



diego valley east

PUBLIC CHARTER SCHOOL

A LEARN4LIFE SCHOOL

Parent-Student Handbook

2023-2024

INTRODUCTION

WELCOME TO DIEGO VALLEY EAST PUBLIC CHARTER SCHOOL

Diego Valley East Public Charter School (“DVE”) welcomes you to our school. The primary purpose of the Parent-Student Handbook is to provide students and parents with information, guidelines, and policies that will enhance your adjustment as members of the DVE community. All students and parents are urged to read the handbook carefully as you are responsible for understanding its contents and adhering to the policies and procedures that are set forth within it. While this handbook does not address all of DVE’s rules and policies, it does provide guidelines and resources about student life at DVE. As the content of this handbook may change at any time, please stay alert for notifications sent to you through L4L Connect and be sure to check the DVE website for additional resources. As always, please reach out to your student’s teacher or principal as your first resource for any questions or concerns you may have. Thank you for choosing DVE!

MISSION STATEMENT

DVE will provide a non-traditional option for attaining a high school diploma through positive, meaningful, and equitable learning experiences. DVE will accomplish this through the development of individualized student plans and coaching, the provision of a safe educational environment, and by normalizing responsibility and compassion.

VISION STATEMENT

All graduating students will be equipped with a vast spectrum of skills in resiliency, academic, social-emotional, and 21st Century skills to be ready to enter higher education and the workforce and contribute to their communities.

WHO ENROLLS AT DIEGO VALLEY EAST

Students enroll at DVE for a wide variety of reasons. Many students have experienced barriers to success in their previous educational settings. Some students have found that personalized instruction and flexible scheduling align more effectively with their needs than a traditional school model. Some students enroll with the purpose of recovering credits and returning to traditional campuses; others only need a few classes to graduate. The school provides appropriate support and guidance to employed students or to those who are seeking employment through its partnership with Access, Inc., and the Workforce Innovation & Opportunity Act (WIOA). DVE accommodates student needs at an individualized level by personalizing instruction, scheduling, intervention supports, and pacing.

NOTICE OF NON-DISCRIMINATION

DVE is committed to providing a safe and equitable environment for all individuals and does not tolerate any form of discrimination, harassment, sexual harassment, intimidation, or bullying in any form. This applies to all aspects of DVE’s programs, employment, services, and activities, and is based on the actual or perceived characteristics of disability, gender, gender identity, gender expression, nationality, race, ethnicity, creed, color, national origin, ancestry, ethnic group identification, immigration status, religion, religious affiliation, sex, sexual orientation, pregnancy, childbirth or related medical conditions, physical or mental disability, medical condition, potential or actual parental, family or marital status, age, genetic information, military and veteran status, denial of family and medical care leave, or on the basis of a person’s association with a person or

group with one or more of these actual or perceived characteristics, any other characteristic that is contained in the definition of hate crimes in the California Penal Code, or any other basis protected by federal, state, or local law, ordinance, or regulation.

DVE complies with all federal laws related to students with disabilities, including 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).

DVE does not tolerate harassment of any type and will promptly and thoroughly investigate any complaint of harassment and take appropriate corrective action if warranted. Complaints regarding harassment should be directed to School's Uniform Complaint Procedures (UCP) and Title IX Compliance Officer:

Lindsay Reese, Area Superintendent
511 North Second St.
El Cajon, CA 92021-6449
(619) 870-0608
UCPOfficer@diegovalleyeast.org

STUDENTS, PARENTS, GUARDIANS: KNOW YOUR EDUCATIONAL RIGHTS

Your Child has the Right to a Free Public Education

- All children in the United States have a Constitutional right to equal access to free public education, regardless of immigration status and regardless of the immigration status of students' parents or guardians.
- In California:
 - All children have the right to a free public education.
 - All children ages 6 to 18 years must be enrolled in school.
 - All students and staff have the right to attend safe, secure, and peaceful schools.
 - All students have a right to be in a public-school learning environment free from discrimination, harassment, bullying, violence, and intimidation.
 - All students have equal opportunity to participate in any program or activity offered by the school, and cannot be discriminated against based on their race, nationality, gender, religion, or immigration status, among other characteristics.

Information Required for School Enrollment

- When enrolling a child, schools must accept various documents from the student's parent or guardian to demonstrate proof of a child's age or residency.
- You never have to provide information about citizenship/immigration status to have your child enrolled in school. Also, you never have to provide a Social Security number to have your child enrolled in school.

Confidentiality of Personal Information

- Federal and state laws protect student education records and personal information. These laws generally require that schools get written consent from parents or guardians before

releasing student information, unless the release of information is for educational purposes, is already public, or is in response to a court order or subpoena.

- Upon turning 18, educational rights transfer from the parent/guardian to the student. The parent or guardian of an 18-year-old student shall no longer be provided access to the student's records or receive notice of absences or other official communications from the school without the specific authorization of the student. The 18-year-old student shall assume the rights and responsibilities normally accorded to adults in all matters involving the school, such as the right to:
 - Have sole access to the cumulative record except as provided for by the Education Code
 - Have sole access to student progress reports, including report cards, except as provided for by the Education Code
 - Verify all absences and tardies from school
- Some schools collect and provide publicly basic student “directory information.” If they do, then each year, your child’s school must provide parents/guardians with written notice of the school’s directory information policy, and let you know of your option to refuse the release of your child’s information in the directory.

Family Safety Plans If You Are Detained or Deported

- You have the option to provide your child’s school with emergency contact information, including the information of secondary contacts, to identify a trusted adult guardian who can care for your child in the event you are detained or deported.
- You have the option to complete a Caregiver’s Authorization Affidavit or a Petition for Appointment of Temporary Guardianship of the Person, which may enable a trusted adult the authority to make educational and medical decisions for your child.

Right To File a Complaint

- Your child has the right to report a hate crime or file a complaint to the school if he or she is discriminated against, harassed, intimidated, or bullied on the basis of his or her actual or perceived nationality, ethnicity, or immigration status.

ENROLLMENT AND ATTENDANCE

SCHOOL HOURS OF OPERATION

DVE operates all year with enrollment available at any time throughout the school year. The hours of individual learning centers will be set according to the needs of the attending students as determined by school administration.

ATTENDANCE AND CREDIT

Students must attend school on their scheduled days and times. Students who wish to reschedule their appointments must contact their teacher. Student attendance is based on the completion and submission of homework assignments; failure to do so will be considered an absence. A student will be considered truant if he or she is not regularly attending school and completing assignments.

Students are expected to thoroughly complete their homework assignments prior to being administered the corresponding assessment or performance task. Homework assignments will be considered incomplete if left blank or partially completed. Each completed homework assignment with an accompanying passed assessment and/or performance task counts as one (1) high school credit. A failed test score may result in the reassignment of homework and retesting. Students are expected to complete two (2) credits per week. For a student to receive credit, a passing grade of “D” or better is required.

CONCURRENT AND DUAL ENROLLMENT

Students in good standing who are interested in concurrent enrollment in college classes must receive administrative approval. Approved courses taken at the college level are eligible for full college credits and can be transferable for high school credit. A typical three (3) unit college course will count as ten (10) credits of high school study.

Each community college has a concurrent enrollment form for high school students. Prior to enrolling in the college course, students must meet with a School Counselor to review forms and discuss concurrent enrollment. The Counselor will submit forms to an administrator for approval. Dual enrollment courses that are offered under Education Code Section 76004 partnerships are required to have a College and Career Access Pathway (CCAP) Partnership Agreement.

ENROLLMENT PROCEDURES AND IMMUNIZATION REQUIREMENTS

Students may confirm enrollment by submitting a signed master agreement and enrollment forms, which are available in both English and Spanish. After student enrollment is confirmed, students are required to submit registration documents including immunization records, updated transcripts, and withdrawal grades from their previous school(s). Students are accepted throughout the school year from July 1 to June 30 for enrollment in the current or following school year. Students will be issued official identification cards at the time of enrollment. Students must always wear their ID cards while on campus. DVE will request an official transcript from the previous school when the student is officially enrolled.

Per California Education Code Sections 51225.1 and 51225.2 and the McKinney-Vento Act, foster and homeless youth have the right to immediate enrollment even if they do not have transcripts,

immunization records, or proof of residence. Unaccompanied homeless minors have the right to immediate enrollment without proof of guardianship.

Parental involvement is not a requirement for acceptance to, or continued enrollment at, DVE. (Education Code section 47605(n)).

Parents and students need to inform the school office of any changes that occur during the school year regarding addresses, telephone numbers, and emergency and alternate emergency contact persons. Information provided within the emergency cards will only be used in response to specified emergency situations, and not for any other purpose (AB 699).

All students must provide proof that all state-required immunizations are up to date as a condition of enrollment. The immunization status of all students will be reviewed periodically.

Per California Health and Safety Code Section 120335, the following immunizations are required for school entry:

Parents' Guide to Immunizations Required for School Entry



Students Admitted at TK/K-12 Need:

- **Diphtheria, Tetanus, and Pertussis (DTaP, DTP, Tdap, or Td) — 5 doses**
(4 doses OK if one was given on or after 4th birthday.
3 doses OK if one was given on or after 7th birthday.)
For 7th-12th graders, at least 1 dose of pertussis-containing vaccine is required on or after 7th birthday.
- **Polio (OPV or IPV) — 4 doses**
(3 doses OK if one was given on or after 4th birthday)
- **Hepatitis B — 3 doses**
(Not required for 7th grade entry)
- **Measles, Mumps, and Rubella (MMR) — 2 doses**
(Both given on or after 1st birthday)
- **Varicella (Chickenpox) — 2 doses**

These immunization requirements apply to new admissions and transfers for all grades, including transitional kindergarten.

Students Starting 7th Grade Need:

- **Tetanus, Diphtheria, Pertussis (Tdap) — 1 dose**
(Whooping cough booster usually given at 11 years and up)
- **Varicella (Chickenpox) — 2 doses**
(Usually given at ages 12 months and 4-6 years)

In addition, the TK/K-12 immunization requirements apply to 7th graders who:

- previously had a valid personal beliefs exemption filed before 2016 upon entry between TK/Kindergarten and 6th grade
- are new admissions

Records:

California schools are required to check immunization records for all new student admissions at TK/Kindergarten through 12th grade and all students advancing to 7th grade before entry. Parents must show their child's Immunization Record as proof of immunization.

Medical Exemptions

Beginning January 1, 2021, all new medical exemptions for school and childcare entry must be issued through [CAIR-ME](#). Medical Exemptions can only be issued by MDs or DOs licensed in California and must meet applicable Centers for Disease Control and Prevention (CDC), Advisory Committee or Immunization Practices (ACIP), and American Academy of Pediatrics (AAP) criteria. A medical exemption filed at a pre-kindergarten facility or school remains valid until the earliest of:

- When the child enrolls in the next grade span (TK/K-6th grade, 7th -12th grade)
- The expiration date specified in a temporary medical exemption
- Revocation of the exemption because the issuing physician has been subject to disciplinary action from the physician's licensing entity

Personal Beliefs Exemptions

Since January 1, 2016:

- Parents or guardians of students are no longer allowed to submit a personal beliefs exemption to a currently required vaccine. However, parents or guardians must continue to provide immunization records for these students to their schools, and schools must continue to maintain and report records of immunizations that have been received for these students.
- Students who have an individualized education program (IEP) should continue to receive all necessary services identified in their IEP regardless of their vaccination status.
- Personal beliefs exemptions filed at a school before January 1, 2016, remain valid until the student enrolls in the next grade span, typically at kindergarten (or transitional kindergarten) or 7th grade.

The school shall maintain an up-to-date list of pupils with exemptions, so they can be identified quickly if an outbreak occurs.

Students Not Meeting Requirements

Students who do not meet the state immunization guidelines may be excluded from school until the requirements are met. Students who have been exposed to a communicable disease for which they have not been immunized may be prohibited from entering campus at the discretion of the school. Students who do not meet the state requirements shall be referred to their physician or local health department. The school will provide families with a written notice indicating which doses are lacking.

Conditional Admissions

Students who lack one or more required vaccine doses that are currently due may be admitted on condition that they commenced receiving doses of all the vaccines that are due (Title 17, CCR Section 6035).

VOLUNTARY ENROLLMENT AND INVOLUNTARY REMOVAL PROCEDURES

DVE is committed to ensuring the student's voluntary participation in and understanding of the independent study model to graduate or facilitate the student's transfer back to a traditional program upon achievement of coursework goals or when the student is unwilling to continue at the school.

DVE is committed to attempting interventions to assist and support students struggling to attend school and/or progress in the personalized learning model. The school uses the following tiered model to support the success of non-attending students:

- Tier 1: (General School Wide Attendance Support) Attendance is monitored, encouraged, and required. The student and parents receive phone calls from school staff for non-attendance.
- Tier 2: (Personalized Early Outreach) Non-attending students and their parents are contacted by a caring school administrator, school counselor, or a Student Retention Support provider to establish an Attendance Intervention Meeting (AIM). The meeting addresses possible barriers to assignment completion. Students and parents are provided resources and support to promote student attendance.
- Tier 3: (Coordinated School and Interagency Response) Students are considered chronically absent at this point. The school will notify students and guardians of the requirement to transition the student back to the school district of residence. DVE will assist in the process of transitioning the student to the school district of residence. (Note, for special education students, Tier 3 will include scheduling and holding a special IEP meeting to discuss the student's academic progress prior to a recommendation to transition back to the school of residence.)

The Personalized Learning Policy (see Appendix A) specifies that a student cannot be involuntarily removed from Independent Study unless it is determined that it is not in their best interest. In such cases, the student's parent or guardian must be provided with written notice of intent to remove the student at least five school days before the effective date of the action. The notice must be in the pupil's or their parent's native language, or the language of the homeless or foster child's educational rights holder, if applicable. The notice must also inform the pupil and their relevant parties of the right to initiate an involuntary removal hearing before the effective date of the action.

If an involuntary removal hearing is initiated, the student will remain enrolled and cannot be removed until DVE issues a final decision. The hearing and decision will follow the same procedures as outlined in the school's discipline policy and procedures. "Involuntarily removed" includes disenrollment, dismissal, transfer, or termination, but not suspension.

Parents and students must sign the Parent-Student Handbook Acknowledgement Form upon enrollment, which confirms their understanding of the school attendance requirements and Personalized Learning Policy, including involuntary removal procedures. The Student Master Agreements with DVE also detail the student's responsibilities for attendance and completing assignments. Foster children and Indian children have the same rights as a parent or guardian to receive notices and information related to suspension, expulsion, manifestation determination, involuntary transfer, and other documents.

