one grading period

Probation will last until the next progress report or report card. If grades and/or the GPA have not improved, probation will continue. Privileges that ARE withdrawn include:

- School dances (middle school)
- Social activities
- After-school sports
- Other activities as determined by the school

While on probation, a student may be required to attend Homework Center during lunch periods or after school. The student, parent(s) and teacher(s) need to work together as a team to ensure the success of students at the Charter School of Morgan Hill.

Graduation Requirements (8th grade)

To participate in 8th grade celebration day and graduation ceremonies —

- Students must attain a cumulative GPA of at least a 2.0
- Attend school regularly (excessive absences and tardies are unacceptable)
- Maintain appropriate behavior both semesters of their 8th grade year.
- Complete and present an Exit Portfolio
- Unacceptable behaviors include, but are not limited to:
 - Suspensions
 - Excessive office referrals for misbehavior

Administration and middle school staff have final decision about participation in celebration day and graduation.

Student Study Team

CSMH uses a Student Study Team ("SST") approach to address any academic, grade placement, social, emotional, or attendance concerns brought to the team's attention via a written referral submitted by a staff member or parent. The purpose of this approach is to broaden the expertise available to help us evaluate issues that impact a child's overall school experience, and to develop a strategy, if appropriate to address the concerns.

An SST meeting typically involves Charter School personnel and usually the parent. Sometimes a SST meeting may include the school psychologist, a specialized academic instruction ("SAI") teacher, speech therapist and/or counselor. Students who continue to require support or do not make progress as the result of an SST may be referred for a Section 504 or special education evaluation.

Section 504

CSMH 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 be subjected to discrimination under any program of the CSMH. Any student who has an objectively identified disability which substantially limits a major life activity including, but not limited to learning, is eligible for related aids and services by CSMH. The parent of any student suspected of needing or qualifying for related aids and services under Section 504 may make a referral for an evaluation to the Executive Director. A copy of CSMH Section 504 policies and procedures is available upon request in the main office.

Special Education

At CSMH, we aim to have an inclusive model for our children with special needs. Students with identified physical, emotional, learning, or developmental disabilities have the right to placement in the least restrictive environment (“LRE”) and shall receive special education services according to a written Individualized Education Program (“IEP”).

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. CSMH 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 SELPA (Sonoma County of Education). These services are available for special education students enrolled at the Charter School at no cost. 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 or require special education services, please contact the Executive Director.

State Testing

CSMH shall annually administer state testing to the applicable grades (e.g., the California Assessment of Student Performance and Progress (“CAASPP”), as required by law. Notwithstanding any other provision of law, a parent’s or guardian’s written request to Charter School officials to excuse his or her child from any or all parts of CAASPP shall be granted. 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.

English Learners

CSMH 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. CSMH 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. CSMH

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

Sexual Health Education

CSMH offers comprehensive sexual health education to its students in 5th - 8th grades. 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. CSMH 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 comprehensive sexual health education and HIV prevention education in writing to CSMH.
- Be informed whether the comprehensive sexual health or HIV/AIDS prevention education will be taught by CSMH personnel or outside consultants. When CSMH 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 7th and 8th grades. 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 CSMH.

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 CSMH 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.

Communication

CSMH Website

Parents and students can check our website at www.csmh.org for school information, news and calendar events. Parents and students can download forms, find helpful resources, and get the most up to date information.

Parent Square

Parent Square serves as one of our primary communication tools. Please be sure to download the app on your phone and/or computer. Not only is this program used for our day-to-day communication, **but it is also** what would be utilized to contact parents in an emergency situation. For this reason, it is extremely important that you update the office if you change your cell phone number or email address.

Email

Each member of the staff and the Board of Directors has an assigned e-mail address to allow convenient communication between staff, parent and Board members. All e-mail addresses consist of the person's first initial and last name followed by csmh.org. You will find all e-mails listed on the school's website and accessible on Parent Square. We ask that parents, students and community members respect the CSMH staff, teachers, and administration's time and keep emails to a minimum. With that in mind, email may be used to obtain general information about the school or your child's educational program. However, substantive questions about your child's education should be discussed during a parent-teacher meeting or conference. All staff, teachers, and administrators will endeavor to respond to emails within two (2) school days, but this is not always possible. Teachers may not be able to respond to emails during instructional hours.

School Directory

The School Directory, found on Parent Square, contains valuable information for parents and provides names, addresses, and phone numbers. The information is for internal use only and your cooperation is requested in making sure this information is not misused. In addition, we request that all party invitations and social plans be made by mail or phone - not at school.

Phone Calls and Messages

In the event of an emergency, parents should contact the main office to leave a message for their child. Emergency messages from parents to pupils at school will be handled promptly at any time. Routine plans for the day should be made known to the child before he/she leaves for school. This will assist the office and will eliminate classroom interruptions. The office phone is a business phone and students are not given permission to use it for making social plans.

Friday E-folders

Every Friday, an e-folder is sent out. This Friday e-folder contains important school information and the weekly school newsletter. Please read it over carefully. If you need a printed copy of the material, please let the office and/or your classroom know.

Classroom Newsletters

Every week, teachers will provide updated information via their newsletter or website. The newsletter or class website will be full of important information such as projects students have been working on, upcoming learning objectives, assignment dates, ways to support your child at home, teacher needs, etc.

General Information

Snack

Students are responsible for bringing their own snack to school. We strongly promote healthy eating habits, especially limiting high sugar foods and all sodas or energy drinks.

Universal School Meals

The Charter School shall provide two (2) nutritionally adequate meals to each 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 meal per meal service (breakfast and lunch) each school day, and with adequate time to eat.

Applications for school meals are included in the first day packets to all families and can also be obtained on the school website and in the office. All families are encouraged to complete the application form. Completed application forms can be returned to the main office.

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

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.

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.

Commented [MB6]: **New Client Note:** language can be removed if the charter does not participate in NSLP. The California Revenue and Taxation Code (RTC) Section 19853(b) requires local educational agencies (LEA) that operate the National School Lunch Program (NSLP) to annually notify households about the Earned Income Tax Credit (EITC) Information Act. Notifications should be sent once a year between the months of January through April, or alternatively, shall be provided annually during a regularly scheduled contact with a recipient by telephone, mail, or electronic communication, or by an in-person communication.

This language we included here is pursuant to RTC Section 19854 and complies with the annual notice requirement. You can choose to include this language here within your annual notices to families. Alternatively, you can remove it and instead provide it via a letter either at the beginning of the school year or between January and March (after the winter break and before taxes are due).

Commented [MB7]: **New Client Note:** Per Ed Code 38042 (a)-(c)

Commented [MB8]: **New Client Note:** Defined per Ed Code section 38040 as a water dispenser accessible to all people in compliance with the federal Americans with Disabilities Act (42 U.S.C. Sec. 12101 et seq.) that dispenses clean drinking water directly into a water bottle or other drinking container.

Commented [MB9]: **New Client Note:** these requirements are included in Ed Code 38041(b)-(h). Please note that pursuant to Ed Code section 38041(a), the requirement to have and maintain water bottle filling stations only applies to new construction or modernization projects submitted to the Division of the State Architect, three months after voters approve a statewide general obligation bond that provides funds for school facilities for kindergarten or any of grades 1 to 12, inclusive, at a statewide election occurring on or after November 1, 2022. (

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.

Commented [MB10]: New Client Note: Pursuant to Ed Code section 38043(b).

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, audiotape, 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

Charter School is an equal opportunity provider.

Commented [CLF11]: Client Note: Language can be removed if the school does not participate in NSLP or NSBP.

Nutrition

At CSMH, we are committed to teaching our children about nutrition and healthy choices. We promote healthy eating among students and encourage parents to send snacks and lunches of high nutritional quality. A few areas that we would like to highlight are:

- Students are not allowed to have sodas or energy drinks on campus.
- Students should not bring food to school for the purpose of sharing with others (birthday treats). We encourage families to donate a book to the classroom or school library in honor of their children's birthdays.
- Students are not allowed to sell food on campus unless authorized by school administration.
- All food served or sold to students will be high in nutritional value and not in empty calories.
- Chewing gum is prohibited.

Lost & Found

Please label coats, sweaters, lunch boxes, etc. so that these items can be returned to their owners. Please check immediately upon losing an item. Unclaimed articles will be donated to charitable organizations once a month.

Birthdays

We encourage families to donate a book to the school library in honor of the child's birthday, however this is not required.

We ask that birthday party invitations not be distributed at school. Students should not bring birthday presents to school for a party that they will be attending after school. These private events should be handled away from school.

Bicycle Safety

Due to CSMH's location, biking to school is not encouraged. Once a school year, a special "Bike to School Day" event is held. This is an organized ride to school with a lot of chaperones and safety precautions. Students riding bicycles to and from school must wear a consumer product safety commission ("CPSC") certified bicycle safety helmet. Students must walk bicycles on school grounds. The Charter School will not be responsible for bicycle security in the event of theft or damage.

Gifts and Donations

CSMH is very fortunate to have extraordinarily generous families and community members and both the school and staff benefit from numerous gifts and donations on a regular basis. To avoid misunderstandings, the school has defined the difference between gifts and donations, below:

Gifts

Gifts are given to an individual person for their personal use. If you have a gift you would like to give to a teacher or staff member personally, then please personalize the gift ("To Mrs. Smith") so that Mrs. Smith knows that it is for her personal use and for her to take with her if and when she leaves the employment of the school. Gifts are not required to attend CSMH.

Donations

Many donations are given to be used for the education of the students. It is school policy that all donations given, including those for instructional use (books, equipment, resources, or supplies), are the property of the school. This includes donations that are given through staff members. This ensures that the donated item(s) remains available for the use of students at CSMH even if a staff member leaves the employment of the school. When making donations, it is helpful if you label the items with "CSMH." Donations are not required to attend CSMH.

School Rules and Expectations for Students

Behavior Expectations

We have very few problems at CSMH because we do take time to help children understand the need for rules. In general, all children are encouraged to think about their safety and the safety of others and behave in a respectful manner toward everyone at school.

At CSMH we value:

- Being respectful of ourselves, others, and our environment
- Taking responsibility for our actions
- Being an active listener
- Doing our personal best
- Being prepared to learn
- Being resourceful problem-solvers
- Safety of Self and Others

In order to ensure that CSMH is a place where learning is a priority, the school must be safe at all times. Any student action or intention that can be deemed as violating the safety of oneself or others can result in serious consequences. Examples of safety violations include:

- Verbal abuse of others (using profanity, bullying, making fun, teasing etc.)
- Intentionally hurting another person
- Rough housing during school activities
- Threatening others' physical or emotional safety

Please see the Charter School's complete Suspension and Expulsion Policy at the end of this Handbook.

Student Accountability

Students should be aware of possible consequences of their behavior. Disciplinary action taken by school officials is a direct consequence of unacceptable behavior by a student. Rules and regulations are established to maintain an atmosphere conducive to learning. Students are required to comply with the regulations, pursue the required courses of study, and submit to the authority of the teachers at the school. Students who fail to comply with these rules and regulations may be counseled, reprimanded, suspended, expelled, and/or arrested as the laws are applied and dependent on the situation.

Extracurricular activities are considered a part of the educational program. Participants and spectators carry responsibilities as representatives of their schools/communities. All rules of student conduct also apply to extracurricular activities.

Conflict Resolution

CSMH students are taught the appropriate steps for resolving conflicts effectively and expressing their feelings openly starting at the kindergarten level. Training in conflict management has been provided to teachers. Students receive training in the use of the following steps:

- | | | |
|------------------------------|-------------------|------------------------|
| Stop and cool off | Choose a solution | Communicate and listen |
| Make a plan and implement it | Identify feelings | Apply strategies |
| Understand the problem | Anger management | |

Empathy
Brainstorm solutions

Reduce labeling and stereotyping
Deal with peer pressure

Academic Honesty

All students will complete their academic work without cheating. If a student is caught cheating, that student will be disciplined.

After School Sports (middle school)

Participants must maintain at least a 2.0 GPA and may not be on Academic Probation. Appropriate behavior is required at all times during practice, games and meets. Respect toward coaches, parents, teammates, opposing teams and officials are expected. Failure to show such behavior will result in dismissal from the team and possible discipline and/or consequences.

Dress Code

The purpose of CSMH's dress code is to allow students to dress comfortably and engage in the educational environment. For health and safety reasons, as well as to help students focus on learning, students shall dress and groom themselves in a way that is appropriate for school and for any school sponsored event.

Each student is responsible for their own appropriate dress which shows respect for self, others, and helps to create an orderly learning environment. The word "appropriate" shall be defined to include cleanliness, safety, modesty and good taste. The following guidelines shall be in effect:

- Bathing suits or sleeping attire are not appropriate for school
- All clothing must be opaque and cover undergarments
- Shirts must be long enough to touch the waistband of skirts, shorts or pants when the student is standing, and arms are held straight out from the shoulders; or the student is wearing two layers of upper body clothing and the layer next to the skin meets the requirement
- Shirts may not be scooped low in the front, back, or armholes
- Shorts must have an inseam of 3 inches and skirts must be mid-thigh in length, rips in jeans must adhere to the 3-inch inseam rule
- Clothing (including hats, belts, accessories, or buttons) may not have any graphics, logos, pictures, or writing that depict or promote violence, hate, weapons, drugs, tobacco, alcoholic beverages, gangs, sex, or any other conduct or product that would be against school rules if the student were to personally engage in that type of behavior while at school
- Flat, close-toed shoes, without steel toes, are required for physical education and recess activities. Students with unsafe shoes will not be allowed to play during recesses and PE.
- Distracting hair color and excessive body piercings are prohibited.
- Hats or other headgear may be worn only outside of school buildings. Head coverings worn for religious reasons will be allowed.

For compelling reasons, such as medical requirements, the administration may at their discretion review an individual situation to determine whether a modification of a provision is required for the health and safety of a student.

The administration reserves the right to judge the appropriateness of any "fad" or questionable article of

apparel.

Office Referrals

If a student violates any of the rules pertaining directly to students (dress, absence, tardiness, homework, safety of self and others, respect of property, behavior expectations), they may be referred to the office at the discretion of the teacher. Depending upon the specific circumstances surrounding the student's behavior, an appropriate consequence will be issued consistent with CSMH policy. Depending on the violation, a student's parent or guardian may be called.

Respect for Property

Building upon the need to have a safe and nurturing school, students must respect the property of the school and of others at all times. Any student action or intention that can be deemed as damaging the property of the school or of others can result in serious consequences. Examples of property violations include:

- Stealing
- Defacing school property or the property of others
- Unauthorized use of equipment
- Inappropriate use of the internet

Personal Property and Money

We encourage children at CSMH to use equipment and supplies available at school. Toys or money should not be brought except when specifically requested for a special occasion (field trip, special food sale, etc.). Objects of educational value or special significance should be chosen for sharing when requested. Please label any items which are brought to school. Personal property not related to the school's programs are not to be brought to school. Toys, trading cards, etc. will be confiscated and returned to the child's parent at the end of the school day or another appropriate time if they are brought to school. The Charter School shall not assume responsibility for theft, loss, or damage to any of the above-mentioned items.

Student Violence and Reporting Requirements

The school will not tolerate student threats, acts of violence, or jokes of violence. The welfare of our students requires that the school be notified immediately of potential security risks. You must immediately notify your principal, teacher, or other school employee:

- when a person is acting in a suspicious manner in or around the school,
- when you know, suspect, or have heard that an individual has a weapon or dangerous object at school,
- when you know, suspect, or have heard of any violent or potentially violent incidents, threats, jokes of threats or violence, or concerns of a risk for violence or other disturbance,
- when you believe the school is otherwise not secure or safe.

The School will investigate and discipline students who breach this policy, up to and including suspension and/or expulsion. Please see the Charter School's complete Suspension and Expulsion Policy at the end of this Handbook.

Technology

Cell Phone, Smartwatches, and Personal Electronic Device Policy

We strongly encourage all electronic devices (cell phones, smart phones, blue tooth headphones, reading tablets, smartwatches, gizmos, gaming devices, etc.) to be left at home. If a student absolutely must have an electronic device at school, it must remain stored, silent, and unused throughout the entirety of the school day which includes:

- The period of time between the beginning of the first class and the end of the last class of the school day
- In any school bathroom
- While being transported in authorized vehicles during the school day, unless explicitly permitted by the transportation provider, driver of the vehicle, and/or chaperone of the trip

Students in 5th - 8th grades must turn in any electronic device they bring to school to their teachers at the beginning of the school day. The teachers will store these devices in a locked box in the classroom. If students in kindergarten - 4th grade bring an electronic device to school, they need to bring them to the office for storage and are responsible for picking them up at the end of the school day.

Students who choose to possess a personal electronic device on school grounds do so at their own risk as to possible loss, theft, damage, or liability. This is true even if the device is collected by the teacher and/or confiscated for this policy's violation. If a cell phone or personal device is lost or stolen at school, the school assumes no responsibility to replace the lost or damaged items.

If a student possesses or uses a personal electronic device and/or associated equipment in a manner that violates this policy or any other policy or school rule, they shall be subject to consequences, including, but not necessarily limited to, disciplinary action, required surrender of the device, and/or potentially having his/her right to possess a personal device at school further restricted by the school principal or her designee. When a school employee confiscates a personal electronic device, the device shall be appropriately secured and returned to the student at the end of the day when he or she comes to the office to pick it up. If a student has a personal electronic device confiscated a second time, the device will be taken and kept in the office until a parent or guardian picks it up. The third time a student has a personal electronic device confiscated, the student will lose the privilege of having a personal electronic device on campus for the remainder of the year.

If the personal device is on campus, at a school sanctioned event, or in school authorized transportation **and** there is reasonable suspicion that the device contains information that violates the law or school policies, school officials may examine the device and search its contents relevant to the suspected violation.

When Personal Electronic Devices May Be Used:

After obtaining the permission and direction of a teacher, a student may turn on and use personal electronic devices while under the teacher's immediate supervision for legitimate educational purposes. Such permission shall not extend to any area out of the immediate supervision of the teacher who grants such permission.

Students may turn on and use cell phones after the final bell of the school day and dismissal from class, to communicate with parents about transportation issues **with permission from a teacher**. Cell phones and personal devices are not to be used for purposes other than communication with a parent or driver (e.g. playing games, texting friends, or checking email).

Internet and Computer Use Policy

Charter School of Morgan Hill encourages the use of computer-based technologies when it supports our curriculum and enriches the learning experience. The use of these technology resources is a privilege, not a right. The Internet provides connections to other computers and people all over the world. Charter School of Morgan Hill does not control the content of the information available on these systems.

Internet Safety

The primary goals of the CSMH computer and Internet Use policy are the following:

- Promote and ensure the safety of our students when using the Internet
- Provide Internet access to all staff and students to enrich learning experiences
- Expand awareness and knowledge of the Internet
- Become motivated, responsible, and independent users of the Internet

Teachers and staff are responsible for monitoring students use when the students are under their supervision. This applies to any special use before and after school, as well as, during break periods.

Names and photographs of students will only be used with parental permission, as granted through the registration process. No other personal information shall be posted.

Preserving access to computers and the Internet is a community effort that requires each student, parent, and teacher to act responsibly and guard against abuses. Students are expected to treat CSMH's Chromebooks with care. Any student who willfully destroys and/or damages a School Chromebook will be referred to the office. Students may receive consequences and parents may be financially obligated to repair or replace the Chromebook. The CSMH learning community, and each user has an obligation to abide by the following standards of acceptable use:

All Users Shall

- Use the school computers and Internet access for classes and assignments as indicated by a teacher
- Use only network accounts which you are authorized to use and for their intended purpose
- Be responsible for protecting our computer systems by not sharing passwords
- Respect the privacy and personal rights of others
- Report any misuse, malfunctioning equipment, or missing parts
- Abide by applicable laws and school policies and respect the copyrights and intellectual property rights of others including the legal use of copyrighted software

Users Shall Not

- Access social networking sites, gaming sites, chat rooms or personal email accounts without teacher permission

- Include material copied from a website in an assignment without proper citations (plagiarism)
- Load or download software on the school network or on individual school computers without the permission of CSMH
- Change the system configuration on a school computer
- Use the school network to access files that do not belong to them, or might, in any way, harm the school network
- Knowingly upload, download, or transmit computer viruses or other harmful computer programs
- Engage in any form of “hacking”
- Obtain or use anyone else’s password
- Use the school network to maliciously develop programs that harass other users or infiltrate a computer or computing system and/or damage the software components of a computer or computing system
- Use the school network for personal financial gain
- Use the school network to run a personal business
- Use the school network for any illegal purpose
- Use the school network to send hate mail, or for the purpose of harassment, discrimination, or other antisocial behaviors
- Use the school network to intentionally search for or store materials that are inappropriate
- Use profanity or other language which may be offensive or threatening to another user
- Give personal information including your name, address, or phone number to anyone on the Internet

CSMH expects all users to exercise ethical and legal behavior when using the school’s network and resources. Consequences for violations may range from temporary loss of access to suspension/expulsion. Disciplinary actions will be determined consistent with existing policies and regulations.

All CSMH students, parents and staff are required to sign an agreement to adhere to school policies and procedures before they are allowed access to the network and Internet.

E-mail Accounts

Technology is such an important tool for learning and has become an integral part of our daily lives. As educators, we feel it is imperative that we teach children how to use this tool responsibly. Chromebooks are used in all 2nd-8th grade classes. These devices allow us to download great educational apps, to access the internet, to communicate with one another and to create documents and presentations. All the information for these devices is stored in the Cloud.

To use the Chromebooks, each student has been assigned an e-mail account. The accounts are set up in the following manner:

First name and first initial of last name year the student graduates@csmh.org

For example – willyw16@csmh.org

The e-mail accounts will allow the students to use the Chromebooks and will also facilitate communication. However, it is important for parents and students to keep the following in mind:

- These e-mail accounts are for students to use for school communication and educational objectives only.
- These e-mail accounts are not private – they are subject to review, inspection without notice, and supervision by the school staff.

- When using a CSMH e-mail account, students need to maintain the same level of respect that they would associate with communication in a classroom setting.
- Students should only use his/her e-mail and password to access his/her own account – at no time should a student use another student’s information.
- CSMH shall ensure that all CSMH 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 CSMH nor its staff shall be responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes, misuse or negligence.
- Teachers will do their best to monitor student computer use at school. However, students are responsible for making appropriate decisions and reporting to their teacher any concerns. Students may be disciplined for failure to adhere to these standards.
- Parents should know their students e-mail address and password and should check their child’s account on a regular basis.
- Using a CSMH e-mail account inappropriately may result in the loss of a student’s account.

No Expectation of Privacy

CSMH has the authority to monitor all accounts, including e-mail and other materials transmitted or received via the email accounts assigned by the school. Users cannot expect that anything created, stored or received using CSMH’s network will be private. Files and email are backed up on a regular basis; therefore, their contents may still be available even though the User has deleted them. Files, email and/or the history of websites a User has visited may be read by CSMH if it is believed that the User has violated any school rules or the law. All such materials are the property of CSMH. Account Users do not have any right or expectation of privacy regarding such materials. CSMH’s network is not a public access service or a public forum. CSMH has the right and responsibility to restrict material, including text, graphics, and all other forms of expression, accessed, posted, or stored on the system. Students have no right of privacy, as to CSMH, in anything they create, store, send, or receive using the CSMH network. They understand and consent to CSMH’s use of human and/or automated means to monitor the use of the network including e-mail and Internet access.

Chromebooks

Students are expected to treat CSMH’s Chromebooks with care. Any student who willfully destroys and/or damages a School Chromebook will be referred to the office. Students may receive consequences and parents may be financially obligated to repair or replace the Chromebook.

Lost or Damaged School Property

If a student willfully damages CSMH’s property or the personal property of a CSMH employee, or fails to return a textbook, library book, computer/tablet or other CSMH 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, CSMH may withhold the student’s grades and transcripts 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 transcripts will be released.

Conflicts and Disputes

Complaints/Concerns

We expect things to run smoothly. However, considering the large number of people involved in a community school environment, this is not always the case. Problems are best resolved through an open communication process and the Board of Directors has an adopted policy for handling such situations. Simply stated, the policy says that you should speak directly with the person involved before taking your complaint to other individuals. It is expected that you will contact the teacher, Principal or appropriate staff member when the need arises.

Using guidelines of listening to each other and working to resolve issues directly is very effective at resolving most conflicts in a way that can be mutually agreeable to the parties involved. It is also a mature and respectful process that does not contribute to the spread of rumors or gossip.

Resolution of Conflicts and Disputes

If you have a concern regarding an employee at the school, and you have spoken to that person directly and have not been able to come to a mutually agreeable solution to the problem, please contact the Principal or Executive Director (follow the Conflict Resolution Process flow chart). If the situation is not addressed in a manner in which you are satisfied, you may file a formal grievance to the CSMH Board of Directors.