PUBLIC SCHOOL ATTENDANCE ALTERNATIVES

Students enrolled at DVE may not be concurrently enrolled at another school. A student's enrollment at DVE does not extend rights to attend another school within the district or county in which DVE is located.

WITHDRAWAL PROCEDURES

Any student desiring to transfer to another school will need to return all technology, textbooks, and supplemental materials, complete a withdrawal form, and complete a transcript request form. Students under 18 years of age will need a parent to accompany them during the withdrawal process.

INSTRUCTION, TESTING, AND GRADUATION

SCHOOL OBJECTIVES

DVE utilizes a personalized learning/independent study alternative program. Units of work will be given in specific subjects and the assignments will follow the Common Core Standards for equivalency, the California Standards for Career Ready Practice, and the California Career Technical Education Model Curriculum Standards. The education program offered in grades 9 through 12 shall include a course of study that provides an opportunity to meet the requirements necessary for post-secondary admission into advanced learning programs.

DVE collaboratively sustains a variety of partnerships with community partners to ensure the delivery of comprehensive support services to students. Partners include local non-profits, other secondary and postsecondary education institutions, and social service agencies. Certain federally funded youth program partnerships allow public charters to enroll youth through the age of 24. The school shall comply with all applicable state and federal laws regarding independent study instruction, including Education Code Sections 51745-51749.6 and related implementing regulations. DVE's personalized learning/independent study program is an optional educational alternative, and no pupil is required to participate in this program. Please see Appendix A for a full copy of DVE's Personalized Learning Policy.

Students will be assigned a teacher who will evaluate the study assignments and provide testing materials. The tests will be completed for a percentage grade (i.e.: A=100%-90%, B=89%-80%, C=79%-70%, D=69%-60%, and F=59%-0%).

The teacher will regularly collaborate with the student, guardian (when applicable), and support staff to evaluate and assess the student's personalized learning program and Master Agreement. The assigned credentialed teacher will have the final authority regarding the educational program of the student, with the exception of students who qualify for special education services whose services and outcomes will be determined by an Individual Education Plan (IEP) team, pursuant to law.

STUDENT LEARNING OBJECTIVES

- 1. Accountability.** Students will demonstrate accountability as measured by showing up to appointments on time, communicating with teachers, and turning in homework on a weekly basis which can be shown in the Student Information System (SIS).
- 2. Communication.** Students will maintain communication with staff about their progress, goals, and needs as measured by weekly scheduler reports, in-person check-ins, and virtual check-ins via email, phone call, and text with students, HQT teacher, supervising teacher, and parent/guardian (if minor).
- 3. Growth.** Students will demonstrate growth by increasing their academic abilities as measured by assessment scores in reading and mathematics, as well as student work samples. In addition, students' social-emotional growth will be measured by student work samples, student surveys, participation in social-emotional learning workshops, etc.

INTERVENTION

DVE is committed to supporting students who need extra help in order to succeed academically and socially. The school offers a variety of intervention programs to help students overcome challenges and achieve their goals. These programs may include one-on-one tutoring and small group instruction.

When a student is struggling, the school will work with the student, their family, and other support services to identify the root cause of the issue and develop a plan to address it. This may involve providing additional resources such as counseling, academic coaching, connection with social services or special education services.

The school also recognizes the importance of early intervention to prevent students from falling behind. Teachers will regularly monitor student progress and provide additional support as needed. In addition, the school may offer interventions that target specific areas such as reading, writing, or math.

Ultimately, DVE is committed to ensuring that all students have access to the resources they need to succeed and reach their full potential.

COURSE OFFERINGS

Our classes consist of core curriculum, career technical education, and electives developed to continually ensure that all content areas are infused with college and career readiness content. Students have their transcripts evaluated and take assessments to determine the appropriate level of instruction and course placement. The order in which the instruction is offered is purposely done to maximize learning.

DVE offers the required core classes necessary to meet all State Standards and graduation requirements according to school policy and California State law.

DVE is accredited by the Western Association of Schools and Colleges (WASC), with courses approved by the University of California (A-G courses).

To take full advantage of the courses offered, students are expected to meet with their supervising teacher a minimum of each week and to work with subject area teachers and tutors 1 – 2 times per week or as needed to accomplish their educational progress goals.

For English Learners, written communication is provided by the school to notify the parent/guardian when their student has been identified as an English Learner (EL). This notification also provides a description of the school's language development program placement, which allows the parent/guardian to make an informed choice regarding the best program option for their student learning English as a second language. DVE provides Integrated (I) and Designated (D) English Language Development (ELD) to students learning English as a second language. The school also provides tutoring, specialized reading instruction, and/or academic skills-targeted support depending on the student's Individual English Language Development Plan (IELDP).

CAREER TECHNICAL EDUCATION (CTE)

DVE is committed to helping students develop the appropriate work skills, habits, and attitudes to be successful in an ever-changing 21st Century professional world. The purpose of the CTE program is to provide students with relevant instruction and experience in preparation for this working world while earning high school credit.

The CTE program design ensures that all students gain awareness of their own interests and talents and the opportunity to explore related careers in specific sectors and industries. In the introductory CTE program, all students learn basic employability skills that, in combination with the results of unique career surveys, direct them to career and post-secondary education pathways that may be of interest.

Students may proceed beyond the introductory CTE program into a more specialized pathway program and course of study that aligns with a chosen career field. CTE pathway programs offer California CTE Model Curriculum Standards aligned concentrator and capstone courses, which provide deeper instruction and hands-on learning opportunities. Work-based learning experiences are combined with coursework and can serve as a bridge to internships and employment after graduation.

STATE-REQUIRED TESTING

DVE follows the laws and procedures for all state-required testing (i.e., Physical Fitness Test (“PFT”), Smarter Balanced Assessment (“SBA”), California Alternate Assessment (“CAA”), English Language Proficiency Assessment for California (“ELPAC”), and the California Science Test (“CAST”).

All students will participate in applicable tests such as PFT, ELPAC, SBA**, and CAST**.

*** A parent or guardian may annually submit to DVE a written request to excuse his or her child from any or all parts of any test provided pursuant to Education Code Section 60640 for the school year. If a parent or guardian submits an exemption request after testing has begun, any test(s) completed before the request is submitted will be scored and the results reported to the parent or guardian and included in the pupil's records.*

STATE REQUIRED TEST	REQUIRED GRADES	TESTING MONTH(S)
ELPAC (ALT/SUMMATIVE)	K-12	FEB - MAY
ELPAC (INITIAL)	K-12	JULY - MAY
PFT	5,7,9	FEB – MARCH*
SBA/CAA	3-8 AND 11	MARCH – MAY*
CAST/CAA	5,8, 12	MARCH – MAY*

**Testing months are subject to change on a yearly basis. Please check with student’s teacher for current testing dates.*

DVE will follow state and federal guidelines for accommodations, modifications, and designated supports of all tests deemed necessary for students with exceptional needs as determined by the IEP team.

OTHER ASSESSMENTS

Upon completion of each core (English, Math, Social Studies, and Science) credit, students will be assessed to demonstrate their understanding of the material. These assessments count towards a percentage of the overall credit grade. Additionally, when a student completes a Math or English course, they will take a diagnostic assessment to measure their growth and learning over the course of the class.

ACADEMIC TUTORING

Personal, one-on-one tutoring is offered to encourage and build academic excellence. All students are eligible to receive tutoring as needed. Tutors are available to meet with students on campus during school hours. Students may be referred to supplemental tutoring if a teacher identifies a need or if it is listed as a required component of an established intervention plan.

GRADUATION REQUIREMENTS

Students on the standard diploma track are required to successfully complete 210 credits for graduation. The following subjects and credits are requirements for graduation:

SUBJECT	CREDITS REQUIRED
English	40
World History	10
U.S. History	10
Economics	5
Civics/American Government	5
Mathematics*	30
Physical Science	10
Life Science	10
Physical Education	20
Visual & Performing Arts/World Language/CTE	10
Computer Literacy	5
Work Readiness	5
Electives	50

TOTAL	210
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**Math must include ten credits of Algebra I (as required by state law)*

A student must complete a minimum of 10 credits while enrolled at DVE in order to be eligible to graduate. Even if a student has completed 210 credits and has met all core requirements, he or she must still complete the 10-credit minimum requirement.

Exemptions And Special Circumstances

State law provides defined exemptions and flexibility for certain coursework and graduation requirements for foster care, homeless, former juvenile court students, students from military families, migratory students, and newly arrived immigrant students. (Education Code Sections 51225.1 and 51225.2 (AB 2121)).

GRADUATION CEREMONY AND HONORS

DVE offers one or more graduation ceremonies per year. The graduation ceremony celebrates the graduating students who have completed their high school requirements during the year. The school also invites graduating seniors to be candidates for delivering speeches during the graduation ceremony.

TRANSFERABILITY OF COURSES AND COLLEGE ENTRY REQUIREMENTS

Parents and guardians of students are informed about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements during the student enrollment process. In addition, school counselors meet multiple times with juniors and seniors to conduct post-secondary planning. For additional information, please contact the school Administrator or Counselor.

INSTRUCTIONAL TECHNOLOGY

CHROMEBOOKS, TEXTBOOKS, AND SUPPLEMENTAL MATERIALS

DVE provides Chromebooks, hotspots, textbooks (digital and/or physical) and supplemental materials for the student's use. If these materials are vandalized, not returned, or otherwise willfully cut, defaced, or otherwise injured, the student may be charged a replacement cost in accordance with state law (Education Code section 49014). Transcripts from other schools have been known to be delayed due to the lack of book recovery, per Education Code Section 48904(b).

INTERNET SAFETY AND CODE OF CONDUCT POLICY

DVE provides Chromebook and internet access to students for educational purposes only. As such, students are responsible for using the Internet in a productive way. Steps will be taken to promote safety and security while using electronic communication. The policy is to prevent access to inappropriate material, unlawful online activity, unauthorized disclosure of personal information, and comply with laws. Guidelines for using the internet at school or on school technology have been established to ensure responsible and productive use.

Acceptable Uses of the Internet

Students are responsible for using the Internet in an effective, ethical, and lawful manner and for educational purposes only. Appropriate databases may be accessed for educational information as needed.

Unacceptable Uses of the Internet

The Internet should not be used for personal gain or advancement of individual views. Use of the Internet for personal and inappropriate purposes including, but not limited to, visiting pornographic websites, social media websites, chat sites, downloading music, etc. is strictly prohibited and will result in school disciplinary action and/or legal action. Unacceptable uses also include unauthorized access, including so-called "hacking," and other unlawful activities; and unauthorized disclosure, use and dissemination of personal identification information regarding minors. It is prohibited for students to use the school's Internet services for any non-educational purposes.

Access to Inappropriate Materials

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

Software

To prevent computer viruses from being transmitted through the system there will be no unauthorized downloading of any software. All software downloads will be done through DVE's Technology Team.

Copyright Issues

Copyrighted materials belonging to entities other than DVE may not be downloaded, and students are not permitted to copy, transfer, rename, add, or delete information or programs belonging to others unless given expressed written permission to do so by the owner of the materials or programs. Failure to observe copyright or license agreements may result in disciplinary action from DVE or legal action by the copyright owner.

Security

DVE reserves the right to access and monitor all messages and files on the computer system. Internet messages are public communication and are not private. All files and communications including text and images can be disclosed to law enforcement or other third parties without prior consent of the sender or receiver.

Bullying and Harassment

Bullying, harassment, or intimidation of any kind is prohibited. In addition, no messages, or any messages with intimidating, derogatory or inflammatory remarks about an individual or group's race, religion or religious affiliation, national origin, immigration status, physical attributes, or sexual preference may be transmitted. See the "Title IX, Harassment, Intimidation, Discrimination, and Bullying" policy section herein for further details.

Education, Supervision and Monitoring

It shall be the responsibility of all members of DVE's staff to educate, supervise and monitor appropriate usage of the online computer network and access to the Internet in accordance with this policy and law.

DVE will provide age-appropriate training for students who use the school's Internet facilities. The training provided will be designed to promote the school's commitment to:

- The standards and acceptable use of Internet services as set forth in the school's Internet Safety and Code of Conduct Policy.
- Student safety with regard to safety on the Internet; appropriate behavior while online, on social networking websites and in chat rooms; and cyberbullying awareness and response.
- Compliance with the E-rate requirements of the Children's Internet Protection Act.

Following receipt of this training, the student will acknowledge that he/she received the training, understood it, and will follow the provisions of the school's acceptable use policies. Violations of any guidelines listed above may result in disciplinary action up to and including permanent expulsion from DVE. If necessary, the school will advise appropriate legal officials of any illegal violations.

GOOGLE APPS FOR EDUCATION

DVE utilizes Google Apps for Education for classroom collaboration among students, teachers, and staff. This section describes the tools and student responsibilities for using these services. As with any educational endeavor, a strong partnership with families is essential to a successful experience.

Tools

The following suite of productivity tools are available to each student and hosted by Google as part of DVE's online presence in Google Apps for Education:

- **Email:** an individual email account for school use managed by DVE. This account will be considered the student's official school email address until such time as the student is no longer enrolled with DVE
- **Calendar:** an individual calendar for providing the ability to organize schedules, daily activities, and assignments
- **Documents:** word Processor (Google Docs), spreadsheet (Google Sheets), and presentation toolset (Google Slides) that are similar to those found in Microsoft Office
- **Sites:** an individual and collaborative website creation tool
- **Classroom:** a platform where students can be assigned work, access supplemental materials, and interact with their instructor

Using these tools, students can work together to create, edit, and share files in real-time and access websites for school-related projects and communicate via email with other students and teachers. These services are entirely online and available 24/7 from any computer with Internet access, and there are never any ads. Additionally, all data created by the students and stored in the cloud remain the property of each student. Examples of student use include showcasing class projects, building an electronic portfolio of school learning experience, and working in small groups on presentations to share with others.

Guidelines

Guidelines for the responsible use by students of Google Apps for Education include the following:

- **Official Email Address:** All students will be assigned a username@[name].org school email account. This account will be considered the student's official school email address until such time as the student is no longer enrolled with DVE.
- **Access Restrictions:** Access to and use of student email is considered a privilege accorded at the discretion of DVE. DVE maintains the right to immediately withdraw the access and use of these services including email when there is reason to believe that violations of law or the school policies have occurred. In such cases, the alleged violation will be referred to the site administrator for further investigation and resolution.
- **Security:** DVE cannot and does not guarantee the security of electronic files located on the Google systems. Although Google does have excellent security and a dynamic content filter in place for email, DVE cannot assure that users will not be exposed to security breaches and/or unsolicited information.
- **Privacy:** The general right of privacy will be extended to the furthest degree possible in the electronic environment. School staff and all electronic users should treat electronically stored information in individuals' non-public files as private. However, users of student email are strictly prohibited from accessing files and information other than their own, except as may be intentionally created for online file sharing among students and teachers. DVE reserves the right to access emails of user accounts when there is reasonable suspicion that unacceptable use has occurred.

ELECTRONIC COMMUNICATIONS POLICY

All DVE employees, independent contractors, advisors, and volunteers (collectively, “Personnel”) have a responsibility to always maintain only appropriate communications with students. With the advances in communication technology, the school recognizes that more opportunities exist for school and non-school related communications between Personnel and students. As the opportunities increase for such communications, Personnel and students have an increased responsibility to ensure that all forms of communication are appropriate and comply with applicable law and requirements to protect against inappropriate and unsolicited electronic and text messages.

Personnel and students should be respectful and courteous to other individuals. Everyone should consider the appropriateness of any content before sending the message to another. The sender will be solely responsible for what he/she communicates. Inappropriate content that may include discriminatory remarks, harassment, threats of violence, lewd, sexually explicit, or similar inappropriate or unlawful conduct will not be tolerated and may subject the sender to disciplinary action up to and including termination or expulsion.

When sending electronic communications, including but not limited to SMS/MMS text messages and other forms of social media (e.g., Twitter, Facebook, Instagram, Snapchat, etc.), permission should be obtained from each recipient to whom such communications are sent. This is referred to as an “opt-in process.”

Changes to the permission forms previously submitted to DVE via the enrollment package may be made by completing a new permission form and submitting it to the school. The permission form does NOT grant permission for students to send or receive social messages from fellow students, friends, or family during the school day.

DVE is not responsible for and does not pay for charges that may be incurred by students and/or parents/guardians for sending or receiving text or other electronic messages. Parents and students should check with their wireless carrier for any applicable text messaging and/or data usage charges.

PARENT/STUDENT PUBLICATION & USE OF STUDENT WORKS

DVE produces several types of publications or other forms of printed or visual media, including video and photographs, throughout the year that show students engaged in school-related activities. For example, DVE has newsletters that consist of information from around the state and feature student writings and/or photographs of students. In addition, we have a website that provides anybody, anywhere with the school’s information and may also have pictures or other visual media of students engaged in school-related activities. DVE also produces publications or other forms of printed or visual media to increase public awareness and promote continuation and improvement of education programs using social media, displays, brochures, etc.

Students featured in any of these publications will only be identified by first name, if any identification is given. No other personal information (e.g., ages, addresses, phone numbers, etc.) will be used. No personal compensation can be given for pictures, works and/or other forms of printed or visual media used.

Students and/or parents will be requested to sign DVE's Permission for Publication Form upon enrollment, and upon completion and return to the school, this form grants DVE permission to publish student pictures, works and/or other forms of printed or visual media of your student (engaged in school-related activities) in the school's publications.

HEALTH AND SAFETY

STUDENT MENTAL HEALTH SERVICES

Per Education Code Section 48980 (AB 2022), DVE is required to notify students and parents/guardians of mental health resources and services available to the community. The mental health of students is a top priority and as such all staff is trained to support students experiencing a crisis or to connect them with resources, counselors, or an on-site social worker.

School Email: counselors@learn4life.org

County Resources – AVAILABLE 24/7

- 211 Community Resources (Shelter, Food, Counseling, etc.): Dial “211”
- San Diego Department of Mental Health: (619) 421-6900

Hotlines – Text and Online Chat Resources

- Teen Line Hotline: Call (800) 852-8336 (6:00pm – 10:00pm) or Text “TEEN” to 839-863 (6:00pm-9:00pm)
- California Youth Crisis Line: (800) 843-5200 (24/7)
- Suicide and Crisis Lifeline: 988
- Trevor Project: (866) 488-7386 (24/7)
- Trevor Text: Text "START" to 678-678 (24/7)
- Trevor Chat: www.trevorproject.org (3pm-10pm)
- Human Trafficking Hotline: (888) 373-7888 (24/7); or Text "HELP" or "INFO" to 233-733 (24/7)
- Sexual Assault Hotline: (800) 656-4673 (24/7)

Other Resources

- Most private health care plans (e.g.: Kaiser, Blue Cross, Health Net, etc.) and Medi-Cal offer mental health care and/or cover mental health services as covered benefits.
- Any other mental health resource in your area. Please let your student’s principal, teacher, or any adult staff know if we can be of further assistance to you or your student.

SUICIDE PREVENTION

Protecting the health and well-being of all students is of utmost importance to the school. The school has adopted a suicide prevention policy which will help to protect all students through the following steps:

1. Students will learn about recognizing and responding to warning signs of suicide in friends, using coping skills, using support systems, and seeking help for themselves and friends. This will occur in all health classes.
2. Each school will designate a suicide prevention coordinator to serve as a point of contact for students in crisis and to refer students to appropriate resources.
3. When a student is identified as being at risk, the student will be assessed by a school employed mental health professional who will work with the student and help connect him or her to appropriate local resources.

4. Students will have access to national resources which they can contact for additional support, such as:
 - Suicide and Crisis Hotline: 988 <https://988lifeline.org/>
 - The Trevor Lifeline (866) 488-7386 www.thetrevorproject.org
5. All students will be expected to help create a school culture of respect and support in which students feel comfortable seeking help for themselves or friends. Students are encouraged to tell any staff member if they, or a friend, are feeling suicidal or in need of help.
6. Students should also know that because of the life-or-death nature of these matters, confidentiality or privacy concerns are secondary to seeking help for students in crises.
7. For more details, please see the full School Policy on Suicide Prevention.

STUDENT HEALTH SCREENINGS

The state law mandates that the following student health screenings are conducted:

- Hearing tests are required for grades TK/K or 1st (or upon first enrollment in the California public school system), and grades 2, 5, 8, and 10th or 11th grade. Special education students, except those enrolled for a hearing problem, must take a hearing test when enrolled in the program and every third year thereafter, or more frequently as necessary, as per the IEP. (Ref: Ed Code section 49452; 17 CCR section 2951.)
- Vision tests are required for grades TK/K (or upon first enrollment in the California public school system), and grades 2, 5, and 8. However, students in special education must undergo an initial vision assessment along with the establishment of the IEP and at each triennial review. (Ref: Ed Code sections 49452 and 49455.)
- Scoliosis screening is mandatory for every female pupil in grade 7 and every male pupil in grade 8. (Ref: Ed Code section 49452.5.)

SEXUAL HEALTH AND HIV PREVENTION EDUCATION

The California Healthy Youth Act requires that comprehensive sexual health education and Human Immunodeficiency Virus (HIV) prevention education be taught to students at least once in middle school and once in high school, beginning no later than grade seven. Instruction and materials must be medically accurate, objective, age-appropriate and inclusive of all students, as defined by law. The law requires that instruction and materials must encourage students to communicate with parents, guardians, or other trusted adults about human sexuality. The purpose of this instruction is to:

- Provide students with the knowledge and skills necessary to protect their sexual and reproductive health from HIV and other sexually transmitted infections and from unintended pregnancy.
- Provide students with the knowledge and skills they need to develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family.
- Promote understanding of sexuality as a normal part of human development.
- Ensure students receive integrated, comprehensive, accurate, and unbiased sexual health and HIV prevention instruction and provide educators with clear tools and guidance to accomplish that end.

- Provide students with the knowledge and skills necessary to have healthy, positive, and safe relationships and behaviors.

This instruction will be provided by DVE staff. All instructional materials are available for review in the main office or by contacting the principal. Parents/guardians may also request a copy of the California Healthy Youth Act (Education Code sections 51930–51939).

State law allows you to remove your child from this instruction. You may excuse your child from part or all of the sexual health instruction by providing a written note in your preferred language to your child’s principal through email or by dropping off the note in the front office. The note should simply state that you are excusing your child from all or part of the instruction. Within the note, please print your child’s first and last name, your first and last name, and your child’s grade level. There is no need for any explanation or reason for excusal to be stated. Additionally, an alternative curriculum option will be provided to your child. If you have any questions, please contact your student’s teacher or principal.

ATHLETICS

DVE offers a variety of sports throughout the school year and guarantees fair opportunities for all interested students. The Athletic Director and on-staff coaches promote the specific sports before each season and support students in becoming physically and academically cleared for participation. If students are interested in playing a sport, they may inquire with their teacher, coach, or administrator. Per Title IX, the athletics program provides equal access to males and females.

Sudden Cardiac Arrest Prevention

DVE 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. On a yearly basis, a SCA acknowledgement form must be signed and returned by the athlete and the athlete’s parent or guardian before participating in an athletic activity. If you decide to participate in an athletic activity, your principal or coach will provide you with the SCA information sheet, which is also available online here: <https://www.cde.ca.gov/pd/ca/pe/documents/pescaform.pdf>.

Concussions and 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. 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. If you decide to participate in an athletic activity, your principal or coach will provide you with the information sheet, which is also available online here: https://www.cdc.gov/headsup/pdfs/youthsports/parent_athlete_info_sheet-a.pdf.

Opioid Factsheet

Prescription opioids can be an important part of a pain treatment plan, but also carry serious risks of addiction and overdose, especially with prolonged use. On a yearly basis, an Opioid Factsheet

for Patients must be signed and returned by the athlete and, if the athlete is 17 years of age or younger, the athlete's parent or guardian before the athlete initiates practice or competition. If you decide to participate in an athletic activity, your principal or coach will provide you the Opioid Factsheet for Patients, which is also available online here: <https://www.cdc.gov/drugoverdose/pdf/aha-patient-opioid-factsheet-a.pdf>.

COVID-19 RESPONSE

In response to the COVID-19 pandemic, DVE has implemented a plan to ensure that remote learning will continue for all students in the event of a school closure. This plan includes the use of various communication methods, such as telephone, email, and text messages, to ensure that teachers are able to provide support and resources to students.

Remote testing for state-required assessments and diagnostic assessments will also continue to the extent possible. If a student requires access to a laptop or internet service, they can contact their teacher for assistance.

It is important to note that procedures in the handbook may be changed or adapted as necessary to address COVID-19-related situations, in alignment with local, state, and federal laws. The school is committed to ensuring that students are able to continue their studies and progress toward graduation, even during difficult times.

Counselors will also be available to provide advice about academic programs or personal concerns, should a student need support during this time. The school is dedicated to maintaining a safe and supportive learning environment, even in the face of challenges presented by the COVID-19 pandemic.

CHILD ABUSE REPORTING

All employees of DVE are mandated reporters as defined by law and administrative regulation and are obligated to report all known or suspected incidents of child abuse and neglect. Mandated reporters shall not investigate any suspected incidents but are required to cooperate with agencies responsible for reporting, investigating and prosecuting cases of child abuse and neglect.

DIABETES FACT SHEETS

Important information from the California Department of Education regarding type 1 and type 2 diabetes is provided in Appendix B.

FIREARM SAFETY INFORMATION

Important information from the California Department of Education on California laws regarding the safe storage of firearms is provided in Appendix C.

SCHOOL VOLUNTEER AND VISITATION POLICY

While DVE encourages parents/guardians and interested members of the community to visit the campus and view the educational program, the school's first priority is creating and maintaining a safe environment for students and staff. Additionally, school volunteers can be extremely helpful to our teachers and valuable students. Nevertheless, to ensure the safety of students and staff as

well as to minimize interruption of the instructional program, DVE has established a School Volunteer and Visitation Policy. Please see Appendix F for a full copy of this policy.

STUDENTS WITH DISABILITIES

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

Pursuant to Education Code Section 51845, no individual with exceptional needs, as defined in Education Code Section 56026, may participate in independent study, unless his or her individualized education program (IEP) specifically provides for that participation. Students enrolling at DVE with an IEP will be enrolled with an interim placement until an IEP meeting is held to determine appropriate placement.

STUDENTS WITH EXCEPTIONAL NEEDS/IEPS

A student with exceptional needs who has an IEP and transfers into DVE from a district not operating programs under the same special education local plan will receive free appropriate public education, including services comparable to those described in the previously approved IEP, in consultation with the parents, for a period not to exceed 30 days, by which time DVE shall adopt the previously approved IEP or shall develop, adopt, and implement a new IEP that is consistent with federal and state law.

In the case of an individual with exceptional needs who has an IEP and transfers into DVE from a district operating programs under the same special education local plan area of the district in which he or she was last enrolled in a special education program within the same academic year, DVE shall continue, without delay, to provide services comparable to those described in the existing approved IEP that is consistent with federal and state law.

SECTION 504

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

FOSTER AND HOMELESS YOUTH

FOSTER YOUTH EDUCATION RIGHTS

Developed by the California Foster Youth Education Task Force, the following summarizes the California Education Code sections pertaining to foster youth.

1. RIGHT TO REMAIN IN YOUR SCHOOL OF ORIGIN

- You have the right to stay in the same school after you move to a new foster care placement. Your “school of origin” can be:
 1. The school you attended when you first entered foster care,
 2. The school you most recently attended, or
 3. Any school you attended in the last 15 months that you feel connected to.
- Your school must work with you, your education rights holder, your caregiver, and your social worker/probation officer to develop a plan to transport you to your school of origin.
- If you are transitioning from elementary school to middle school or from middle school to high school, you have the right to transition to the same school as your classmates.
- If there is any disagreement about which school you will attend, you have the right to stay in your school of origin until the disagreement is resolved.

2. RIGHT TO IMMEDIATE ENROLLMENT IN SCHOOL

- You have the right to immediately enroll in your regular home school after you move placements.
- You cannot be forced to attend a continuation school or other alternative education program, such as independent study, even if you are behind in credits or have discipline problems at school.
- You have a right to immediately enroll in school and begin attending classes, even if you do not have the paperwork you would normally need for enrollment (such as birth certificate, transcript, or IEP) or you did not check-out from your previous school.
- Your previous school must send your education records to your new school after you enroll.
- You have the right to participate in any activities available at your new school, such as sports teams, tutoring, or after-school clubs, even if you miss a tryout or sign-up deadline.

3. RIGHT TO PARTIAL CREDITS FOR HIGH SCHOOL STUDENTS

- If you change schools during the school year, you have a right to partial credits in all classes that you are passing when you leave your old school, even if you do not complete the entire class.
- After you change schools, your new school must accept the partial credits issued by your old school.
- After you change schools, you have the right to be enrolled in the same or similar classes you were enrolled in at your last school.
- You cannot be forced to retake a class or part of a class that you have already

completed with a passing grade if it would make you off-track for high school graduation.