Conflict Resolution Process Flow Chart



Formal Grievance/Complaint Procedures

In the event of a dispute involving a family or student, and after a good faith effort with the person or people involved to thoroughly resolve the dispute via the Conflict Resolution Process, parents and/or students may submit their complaint in accordance the procedures outlined below. The good faith effort will include problem identification, possible solutions, selection of resolution, timeline for implementation, and follow-up. A written summary of the good faith effort will be included in the student's file. If a complaint falls within a specified area, such as Title IX, Harassment, Intimidation, Discrimination, and Bullying Policy or Uniform Complaint Procedures, it shall be handled according to those specific procedures as outlined below.

Grievance Filing Process

The parent or student may submit a grievance in writing to the Chair of the Dispute Resolution Committee (a subcommittee of the Board of Directors) within five (5) school days of a failed good faith effort to resolve the dispute by the principal and/or Executive Director.

Within ten (10) school days of receipt of the written complaint, the Dispute Resolution Committee shall schedule a meeting at a mutually convenient time and place for discussion of the complaint with all parties involved, but in no event later than twenty (20) school days after receipt of the written complaint and after notification to the parent and/or student. Dispute Resolution Committee members who are interested parties shall excuse themselves from grievance proceedings if such members have a conflict of interest in the subject of the proceedings.

A decision as established by a majority vote of the members of the Dispute Resolution Committee hearing the grievance shall be rendered within five school days after the meeting, or as soon thereafter as is practical. Any such proceedings shall be conducted in closed session, unless requested otherwise by the parent or student. In the event that additional information, investigation, or meetings are necessary after the initial meeting, it may be continued, and the final decision shall be made within five school days of the last committee meeting, or as soon thereafter as is practical.

The decision of the Dispute Resolution Committee may be appealed by the parent or student to the full Board of Directors, which may review and modify the decision of the Dispute Resolution Committee if it finds that the Committee failed to properly follow the grievance process described above. A request for an appeal must be submitted in writing to the President of the Board within five school days of the decision of the Dispute Resolution Committee. After receiving an appeal request, the President shall schedule a meeting to consider such an appeal at soon as practical. Board members who are interested parties shall excuse themselves from reviews of Dispute Resolution Committee decisions to the extent permitted under law. Any such proceedings shall be conducted in closed session, unless requested otherwise by the parent and/or student.

Other Complaint Procedures

Title IX, ~~Harassment, Intimidation, Discrimination, and Bullying~~ Policy Prohibiting Harassment on the Basis of Sex

Please see the complete Board policy at the end of this Handbook.

Uniform Complaint Procedure Annual Notice

CSMH is the local agency primarily responsible for compliance with federal laws and regulations governing educational programs. CSMH shall investigate and seek to resolve complaints using policies and procedures known as the Uniform Complaint Procedure (“UCP”) adopted by our Governing Board 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, or sexual orientation, or on the basis of a person’s association with a person or group with one or more of these actual or perceived characteristics in any Charter School program or activity. Unlawful discrimination includes, but is not limited to, noncompliance with Education Code section 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;
- Consolidated Categorical Aid;
- Education of Students in Foster Care, Students who are Homeless, former Juvenile Court Students now enrolled in a Public School, Migratory Children and Children of Military Families;
- Every Student Succeeds Act; and/or
- School Safety Plans

(3) Complaints alleging noncompliance with laws relating to pupil fees. A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity. A pupil fee includes, but is not limited to, all of the following:

- A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory or is for credit.
- A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
- A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

Complaints of noncompliance with laws relating to pupil fees may be filed with the Executive Director of the Charter School.

(4) Complaints alleging noncompliance with the requirements governing the Local Control Funding Formula (“LCFF”) or Local Control and Accountability Plans (“LCAP”) under Education Code sections 47606.5 and 47607.3, as applicable. If the Charter School adopts a School Plan for Student Achievement (“SPSA”) in addition to its LCAP, complaints of noncompliance with the requirements of the SPSA under Education Code sections 64000, 64001, 65000, and 65001 shall also fall under the UCP.

Complaints alleging noncompliance regarding child nutrition programs established pursuant to Education Code sections 49490-49590 are governed by Title 7, Code of Federal Regulations (“C.F.R.”) sections

210.19(a)(4), 215.1(a), 220.13(c), 225.11(b), 226.6(n), and 250.15(d) and Title 5, California Code of Regulations (“C.C.R.”) sections 15580 - 15584.

Complaints alleging noncompliance regarding special education programs established pursuant to Education Code sections 56000-56865 and 59000-59300 are governed by the procedures set forth in 5 C.C.R. sections 3200-3205 and 34 C.F.R. sections 300.151-300.153.

Complaints regarding state preschool health and safety issues in local educational agencies exempt from licensing are governed by 5 C.C.R. sections 4690-4694, except as otherwise indicated.

Complaints other than complaints relating to pupil fees must be filed in writing with the following Compliance Officer:

Paige Cisewski
Executive Director
9530 Monterey Road
Morgan Hill, CA 95037
pcisewski@csmh.org

Only complaints regarding pupil fees, ~~or LCAP~~, or noncompliance with Education Code sections 243 or 244 compliance may be filed anonymously and only if the anonymous complainant provides evidence or information leading to evidence to support an allegation of noncompliance with ~~laws relating to pupil fees or LCAP~~ the respective applicable laws.

Complaints alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed within six (6) months from the date the alleged 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. All other complaints under the UCP 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’s Board of Directors approved the LCAP or the annual update was adopted by the Charter School.

The compliance officer responsible for investigating the complaint shall conduct and complete the investigation in accordance with California regulations and the CSMH’s UCP Policy. The Compliance Officer shall provide the complainant with a final written investigation report (“Decision”) within sixty (60) calendar days from the Charter School’s receipt of the complaint. This sixty (60) calendar day period may be extended by written agreement of the complainant.

The complainant has a right to appeal CSMH’s Decision to the California Department of Education (“CDE”) by filing a written appeal within thirty (30) calendar days of the date of CSMH’s written Decision, except if the Charter School has used its UCP to address a complaint that is not subject to the UCP requirements. The appeal must include a copy of the complaint filed with the Charter School, a copy of CSMH’s Decision, and the complainant must specify and explain the basis for the appeal of the Decision including at least one of the following:

1. The Charter School failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, the Charter School’s Decision lacks material findings of fact necessary to reach a conclusion of law.

3. The material findings of fact in the Charter School's Decision are not supported by substantial evidence.
4. The legal conclusion in the Charter School's Decision is inconsistent with the law.
5. In a case in which the Charter School's Decision found noncompliance, the corrective actions fail to provide a proper remedy.

A complainant who appeals the 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.

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.

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 the Charter School. The complainant shall present the SSPI with evidence that supports the basis for the direct filing and why immediate action is necessary.

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.

If the Charter School finds merit in a UCP complaint, or the CDE finds merit in an appeal, the 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.

A complainant may pursue available civil law remedies outside of CSMH's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For unlawful discrimination, harassment, intimidation or bullying complaints arising under state law, however, a complainant must wait until sixty (60) calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the Charter School has appropriately, and in a timely manner, apprised the complainant of the complainant's right to file a complaint in accordance with 5 CCR § 4622.

A copy of the UCP shall be available upon request free of charge in the main office. For further information on any part of the complaint procedures, including filing a complaint or requesting a copy of the UCP, please contact the Executive Director.

Student Information

Student Records, including Challenges and Directory Information Annual 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 Principal 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 principal 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 principal must order the correction or the removal and destruction of the information and inform the parent or eligible student of the amendment in writing.

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 board. 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 his or her tasks. A Charter School official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the 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 pupil 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 pupil's educational rights holder) who has direct responsibility for the care of the student, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource family, may access the current or most recent records of grades, transcripts, attendance, discipline, and online communication on platforms established by the 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. Outside organizations include, but are not limited to, companies that manufacture class rings or publish year books. The Charter School has designated the following information as directory information:

1. Student's name
2. Student's address
3. Parent's/guardian's address
4. Telephone listing
5. Student's electronic mail address
6. Parent's/guardian's electronic mail address
7. Photograph/video
8. Date and place of birth
9. Dates of attendance
10. Grade level
11. Weight and height of members of athletic teams
12. Degrees, honors, and awards received
13. The most recent educational agency or institution attended
14. Student ID number, user ID, or other unique personal identified used to communicate in electronic systems that cannot be used to access education records without a PIN, password, etc. (A student's social security number, in whole or in part, cannot be used for this purpose.)
15. Participation in officially recognized activities and sports

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

Nancy DePalma
 Administrative Assistant
 9530 Monterey Road

Morgan Hill, CA 95037
(408) 463-0618
ndepalma@csmh.org

Please note that data collected and reported by Charter School to the California Longitudinal Pupil Achievement Data System (“CALPADS”¹) pursuant to state law, will be shared with the California College Guidance Initiative (“CCGI”²) 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 to access resources that help students and their families learn about college admissions requirements.

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 Executive Director.

Annual Notices

Education of Homeless Students

The term “homeless children and youth” means individuals who lack a fixed, regular and adequate nighttime residence. It includes children and youths who (42 USC 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; are abandoned in

¹ 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.

² 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”).

Commented [MB12]: New Client Note: Pursuant to CA Ed Code section 60900.5

- 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 School Liaison.

School Liaison

The Executive Director or designee designates the following staff person as the School Liaison for homeless students (42 USC 11432(g)(1)(J)(ii)):

Paige Cisewski
Executive Director
9530 Monterey Road
Morgan Hill, CA 95037
(408) 463-0618
pcisewski@csmh.org

The School Liaison shall ensure that (42 USC 11432(g)(6)):

1. Homeless students are identified by school personnel and through 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 CSMH.
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, CSMH 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 School Liaison collaborates with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths.
10. Unaccompanied youth are enrolled in school; have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth; and are informed of their status as independent students under section 480 of the Higher Education Act of 1965 and that the youths may obtain assistance from the School Liaison to receive verification of such status for the purposes of the Free Application for Federal Student Aid described in section 483 of the Act.

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

Commented [MB13]: **Client Note:** In general Charter schools are not required to hold a spot for homeless students who withdraw. However, in general **charter schools are required to re-enroll a homeless student under certain circumstances if the charter school is the student's "school of origin" and the parent/rights holder believes it is in their best interest.**

Consistent with federal law, State law requires all public schools, including charter schools, to immediately enroll foster and homeless youth seeking to transfer to the school. Some authorizers/the CDE may take issue with charter schools not holding spaces open for possible foster/homeless youth to enroll.

If the charter school is considered the student's "school of origin" the student may have a right to enroll within at the charter school even if the school is at capacity. This provision explicitly applies to charter schools but does not include an exemption where implementation would conflict with the capacity/lottery requirements.

Thus, if a homeless student is seeking to re-enroll or continue in the School and the School is potentially that student's school of origin, or if a foster or homeless child is seeking to transfer to the School and the School is at capacity, please let us know as this is very fact specific and should be addressed on a case-by-case basis.

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 custodian³ 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.

Acceptance of Course Work: CSMH 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.

CSMH 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, CSMH shall not require the student to retake the portion of the course the student completed unless CSMH, 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 School, a copy of the 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.

Education of Foster and Mobile Youth

³ “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

Commented [CLF14]: **Comment for the Client:** Please ensure the School has a UCP policy and that it is located in the main office. If it is located elsewhere (e.g., the School website), please revise the reference here to reflect where the UCP policy is located. If the School does not have a UCP policy, please let us know and we would be happy to draft a UCP policy for the School.

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

1. “Foster youth” refers to any of the following:
 - a. A child who has been removed from their home pursuant to Section 309 of the Welfare and Institutions Code.
 - b. A child who is the subject of a petition filed pursuant to California Welfare and Institutions Code (“WIC”) section 300 or 602 (whether or not the child has been removed from the child’s home by juvenile court).
 - c. A child who is the subject of a petition filed pursuant WIC section 602, has been removed from the child’s home by the juvenile court, and is in foster care.
 - d. A nonminor under the transition jurisdiction of the juvenile court, as described in WIC section 450, who satisfies all of the following criteria:
 - i. The nonminor has attained 18 years of age while under an order of foster care placement by the juvenile court.
 - ii. 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.
 - iii. The nonminor is participating in a transitional independent living case plan.
 - e. 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.⁴
 - f. A child who is the subject of a voluntary placement agreement, as defined in WIC section 11400.
2. “Former juvenile court school student” refers to a student who, upon completion of the student’s second year of high school, transfers from a juvenile court school to CSMH, ~~excluding a school district operated by the Division of Juvenile Justice of the Department of Corrections and Rehabilitation, from a juvenile court school.~~
3. “Child of a military family” refers to a student who resides in the household of an active duty military member.
4. “Currently Migratory Child” refers to a child who, within the last 12-months, has moved with a parent, guardian, or other person having custody to CSMH from another Local Educational Agency (“LEA”), either within California or from another state, in order that the child or a member of the child’s immediate family might secure temporary or seasonal employment in an agricultural or fishing activity, and whose parents or guardians have been informed of the child’s eligibility for migrant education services. 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.
5. ~~“Student participating in a newcomer program” means a student who is participating in a program designed to meet the academic and transitional needs of newly arrived immigrant students that has as a primary objective the development of English language proficiency.~~
5. “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.
6. “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,

⁴ 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.

or a person holding the right to make educational decisions for the student pursuant to Education Code section 56055.

7. “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 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.
8. “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.
9. “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 ~~student participating in the newcomer program~~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 Executive Director or designee designates the following staff person as the Liaison for Foster and Mobile Youth:

Paige Cisewski
Executive Director
9530 Monterey Road
Morgan Hill, CA 95037
(408) 463-0618
pcisewski@csmh.org

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: CSMH will work with foster youth and their parent/guardian to ensure that each pupil is placed in the least restrictive educational programs, and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all pupils, including, but not necessarily limited to, interscholastic sports. All decisions regarding a foster youth’s education and placement will be

based on the best interest of the child and shall consider, among other factors, educational stability and the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress.

Foster youth, currently migratory children and children of military families have the right to remain in their school of origin if it is in their best interest. CSMH will immediately enroll a foster youth, currently migratory child or child of a military family seeking reenrollment in CSMH as the student's school of origin (subject to CSMH's capacity and pursuant to the procedures stated in CSMH's charter and Board policy). If a dispute arises regarding a foster youth's request to remain in CSMH as the school of origin, the foster youth has the right to remain in CSMH pending the resolution of the dispute. CSMH will also immediately enroll any foster youth, currently migratory child or child of a military family seeking to transfer to CSMH (subject to CSMH's capacity and pursuant to the procedures stated in CSMH'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.

Acceptance of Course Work: CSMH 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.

CSMH 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, CSMH shall not require the student to retake the portion of the course the student completed unless CSMH, 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 CSMH 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"), CSMH shall provide these student records within two (2) business days. CSMH 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 record keeping needs of Foster and Mobile Youth.

CSMH 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 CSMH.

In accordance with CSMH's Educational Records and Student Information Policy, under limited circumstances, CSMH 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.

Discipline Determinations: If CSMH intends to extend the suspension of any foster youth pending a recommendation for expulsion, CSMH 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 CSMH 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, CSMH 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 CSMH'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 CSMH, a copy of CSMH'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.

Pregnant and Parenting Students

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

Upon return to school after taking parental leave, a pregnant or parenting pupil will be able to make up work missed during his or her leave, including, but not limited to, makeup work plans and reenrollment in courses.

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

Paige Cisewski
Executive Director
9530 Monterey Road
Morgan Hill, CA 95037
pcisewski@csmh.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 Executive Director.

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 he or she is evaluated by, and receives written clearance from, a licensed health care provider. If the licensed health care provider determines the athlete has a concussion or head injury, the athlete shall also complete a graduated return-to-play protocol of no less than 7 days in duration under the supervision of a licensed health care provider. On a yearly basis, a concussion and head injury information sheet must be signed and returned by the athlete and the athlete’s parent or guardian before the athlete initiates practice or competition. This requirement does not apply to an athlete engaging in an athletic activity during the regular school day or as part of a physical education course.

Sudden Cardiac Arrest Prevention and Automatic External Defibrillators

CSMH 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 and attached to this handbook: <https://www.cdc.gov/dhbsp/docs/cardiac-arrest-infographic.pdf>
<https://www.cde.ca.gov/pd/ca/pe/documents/pescaform.pdf>

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.cdc.gov/drugoverdose/pdf/AHA-Patient-Opioid-Factsheet-a.pdf>

Information Regarding Type 2 Diabetes

Type 2 diabetes is the most common form of diabetes in adults

- Until a few years ago, type 2 diabetes was rare in children, but it is becoming more common, especially for overweight teens.
- According to the U.S. Centers for Disease Control and Prevention (CDC), one in three American children born after 2000 will develop type 2 diabetes in his or her lifetime.

Type 2 diabetes affects the way the body is able to use sugar (glucose) for energy.

- The body turns the carbohydrates in food into glucose, the basic fuel for the body's cells.
- The pancreas makes insulin, a hormone that moves glucose from the blood to the cells.
- In type 2 diabetes, the body's cells resist the effects of insulin, and blood glucose levels rise.
- Over time, glucose reaches dangerously high levels in the blood, which is called hyperglycemia.
- Hyperglycemia can lead to health problems like heart disease, blindness, and kidney failure.

Risk Factors Associated with Type 2 Diabetes

It is recommended that students displaying or possibly experiencing the risk factors and warning signs associated with type 2 diabetes be screened (tested) for the disease.

Risk Factors

Researchers do not completely understand why some people develop type 2 diabetes and others do not; however, the following risk factors are associated with an increased risk of type 2 diabetes in children:

- **Being overweight** - The single greatest risk factor for type 2 diabetes in children is excess weight. In the U.S., almost one out of every five children are overweight. The chances are more than double that an overweight child will develop diabetes.
- **Family history of diabetes** - Many affected children and youth have at least one parent with diabetes or have a significant family history of the disease.
- **Inactivity** - Being inactive further reduces the body's ability to respond to insulin.
- **Specific racial/ethnic groups** - Native Americans, African Americans, Hispanics/Latinos, or Asian/Pacific Islanders are more prone than other ethnic groups to develop type 2 diabetes.
- **Puberty** - Young people in puberty are more likely to develop type 2 diabetes than younger children, probably because of normal rises in hormone levels that can cause insulin resistance during this stage of rapid growth and physical development

Warning Signs and Symptoms Associated with Type 2 Diabetes

Warning signs and symptoms of type 2 diabetes in children develop slowly, and initially there may be no symptoms. However, not everyone with insulin resistance or type 2 diabetes develops these warning signs, and not everyone who has these symptoms necessarily has type 2 diabetes

- Increased hunger, even after eating
- Unexplained weight loss
- Increased thirst, dry mouth, and frequent urination
- Feeling very tired
- Blurred vision
- Slow healing of sores or cuts
- Dark velvety or ridged patches of skin, especially on the back of the neck or under the arms
- Irregular periods, no periods, and/or excess facial and body hair growth in girls
- High blood pressure or abnormal blood fats levels

Type 2 Diabetes Prevention Methods and Treatments

Healthy lifestyle choices can help prevent and treat type 2 diabetes. Even with a family history of diabetes, eating healthy foods in the correct amounts and exercising regularly can help children achieve or maintain a normal weight and normal blood glucose levels.

- **Eat healthy foods** - Make wise food choices. Eat foods low in fat and calories.
- **Get more physical activity** - Increase physical activity to at least 60 minutes every day.
- **Take medication** - If diet and exercise are not enough to control the disease, it may be necessary to treat type 2 diabetes with medication.

The first step in treating type 2 diabetes is to visit a doctor. A doctor can determine if a child is overweight based on the child's age, weight, and height. A doctor can also request tests of a child's blood glucose to see if the child has diabetes or pre-diabetes (a condition which may lead to type 2 diabetes).

Types of Diabetes Screening Tests That Are Available

- Glycated hemoglobin (A1C) test. A blood test measures the average blood sugar level over two to three months. An A1C level of 6.5 percent or higher on two separate tests indicates diabetes.
- Random (non-fasting) blood sugar test. A blood sample is taken at a random time. A random blood sugar level of 200 milligrams per deciliter (mg/dL) or higher suggests diabetes. This test must be confirmed with a fasting blood glucose test.
- Fasting blood sugar test. A blood sample is taken after an overnight fast. A fasting blood sugar level less than 100 mg/dL is normal. A level of 100 to 125 mg/dL is considered pre-diabetes. A level of 126 mg/dL or higher on two separate tests indicates diabetes.
- Oral glucose tolerance test. A test measuring the fasting blood sugar level after an overnight fast with periodic testing for the next several hours after drinking a sugary liquid. A reading of more than 200 mg/dL after two hours indicates diabetes.

Type 2 diabetes in children is a preventable/treatable disease and the guidance provided in this information sheet is intended to raise awareness about this disease. Contact CSMH's school nurse, school administrator, or health care provider if you have questions. For more information about Type 2 diabetes and to find this information in alternate languages, visit <http://www.cde.ca.gov/ls/he/hn/type2diabetes.asp>

Information Regarding Type 1 Diabetes

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.

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 medial 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 instruction on prevention of human trafficking. An opt-out form is available in the office. 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 for your review of the Charter School's website.

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

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 responsibility 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.

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.

Pesticides

In order to reduce children’s exposure to toxic pesticides, the school will take the necessary steps to facilitate the adoption of the least toxic pest management practices. More information regarding the use and management of pesticides can be found at the California Department of Pesticide Regulation.

The following pesticide products are anticipated to be used at the school site during the school year: Rodent Bait Chlorophacinone Treated Grain, Contrac All Weather Blox and Martin’s Gopher Bait 50.

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The active ingredients of these pesticide products include the following: .005% Chlorophacinone, .005% Bromadiolone and .5% Strychnine Alkaloid.

More information about these pesticides, and information about pesticide use reduction is available from the Department of Pesticide Regulation’s website at www.cdr.ca.gov.

Notices to avoid pesticide or herbicide treated areas will be posted on site 24 hours in advance of application and will remain posted 72 hours following application. Records about each product, area treated and reason for application will be maintained for 4 years and available to the public at each school’s office. The School’s Integrated Pest Management program begins with education, habitat management and alteration of maintenance activities using physical, biological, and as a last resort, chemical controls. Regular and continuous monitoring of pest infestation by staff may involve visual observation, use of pest tracking powders, baiting, and trapping. When using chemical control for pest and weed management, the school uses licensed personnel who will have the option to use only the pesticides/herbicides that are allowed for school site application.

Work Permits

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>

Commented [CF16]: Client - Per Ed. Code section 49110.5. Please note that the information on the linked Know Your Rights document must be provided to high school students during the week of April 28 and the physical document must be provided when a student seeks a work from the

For pupils in grades 11 and 12, the observances required by this section shall be integrated into the regular school program, consistent with the history-social science framework, but may also include special events after regular school hours. This integration is encouraged, but not required, to occur during Workplace Readiness Week.

Sample curriculum for the Workplace Readiness Week is available at: <https://www.cft.org/post/ab-800-workplace-readiness-week-five-day-learning-cycle>

Full Board Policies

All Charter School Student Services Board policies can be located within the School's Policy Manual, which can be requested at the main office. However, to ensure compliance with annual notice requirements and notice requirements outlined within our policies, we are providing you with full copies of the following policies for your review:

Suicide Prevention and Mental Health Promotion Policy

The Charter School of Morgan Hill (“CSMH”) Board of Directors recognizes that suicide is a major cause of death among youth and should be taken seriously. The Board understands that school personnel who regularly interact with students are often in a position to recognize the warning signs of suicide and to offer appropriate referral and/or assistance. In order to attempt to reduce suicidal behavior and its impact on students and families, the Executive Director or designee has developed measures and strategies for suicide prevention, intervention and postvention.

In compliance with Education Code Section 215, this policy has been developed in consultation with CSMH and community stakeholders, CSMH mental health professionals, school counselors, school psychologists, the principal, parents/guardians, students, local health agencies, mental health professionals, the county mental health plan, and community organizations in planning, implementing, and evaluating CSMH’s strategies for suicide prevention and intervention. CSMH must work in conjunction with local government agencies, community-based organizations, and other community supports to identify additional resources.

Such measures and strategies shall include, but are not limited to:

- Providing staff development on suicide awareness and prevention for teachers, counselors and other school employees who interact with students
- Instructing students in problem solving, coping skills, and resilience to promote students’ mental, emotional, and social health and well-being, as well as instruction in recognizing and appropriately responding to warning signs of suicidal intent in others
- Promoting a positive school climate that enhances student’s feelings of connectedness with the school and that is characterized by caring staff and harmonious interrelationships among students
- Offering information to parents/guardians regarding risk factors and warning signs of suicide, the severity of the youth suicide problem, the school’s suicide prevention efforts, basic steps for helping suicidal youth, reducing the stigma of mental illness, and/or community resources that can help youth in crisis
- Encouraging student to notify appropriate school personnel or other adults when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student’s suicidal intentions
- Implementing crisis intervention procedures for addressing suicide threats and attempts
- Providing counseling and other postvention strategies for helping students, staff and other cope in the aftermath of a student’s suicide

As appropriate, these measures and strategies shall specifically address the needs of students who are at high risk of suicide, including, but not limited to, students who are bereaved by suicide; students with disabilities, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning youth.

Staff Development

CSMH, along with its partners, has carefully reviewed available staff training to ensure it promotes the mental health model of suicide prevention and does not encourage the use of the stress model to explain suicide.