- You have the right to take or retake any class that you need to go to a California State University or University of California.
- Your grade cannot be lowered because you were absent from school for a court hearing, placement change, or a court-related activity.

4. GRADUATION RIGHTS

- You have the right to stay in high school for a fifth year to complete your school graduation requirements, even if you are over 18.
- If you are behind on your credits, and you transferred schools after 10th grade, you may be eligible to graduate under AB 167/216 by completing only the state graduation requirements (130 credits in specific classes) instead of your school's requirements.
- If you are eligible, the decision of whether to graduate under AB 167/216 is made by your education rights holder.

5. COLLEGE RIGHTS

- You have the right to have the application fee waived when you apply to a community college in California.
- You have the right to receive the maximum amount of federal student aid and you may be eligible for up to \$5,000 per year from the Chafee scholarship.

6. SCHOOL DISCIPLINE RIGHTS

- You cannot be suspended for more than 5 school days in a row or for more than 20 days in a school year.
- You have a right to be told why you are being suspended and the right to provide your version of events and evidence before you are suspended unless there is an emergency. If the behavior for which you are being suspended could subject you to criminal charges, you should consult with your education rights holder or attorney before providing an oral or written statement to the school or police.
- Your attorney and social worker must be invited to a meeting before your suspension can be extended beyond 5 days and a suspension can only be extended if you are being considered for expulsion.
- You have a right to a formal hearing, and to be represented by an attorney at that hearing before you are expelled.
- If you are facing a possible expulsion, your attorney and social worker must be notified. If you are in special education, your attorney and social worker must be invited to a meeting to decide whether your behavior was related to your disability.

7. RIGHT TO YOUR SCHOOL RECORDS

- You have the right to access your school records if you are 16 years or older or have finished 10th grade.
- Your social worker/probation officer and education rights holder can access your school records as well.

Non-Education Rights of Foster Youth

As a foster youth, you also have other rights that are not related to school, such as the right to see a doctor or to have private storage space. For more information, please see the Foster Youth Bill of Rights.

Foster Youth Education Rights Holders

Every foster youth under the age of 18 must have an education rights holder, who is required to make educational decisions in the youth's best interest. Foster youth who are 18 or older have the right to make their own educational decisions. Your education rights holder may be your parent or legal guardian, your caregiver, or another person chosen by the court. Your education rights holder cannot be your social worker or probation officer, your attorney, or group home or school staff members. It is important to know who your education rights holder is. If you need information about who your education rights holder is, you can contact your social worker or attorney.

If you believe your education rights have been violated, you can file a complaint using the Uniform Complaint Procedures (UCP) contained herein. The school has 60 days to investigate and give you a written response.

For more information about your education rights, please see the [Foster Youth Education Toolkit](#) or the [California Youth Education Task Force](#). You can also contact your school's Foster Youth Educational Liaison or your county's Foster Youth Services Coordinating Program (FYSC) from the CDE [Foster Youth Services page](#).

RIGHTS AND PROTECTIONS FOR HOMELESS AND UNACCOMPANIED YOUTH

As a homeless or unaccompanied youth, please be aware that you may have the right to:

- Immediate enrollment in the school you last attended (school of origin) or the local school where you are currently staying, even if you do not have all the documents normally required at the time of enrollment.
- Continue to attend your school of origin, if requested by you and it is in your best interest.
- Receive transportation to and from your school of origin, the same special programs, and services, if needed, as provided to all other students, including free meals and Title I services/programs.
- Receive the full protections and services provided under all federal and state laws, as it relates to homeless children, youth, and their families.

If you have any questions about these rights, please contact the school's Homeless Liaison:

Alvin Bryant
(619) 870-0608
alvin.bryant@diegovalleyeast.org

PREGNANT AND PARENTING STUDENTS

RIGHTS OF PREGNANT AND PARENTING STUDENTS

As required by state law (AB 2289; Education Code sections 222.5, 46015), DVE hereby provides notice of the following accommodations as rights of pregnant and parenting pupils, as established by the California Legislature:

1. A pregnant or parenting pupil is entitled to eight weeks of parental leave, 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, 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. It is the intent of the Legislature that the pupil, if the pupil is 18 years of age or older, or, if the pupil is under 18 years of age, the person holding the right to make educational decisions for the pupil, notify the school of the pupil's intent to exercise this right. Failure to notify the school shall not abridge the rights established by this paragraph or any other right established by this subdivision.
2. A pregnant or parenting pupil who does not wish to take all or part of the parental leave to which they are entitled pursuant to paragraph (1) shall not be required to do so.
3. A pregnant or parenting pupil is entitled to receive more than eight weeks of parental leave pursuant to paragraph (1) if deemed medically necessary by the pupil's physician.
4. When a pupil takes parental leave pursuant to paragraph (1), the supervisor of attendance shall ensure that absences from the pupil's regular school program are excused until the pupil is able to return to the regular school program or an alternative education program.
5. During parental leave taken pursuant to paragraph (1), a local educational agency shall not require a pregnant or parenting pupil to complete academic work or other school requirements.
6. A pregnant or parenting pupil may return to the school and the course of study in which he or she was enrolled before taking parental leave pursuant to paragraph (1).
7. Upon return to school after taking parental leave pursuant to paragraph (1), a pregnant or parenting pupil is entitled to opportunities to make up work missed during his or her leave, including, but not limited to, makeup work plans and reenrollment in courses.
8. Notwithstanding any other law, a pregnant or parenting pupil may remain enrolled for a fifth year of instruction in the school in which the pupil was previously enrolled when it is necessary in order for the pupil to be able to complete state and any local graduation requirements, unless the local educational agency makes a finding that the pupil is reasonably able to complete the local educational agency's graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school.

9. A pupil who chooses not to return to the school in which he or she was enrolled before taking parental leave pursuant to paragraph (1) is entitled to alternative education options offered by the local educational agency.
10. In accordance with subdivision (d) of Section 221.51, a pregnant or parenting pupil who participates in an alternative education program shall be given educational programs, activities, and courses equal to those he or she would have been in if participating in the regular education program.
11. A pupil shall not incur an academic penalty as a result of his or her use of the accommodations specified in this subdivision.

STUDENT BEHAVIOR, CONDUCT AND DISCIPLINE

ACADEMIC INTEGRITY AND PLAGIARISM

As members of the academic community, all students are expected to conduct themselves with honor and academic integrity. All students will follow appropriate citation guidelines to ensure that proper credit is given to the authors or creators of any work used.

DVE's Plagiarism Policy defines plagiarism as presenting someone else's work, including the work of other students, as one's own. Any ideas or materials taken from another source for either written or oral use must be fully acknowledged unless the information is common knowledge. What is considered "common knowledge" may differ from course to course. Sources may include, but are not limited to, information found on the Internet, books, articles, and media presentations and recordings. Requirements for citing material are as follows:

A student must not adopt or reproduce ideas, opinions, theories, formulas, graphics, or pictures or photos without citing the exact source in the body of the assignment. This includes the following examples:

- Directly quoting another person's actual words, whether oral or written;
- Using another person's ideas, opinions, or theories;
- Paraphrasing the words, ideas, opinions, or theories of others, whether oral or written;
- Borrowing facts, statistics, or illustrative material; or
- Offering materials assembled or collected by others in the form of projects or collections.

Lack of Academic Integrity

Cheating involves submitting work in an assignment or exam that is not your own. It can include the following:

- Copying someone else's work
- Allowing someone else to copy your work
- Having someone else complete your work for you
- Using unauthorized materials to help you complete your work
- Accessing social media sites on the internet to help you complete your work

If an instructor detects plagiarism or cheating, the instructor may recommend (depending on the severity) one of the following:

- Reduced grade for the assignment or exam
- No credit for the assignment or exam
- Reduced grade for the course
- Recompletion of the assignment in question
- Completion of an alternate assignment or exam

Under no circumstances will a student be permitted to cheat or plagiarize, and disciplinary measures will be taken in the event this type of student misbehavior continues.

CAMPUS SEARCH AND SEIZURE POLICY

Statement of Findings

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

The California Constitution requires that all students and staff of public schools have the inalienable right to attend campuses which are safe, secure, and peaceful. As such, DVE adopts this Policy outlining the reasonable search of students and their property, student use areas, and/or student lockers and the seizure of illegal, unsafe, unauthorized, or contraband items and materials through a search based upon reasonable suspicion.

Definitions

- *“Reasonable Suspicion”* means a sufficient probability that the search will reveal evidence the student has violated or is violating the law or DVE rules and regulations. Certainty is not required. Articulable facts must support a DVE official’s reasonable suspicion that a search is justified. In no case shall a search be conducted if predicated on mere curiosity, rumor, or hunch.
- A *“violation of either the law or DVE rules and regulations”* includes, but is not limited to, possession of illegal, unauthorized, or contraband materials. Illegal, unauthorized, or contraband materials include those materials which are dangerous to the health or safety of students or school personnel, are disruptive or potentially disruptive, or which have been cited as unauthorized in DVE rules or regulations.
- *“Personal electronic device”* means a device that stores, generates, or transmits information in electronic form, and is not owned or otherwise loaned to the student by the school.
- *“Electronic communication”* means the transfer of signs, signals, writings, images, sounds, data, or intelligence of any nature in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system.
- *“Electronic communication information”* means any information about an electronic communication or the use of an electronic communication service, including, but not limited to, the contents, sender, recipients, format, or location of the sender or recipients at any point during the communication, the time or date the communication was created, sent, or received, or any information pertaining to any individual or personal device participating in the communication, including, but not limited to, an IP address.

Notice

Written notice of this Policy shall be provided to students and their parents and/or guardians upon adoption, and via inclusion in the Student Handbook.

Student Searches – Generally

A DVE official (e.g., administrator, employee, teacher, etc.), may conduct a reasonable search of a student’s person and/or personal effects (e.g., backpack, purse, etc.) if a school official has reasonable suspicion that the student is engaged in or has engaged in illegal activity or a violation

of school rules and regulations. Whether a search is reasonable depends on the context within which a search takes place. The school official must assess the reliability of the student or person providing the information, the degree of danger to others, and the immediacy of the need for a search.

The search of a student and/or of their personal effects must be:

1. Justified at its Inception: There are reasonable grounds for suspecting the search will turn up evidence that the student is violating or has violated the law or DVE rules. Articulable facts must support a school official's reasonable suspicion that a search is justified. In no case shall a search be conducted if predicated on mere curiosity, rumor, or hunch.
2. Reasonable in Scope: The measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

Searches of Private Electronic Devices

A student's personal cell phone, smartphone, or other personal electronic devices shall not be searched by school officials without a warrant, the student's consent, or a legitimate emergency, unless the device is lost or abandoned. An "emergency" is defined as any situation involving danger of death or serious physical injury to any person that requires access to the information located or reasonably believed to be located on the electronic device (SB 178/CA Electronic Communications Privacy Act). If DVE has a good faith belief that the device is lost, stolen, or abandoned, DVE may only access electronic device information in order to attempt to identify, verify, or contact the owner of the device.

Nothing in this Policy prohibits DVE from seizing/confiscating a student's personal electronic device without searching its contents if the student's use or possession of the private electronic device is in violation of DVE rules or regulations.

Required Conduct of Searches

Additionally, any search of a student and/or of their personal effects shall be:

1. Conducted in the presence of at least one (1) other adult witness, whenever possible.
2. Conducted out of the presence of other students to maintain student confidentiality.
3. Conducted in a manner that does not involve:
 - a. Conducting a body cavity search of a student manually or with an instrument; or
 - b. Removing or arranging any or all of the clothing of a student to permit visual inspection of the underclothing, breast, buttocks, or genitalia of the student.
4. Documented by keeping a log of the search methods as well as a written description and/or pictures of any prohibited or illegal items ultimately seized as a result of the search.

Student Use Areas

Student use areas, including, but not limited to, instructional and recreational space, are considered DVE property and remain at all times under the control of DVE. Periodic general inspections of instructional space and other areas of the school may be conducted by school officials for any reason at any time without notice.

Seizure of Illegal, Unauthorized, or Contraband Materials

If a lawfully conducted search yields illegal, unauthorized, or contraband materials, such materials shall be turned over to the proper legal authorities for ultimate disposition.

Discipline

If illegal, unauthorized, or contraband materials are discovered during a search, including but not limited to searches conducted by school officials, DVE may impose discipline upon the student(s) (including suspension and/or expulsion) in accordance with DVE's discipline policies and procedures. DVE shall notify law enforcement authorities if any search and/or seizure results in the discovery of illegal contraband.

Video Surveillance and Other Recording Devices

DVE may utilize video surveillance devices in all common areas of the school campus including, but not limited to, outdoor spaces, entrances and exits, parking lots, stairwells, hallways, classrooms, the main office, school buses, and any other commonly used spaces, as applicable. DVE shall not utilize video surveillance devices in private spaces such as restrooms and locker rooms, as applicable. The school's intent and purpose in utilizing video surveillance devices is to ensure student and staff health, welfare, and safety in order to maintain safe and orderly conduct throughout the school day.

DVE shall not use audio recording where there is an expectation of privacy without prior consent of all parties subject to recording. Students, staff, parents, and other members of the public are similarly prohibited from audio recording on DVE campus without prior consent. This policy does not prohibit the school from recording classes as needed for student achievement nor any other permissible audio recording by DVE otherwise provided under the law.

Video surveillance recordings are not considered student education records unless the recording is maintained and (1) intended for use in a disciplinary action or proceeding, (2) depicts an activity that shows a student violating the law, (3) shows a student getting injured, attacked, victimized, ill, or having a health emergency, or (4) contains personally identifiable information from a student's educational record. A video surveillance recording is not considered a student's education record when the student's image is incidental to the activity shown in the recording or when the student is participating in a public activity.

DVE shall comply with all state and federal law regarding access to, review, and disclosure of student records, including Family Educational Rights and Privacy Act ("FERPA"). This includes compliance with lawful requests under the California Public Records Act, from law enforcement, and other appropriate agencies. DVE will evaluate the legality of any requests in advance of disclosure and will comply with all notice requirements under FERPA.

SUSPENSION AND EXPULSION POLICY AND PROCEDURE

Trauma-Sensitive and Restorative Practices Policy

DVE is dedicated to being a student-centered organization and accordingly recognizes a standardized, effective behavior management system is key to ensuring students feel supported and can be successful in school. DVE has embraced a trauma-sensitive approach when considering

student behavioral issues by examining what happened in a particular incident, as well as the root cause(s), rather than faulting a student's character. To support this perspective, DVE practices setting clear parameters around expectations for both students and educators thereby limiting or reducing unwanted behaviors while also using restorative practices to maintain the relationships of respect when an incident does occur. Recognizing that a high percentage of DVE's students have experienced adverse childhood experiences, these systems help us create a safe learning environment in which students feel valued, respected, and are able to work at their own pace to get back on track in their academic and personal lives.