Suicide prevention training shall be designed to help staff identify and find help for students at risk of suicide. All suicide prevention training shall be offered under the direction of mental health professionals

(e.g. the school counselor, and/or the school psychologist) who have received advanced training specific to suicide. The school may also work in cooperation with one or more community mental health agencies. At least annually, all staff shall receive training on the risk factors and warning signs of suicide, suicide prevention, intervention, referral, and postvention.

At a minimum, all staff shall participate in training on the core components of suicide prevention (identification of suicide risk factors and warning signs, prevention, intervention, referral, and postvention) at the beginning of their employment or annually. Core components of the general suicide prevention training shall include:

- Identification of individual risk factors such as previous suicide attempt(s) or self-harm, history of depression or mental illness, family history of suicide or violence, feelings of isolation, interpersonal conflicts, a recent severe stressor or loss, family instability, impulsivity, and other factors
- How to talk with a student about thoughts of suicide.
- How to respond appropriately to the youth who has suicidal thoughts. Such responses shall include constant supervision of any student judged to be at risk for suicide and an immediate referral for a suicide risk assessment.
- Emphasis on immediately referring (same day) any student who is identified to be at risk of suicide for assessment while staying under constant monitoring by staff member.
- Emphasis on reducing stigma associated with mental illness and that early prevention and intervention can drastically reduce the risk of suicide.
- Reviewing the data annually to look for any patterns or trends of the prevalence or occurrence of suicide ideation, attempts, or death. Data from the California School Climate, Health, and Learning Survey (Cal-SCHLS) should also be analyzed to identify school climate deficits and drive program development. See the Cal-SCHLS Web site at <http://cal-schls.wested.org/>.
- Information regarding groups of students judged by the school, and available research, to be at elevated risk for suicide. These groups include, but are not limited to, the following:
 - Youth affected by suicide.
 - Youth with a history of suicide ideation or attempts.
 - Youth with disabilities, mental illness, or substance abuse disorders.
 - Lesbian, gay, bisexual, transgender, or questioning youth.
 - Youth experiencing homelessness or in out-of-home settings, such as foster care.
 - Youth who have suffered traumatic experiences.

In addition to initial orientations to the core components of suicide prevention, ongoing annual staff professional development for all staff may include the following components:

- The impact of traumatic stress on emotional and mental health.
- Common misconceptions about suicide.
- Charter School and community suicide prevention resources.
- Appropriate messaging about suicide (correct terminology, safe messaging guidelines).
- The factors associated with suicide (risk factors, warning signs, protective factors).
- How to identify youth who may be at risk of suicide.
- Appropriate ways to interact with a youth who is demonstrating emotional distress or is suicidal. Specifically, how to talk with a student about their thoughts of suicide and (based on CSMH guidelines) how to respond to such thinking; how to talk with a student about thoughts of suicide and appropriately respond and provide support based on CSMH guidelines.
- Charter School-approved procedures for responding to suicide risk (including multi-tiered systems of support and referrals). Such procedures should emphasize that the suicidal student should be constantly supervised until a suicide risk assessment is completed.

- Charter School-approved procedures for responding to the aftermath of suicidal behavior (suicidal behavior postvention).
- Responding after a suicide occurs (suicide postvention).
- Resources regarding youth suicide prevention.
- Emphasis on stigma reduction and the fact that early prevention and intervention can drastically reduce the risk of suicide.
- Emphasis that any student who is identified to be at risk of suicide is to be immediately referred (same day) for assessment while being constantly monitored by a staff member.

Employee Qualifications and Scope of Services

Employees of CSMH must act only within the authorization and scope of their credential or license. While it is expected that school professionals are able to identify suicide risk factors and warning signs, and to prevent the immediate risk of a suicidal behavior, treatment of suicidal ideation is typically beyond the scope of services offered in the school setting. In addition, treatment of the mental health challenges often associated with suicidal thinking typically requires mental health resources beyond what schools are able to provide.

Parents, Guardians, and Caregivers Participation and Education

1. Parents/guardians/caregivers may be included in suicide prevention efforts. At a minimum, the Charter School shall share this Policy with parents/guardians/caregivers by notifying them where a complete copy of the policy is available.
2. This Suicide Prevention Policy shall be easily accessible and prominently displayed on the CSMH Web page and included in the parent handbook.
3. Parents/guardians/caregivers should be invited to provide input on the development and implementation of this policy.
4. All parents/guardians/caregivers may have access to suicide prevention training that addresses the following:
 - a. Suicide risk factors, warning signs, and protective factors.
 - b. How to talk with a student about thoughts of suicide.
 - c. How to respond appropriately to the student who has suicidal thoughts. Such responses shall include constant supervision of any student judged to be at risk for suicide and referral for an immediate suicide risk assessment.

Student Participation and Instruction

Messaging about suicide has an effect on suicidal thinking and behaviors. Consequently, CSMH along with its partners has carefully reviewed and will continue to review all materials and resources used in awareness efforts to ensure they align with best practices for safe messaging about suicide. Suicide prevention strategies may include, but not be limited to, efforts to promote a positive school climate that enhances students' feelings of connectedness with CSMH and is characterized by caring staff and harmonious interrelationships among students.

CSMH's instructional and student support program shall promote the healthy mental, emotional, and social development of students including, but not limited to, the development of problem-solving skills, coping skills, and resilience. The instruction shall not use the stress model to explain suicide.

CSMH's instructional curriculum may include information about suicide prevention, as appropriate or needed. If suicide prevention is included in the Charter School's instructional curriculum, it shall consider the grade level and age of the students and be delivered and discussed in a manner that is sensitive to the needs of young students.

CSMH's suicide prevention instruction shall be developmentally appropriate. The content of the instruction may include:

- Identify and analyze signs of depression and self-destructive behavior
- Develop coping and resiliency skills and self-esteem
- Learn to listen, share feelings and get help when friends are showing signs of suicidal intent
- Identify trusted adults, school resources, and/or community crisis intervention resources where youth can get help and recognize that there is no stigma associated with seeking service for mental health, substance abuse, gender identity, and/or suicide prevention

Student-focused suicide prevention education can be incorporated into classroom curricula (e.g., health classes, orientation classes, science, and physical education). For middle school students this instruction will take place in the advisory program. For elementary school students this instruction will take place with their classroom teachers.

CSMH will support the creation and implementation of programs and/or activities on campus that raise awareness about mental wellness and suicide prevention (e.g., Mental Health Awareness Week, Peer Counseling).

Intervention

CSMH designates the following administrators to act as the primary and secondary suicide prevention liaisons:

1. School Psychologist and/or School Counselor
2. Executive Director

Students shall be encouraged to notify a teacher, administrator, counselor, or other adult when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions.

Every statement regarding suicidal intent shall be taken seriously. Whenever a staff member suspects or has knowledge of a student's suicidal intentions based on the student's verbalizations or act of self-harm, he/she shall promptly notify the Executive Director, principal and/or school counselor.

The suicide prevention liaison shall immediately notify the Executive Director or designee, who shall then notify the student's parent/guardian as soon as possible if appropriate and in the best interest of the student. Determination of notification to parents/guardians/caregivers should follow a formal initial assessment to ensure that the student is not endangered by parental notification.

The suicide prevention liaison shall also refer the student to mental health resources at CSMH or in the community.

When a student is in imminent danger (has access to a gun, is on a rooftop, or in other unsafe conditions), a call shall be made to 911.

Although any personal information that a student discloses to a school counselor shall generally not be revealed, released, referenced, or discussed with third parties, the counselor may report to the Executive Director and/or principal or student's parents/guardians when he/she has reasonable cause to believe that disclosure is necessary to avert a clear and present danger to the health, safety, or welfare of the student. In addition, the counselor may disclose information of a personal nature to psychotherapists, other health care providers, or the school nurse for the sole purpose of referring the student for treatment.

A school employee shall act only within the authorization and scope of his/her credential or license. An employee is not authorized to diagnose or treat mental illness unless he/she is specifically licensed and employed to do so.

When a suicide attempt or threat is reported, the Executive Director or designee shall ensure student safety by taking the following actions:

1. Immediately secure medical treatment and/or mental health services as necessary
2. Notify law enforcement and/or other emergency assistance if a suicidal act is being actively threatened
3. Keep the student under continuous adult supervision until the parent/guardian and/or appropriate support agent or agency can be contacted and has the opportunity to intervene. **The student must not be left alone.**
4. Remove other students from the immediate area as soon as possible
5. Remaining calm, keeping in mind the student is overwhelmed, confused, and emotionally distressed.
6. Not sending the student away or leaving him/her alone, even to go to the restroom.
7. Providing comfort to the student, listening and allowing the student to talk and being comfortable with moments of silence.
8. Promising privacy and help, but not promising confidentiality.

The Executive Director or designee shall contact necessary individuals. This may include the school counselor, psychologist, and/or the student's parents/guardians, and as necessary, local law enforcement or mental health agencies.

The Executive Director or designee shall document the incident in writing, including the steps that the school took in response to the suicide attempt or threat.

Follow up with the parent/guardian and student to provide referral to appropriate services as needed and coordinate and consult with the county mental health plan if a referral is made for mental health or related services on behalf of a student who is a Medi-Cal beneficiary.

After a referral is made, CSMH shall verify with the parent/guardian that the follow up treatment has been accessed. Parents/guardians will be required to provide documentation of care for the student. If parents/guardians refuse or neglect to access treatment for a student who has been identified to be at risk for suicide or in emotional distress, the suicide prevention liaisons shall meet with the parent to identify barriers to treatment (e.g., cultural stigma, financial issues) and work to rectify the situation and build understanding of care. If follow up care is still not provided, CSMH may contact Child Protective Services.

Provide access to the school counselor and other appropriate personnel to listen to and support students and staff who are directly or indirectly involved with the incident at the school.

For any student returning to school after a mental health crisis, the Executive Director or designee and/or school counselor may meet with the parents/guardians and, if appropriate, with the student to discuss re-entry and appropriate next steps to ensure the student's readiness for return to school.

The Executive Director or designee shall implement procedures to address students' and staff's grief and to minimize the risk of imitative suicide or suicide contagion. He/she shall provide students, parents/guardians, and staff with information, counseling, and/or referrals to community agencies as needed. School staff may receive assistance from school counselors or other mental health professionals in determining how best to discuss the suicide or attempted suicide with students.

Any response to media inquiries shall be handled by the school-designated spokesperson who shall not divulge confidential information. The school's response shall not sensationalize suicide and shall focus on the school's postvention plan and available resources.

After any suicide or attempted suicide by a student, the Executive Director or designee shall provide an opportunity for all staff who responded to the incident to debrief, evaluate the effectiveness of the strategies used, and make recommendations for future actions.

In the event a suicide occurs or is attempted on the CSMH campus, the suicide prevention liaison shall follow the crisis intervention procedures contained in CSMH's safety plan. After consultation with the Executive Director or designee and the student's parent/guardian about facts that may be divulged in accordance with the laws governing confidentiality of student record information, the Executive Director or designee may provide students, parents/guardians, and staff with information, counseling, and/or referrals to community agencies as needed. CSMH staff may receive assistance from CSMH counselors or other mental health professionals in determining how best to discuss the suicide or attempted suicide with students.

In the event a suicide occurs or is attempted off the CSMH campus and unrelated to school activities, the Executive Director or designee shall take the following steps to support the student:

1. Contact the parent/guardian and offer support to the family.
2. Discuss with the family how they would like CSMH to respond to the attempt while minimizing widespread rumors among teachers, staff, and students.
3. Obtain permission from the parent/guardian to share information to ensure the facts regarding the crisis are correct.
4. The suicide prevention liaisons shall handle any media requests.
5. Provide care and determine appropriate support to affected students.
6. Offer to the student and parent/guardian steps for re-integration to school. Re-integration may include obtaining a written release from the parent/guardian to speak with any health care providers; conferring with the student and parent/guardian about any specific requests on how to handle the situation; informing the student's teachers about possible days of absences; allowing

accommodations for make-up work (being understanding that missed assignments may add stress to the student); appropriate staff maintaining ongoing contact with the student to monitor the student's actions and mood; and working with the parent/guardian to involve the student in an aftercare plan.

Students shall be encouraged through the education program and in CSMH activities to notify a teacher, the Executive Director, another CSMH administrator, psychologist, CSMH counselor, suicide prevention liaisons, or other adult when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions. CSMH staff should treat each report seriously, calmly, and with active listening and support. Staff should be non-judgmental to students and discuss with the student, and parent/guardian, about additional resources to support the student.

Responding After a Suicide Death (Postvention)

A death by suicide in the school community (whether by a student or staff member) can have devastating consequences on the school community, including students and staff. CSMH shall follow the below action plan for responding to a suicide death, which incorporates both immediate and long-term steps and objectives:

The suicide prevention liaison shall:

1. Coordinate with the Executive Director to:
 - a. Confirm death and cause.
 - b. Identify a staff member to contact deceased's family (within 24 hours).
 - c. Enact the Suicide Postvention Response.
 - d. Notify all staff members (ideally in-person or via phone, not via e-mail or mass notification).
2. Coordinate an all-staff meeting, to include:
 - a. Notification (if not already conducted) to staff about suicide death.
 - b. Emotional support and resources available to staff.
 - c. Notification to students about suicide death and the availability of support services (if this is the protocol that is decided by administration).
 - d. Share information that is relevant and that which you have permission to disclose.
3. Prepare staff to respond to needs of students regarding the following:
 - a. Review of protocols for referring students for support/assessment.
 - b. Talking points for staff to notify students.
 - c. Resources available to students (on and off campus).
4. Identify students significantly affected by suicide death and other students at risk of imitative behavior.
5. Identify students affected by suicide death but not at risk of imitative behavior.
6. Communicate with the larger school community about the suicide death.
7. Consider funeral arrangements for family and school community.

8. Respond to memorial requests in respectful and non-harmful manner; responses should be handled in a thoughtful way and their impact on other students should be considered.
9. Identify media spokesperson if needed.
10. Include long-term suicide postvention responses:
 - a. Consider important dates (i.e., anniversary of death, deceased birthday, graduation, or other significant event) and how these will be addressed.
 - b. Support siblings, close friends, teachers, and/or students of deceased.
 - c. Consider long-term memorials and how they may impact students who are emotionally vulnerable and at risk of suicide.

Student Identification Cards

If CSMH issues student identification cards, the school will include the telephone number for the National Suicide Prevention Lifeline (1-800-273-8255) and the National Domestic Violence Hotline (1-800-799-7233) on the cards. CSMH will also include the number for the Crisis Text Line, which can be accessed by texting HOME to 741741 and a local suicide prevention hotline on all student identification cards.

Staff and Student Interaction Policy

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

Corporal Punishment

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student.

For purposes of this policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to property.

For clarification purposes, the following examples are offered for direction and guidance of 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 in an attempt to gain their support and understanding.
- (j) Becoming involved with a student so that a reasonable person may suspect inappropriate behavior.

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 administration 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.

Suspension and Expulsion Policy

The Pupil Suspension and Expulsion Policy and Procedures have been established in order to promote learning and protect the safety and well-being of all students at Charter School of Morgan Hill. In creating this policy, CSMH has reviewed Education Code Section 48900, *et seq.* which describes 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 Education Code Section 48900 *et seq.* CSMH is committed to annual review of policies and procedures surrounding suspensions, expulsions, and involuntary removals, and, as necessary, modification of the lists of offenses for which students are subject to suspension expulsion or involuntary removal.

Consistent with this Policy, it may be necessary to suspend or expel a student from regular classroom instruction. This serves as CSMH'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. CSMH staff shall enforce disciplinary policies and procedures fairly and consistently among all students. This Policy and its Procedures is distributed annually as part of the Family Handbook which will clearly describe discipline expectations.

Corporal punishment is not 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 school property.

CSMH administration ensures that students and their parents/guardians⁵ are notified in writing upon enrollment of all discipline and involuntary removal policies and procedures. The notice states that this Policy and its Procedures are available on request at the Principal's office.

Suspended or expelled students are 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 CSMH 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 follows all applicable federal and state laws including but not limited to the applicable provisions of the California Education Code, when imposing any form of discipline on a student identified as an individual with disabilities or for whom CSMH 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.

⁵ 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.

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 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).

Procedures

A. Grounds for Suspension and Expulsion of Students

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

- While on school grounds;
- While going to or coming from school;
- During the lunch period, whether on or off the school campus; or
- During, going to, or coming from a school-sponsored activity.

B. Enumerated Offenses

1. Discretionary Suspension Offenses: Students may be suspended when it is determined the student:

- a. Caused, attempted to cause, or threatened to cause physical injury to another person.
- b. Willfully used force of 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.
- 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.
- 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 pre-initiation 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 section, “hazing” does not include athletic events or school-sanctioned events.
- p. Made terrorist 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 8, inclusive.
- r. Caused, attempted to cause, threaten 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 8, 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 8, 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 school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
- i. A message, text, sound, video, or image.
 - ii. A post on a social network Internet Web site including, but not limited to:
 - a. Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
 - b. Creating a credible impersonation of another actual 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 principal or designee's concurrence.

2. Non-Discretionary Suspension 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 principal 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 or committed a sexual battery 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.

3. Discretionary Expellable Offenses: Students may be recommended for when it is determined the student:

- a. Caused, attempted to cause, or threatened to cause physical injury to another person.
- b. Willfully used force of 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.
- 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.
- 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 pre initiation 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 pupils in any of grades 4 to 8, inclusive.
- r. Caused, attempted to cause, threaten to cause or participated in an act of hate violence, as defined in Education Code Section 233(e). This provision shall apply to pupils in any of grades 4 to 8, 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 8, 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:
 - v. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of 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.
 - vi. Causing a reasonable student to experience a substantially detrimental effect on their physical or mental health.
 - vii. Causing a reasonable student to experience substantial interference with their academic performance.
 - viii. 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 school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
 - i. A message, text, sound, video, or image.
 - ii. A post on a social network Internet Web site including, but not limited to:
 - d. 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.
 - e. 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.
 - f. 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.
 - c. 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.
 - d. 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 principal or designee's concurrence.

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

- a. Possessed, sold, or otherwise furnished any firearm, explosive, or other destructive device unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence.
- 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 or committed a sexual battery 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 Administrative Panel and/or Board of Directors that a student has brought a firearm or destructive device, as defined in Section 921 of Title 18 of the United States Code, 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.

Suspension Procedure

Suspensions shall be initiated according to the following procedures:

1. Conference

Suspension is preceded, if possible, by a conference conducted by the Principal or the Principal's designee with the student and the student's parent/guardian and, whenever practical, the teacher, supervisor or CSMH employee who referred the student to the principal or designee.

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

At the conference, the student will be informed of the reason for the disciplinary action and the evidence against the student and will be given the opportunity to present their version and evidence in their defense, in accordance with Education Code Section 47605(c)(5)(J)(i). This conference will be

held within two (2) 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 will be imposed on a student for failure of the student's parent or guardian to attend a conference with CSMH officials. Reinstatement of the suspended student will not be contingent upon attendance by the student's parent/guardian at the conference.

2. Notice to Parents/Guardians

At the time of the suspension, an administrator or designee will make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian will be notified in writing of the suspension and the date of return following suspension. This notice will state the specific offense committed by the student as well as the date when the student may return to school following the suspension. In addition, the notice may also state the time when the student may return to school. If CSMH 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, will not exceed five (5) consecutive school days per suspension. Upon a recommendation of expulsion by the Principal or Principal's designee, the student and the student's parent/guardian or representative will be invited to a conference to determine if the suspension for the pupil 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 or 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 principal 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 pupil'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

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

A student may be expelled by the neutral and impartial Charter School Board of Directors following a hearing before it or by the Charter School Board of Directors upon the recommendation of a neutral and impartial Administrative Panel to be assigned by the Board as needed. The Administrative Panel will consist of at least three (3) members who are certificated and neither a teacher of the student nor a Board member. Each entity shall be presided over by a designated neutral hearing chairperson. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense, and the Board of Directors shall make the final determination.

Expulsion Procedures

Students recommended for expulsion are entitled to a hearing to determine whether the student should be expelled. Unless postponed for good cause, the hearing will be held within thirty (30) school days after the principal or designee determines that the student has committed an expellable offense and recommends the student for expulsion.

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

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

- The date and place of the expulsion hearing
- A statement of the specific facts, charges, and offenses upon which the proposed expulsion is based
- A copy of the Charter School's disciplinary rules which relate to the alleged violation
- 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
- The opportunity for the student and/or the student's parent/guardian to appear in person or to employ and be represented by counsel or a non-attorney advisor
- The right to inspect and obtain copies of all documents to be used at the hearing
- The opportunity to confront and question all witnesses who testify at the hearing
- 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

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

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 their right to (a) receive five (5) days' notice of their scheduled testimony, (b) have up to two (2) adult support persons of their choosing present in the hearing at the time the complaining witness testifies, which may include a parent/guardian, or legal counsel, and (c) elect to have the hearing closed while testifying.

1. CSMH must also provide the victim a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.
2. At the discretion of the entity conducting the hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which the complaining witness may leave the hearing room.
3. The entity conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.
4. The entity conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours the complaining witness is normally in school, if there is no good cause to take the testimony during other hours.
5. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the entity presiding over the hearing from removing a support person whom the presiding person finds is disrupting the hearing. The entity conducting the hearing may permit any one of the support persons for the complaining witness to accompany the complaining witness to the witness stand.
6. If one or both of the support persons is also a witness, CSMH must present evidence that the witness' presence is both desired by the witness and will be helpful. The entity 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 their discretion to remove a person from the hearing whom they believe is prompting, swaying, or influencing the witness.
7. The testimony of the support person shall be presented before the testimony of the complaining witness and the complaining witness shall be excluded from the courtroom during that testimony.
8. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in the public at the request of the student being expelled, the complaining witness shall have the right to have their testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.
9. Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the entity 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 will 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 Administrative Panel to expel must be supported by substantial evidence that the student committed an expellable offense. Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay. Sworn declarations may be admitted as testimony from witnesses of whom the Board 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.

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

Expulsion Decision

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

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

The Board of Directors may also determine to suspend the enforcement of the expulsion order for a period of not more than one (1) calendar year from the date of the expulsion hearing and return the student to the student's previous educational program under a probationary status and rehabilitation plan to be determined by the Board. During the period of the suspension of the expulsion order, the student is deemed to be on probationary status. The Board of Directors may revoke the suspension of an expulsion order under this section if the student commits any of the enumerated offenses listed above or violates any of the Charter School's rules and regulations governing student conduct. If the Board revokes the suspension of an expulsion order, the student may be expelled under the terms of the original expulsion order. The Board of Directors shall apply the criteria for suspending the enforcement of the expulsion order equally to all students, including individuals with exceptional needs as defined in Education Code Section 56026. The Board of Directors shall further comply with the provisions set forth under Education Code Section 48917, except as otherwise expressly set forth herein.

Written Notice to Expel

The principal or designee, following a decision of the Board to expel, will send written notice of the decision to expel, including the Board's adopted findings of fact, to the student and student's parent/guardian. This notice shall also include the following: (a) notice of the specific offense committed

by the student; and (b) notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with CSMH.

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

Disciplinary Records

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

No Right to Appeal

The student will have no right of appeal from expulsion from CSMH as the Board's decision to expel will be final.

Expelled Students/Alternative Education

Parents/guardians of students who are expelled will be responsible for seeking alternative education programs including, but not limited to, programs within the County or their school district of residence. CSMH 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 CSMH will be given a rehabilitation plan upon expulsion as developed by the Board 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 CSMH for readmission.

Readmission or Admission of Previously Expelled Student

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 following a meeting with the Principal or designee and the student and the student's parent/guardian or representative 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 designee will make a recommendation to the Board following the meeting regarding the Principal's or designee's determination. The Board shall then make a final decision regarding readmission or admission of the student during the closed session of a public meeting, reporting out any action taken during closed session consistent with the requirements of the Brown Act. The student's readmission is also contingent upon CSMH'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 Truancy

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 for truancy and only after the Charter School follows the requirements of the Attendance Policy and only in accordance with the policy described above which requires 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 truancy will 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

Notification of SELPA

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

Services during Suspension

Students suspended for more than ten (10) school days in a school year will 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.

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, CSMH, the parent/guardian, and relevant members of the IEP/504 Team will review all relevant information in the student's file, including the child's IEP/504 Plan, any teacher observations, and any relevant information provided by the parents to determine:

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

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

If CSMH, 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 will:

- 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;
- 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
- Return the child to the placement from which the child was removed, unless the parent/guardian and CSMH agree to a change of placement as part of the modification of the behavioral intervention plan.

If CSMH, 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.

Due Process Appeals

The parent/guardian of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or CSMH 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 will 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.

Special Circumstances

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

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

- 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;
- 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
- 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.

Interim Alternative Educational Setting

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

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 CSMH had knowledge that the student was disabled before the behavior occurred.

CSMH will be deemed to have knowledge that the student had a disability if one of the following conditions exists:

- 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.
- The parent/guardian has requested an evaluation of the child.
- The child's teacher, or other CSMH personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education or to other CSMH supervisory personnel.

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

CSMH will 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.