Suspension and Expulsion Policy

DVE has adopted a suspension and expulsion policy to promote learning and protect the safety and well-being of all students at DVE. When the policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. School staff shall enforce disciplinary rules and procedures fairly and consistently among all students. Please see Appendix D for a full copy of this policy.

OTHER SCHOOL POLICIES AND PROCEDURES

Classroom Area:

- Parents, guardians, family, or friends are not permitted in the classroom area. The reception area is available for anyone waiting for a student to complete his/her classroom appointments.
- When students enter the Learning Center and classrooms, they are to complete their work and leave the classroom once they are finished. Re-entry into the classroom area will require permission from the reception staff. Students must always wear their IDs while on campus. Cell phones must be on vibrate or off and stowed away. Phone calls need to be made in the reception area to avoid distraction or disruption of other students.

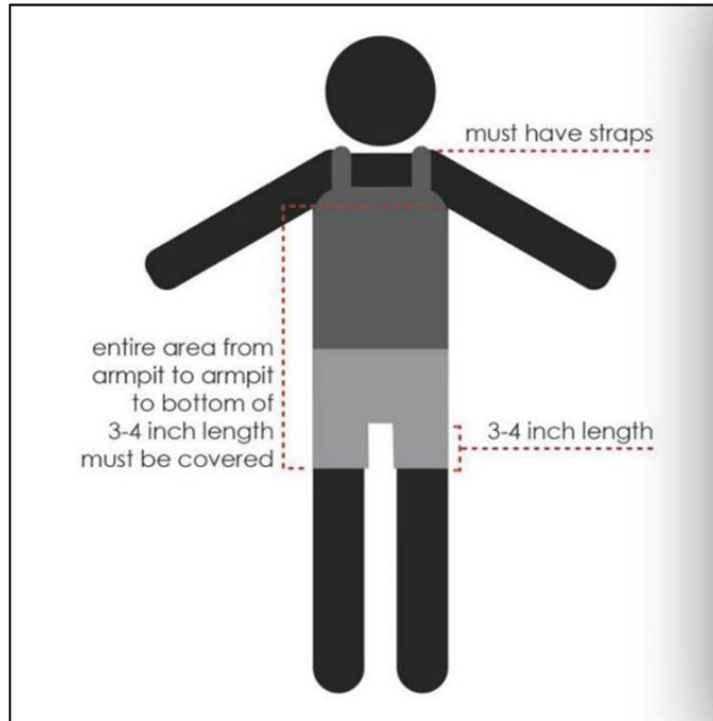
Dress Code:

To maintain a safe, inclusive, and respectful environment the following items may not be worn at our school sites or events sponsored by our school:

- Clothing may not depict, imply, or advertise alcohol, drugs, tobacco, knives, or firearms.
- Clothing may not state, imply, or depict hate speech/imagery targeting groups based on race, ethnicity, gender, sexual orientation, gender identity, or religious affiliation.
- Clothing may not depict or imply pornography, nudity, or sexual acts.

To maintain a setting where students present themselves in a manner aligned with workplace dress code:

- Clothing must cover areas from one armpit across to the other armpit, down to approximately 4 inches in length on the upper thighs. Tops must have shoulder straps.

**Lobby Telephone Access:**

- Students needing to make transportation arrangements, or with emergencies, may use the telephone provided in the reception area. This phone is not for students to use for personal calls.

Safety:

- Students will participate in all safety drills and will familiarize themselves with the emergency escape plan posted at the school.
- You may request to review the complete updated management plan for asbestos containing material in school buildings. (40 CFR 763.93).

School Environment:

- DVE is an alcohol, tobacco, vape/e-cigarette, drug, and weapon free environment. Teachers cannot administer nor provide non-prescription or prescription medications. Loitering is not permitted in or near the school area.
- Students are allowed to take a nutrition or focus break if needed and approved by the student's teacher. Students must remain in the Learning Center during such breaks.
- Students are asked not to play car audio systems loudly while parked near the school.

Student IDs:

- DVE has the right and responsibility to control access and activity to ensure the safety, physical and mental well-being of those on its campus. Once enrolled, students are subject to these conditions.
- Students will be issued an ID card at the time of enrollment. Students shall always wear their ID cards when on campus. Students that come to school without their school issued

ID will be issued a temporary ID for the day. Students that continually do not bring their ID may be subject to disciplinary action. Students that have lost their school issued ID will be issued a replacement ID one time at no cost.

Water Bottles:

- DVE acknowledges the right of all students to bring and carry water bottles at school. As required by Education Code Sections 38042-38043, DVE encourages and promotes water bottle carrying and the benefits of drinking water through signage at the school and on the school website as well as bottle-filling stations on campus.

Work Permits:

- DVE recognizes that part-time jobs can give students needed supplementary income, valuable work experience, and enhanced self-esteem. The purpose of the Work Permit program is to provide students with the opportunity to “earn while they learn” and to provide access to real-world employment education.
- The information that a student needs to get a work permit can be attained at the school through their supervising teacher. The work permit request form requires information from the school, student, guardian, and prospective employer.
- Please note: To qualify for and retain a work permit, students must consistently and regularly attend school, earn acceptable grades, demonstrate satisfactory citizenship, and complete and return all school assignments on time.

GREIVANCES

GRIEVANCES SUMMARY

DVE has multiple grievance procedures described in this handbook. To clarify the differences among these procedures to determine which is applicable, please see the following summary:

- **Uniform Complaint Procedure.** This remedy applies to complaints alleging DVE's failure to comply with applicable state and federal laws and regulations that are subject to the UCP, including 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 DVE program or activity.
- **General Complaints.** DVE welcomes suggestions for improvement, good-faith complaints, and questions. The General Complaint Policy is designed to address concerns about the school generally or regarding specific employees. For complaints regarding harassment or perceived violations of state or federal laws, please refer to DVE's Policy against Unlawful Harassment, Title IX, and/or the Uniform Complaint Procedures. For all other complaints, the General Complaint form and accompanying procedures will be appropriate.
- **Request to Amend Education Records.** Following the inspection and review of a student's education records, a parent or eligible student may file a written request with the school to correct or remove any information that is inaccurate, misleading, or otherwise in violation of the student's privacy rights under the federal Family Educational Rights and Privacy Act ("FERPA").
- **FERPA Complaint.** Parents and eligible students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by DVE to comply with the education records requirements of FERPA.
- **Bullying.** Any student who believes they have been subject to bullying or has witnessed such prohibited misconduct is encouraged to immediately report such misconduct to DVE or the U.S. Department of Education, Office for Civil Rights. If the bullying is unlawful discrimination, the Uniform Complaint Procedure applies. If not, an offender is subject to the general DVE discipline process.
- **Title IX.** Sexual harassment should be reported to the DVE Coordinator. Discrimination, sexual harassment, harassment, intimidation, and bullying are all disruptive behaviors, which interfere with students' ability to learn, negatively affect student engagement, diminish school safety, and contribute to a hostile school environment. DVE prohibits any acts of discrimination, sexual harassment, harassment, intimidation, and bullying altogether. This policy is inclusive of instances that occur on any area of the school campus, at school-sponsored events and activities, regardless of location, through school-owned technology, and through other electronic means.

UNIFORM COMPLAINT PROCEDURES (UCP)

DVE has the primary responsibility to ensure compliance with applicable state and federal laws and regulations, including those related to unlawful discrimination, harassment, intimidation or bullying against any protected group, and all programs and activities that are subject to the Uniform Complaint Procedures (“UCP”). A copy of the school’s UCP is available free of charge on our website.

Programs and Activities Subject to the UCP

DVE shall investigate and seek to resolve, in accordance with the Charter’s School’s UCP, complaints alleging failure to comply with applicable state and federal laws and regulations that are subject to the UCP including the following types of complaints:

- Accommodations for Pregnant, Parenting or Lactating Students
- Career Technical and Technical Education
- Career Technical and Technical Training
- Consolidated Categorical Aid
- 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 DVE program or activity.
- Education and graduation requirements for 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
- Local Control Funding Formula (LCFF) or Local Control and Accountability Plan (LCAP)
- Migrant Education
- Pupil Fees
- Regional Occupational Centers and Programs
- School Safety Plans

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.

Filing a UCP Complaint

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, unless the time for filing is extended by the Compliance Officer or designee in writing.

All other complaints under the UCP shall be filed no 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 when the school's Board of Directors approves the LCAP or annual update.

A pupil enrolled in DVE shall not be required to pay a pupil fee for participation in an educational activity. A pupil fee complaint may be filed with the Compliance Officer designated below.

Complaints filed pursuant to the UCP must be in writing and signed. A pupil fee or LCAP complaint may be filed anonymously, that is, without an identifying signature, if the complainant provides evidence or information leading to evidence to support an allegation of noncompliance.

UCP Complaint Appeal and Civil Law Remedies

A complainant has a right to appeal the school's decision to the California Department of Education (CDE) by filing a written appeal within thirty (30) calendar days of receiving the school's decision. A complainant who appeals DVE'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.

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

Civil law remedies may be available under state or federal discrimination, harassment, intimidation, or bullying laws, if applicable, and of the appeal pursuant to Education Code Section 262.3. A complainant may pursue available civil law remedies outside of DVE's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys.

Contact Information

Complaints within the scope of the UCP are to be filed with the person responsible for processing complaints ("Compliance Officer"), who is knowledgeable about the laws and programs that they are assigned to investigate in the school:

Lindsay Reese, Area Superintendent
511 North Second St.
El Cajon, CA 92021-6449
(619) 870-0608
UCPOfficer@diegovalleyeast.org

GENERAL COMPLAINT POLICY

DVE has adopted this policy to address general concerns about the school or concerns regarding specific employees. For complaints regarding harassment or perceived violations of state or federal laws, please refer to the school's Harassment, Intimidation, Discrimination, & Bullying Policy and/or the school's Uniform Complaint Procedures. For all other complaints, the General Complaint form and accompanying procedures will be appropriate.

If complaints cannot be resolved informally, complainants may file a written complaint with the school administration.

In processing the complaint, the principal (or designee) shall abide by the following process:

1. The principal (or designee) shall use his or her best efforts to ascertain the facts relating to the complaint. Where applicable, the principal (or designee) shall talk with the parties identified in the complaint or persons with knowledge of the particulars of the complaint to ascertain said facts. This investigation will be completed within fifteen (15) calendar/business days.
2. If the principal (or designee) finds that a complaint is valid, the principal (or designee) may take appropriate action to resolve the problem. Where the complaint is against an employee of DVE, the principal (or designee) may take disciplinary action against the employee. As appropriate, the principal (or designee) may also simply counsel/reprimand employees as to their conduct without initiating formal disciplinary measures.
3. All efforts will be made to complete the investigation in a timely manner and could take up to sixty (60) days.
4. The principal's (or designee's) decision relating to the complaint shall be final unless it is appealed to the Area Superintendent in writing, and then to the Board of Directors. The complainant can appeal this decision within ten (10) calendar/business days of receiving the written finding. The decision of the Board of Directors shall be final.

General Requirements

1. **Confidentiality:** All complainants will be notified that information obtained from the complainants and thereafter gathered will be maintained in a manner as confidential as possible, but in some circumstances absolute confidentiality cannot be assured.
2. **Non-Retaliation:** All complainants will be advised that they will be protected against retaliation because of the filing of any complaints or participation in any complaint process.
3. **Resolution:** The Board of Directors (if a complaint is about the principal) or the principal or designee will investigate complaints appropriately under the circumstances and pursuant to the applicable procedures, and if necessary, take appropriate remedial measures to ensure effective resolution of any complaint.

Contact your school principal for a copy of the general complaint procedures and form.

FERPA: PUPIL RECORDS, INCLUDING CHALLENGES, DIRECTORY INFORMATION AND INFORMATION SHARING

Annual Notification

The following shall serve as DVE's annual notice to parents/guardians and students of the school's general information policies regarding Pupil Records, Including Challenges, Directory Information, and Information Sharing.

FERPA Information

The Family Educational Rights and Privacy Act ("FERPA") affords parents and students who are 18 years of age or older (hereinafter referred to as "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 forty-five (45) days after the day DVE receives a request for access. Parents or eligible students should submit to the school principal or designee a written request that identifies the records they wish to inspect. DVE officials 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 DVE to amend a record should write the school principal, clearly identify the part of the record they want changed and specify why it should be changed. If DVE decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
3. The right to provide written consent before DVE discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent as described below. The school's request for written or parental or guardian consent for release of student information must include the following information: (1) the signature and date of the parent, guardian, or eligible student providing consent; (2) a description of the records to be disclosed; (3) the reason for release of information; (4) the parties or class of parties receiving the information; and (5) if requested by the parents, guardians or eligible student, a copy of the records to be released. DVE shall permanently keep the consent notice with the record file. The parent, guardian, or eligible student is not required to sign the consent form. If the parent, guardian, or eligible student refuses to provide written consent for the release of student information that this not otherwise subject to release, the school shall not release the information.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by DVE to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

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

DVE shall avoid the disclosure of information that might indicate a student's or family's citizenship or immigration status if the disclosure is not authorized by FERPA. DVE personnel shall take the following action steps upon receiving an information request related to a student's or family's immigration or citizenship status:

- Notify a designated School official about the information request.
- Provide students and families with appropriate notice and a description of the immigration officer's request.
- Document any verbal or written request for information by immigration authorities.
- Unless prohibited, provide students and parents/guardians with any documents issued by the immigration-enforcement officer.

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

1. To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom DVE has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1)- (a)(1)(i)(B)(2) are met. (§99.31(a)(1)).
2. To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2)).
3. To authorized representatives of the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency in the parent or eligible student's State (SEA). Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35).
4. In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4)).
5. To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a state statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to §99.38. (§99.31(a)(5)).

6. To organizations conducting studies for, or on behalf of, DVE, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31(a)(6)).
7. To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7)).
8. To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8)).
9. To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9)).
 - a. Except for investigations of child abuse, child neglect, or child dependency, or when the subpoena served on DVE prohibits disclosure, the school shall provide parental or guardian notification of any court orders, warrants, or subpoenas before responding to such requests.
10. To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10)).
11. Information that DVE has designated as “directory information” under §99.37 (§99.31(a)(11)), as more fully described below.