Title IX Policy Prohibiting Discrimination On The Basis Of Sex

This Title IX Policy Prohibiting Discrimination on the Basis of Sex (“Policy”) contains the policies and grievance procedures of the Charter School of Morgan Hill (“Charter School”) to prevent and address sex discrimination, including but not limited to sexual harassment, sex-based hostile environment harassment, discrimination based on pregnancy or related conditions, sex-based discrimination in access to athletics or educational resources, and retaliation against a person who has reported sex discrimination.

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.⁶ Charter School will take actions to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects.

This Policy applies to conduct occurring in Charter School’s education programs or activities on or after August 1, 2024 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 Office 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. Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Prohibited Sex-Based Harassment

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

- Quid pro quo harassment occurs when an employee, agent, or other person authorized by Charter School to provide an aid, benefit, or service under Charter School’s education program or activity explicitly or impliedly conditions the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct.
- Hostile environment harassment is unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from Charter School’s education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

⁶ 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.

Commented [A17]: Client note - Per AB 34 and 543, this policy 1) must be posted in a prominent and readily accessible location on the School’s website; 2) should be included in the School’s “regular policy statement”; 3) shall be provided as part of any orientation program conducted for new and continuing pupils at the beginning of each quarter, semester, or summer session, as applicable; 4) shall be provided for each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or at the time that there is a new employee hired; 5) shall appear in any publication of the institution that sets forth the comprehensive rules, regulations, procedures, and standards of conduct for the institution (i.e., student handbook); and 6) shall be displayed in a prominent location in the main administrative building or other area of the campus or schoolsite where other similar notices/policies are posted.

Please note that in addition to this policy, the School is legally required to have certain Title IX language on the School’s website in compliance with Education Code section 221.61 including but not limited to the contact information for the Title IX coordinator, a link to the CDE’s Title IX information, the definition of discrimination and harassment based on sex as described in Section 230, and the rights set forth in Section 221.8. We can provide you with some sample language if desired.

A Title IX notice of nondiscrimination must be provided on the School’s website and in each handbook, catalog, announcement, bulletin, and application form that the School makes available to students; parents, guardians, or other authorized legal representatives of elementary school and secondary school students; employees; applicants for admission and employment; and all unions and professional organizations holding collective bargaining or professional agreements with the School, or which are otherwise used in connection with the recruitment of students or employees.

Further, per EC section 231.6, charter schools serving pupils in any of grades 9 through 12, inclusive, shall create a poster that meets specific requirements and notifies pupils of the applicable sexual harassment policy. The poster shall be prominently and conspicuously displayed in each bathroom and locker room at the schoolsite. The poster shall display, at a minimum, all of the following:

- (1) The rules and procedures for reporting a charge of sexual harassment.
- (2) The name, phone number, and email address of an appropriate schoolsite official to contact to report a charge of sexual harassment.
- (3) The rights of the reporting pupil, the complainant, and the respondent, and the responsibilities of the schoolsite in accordance with the applicable written policy on sexual harassment.

Please do not hesitate to reach out with any questions

- The degree to which the conduct affected the complainant’s ability to access Charter School’s education program or activity;
 - The type, frequency, and duration of the conduct;
 - The parties’ ages, roles within Charter School’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - The location of the conduct and the context in which the conduct occurred; and
 - Other sex-based harassment in Charter School’s education program or activity.
- Sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
 - Dating violence, meaning violence committed by a person:
 - Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship;
 - The type of relationship; and
 - The frequency of interaction between the persons involved in the relationship.
 - Domestic violence, meaning felony or misdemeanor crimes committed by a person who:
 - Is a current or former spouse or intimate partner of the victim under applicable family or domestic violence laws, or a person similarly situated to a spouse of the victim;
 - Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - Shares a child in common with the victim; or
 - Commits acts against a youth or adult victim who is protected from those acts under applicable family or domestic violence laws.
 - Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - Fear for the person’s safety or the safety of others; or
 - Suffer substantial emotional distress.

Under California Education Code section 212.5, sexual harassment consists of conduct on the basis of sex, including but not limited to unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct on the basis of sex, regardless of whether or not the conduct is motivated by sexual desire, when: (a) submission to the conduct is explicitly or implicitly made a term or a condition of an individual’s employment, education, academic status, or progress; (b) submission to, or rejection of, the conduct by the individual is used as the basis of employment, educational or academic decisions affecting the individual; (c) the conduct has the purpose or effect of having a negative impact upon the individual’s work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment; and/or (d) submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through Charter School.

Examples of conduct that may fall within the Title IX definition of sex-based harassment, 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 a student or employee who is alleged to have been subjected to conduct that could constitute sex-based discrimination, or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination and who was participating or attempting to participate in Charter School's education program or activity at the time of the alleged sex discrimination. Complaints may also be made by: (1) a parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or (2) Charter School's Title IX Coordinator. For complaints of sex discrimination other than sex-based harassment, complaints can also be made by any student, employee, or other person who was participating or attempting to participate in Charter School's education program or activity at the time of the alleged sex discrimination.

Complaint means an oral or written request to Charter School that objectively can be understood as a request for Charter School to investigate and make a determination about alleged sex discrimination.

Commented [A18]: Per 34 CFR 106.2 - a complaint is no longer required to be formal, written, or signed.

Confidential Employee means an employee of Charter School whose communications are privileged or confidential under Federal or State law (e.g., a licensed therapist or psychologist, etc.) or an employee whom Charter School has designated as confidential under Title IX for the purpose of providing services to persons related to sex discrimination.

Party means a complainant or respondent.

Respondent means a person who is alleged to have violated Charter School’s prohibition on sex discrimination.

Supportive Measures are individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to a party to (1) restore or preserve that party’s access to Charter School’s education program or activity, including measures that are designed to protect the safety of the parties or Charter School’s educational environment; or (2) provide support during Charter School’s grievance procedures or during an informal resolution process.

Title IX Coordinator

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

Paige Cisewski
Executive Director
9530 Monterey Road
Morgan Hill, CA 95037
pcisewski@csmh.org

In the event the above-named individual becomes unavailable or unable to serve as the Coordinator, the Board has designated the following employee to serve as a temporary or interim Coordinator until a new Coordinator is designated:

[INSERT NAME]
[INSERT TITLE]
[INSERT CONTACT INFO, INCLUDING OFFICE ADDRESS, PHONE NUMBER AND EMAIL ADDRESS]

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 and inquiries about the application of Title IX, addressing reports and complaints of sex discrimination and taking other actions as required by this Policy, monitoring for barriers to reporting conduct that reasonably may constitute sex discrimination, and taking steps reasonably calculated to address such barriers.

The Coordinator may serve as an investigator and/or decisionmaker for complaints, except in cases where doing so would constitute a conflict of interest. The Coordinator may delegate one or more of their duties to one or more designees who have received the required Title IX training and do not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. However, the Coordinator must at all times retain ultimate oversight over those responsibilities and ensure Charter School’s consistent compliance with Title IX.

Commented [A19]: Client - These “services” are not specified in the regulations. However, the U.S. Dept. of Education’s Final Rule implies that they include sharing information about school policies and procedures, providing the contact information for the Coordinator and explaining that the Coordinator can provide supportive measures, referrals to school or community-based resources, and just listening.

Commented [A20]: Internal - This section will need to be revised if the School has more than one Coordinator. It must be clear who is the designated Coordinator that will retain ultimate oversight over the School’s compliance with Title IX. Might be helpful to call the other Coordinators something different - like “Assistant Title IX Coordinators” just to make it easier to distinguish. Even if there is more than one Coordinator, continue to refer to the one who has ultimate oversight as the “Coordinator” in the policy.

Commented [A21]: Client - We recommend having a backup Coordinator trained and ready to serve in the event the main/head Coordinator becomes unavailable. This will allow the School to stay in compliance while it is designating a new Coordinator and updating its policy to reflect the new Coordinator’s contact information.

Reporting Sex Discrimination

All employees who are not a confidential employee must promptly notify the Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX. This requirement does not apply to an employee when the employee is the person who was subjected to the conduct that reasonably may constitute sex discrimination.

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 Executive Director, 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. Individuals alleging retaliation in violation of this Policy may file a complaint in accordance with the grievance procedures set forth in this Policy.

Nothing in this Policy precludes Charter School from requiring an employee or other person authorized by Charter School to provide aid, benefit, or service under Charter School's education program or activity to participate as a witness in, or otherwise assist with, an investigation or proceeding under this Policy.

Confidential Employees

Contact information for the confidential employees at Charter School, if any, can be found on the Charter School website or obtained from the Coordinator.

A confidential employee's status as confidential, for Title IX purposes, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies or with respect to information received about sex discrimination in connection with providing services to persons related to sex discrimination.

Commented [A22]: Client Note – For a complaint of discrimination, bullying, harassment, discrimination or intimidation to fall under the UCP, it must be a written complaint. However, all reports of sex discrimination and harassment must be investigated even if they are oral or outside the UCP timelines, and appropriate action must be taken when necessary according to the results of the investigation.

Commented [A23]: Client - The School is not required to designate any confidential employee. However, licensed social workers, therapists, psychologists, etc. who are employees of the School meet the definition of a confidential employee even if the School hasn't specifically designated them as such.

Commented [A24]: Client - Note this requirement. Please ensure the School's Title IX website posting includes this information. Alternatively, the School can list the contact info for the confidential employees here in this policy. However, that would mean the policy has to be revised and re-adopted whenever those employees change positions.

A confidential employee must explain the following to any person who informs them of conduct that reasonably may constitute sex discrimination under Title IX:

- The employee's status as confidential for purposes of Title IX, including the circumstances in which the employee is not required to notify the Coordinator about conduct that reasonably may constitute sex discrimination;
- How to contact the Coordinator and how to make a complaint of sex discrimination; and
- That the Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the grievance procedures.

Coordinator's Response to Reports of Sex Discrimination

When notified of conduct that reasonably may constitute sex discrimination, the Coordinator or designee must:

- Treat complainants and respondents equitably;
- Promptly offer and coordinate supportive measures, as appropriate, for the complainant;
- If grievance procedures are initiated or an informal resolution process is offered; offer and coordinate supportive measures, as appropriate, for the respondent; and
- Notify the complainant or, if the complainant is unknown, the reporting individual, of the grievance procedures and informal resolution process, if available and appropriate. If a complaint is made, the Coordinator will notify the respondent of the same.

In response to a complaint, the Coordinator will initiate the grievance procedures, or the informal resolution process if available, appropriate, and requested by all parties. In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Coordinator must determine whether to initiate a complaint by considering, at a minimum:

- Complainant's request not to proceed with a complaint and the complainant's reasonable safety concerns;
- Risk that additional acts of sex-based discrimination would occur if a complaint is not initiated;
- Severity of the alleged conduct, including whether the discrimination, if established, would require removal or discipline of a respondent to end the discrimination and prevent its recurrence;
- The age and relationship of the parties, including whether the respondent is an employee;
- The scope of the alleged conduct including but not limited to whether there is a pattern, ongoing conduct, or impact to multiple individuals;
- The availability of evidence and the complainant's willingness to participate in the grievance procedures; and
- Whether Charter School could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

The Coordinator may initiate a complaint if the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other person, or prevents Charter School from ensuring equal access on the basis of sex to its education program or activity. The Coordinator or designee must notify the complainant before initiating a complaint and appropriately address reasonable safety concerns, including by providing supportive measures.

The Coordinator will take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within Charter School's education program or activity.

Supportive Measures

Once notified of conduct that reasonably may constitute sex discrimination under Title IX, the Coordinator or designee will promptly contact the complainant to offer and coordinate supportive measures, as appropriate, for the complainant. If the grievance procedures are initiated or informal resolution is offered, the Coordinator or designee will offer and coordinate supportive measures, as appropriate, for the respondent.

Supportive measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to sex-based harassment.

Supportive measures must not unreasonably burden either party or be imposed for punitive or disciplinary reasons. Supportive measures will be designed to protect the safety of the parties or Charter School's educational environment, or to provide support during the grievance procedures or the informal resolution process.

Parties may contact the Coordinator to discuss modification of any supportive measures. Parties also have the opportunity to seek modification or termination of a supportive measure applicable to them if circumstances change materially.

If the party is not satisfied with the Coordinator's decision on the request to modify supportive measures, the party may contact [INSERT TITLE AND CONTACT INFO], who is an appropriate and impartial employee or who may designate such an employee, to seek modification or reversal of Charter School's decision to provide, deny, modify, or terminate supportive measures applicable to them. The impartial employee is someone other than the Coordinator who made the challenged decision and has the authority to modify or reverse the decision.

Commented [A25]: Client - This could potentially be the person designated as an appeal decision maker. This person must have received the training required for investigators and decisionmakers.

If a party is a student with a disability, the Coordinator must consult with one or more members of the student's IEP Team and 504 Team, if any, in the implementation of supportive measures for that student.

Informal Resolution

At any time prior to determining whether sex discrimination occurred under Charter School's Title IX grievance procedures, Charter School may offer an informal resolution process to the parties. Charter School does not offer or facilitate informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student, or when such a process would conflict with Federal, State, or local law.

Before initiation of the informal resolution process, the parties will be provided with notice that explains:

- o The allegations;
- o The requirements of the informal resolution process;
- o The right to withdraw and initiate or resume the grievance procedures;
- o That the parties' agreement to a resolution at the conclusion of the informal resolution process precludes the parties' use of the grievance procedures arising from the same allegations;
- o The potential terms that may be requested or offered in an informal resolution agreement (e.g., restrictions on contact and participation in activities or events) including notice that an informal resolution agreement is binding only on the parties; and
- o What information is retained and whether and how it may be disclosed by Charter School for use in grievance procedures if the grievance procedures are initiated or resumed.

Commented [A26]: Client - We can provide you with a sample of this notice and any of the other notices or documents referenced in this policy.

Parties will not be required or pressured to agree to participate in the informal resolution process. Charter School will obtain the parties' voluntary consent to participate in the informal resolution process. Parties may end the informal resolution process and proceed with the grievance procedures at any time.

The facilitator of the informal resolution process will not be the same person as the investigator or the decisionmaker in the grievance procedures. The facilitator cannot have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The Coordinator will take appropriate prompt and effective steps to ensure sex discrimination does not continue or recur.

Grievance Procedures

Scope and General Requirements

Charter School has adopted these grievance procedures to provide for the prompt and equitable resolution of complaints of made by students, employees, or other individuals who are participating or attempting to participate in Charter School's education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX. Upon receipt of a complaint, 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, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Coordinator or investigator.

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

Charter School may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances.

Charter School allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay. Requests for extensions must be submitted to the Coordinator in writing at least one (1) business day before the expiration of the timeframe. If a timeframe is extended, the Coordinator or designee will notify the parties of the new timeframe and the reason for the delay.

Charter School will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties shall not engage in retaliation, including against witnesses.

Charter School will objectively evaluate all evidence that is relevant and not otherwise impermissible— including both inculpatory and exculpatory evidence.⁷ Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

If a party is a student with a disability, the Coordinator or designee must consult with one or more members, as appropriate, of the student's IEP Team and 504 Team, if any, to determine how to comply

Commented [A27]: Client - All of the timeframes and many of the requirements for written notices are flexible and can be revised to better align with the School's practices. Please let us know if you would like to revise any of the timeframes or the requirements for written notices.

⁷ Inculpatory means tending to impute guilt or fault, and exculpatory means tending to absolve from guilt or fault.

with the requirements of the Individuals with Disabilities Education Act (“IDEA”) and Section 504 of the Rehabilitation Act of 1973 (“Section 504”) throughout the grievance procedures.

Dismissal

In most cases, Charter School will determine whether a complaint is dismissed within fifteen (15) business days of receipt of the complaint.

Charter School may dismiss a complaint if:

- Charter School is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in Charter School’s education program or activity and is not employed by Charter School;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Coordinator declines to initiate a complaint, and Charter School determines that, without the complainant’s withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- Charter School determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Prior to dismissing the complaint on this ground, Charter School will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the Coordinator or designee must promptly notify the complainant in writing of the basis for the dismissal and the complainant’s right to appeal the dismissal on the following grounds within five (5) business days of the dismissal notice:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination whether sex-based harassment occurred or dismissal was made; and
- The Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal occurs after the respondent has been notified of the allegations, then the Coordinator or designee must also simultaneously notify the respondent in writing of the dismissal, the basis for the dismissal, and the respondent’s right to appeal the dismissal on the above grounds within five (5) business days of the dismissal notice.

If the complaint is dismissed, the Coordinator or designee will offer supportive measures to the complainant, as appropriate. The Coordinator or designee will also offer supportive measures to the respondent, as appropriate, if the respondent has been notified of the allegations. The Coordinator will continue to take appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur. Dismissal does not preclude action under another applicable Charter School policy.

Appeal of a Dismissal

If a dismissal is timely appealed in accordance with this Policy, the Coordinator or designee will promptly notify the parties in writing of the appeal, including notice of the allegations if such notice was not previously provided to the respondent, the contact information for the decisionmaker for the appeal, and the parties’ right to submit a statement to the decisionmaker of the appeal in support of, or challenging, the outcome within five (5) business days of the appeal notice.

The decisionmaker for the appeal will be someone who has received the required Title IX training and did not take part in an investigation of the allegations or dismissal of the complaint. The appeal procedures will be implemented equally for the parties. Within fifteen (15) business days of the appeal notice to the

Commented [A28]: Client - Again, this is strongly recommended. If the complainant and respondent will not be notified of the dismissal in writing, then the notice to the respondent does not need to be simultaneous, and instead can follow promptly after notification to the complainant.

parties, the decisionmaker will notify the parties in writing of the result of the appeal and the rationale for the result.

Notice of the Allegations

Upon initiation of the grievance procedures, the Coordinator or designee will provide 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;
- Sufficient information available at the time to allow the parties to respond to the allegations. Sufficient information includes the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination under Title IX, and the date(s) and location(s) of the alleged incident(s), to the extent that information is available to Charter School;
- A statement that retaliation is prohibited; and
- A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence; and if Charter School provides a description of the evidence, the parties are entitled to an equal opportunity to access to the relevant and not otherwise impermissible evidence upon the request of any party.

Commented [A29]: Client - If, in the course of an investigation, the School decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice or that are included in a complaint that is consolidated, the School must provide notice of the additional allegations to the parties whose identities are known.

Emergency Removal

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 imminent and serious threat to the health or safety of any person arising from the allegations of sex discrimination 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 IDEA, Section 504, or the ADA.

Investigation

Investigations of complaints will be adequate, reliable, and impartial. In most cases, a thorough investigation will take no more than twenty-five (25) business days. Charter School has the burden to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination 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.

Commented [A30]: Client – Regardless of any determination on whether to remove a student or employee on an emergency basis, the School still must follow the grievance process before imposing any disciplinary sanctions or other actions that are not supportive measures (e.g., terminations or expulsions) against a respondent. Emergency removal is not a substitute for reaching a determination as to a respondent's responsibility; rather, emergency removal is for the purpose of addressing imminent threats posed to any person's health or safety, which might arise out of the sexual harassment allegations. Emergency removals allow schools to address emergency situations, whether or not a grievance process is underway, provided that the school first undertakes an individualized safety and risk analysis and provides the respondent notice and opportunity to challenge the removal decision.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be used, accessed or considered, except by Charter School to determine whether one of the exceptions listed below applies, and will not be disclosed), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless Charter School obtains that party's or witness's voluntary, written consent for use in the grievance procedures; and

- Evidence that relates to the complainant’s sexual interests or prior sexual conduct, unless evidence about the complainant’s prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant’s prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant’s consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

The parties will have an equal opportunity to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible and to access such evidence. The parties may submit a written response to the investigator within five (5) business days of being provided with access to the evidence or an accurate description of it. The parties’ timely submitted written responses, if any, will be considered by the investigator and decisionmaker before a determination of responsibility is made.

Commented [A31]: Client - If the School provides a description of the evidence, it will still need to provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

Charter School will take reasonable steps to prevent and address any unauthorized disclosure of information or evidence by the parties.

Determination of Responsibility

Before making a determination of responsibility, the decisionmaker may question parties and witnesses to adequately assess a party’s or witness’s credibility to the extent credibility is in dispute and relevant to evaluating one or more allegations of sex discrimination.

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 fifteen (15) business days of the expiration of the timeframe for the parties to submit a written response to the evidence or an accurate description of it, the decisionmaker will notify the parties in writing of the determination whether sex discrimination occurred including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal.

Commented [A32]: Client - An appeals process for the determination of responsibility is not necessarily required. The appeals process for determinations of responsibility must be at a minimum, the same the school “offers in all other comparable proceedings, if any, including proceedings relating to other discrimination complaints”. We have included a sample process here that is consistent with the appeals processes in some of our other template complaint policies. Please ensure the selected appeals process for determinations of responsibility is consistent with the School’s appeals process for other comparable proceedings.

Appeal of the Determination of Responsibility

Should a party find Charter School’s determination unsatisfactory, the party may, within five (5) business days of notice of Charter School’s determination, submit a written appeal to the Chair of the Charter School Board, who will serve as the decisionmaker for the appeal or designate a decisionmaker for the appeal. The decisionmaker for the appeal must not have taken part in the investigation of the allegations.

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 the appeal or notice of the appeal; and 4) within fifteen (15) business days of the appeal, issue a written decision to the parties describing the result of the appeal and the rationale for the result.

Commented [A33]: Client Note: The School may change this reference to an administrator at the School who is in a position above the person making the initial decision as long as it is someone who is trained, was not involved in the investigation or responsible for the initial decision, and does not have a conflict of interest. The School could also use the Board to make the appeal decision, which may ultimately delay the process, but that creates some Brown Act issues and anyone on the Board who has a conflict or who participated in the investigation or initial decision would need to recuse themselves.

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. If there is a determination that sex discrimination occurred, the Coordinator or designee will coordinate the provision and implementation of any remedies and/or disciplinary sanctions ordered by Charter School including notification to the complainant of any such disciplinary sanctions. The Coordinator will take appropriate

prompt and effective steps to ensure that sex discrimination does not continue or recur within Charter School's education program or activity.

No party, witness, or other person participating in Charter School's grievance procedures will be disciplined for making a false statement or for engaging in consensual sexual conduct based solely on Charter School's determination whether sex discrimination occurred.

Student Pregnancy and Related Conditions

Charter School will not discriminate against any student or applicant based on their current, potential, or past pregnancy or related conditions. For more information about policies and procedures applicable to employees who are pregnant or have a related condition, please refer to the Charter School employee handbook.

When a student, or a person who can legally act on behalf of the student, informs any employee of the student's pregnancy or related condition, unless the employee reasonably believes that the Coordinator has already been notified, the employee must promptly:

- Provide that person with the Coordinator's contact information; and
- Inform that person that the Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to Charter School's education programs and activities.

If a student, or a person who has a legal right to act on behalf of the student, notifies the Coordinator of the student's pregnancy or related condition, the Coordinator or designee must promptly:

- Inform the student, and if applicable, the person who notified the Coordinator of the student's pregnancy or related conditions and has a legal right to act on behalf of the student, of Charter School's obligations under:
 - 34 C.F.R. § 106.40(b)(1) through (5), which relates to the rights of students who are pregnant or have a related condition; and
 - 34 C.F.R. § 106.44(j), which includes rules on disclosures of personal information;
- Provide Charter School's Title IX notice of nondiscrimination; and
- Consult with the student about potential reasonable modifications to policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access, and if the student accepts an offered reasonable modification, implement the modification.

A student who is pregnant or has a related condition will be provided with a lactation space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used for expressing breast milk or breastfeeding as needed.

A student who is pregnant or has a related condition may voluntarily take a leave of absence for the time deemed medically necessary by the student's licensed healthcare provider, or if the student so chooses, the time allowed under any Charter School leave policy for which the student qualifies. A pregnant or parenting student is entitled to eight weeks of parental leave, 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.

Upon the student's return from leave, the student will be reinstated to the academic status, and, as practicable, to the extracurricular status that the student held when the leave began. The student will not

be required to provide any kind of certification demonstrating their ability to physically participate in any class, program, or extracurricular activity unless:

- The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
- Such certification is required of all students participating in the class, program, or extracurricular activity; and
- The information obtained is not used as a basis for sex discrimination.

Students who are pregnant or have a related condition will not be required to provide supporting documentation unless necessary and reasonable to determine reasonable modifications or additional actions related to lactation space, leaves of absence, or voluntary access to any available separate and comparable portion of the program.

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 employees, Coordinators and designees, investigators, decisionmakers, and other persons who are responsible for implementing Charter School's grievance procedures or have the authority to modify or terminate supportive measures will receive Title IX and sexual harassment 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:

- For each complaint of sex discrimination, records documenting the informal resolution process or the grievance procedures, and the resulting outcome.
- For each notification the Coordinator receives of information about conduct that reasonably may constitute sex discrimination, records documenting the actions Charter School took to meet its obligations under 34 C.F.R. § 106.44.
- All materials used to provide required Title IX training. Charter School will make these training materials available upon request for inspection by members of the public.

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.

Signature of Complainant Date: _____

Print Name

To be completed by Charter School:

Received by: _____ Date: _____

Follow up Meeting with Complainant held on: _____