Directory Information

The following shall serve as DVE’s annual notice to parents/guardians and eligible students of the school’s directory information policies.

FERPA requires that DVE, with certain exceptions, obtain the parent’s written consent prior to the disclosure of personally identifiable information from your child’s education records. DVE shall require written parental or guardian consent for the release of student information unless the information is relevant for a legitimate educational interest or includes directory information only. Neither exception permits disclosing information to immigration authorities for immigration-enforcement purposes; no student information shall be disclosed to immigration authorities for immigration-enforcement purposes without a court order or judicial subpoena. Directory information does not include citizenship status, immigration status, place of birth, or any other information indicating national origin (except where the school receives consent as required under state law).

DVE may disclose appropriately designated “directory information” without written consent unless you have advised the school to the contrary in accordance with school procedures. The primary purpose of directory information is to allow DVE to include this type of information from your child’s education records in certain school publications. Examples include, but are not limited to:

- A playbill, showing your student’s role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent’s prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings, publish yearbooks, or are identified by DVE as entities that have a legitimate need to know

and/or organizations who request directory information in the furtherance of the school's valid interests. DVE has determined that it will release directory information to requestors that engage in information dissemination related to California charter school issues. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with the following information – names, addresses and telephone listings – unless parents have advised the school that they do not want their student's information disclosed without their prior written consent. (Section 9528 of the Elementary and Secondary Education Act)

DVE has designated the following information as directory information:

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

If you do not want DVE to disclose any or all of the types of information designated below as directory information from your child's education records without your prior written consent, you must notify the school in writing within ten (10) days of your enrollment date.

TITLE IX, HARASSMENT, INTIMIDATION, DISCRIMINATION, AND BULLYING POLICY

DVE prohibits all acts of discrimination, sexual harassment, harassment, intimidation, and bullying. These behaviors disrupt students' ability to learn and negatively impact student engagement, school safety, and the overall school environment. The policy applies to all areas of the school campus, school-sponsored events, and activities, as well as through school-owned technology, and other electronic means.

Misconduct prohibited by this policy includes intentional conduct, including verbal, physical, written communication, cyber-bullying, or any other discrimination based on a person's actual or perceived characteristics such as mental or physical disability, sex, gender identity, expression, nationality, race or ethnicity, immigration status, religion, sexual orientation, medical conditions,

genetic information, marital status, age, or association with a person or group with these characteristics.

DVE will take reasonable measures to prevent and address any discrimination, harassment, intimidation, and/or bullying promptly and thoroughly. School staff who witness misconduct prohibited by this policy will intervene immediately when it is safe to do so. The policy applies to all employees, students, or volunteers, regardless of position or gender. The school will investigate and respond to any complaints of misconduct in a timely manner, taking corrective action as necessary. DVE complies with all applicable state and federal laws, regulations, and local ordinances. Please see Appendix E for a full copy of this policy.

CLOSING

In closing, DVE cares about the success and individual needs of every student. Many DVE policies and procedures have only been briefly addressed in this handbook. DVE encourages every parent and student to reach out to your student's teacher or principal as your first resource for any questions or concerns you may have. Once again, thank you for choosing DVE!

APPENDIX A: PERSONALIZED LEARNING POLICY

Last Revised: December 8, 2022

DIEGO VALLEY EAST PUBLIC CHARTER SCHOOL

PERSONALIZED LEARNING POLICY

This Board Policy shall apply to all pupils participating in Personalized Learning at Diego Valley East Public Charter School ("Charter School").

1.0 POLICY ON ADMISSIONS AND ENROLLMENT

- 1.1 The Charter School shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations.
- 1.2 The Charter School shall not discriminate on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, or association with an individual who has any of the aforementioned characteristics).
- 1.3 The Charter School is a public school of choice, which shall enroll all students who wish to attend subject only to capacity. No student shall be required to attend the Charter School. If the Charter School receives a greater number of applications than there are spaces for students, it will hold a public random drawing to determine admission. Except as required by Education Code Section 47605(e)(2) and Education Code Section 51747.3, admission to the Charter School shall not be determined according to the place of residence of the student or his or her parents within the State. Preference in the public random drawing shall be given as required by Education Code Section 47605(e)(2)(B).
- 1.4 The Charter School shall not discourage a pupil from enrolling or seeking to enroll in the Charter School for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2) [pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation]. [Ref. Education Code Section 47605(e)(4)(A)]
- 1.5 The Charter School shall not request a pupil's records or require a parent, guardian, or pupil to submit the pupil's records to the Charter School before enrollment. [Ref. Education Code Section 47605(e)(4)(B)]

- 1.6 The Charter School shall not encourage a pupil currently attending the Charter School to disenroll from the Charter School or transfer to another school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2) [pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation]. This subparagraph shall not apply to actions taken by the Charter School pursuant to the procedures described in subparagraph (J) of paragraph (5) of subdivision (b) [pupil suspension and expulsion procedures]. [Ref. Education Code Section 47605(e)(4)(C)]
- 1.7 The Charter School shall post and maintain on its internet website a notice developed by the California Department of Education of the requirements of Education Code Section 47605(e). The Charter School shall provide a parent or guardian, or a pupil if the pupil is 18 years of age or older, a copy of this notice at all of the following times: (i) when a parent, guardian, or pupil inquires about enrollment; (ii) before conducting an enrollment lottery; and (iii) before disenrollment of a pupil. [Ref. Education Code Section 47605(e)(4)(D)]
- 1.8 A person who suspects that the Charter School has violated Education Code Section 47605(e)(4) may file a complaint with the chartering authority. [Ref. Education Code Section 47605(e)(4)(E)]

2.0 POLICY ON INDEPENDENT STUDY

- 2.1 The Charter School shall offer independent study to meet the educational needs of pupils enrolled in the Charter School. Independent study is an alternative education designed to teach the knowledge and skills of the core curriculum. The Charter School shall provide appropriate services and resources to enable pupils to complete their independent study successfully.
- 2.2 The Charter School shall comply with all applicable state and federal laws regarding independent study instruction, including Education Code Sections 51745 through 51749.3, and the provisions of the Charter Schools Act and the State Board of Education regulations adopted thereunder.
- 2.3 Each student's Personalized Learning (also referred to herein as "Independent Study") shall be coordinated, evaluated, and carried out under the general supervision of an assigned certificated employee or employees.
- 2.4 **Satisfactory Educational Progress**

Students shall make Satisfactory Educational Progress (SEP), as defined below in Section 2.6. SEP indicates a student's successful completion of coursework towards a High School Diploma, Certificate of Completion, or credit recovery. SEP will be evaluated based on each student's Personalized Learning Plan that was developed in consultation with students, parents, guardians, caregivers, teachers, and other relevant stakeholders.

2.5 Student Work Assignments

For pupils in all grade levels offered by the Charter School, the maximum length of time that may elapse between the time a Personalized Learning assignment is made, and the date by which the pupil must complete the assigned work shall be twenty (20) school days; or as modified by an assigned credentialed teacher at the time the work is assigned to the pupil. When special or extenuating circumstances justify a longer time for individual pupils, the credentialed teacher may approve a period not to exceed eight (8) weeks.

2.6 Independent Study Evaluation

The School Administrator or designee shall conduct an evaluation to determine whether it is in the best interests of the pupil to remain in independent study when the following occur:

1. When any pupil fails to complete three (3) assignments during any period of twenty (20) school days.
2. When the student's educational progress falls below satisfactory levels as determined by the Charter School's Multi-Tiered, Multi-Domain System of Support (MTMDSS) Team procedure, which considers ALL of the following indicators in accordance with Education Code Section 51747(b)(2):
 - a. The pupil's achievement and engagement in the independent study program, as indicated by the pupil's performance on applicable pupil-level measures of pupil achievement and pupil engagement set forth in Education Code Section 52060(d), paragraphs (4) and (5).
 - b. The completion of assignments, assessments, or other indicators that evidence that the pupil is working on assignments.
 - c. Learning required concepts, as determined by the supervising teacher.
 - d. Progressing toward successful completion of the course of study or individual course, as determined by the supervising teacher.

A written record of the findings of any evaluation made pursuant to this section shall be treated as a mandatory interim pupil record. The record shall be maintained for a period of three years from the date of the evaluation and, if the pupil transfers to another California public school, the record shall be forwarded to that school.

2.7 Involuntary Removal Procedures

If it is determined Independent Study is not in the best interest of the student, no pupil shall be involuntarily removed by the Charter School for any reason, unless the parent or guardian of the pupil has been provided written notice of the intent to remove the pupil no less than five school days before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian, or, if the pupil is a homeless child or youth, or a foster child or youth, in the native language of the homeless or foster child's educational rights holder. In the case of a foster child or youth, the written notice shall also be provided to the foster child's attorney and county social worker. If the pupil is an Indian child, as defined in Section 224.1 of the Welfare and Institutions Code, the written notice shall also be provided to the Indian child's tribal social worker and, if applicable, county social worker. The written notice shall inform the pupil, the pupil's parent or guardian, the homeless child's educational rights holder, the foster child's educational rights holder, attorney, and county social worker, or the Indian child's tribal social worker and, if applicable, county social worker of the right to initiate, before the effective date of the action, an involuntary removal hearing, which will follow the same procedures as a hearing for a disciplinary removal. If the pupil's parent or guardian, the homeless child's educational rights holder, the foster child's educational rights holder, attorney, or county social worker, or the Indian child's tribal social worker or, if applicable, county social worker initiates the involuntary removal hearing procedures, the pupil shall remain enrolled and shall not be removed until the Charter School issues a final decision. The involuntary removal hearing and decision shall follow the same procedures set forth in the school's discipline policy and procedures. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in the Charter School's discipline policy and procedures. A foster child's educational rights holder, attorney, and county social worker and an Indian child's tribal social worker and, if applicable, county social worker shall have the same rights a parent or guardian of a child has to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, and other documents and related information.

2.8 Academic Content

The Charter School shall provide content aligned to grade level standards that is substantially equivalent to in-person instruction. For high schools, this shall include access to all courses offered by the local educational agency for graduation and approved by the University of California or the California State University as creditable under the A–G admissions criteria.

2.9 Tiered Reengagement Strategies

The Charter School has established procedures for tiered reengagement strategies for the following students in accordance with Education Code Section 51747(d):

1. All students who are not generating attendance for more than 10 percent of required minimum instructional time over four continuous weeks of the Charter School's approved instructional calendar;
2. Students found not participatory in synchronous instructional offerings pursuant to Education Code Section 51747.5 for more than 50 percent of the scheduled times of synchronous instruction in a school month as applicable by grade span; or
3. Students who are in violation of the written agreement pursuant to Education Code Section 51747(g).

The procedures for tiered reengagement strategies include local programs intended to address chronic absenteeism, as applicable, with at least all of the following in accordance with Education Code Section 51747(d):

1. Verification of current contact information for each enrolled student.
 - a. During each regularly scheduled appointment, supervising teachers and support staff shall verify and update student contact information.
2. Notification to parents or guardians of lack of participation within one school day of the recording of a nonattendance day or lack of participation.
 - a. Parents, guardians, or caregivers will be contacted within one school day of the recording of a non-attendance day or lack of participation.
3. A plan for outreach from the Charter School to determine student needs, including connection with health and social services as necessary.
 - a. A reengagement letter will be sent via email or hard copy to parents, guardians or caregivers whose students are making unsatisfactory educational progress and for whom other forms of outreach have been unsuccessful.
 - b. A preventative meeting will be scheduled to offer resources, including connection with health and social services as needed.
4. A clear standard for requiring a pupil-parent-educator conference to review a pupil's written agreement, and reconsider the independent study program's impact on the student's achievement and well-being, consistent with the policies adopted pursuant to Education Code Section 51747(g)(4).
 - a. An Attendance Intervention Meeting (AIM) will be conducted after a student has missed three (3) assignments during any period

of 20 school days, and is determined to be making unsatisfactory educational progress. During the AIM meeting, an evaluation will be conducted to determine whether it is in the best interests of the student to remain in independent study, or whether the pupil should return to the regular school program. The meeting shall include a review of the pupil's written master agreement, and reconsideration of the independent study program's impact on the pupil's achievement and well-being, consistent with the policies adopted pursuant Sections 2.4 through 2.6, above. If the student and parent/guardian/caregiver elect to stay enrolled, the team will develop an agreement to help support the student to make satisfactory educational progress, including additional resources and supports. At a minimum, all parties who signed the master agreement will be in attendance including, but not limited to, the student, parent/guardian/caregiver, the supervising teacher, and the student retention support staff.

- b. If the student continues to make unsatisfactory educational progress, then a Student Retention Meeting (SRM) will be scheduled to review the student's progress, remove any additional barriers, and serve as a last attempt to re-engage the student.
- c. If the student continues to make unsatisfactory educational progress, the student will be transitioned out of the program and referred back to their school district of residence. Students will receive written notice explaining their rights under Education Code Section 47605 and Section 2.7 above, which includes minimum notice prior to transition (5 days) and the right to a hearing before the effective date of the transition.

2.10 Instruction

In accordance with Education Code Section 51747(e) and the definitions provided in Education Code Section 51745.5, the Charter School's plan to provide opportunities for instruction for all pupils throughout the school year are as follows:

- Grades TK/K-3:
 - **Daily synchronous instruction** will be provided by the student's teacher(s) of record in-person, virtually, or telephonically on a daily basis.
- Grades 4-8:
 - **Daily live interaction** will be provided via tutoring with a classified or certificated staff member, on a daily basis. Tutoring is offered virtually and in-person.
 - **Weekly synchronous instruction** will be provided by the student's teacher(s) of record in-person, virtually, or telephonically on a weekly basis.

- Grades 9-12:
 - **Weekly synchronous instruction** will be provided by the student's teacher(s) of record in-person, virtually, or telephonically on a weekly basis.

2.11 **Documentation Requirements**

The Charter School shall document each pupil's participation in live interaction and synchronous instruction pursuant to Section 51747 on each school day, as applicable, in whole or in part, for which independent study is provided. A pupil who does not participate in independent study on a school day shall be documented as nonparticipatory for that school day. [Ref. Education Code Section 51747.5(c)]

The Charter School shall maintain written or computer-based evidence of pupil engagement that includes, but is not limited to, a grade book or summary document that, for each class, lists all assignments, assessments, and associated grades. [Ref. Education Code Section 51747.5(d)]

2.12 **Student Transition Plan**

In accordance with Education Code Section 51747(f), the Charter School shall assist in the transition of pupils whose families wish to return to in-person instruction expeditiously, and, in no case, later than five instructional days. As the Charter School is a nonclassroom-based charter school, it does not provide students an in-person or traditional classroom-based instructional program option for transfer. As such, upon notification that a family wishes to return to in-person instruction, the Charter School shall assist the family by providing a list of local school options within their district of residence and a weblink to greatschools.org, and any other actions within the reasonable control of the Charter School that are necessary to assist in the student's transfer including, but not limited to, transfer of pupil records as required by state law, and follow-up procedures from the Charter School's student retention support team.

2.13 **Master Agreement**

A current written agreement (also referred to as a "master agreement") for each Personalized Learning pupil shall be maintained on file for each participating student, including but not limited to, all of the following:

- The manner, time, frequency, and place for submitting a pupil's assignments, for reporting the pupil's academic progress, and for communicating with a pupil's parent, guardian, or caregiver regarding a pupil's academic progress.
- The objectives and methods of study for the pupil's work, and the methods used to evaluate that work.

- The specific resources, including materials and personnel that will be made available to the pupil. These resources shall include confirming or providing access to all pupils to the connectivity and devices adequate to participate in the educational program and complete assigned work.
- A statement of the policies adopted herein regarding the maximum length of time allowed between the assignment and the completion of a pupil's assigned work, the level of satisfactory educational progress, and the number of missed assignments allowed prior to an evaluation of whether or not the pupil should be allowed to continue in independent study.
- The duration of the independent study agreement, including beginning and ending dates for the pupil's participation in independent study under the agreement. No independent study agreement shall be valid for any period longer than one school year.
- A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the pupil upon completion.
- A statement detailing the academic and other supports that will be provided to address the needs of pupils who are not performing at grade level, or need support in other areas, such as English learners, individuals with exceptional needs in order to be consistent with the pupil's individualized education program or plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils in foster care or experiencing homelessness, and pupils requiring mental health supports.
- The inclusion of a statement in each independent study agreement that independent study is an optional educational alternative in which no pupil may be required to participate. In the case of a pupil who is referred or assigned to any school, class or program pursuant to Education Code Section 48915 or 48917, the agreement also shall include the statement that instruction may be provided to the pupil through independent study only if the pupil is offered the alternative of classroom instruction.
- Each written agreement shall be signed, prior to the commencement of independent study, by the pupil, the pupil's parent, legal guardian, or caregiver, if the pupil is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study, and the certificated employee designated as having responsibility for the special education programming of the pupil, as applicable. For purposes of this paragraph "caregiver" means a person who has met the requirements of Part 1.5 (commencing with Section 6550) of the Family Code.

- Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the California Department of Education, that may be a marking that is either computer generated or produced by electronic means and is intended by the signatory to have the same effect as a handwritten signature. The use of an electronic signature shall have the same force and effect as the use of a manual signature if the requirements for digital signatures and their acceptable technology, as provided in Section 16.5 of the Government Code and in Chapter 10 (commencing with Section 22000) of Division 7 of Title 2 of the California Code of Regulations, are satisfied.
- 2.14 The Area Superintendent, principal or designee may establish regulations to implement these policies in accordance with the law.
- 2.15 If a permanent change in the supervising teacher occurs, the new supervising teacher must sign and date a Master Agreement addendum. By doing so, the teacher agrees to all the terms previously set forth in that Master Agreement.
- 2.16 If a student is designated as needing special education services after enrollment, a Special Education Specialist must sign and date a Master Agreement addendum.

APPENDIX B: DIABETES INFORMATION

TYPE 1 DIABETES INFORMATION

Pursuant to California Education Code Section 49452.6, this type 1 diabetes information is for local educational agencies to provide to parents and guardians of incoming students.

Type 1 diabetes in children is an autoimmune disease that can be fatal if untreated, and the guidance provided in this information sheet is intended to raise awareness about this disease.

Description

Type 1 diabetes usually develops in children and young adults but can occur at any age

- According to the U.S. Centers for Disease Control and Prevention (CDC), cases of type 1 diabetes in youth increased nationally from 187,000 in 2018 to 244,000 in 2019, representing an increase of 25 per 10,000 youths to 35 per 10,000 youths, respectively.
- The peak age of diagnosis of type 1 diabetes is 13-14 years, but diagnosis can also occur much earlier or later in life.

Type 1 diabetes affects insulin production

- As a normal function, the body turns the carbohydrates in food into glucose (blood sugar), the basic fuel for the body's cells.
- The pancreas makes insulin, a hormone that moves glucose from the blood into the cells.
- In type 1 diabetes, the body's pancreas stops making insulin, and blood glucose levels rise.
- Over time, glucose can reach dangerously high levels in the blood, which is called hyperglycemia.
- Untreated hyperglycemia can result in diabetic ketoacidosis (DKA), which is a life-threatening complication of diabetes.

Risk Factors Associated with Type 1 Diabetes

It is recommended that students displaying warning signs associated with type 1 diabetes, which are described below, should be screened (tested) for the disease by their health care provider.

Risk Factors

Researchers do not completely understand why some people develop type 1 diabetes and others do not; however, having a family history of type 1 diabetes can increase the likelihood of developing type 1 diabetes. Other factors may play a role in developing type 1 diabetes, including environmental triggers such as viruses. Type 1 diabetes is not caused by diet or lifestyle choices.

Warning Signs and Symptoms Associated with Type 1 Diabetes and Diabetic Ketoacidosis

Warning signs and symptoms of type 1 diabetes in children develop quickly, in a few weeks or months, and can be severe. If your child displays the warning signs below, contact your child's primary health care provider or pediatrician for a consultation to determine if screening your child for type 1 diabetes is appropriate:

- Increased thirst
- Increased urination, including bed-wetting after toilet training
- Increased hunger, even after eating

- Unexplained weight loss
- Feeling very tired
- Blurred vision
- Very dry skin
- Slow healing of sores or cuts
- Moodiness, restlessness, irritability, or behavior changes

DKA is a complication of untreated type 1 diabetes. DKA is a medical emergency. Symptoms include:

- Fruity breath
- Dry/flushed skin
- Nausea
- Vomiting
- Stomach pains
- Trouble breathing
- Confusion

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 any time without fasting. A random blood sugar level of 200 milligrams per deciliter (mg/dL) or higher suggests diabetes.
- **Fasting blood sugar test.** A blood sample is taken after an overnight fast. 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 1 Diabetes Treatments

There are no known ways to prevent type 1 diabetes. Once type 1 diabetes develops, medication is the only treatment. If your child is diagnosed with type 1 diabetes, their health care provider will be able to help develop a treatment plan. Your child's health care provider may refer your child to an endocrinologist, a doctor specializing in the endocrine system and its disorders, such as diabetes.

Contact your student's school nurse, school administrator, or health care provider if you have questions.

References

[Centers for Disease Control and Prevention](#)

[KidsHealth](#)

[Mayo Clinic](#)

[National Library of Medicine and National Institutes of Health's MedLine](#)

TYPE 2 DIABETES INFORMATION

Pursuant to California *Education Code* Section 49452.7, this type 2 diabetes information is for local educational agencies to provide to parents and guardians of incoming students.

The California Department of Education developed this type 2 diabetes information in collaboration with the California Department of Public Health, American Diabetes Association, California School Nurses Organization, and Children's Hospital of Orange County. Also see [available translations](#) of this information.

Description

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 is 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 your student's school nurse, school administrator, or health care provider if you have questions.

References

[American Diabetes Association Clinical Journal](#) 

[Helping Children with Diabetes Succeed: A Guide for School Personnel](#) 

[KidsHealth](#) 

[Mayo Clinic](#) 

[National Library of Medicine and National Institutes of Health's MedLine](#) 

[Centers for Disease Control and Prevention](#) 

APPENDIX C: CALIFORNIA LAW REGARDING SAFE STORAGE OF FIREARMS

The purpose of this notice as required by AB 452 and SB 906 is to inform and to remind parents and legal guardians of all DVE students of their responsibilities for keeping firearms out of the hands of children as required by California law. There have been many news reports of children bringing firearms to school. In many instances, the child obtained the firearm(s) from his or her home. **These incidents can be easily prevented by storing firearms in a safe and secure manner, including keeping them locked up when not in use and storing them separately from ammunition.**

To help everyone understand their legal responsibilities, this notice spells out California law regarding the storage of firearms. Please take some time to review this memorandum 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.¹
 - **Note:** 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.²
- 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.³
- 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.⁴

Note: Your 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.

¹ See California Penal Code sections 25100 through 25125 and 25200 through 25220.

² See California Penal Code section 25100(c).

³ See California Civil Code Section 29805.

⁴ See California Civil Code Section 1714.3.

APPENDIX D: SUSPENSION AND EXPULSION POLICY AND PROCEDURE

Last Revised: August 28, 2023

DIEGO VALLEY EAST PUBLIC CHARTER SCHOOL

SUSPENSION AND EXPULSION POLICY AND PROCEDURE

Trauma-Sensitive and Restorative Practices Policy; Other Means of Correction

The Charter School is dedicated to being a student-centered organization and accordingly recognizes a standardized, effective behavior management system is key to ensuring students feel supported and have the opportunity to be successful in school. The Charter School has embraced a trauma-sensitive approach when considering student behavioral issues by examining what happened in a particular incident rather than faulting the student's character. To support this perspective, the Charter School practices setting clear parameters around expectations for both students and educators thereby limiting or reducing unwanted behaviors while also using restorative practices to maintain the relationships of respect when an incident does occur. Recognizing that a high percentage of our Charter School's students have experienced adverse childhood experiences, these systems help us create a safe learning environment in which students feel valued, respected, and are able to work at their own pace to get back on track in their academic and personal lives.

The Charter School also implements other means of correction in its discipline policy per Education Code Section 48900.5. As such, suspension shall be imposed only when other means of correction fail to bring about proper conduct. The Charter School may document the other means of correction used and place that documentation in the student's record. However, a student, including an individual with exceptional needs as defined in Education Code Section 56026, may be suspended, subject to Section 1415 of Title 20 of the United States Code, for any of the reasons enumerated in this Policy upon a first offense if the administrator or designee determines that the student violated subdivision (a), (b), (c), (d), or (e) of Education Code Section 48900 or that the student's presence causes a danger to persons. Other means of correction include, but are not limited to, those listed in Education Code Section 48900.5(b).

Suspension and Expulsion Policy

This Suspension and Expulsion Policy ("Policy") has been established in order to promote learning and protect the safety and well being of all students at the Charter School. In creating this Policy, the Charter School has reviewed Education Code Section 48900 *et seq.* which describes the noncharter schools' list of offenses and procedures to establish its list of offenses and procedures for suspensions and expulsions. The language that follows closely mirrors the language of Education Code Section 48900 *et seq.* The Charter School is committed to annual review of policies and procedures surrounding suspensions and expulsions and, as necessary, modification of the lists of offenses for which students are subject to suspension or expulsion.

When the Policy is violated, it may be necessary to suspend or expel a student from regular

classroom instruction. This Policy shall serve as the Charter School's policy and procedures for student suspension and expulsion and it may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements. Charter School staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This Policy and its procedures will be printed and distributed as part of the Student Handbook and will clearly describe discipline expectations.

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of or willfully causing the infliction of physical pain on a student. For purposes of the Policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to school property.

The Charter School administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline policies and procedures. For new students, this requirement can be fulfilled by providing parents and students with the approved Parent Student Handbook for Charter School at the time of enrollment. For continuing students, they will be provided with a copy of the Charter School's rules related to discipline, suspension and expulsion at the beginning of the school year.

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

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

The Charter School will adhere to state laws prohibiting the use of seclusion and behavioral restraint techniques, except as allowed by law, in accordance with Education Code sections 49005, and 49005.1-49005.8.

If it is determined Independent Study is not in the best interest of the student, 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 school days before the effective date of the action. The written notice shall be in the native language of the student or the student's parent or guardian or, if the student is a homeless child or youth, or a foster child or youth, in the native language of the homeless or foster student's educational rights holder. In the case of a foster child or youth, the written notice shall also be provided to the foster

child's attorney and county social worker. If the pupil is an Indian child, as defined in Section 224.1 of the Welfare and Institutions Code, the written notice shall also be provided to the Indian child's tribal social worker and, if applicable, county social worker. The written notice shall inform the pupil, the pupil's parent or guardian, the homeless child's educational rights holder, the foster child's educational rights holder, attorney, and county social worker, or the Indian child's tribal social worker and, if applicable, county social worker of the right to initiate the involuntary removal procedures specified below for suspensions, before the effective date of the action. If the student's parent or guardian, the homeless child's educational rights holder, the foster child's educational rights holder, attorney, or county social worker, or the Indian child's tribal social worker or, if applicable, county social worker initiates the involuntary removal hearing procedures specified below for suspensions, the student shall remain enrolled and shall not be removed until the Charter School issues a final decision. As used herein, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions pursuant to the procedures described below.

A foster child's educational rights holder, attorney, and county social worker and an Indian child's tribal social worker and, if applicable, county social worker shall have the same rights a parent or guardian of a child has to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, and other documents and related information.

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: a) while on school grounds; b) while going to or coming from school; c) during the lunch period, whether on or off the school campus; d) during, going to, or coming from a school-sponsored activity.

B. Enumerated Offenses

1. Discretionary Suspension Offenses. Students may be suspended for any of the following acts when it is determined the pupil:
 - a) Caused, attempted to cause, or threatened to cause physical injury to another person.
 - b) Willfully used force or violence upon the person of another, except self-defense.
 - c) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
 - d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.

- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases.
- g) Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.
- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.
- l) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- m) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.
- n) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- o) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- p) Engaged in, or attempted to engage in, hazing. For the purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, “hazing” does not include athletic events or school-sanctioned events.

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

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

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

- 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.
 - v) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1)(a)-(b).
2. Non-Discretionary Suspension Offenses: Students must be suspended and recommended for expulsion for any of the following acts when it is determined the pupil:
 - a) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
 3. Discretionary Expellable Offenses: Students may be recommended for expulsion for any of the following acts when it is determined the pupil:
 - a) Caused, attempted to cause, or threatened to cause physical injury to another person.
 - b) Willfully used force or violence upon the person of another, except self-defense.
 - c) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
 - d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
 - e) Committed or attempted to commit robbery or extortion.
 - f) Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases.
 - g) Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.

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

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

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

- 2) “Electronic Act” means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
 - i. A message, text, sound, video, or image.
 - ii. A post on a social network Internet Web site including, but not limited to:
 - (a) Posting to or creating a burn page. A “burn page” means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
 - (b) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (1) above. “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
 - (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
 - iii. An act of cyber sexual bullying.
 - (a) For purposes of this clause, “cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
 - (b) For purposes of this clause, “cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
- 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.
- v) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical

violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (3)(a)-(b).

4. Non-Discretionary Expellable Offenses: Students must be recommended for expulsion for any of the following acts when it is determined pursuant to the procedures below that the pupil:
 - a) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.

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 dangerous device on campus, the student shall be expelled for one year, pursuant to the Federal Gun Free Schools Act of 1994. In such instances, the pupil shall be provided due process rights of notice and a hearing as required in this policy.

The term “firearm” means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

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

C. Suspension Procedures

Suspensions shall be initiated according to the following procedures:

1. Conference

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

The conference may be omitted if the Superintendent, 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 Charter School personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student’s right to return to school for the purpose of a conference.

At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense, in accordance with Education Code Section 47605(b)(5)(J)(i). This conference shall be held within two (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 may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with Charter School officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference.

2. Notice to Parents/Guardians

At the time of the suspension, an administrator or designee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension and the date of return following suspension. This notice shall state the specific offense committed by the student. In addition, the notice may also state the date and time when the student may return to school. If Charter School officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent/guardian respond to such requests without delay. A foster child's educational rights holder, attorney, and county social worker and an Indian child's tribal social worker and, if applicable, county social worker shall have the same rights a parent or guardian of a child has to receive a suspension notice and other documents and related information.

3. Suspension Time Limits/Recommendation for Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension. Upon a recommendation of expulsion by the Superintendent, Principal or Designee, the pupil and the pupil'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 pupil or the pupil's parents, unless the pupil and the pupil's parents fail to attend the conference.

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

4. Homework

Upon the request of a parent, a legal guardian or other person holding the right to make education decisions for the pupil, or the affected pupil, a teacher shall provide to a pupil in any of grades 1 to 12, inclusive, who has been suspended from school for two or more school days,

the homework that the pupil would otherwise have been assigned.

If a homework assignment that is requested pursuant to the above, and turned into the teacher by the pupil either upon the pupil'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 pupil's overall grade in the class.

D. Authority to Expel

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

A student may be expelled either by the neutral and impartial 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 of Directors as needed. The Administrative Panel shall consist of at least three members who are certificated and neither a teacher of the pupil nor a member of the Charter School Board of Directors. 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.

E. Expulsion Procedures

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

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

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least ten (10) calendar days before the date of the hearing.

If the student is a foster child, as defined in Education Code Section 48853.5, the written notice shall be forwarded to the student's educational rights holder, attorney, and county social worker at least ten (10) calendar days before the date of the hearing.

If the student is a homeless child or youth, as defined in Section 11434a(2) of Title 42 of the United States Code, the written notice shall be forwarded to the Charter School Liaison for homeless children and youth designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code at least ten (10) calendar days before the date of the hearing.

If the student is an Indian child, as defined in Section 224.1 of the Welfare and Institutions Code, the written notice shall be forwarded to the student's tribal social worker and, if applicable, county social worker at least ten (10) calendar days before the date of the hearing.

Upon mailing the notice, it shall be deemed served upon the pupil. The notice shall include:

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

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

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

1. The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of his/her right to (a) receive five days notice of his/her scheduled testimony, (b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she testifies, which may include a parent, guardian, or legal counsel, and (c) elect to have the hearing closed while testifying.
2. The Charter School must also provide the victim a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.
3. At the discretion of the entity conducting the expulsion hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which he or she may leave the hearing room.
4. The entity conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.

5. The entity conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
6. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the 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 him or her to the witness stand.
7. If one or both of the support persons is also a witness, the Charter School must present evidence that the witness' presence is both desired by the witness and will be helpful to the Charter School. The 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 his or her discretion to remove a person from the hearing whom he or she believes is prompting, swaying, or influencing the witness.
8. The testimony of the support person shall be presented before the testimony of the complaining witness and the complaining witness shall be excluded from the courtroom during that testimony.
9. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in public at the request of the pupil being expelled, the complaining witness shall have the right to have his/her testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.
10. Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the entity conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstance can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

G. Record of Hearing

A record of the hearing shall be made and may be maintained by any means, including electronic

recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made.

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

The decision of the Administrative Panel shall be in the form of written findings of fact and a written recommendation to the Board of Directors, which will make a final determination regarding the expulsion. The final decision by the Board of Directors shall be made within ten (10) school days following the conclusion of the hearing. However, if the Board does not meet on a weekly basis, its decision on whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance. The decision of the Board of Directors is final.

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

I. Written Notice to Expel

The Principal or designee, following a decision of the Board of Directors to expel, shall send written notice of the decision to expel, including the Board of Directors' adopted findings of fact, to the student or parent/guardian. A foster child's educational rights holder, attorney, and county social worker and an Indian child's tribal social worker and, if applicable, county social worker shall have the same rights a parent or guardian of a child has to receive an expulsion notice and other documents and related information. This notice shall also include the following: (a) Notice of the specific offense committed by the student; and (b) Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the Charter School.

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

J. Disciplinary Records

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

K. No Right to Appeal

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

L. Expelled Pupils/Alternative Education

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

M. Rehabilitation Plans

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

N. Readmission Procedures

The following procedures shall be followed when a student enrolls or attempts to enroll at the Charter School, and the student is under a current expulsion order, has completed a term of expulsion with another school/school district, or has completed a term of expulsion from the Charter School.

Consistent with the procedures below, the Principal will review the expulsion documents, meet with the student and parent or guardian, and make recommendation to the Area Superintendent regarding whether the pupil has met the conditions of the rehabilitation plan and/or whether the pupil poses a danger to Charter School safety. The Principal or designee shall make a recommendation to the Area Superintendent for admission/readmission as follows:

Obtaining Expulsion Records

If the student was expelled from the Charter School, it will have the expulsion order on file. If the student has been expelled from another charter school or school district, records cannot be requested until the student has been enrolled. Per Education Code section 47605(e)(4)(B), a "charter school shall not request a pupil's records or require a parent, guardian, or pupil to submit

the pupil's records to the charter school before enrollment.”

If the parent or student voluntarily provides (without request) the expulsion paperwork, the Principal should begin the readmission procedures.

If the parent or student does not voluntarily provide the documentation, but otherwise notifies the Charter School of an expulsion, then the Principal should explain that after the student is enrolled and the Charter School obtains the records, the Principal will meet again with the family to review the expulsion paperwork to discuss whether the Principal recommends the student remains enrolled. Attendance will not begin unless the readmission process has been completed.

In some cases, the Principal may become aware of an expulsion after a student begins attending because the parent/student did not disclose the expulsion and the records from the previous school are not timely provided. In such cases, the Principal will contact the Area Superintendent to discuss whether it is appropriate or possible to deny enrollment and, if so, follow the readmission procedure. The Charter School will follow involuntary removal procedures.

Within five (5) school days of receiving a copy of the of current or recently completed term of expulsion, the Principal will follow the procedures below.

Current Expulsion Order from Another School or School District

If the student is under a current expulsion order (term of expulsion has not expired), the Principal shall recommend to the Area Superintendent to deny enrollment if:

- a. the offense for which the student was expelled falls within one of the mandatory offense categories under Education Code 48915(a) or (c). A student expelled for one of these offenses should seek enrollment in a county community school, juvenile court school, or community day school.
- b. the offense for which the student was expelled does not fall under Education Code 48915(a) or (c), but the student poses a potential danger to either the other students or employees of the Charter School.

If the answer to both (a) and (b) is no, the Principal shall recommend to the Area Superintendent to grant enrollment. Nothing in this provision prevents the Principal from developing a behavior plan or agreement for an enrolled student.

Recently Completed Term of Expulsion from Charter School or Another School or School District

If the expulsion from the Charter School or another school/school district has ended within the current semester and the student is attempting to enroll (re-enroll), the Principal shall recommend to the Area Superintendent to deny enrollment if:

- a. the student failed to satisfy the terms of the rehabilitation plan; and/or
- b. the student poses a potential danger to either the other students or employees of the Charter School.

If the student poses a potential danger to either the other students or employees of the Charter

School, the Principal shall recommend denying enrollment.

If the student failed to complete the terms of the rehabilitation plan but does not pose a danger to either the other students or employees of the Charter School, the Principal may recommend either granting or denying enrollment.

If the student has satisfied the conditions of rehabilitation plan and does not pose a danger to Charter School safety, the Principal shall recommend admission/readmission.

Area Superintendent Review

The Area Superintendent or a designee if the Area Superintendent is not available, shall consider the Principal's recommendation and make a decision regarding enrollment within five (5) school days of receiving the recommendation. The Area Superintendent may but is not required to meet with the student and parents or guardian to make the final determination.

If the Area Superintendent grants enrollment, the student shall immediately be considered enrolled and may begin attending. The Principal may but is not required to develop a behavior plan for the student.

If the Area Superintendent denies enrollment, the student may not enroll at the Charter School. The Area Superintendent's decision is final. The student must seek enrollment at another school or a school within their school district of residence.

O. Special Procedures for the Consideration of Suspension and Expulsion of Students with Disabilities

1. Services During Suspension

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

2. Procedural Safeguards/Manifestation Determination

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

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

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

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

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

If the Charter School, the parent, 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.

If the individual with exceptional needs is a foster child, as defined in Education Code Section 48853.5, and the Charter School has proposed a change of placement, the educational rights holder, attorney, and county social worker for the individual with exceptional needs shall be invited to participate in the IEP Team meeting that makes a manifestation determination pursuant to Section 1415(k) of Title 20 of the United States Code.

If the individual with exceptional needs is a homeless child or youth, as defined in Section 11434a(2) of Title 42 of the United States Code, and the Charter School has proposed a change of placement due to an act for which a decision to recommend expulsion is at the discretion of the Charter School administration, the School Liaison for homeless children and youth designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code shall be invited to participate in the IEP Team meeting that makes a manifestation determination pursuant to Section 1415(k) of Title 20 of the United States Code.

If the individual with exceptional needs is an Indian child, as defined in Section 224.1 of the Welfare and Institutions Code, and the Charter School has proposed a change of placement, the tribal social worker and, if applicable, county social worker for the individual with exceptional needs shall be invited to participate in the IEP Team meeting that makes a manifestation determination pursuant to Section 1415(k) of Title 20 of the United States Code.

3. Due Process Appeals

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

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

4. Special Circumstances

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

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

- a. Carries or possesses a weapon, as defined in 18 U.S.C. Section 930, to or at school, on school premises, or to or at a school function;

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

5. Interim Alternative Educational Setting

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

6. Procedures for Students Not Yet Eligible for Special Education Services

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

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

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

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

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

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

APPENDIX E: TITLE IX, HARASSMENT, INTIMIDATION, DISCRIMINATION, AND BULLYING POLICY

Last Revised: June 3, 2021

DIEGO VALLEY EAST PUBLIC CHARTER SCHOOL

TITLE IX, HARASSMENT, INTIMIDATION, DISCRIMINATION, AND BULLYING POLICY

Discrimination, sexual harassment, harassment, intimidation, and bullying are all disruptive behaviors, which interfere with students' ability to learn, negatively affect student engagement, diminish school safety, and contribute to a hostile school environment. As such, Diego Valley East Public Charter School ("Charter School") prohibits any acts of discrimination, sexual harassment, harassment, intimidation, and bullying altogether. This policy is inclusive of instances that occur on any area of the school campus, at school-sponsored events and activities, regardless of location, through school-owned technology, and through other electronic means. This Policy shall be translated in the student's primary language if at least 15 percent of the students enrolled in the Charter School speak a single primary language other than English.

As used in this policy, discrimination, sexual harassment, harassment, intimidation, and bullying are described as the intentional conduct, including verbal, physical, written communication or cyber-bullying, including cyber sexual bullying, based on the actual or perceived characteristics of mental or physical disability, sex (including pregnancy, childbirth and related conditions, and parental status), gender, gender identity, gender expression, nationality (including national origin, country of origin, and citizenship), race or ethnicity (including ancestry, color, ethnic group identification, ethnic background, and traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as braids, locks, and twists), immigration status, religion (including agnosticism and atheism), religious affiliation, sexual orientation, medical conditions, genetic information, marital status, age, or association with a person or group with one or more of these actual or perceived characteristics or based on any other characteristic protected under applicable federal, state, local law, ordinance or regulation. Hereafter, such actions are referred to as "misconduct prohibited by this Policy."

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

Moreover, the Charter School will not condone or tolerate misconduct prohibited by this Policy by any employee, independent contractor or other person with whom the Charter School does business, or any other individual, student, or volunteer. This Policy applies to all employee, student, or volunteer actions and relationships, regardless of position or gender. The Charter School will promptly and thoroughly investigate and respond to any complaint of misconduct prohibited by this Policy in a manner that is not deliberately indifferent and will take appropriate corrective action, if warranted. The Charter School complies with all applicable state and federal

laws and regulations and local ordinances in its investigation of and response to reports of misconduct prohibited by this Policy.

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

<u>TITLE IX CONTACT</u>	<u>TITLE II CONTACT</u>	<u>TITLE V CONTACT</u>	<u>504 COORDINATOR CONTACT</u>
<p>Lindsay Reese Area Superintendent</p> <p>Email: UCPOfficer@diegovalleyeast.org</p> <p>Phone: (619) 870-0608</p> <p>Address: 511 North Second St. El Cajon, CA 92021</p>	<p>Lindsay Reese Area Superintendent</p> <p>Email: UCPOfficer@diegovalleyeast.org</p> <p>Phone: (619) 870-0608</p> <p>Address: 511 North Second St. El Cajon, CA 92021</p>	<p>Lindsay Reese Area Superintendent</p> <p>Email: UCPOfficer@diegovalleyeast.org</p> <p>Phone: (619) 870-0608</p> <p>Address: 511 North Second St. El Cajon, CA 92021</p>	<p>Hannah Laney 504 Coordinator</p> <p>Email: 504coordinator@diegovalleyeast.org</p> <p>Phone: (619) 870-0608</p> <p>Address: 511 North Second St. El Cajon, CA 92021</p>

Definitions

Prohibited Unlawful Harassment

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

Prohibited Unlawful Harassment Under Title IX

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

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

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

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

Sexual harassment may include, but is not limited to:

- Physical assaults of a sexual nature, such as:
 - Rape, sexual battery, molestation or attempts to commit these assaults.
 - Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another's body, or poking another's body.
- Unwanted sexual advances, propositions or other sexual comments, such as:
 - Sexually oriented gestures, notices, remarks, jokes, or comments about a person's sexuality or sexual experience.
 - Preferential treatment or promises of preferential treatment to an individual for submitting to sexual conduct, including soliciting or attempting to solicit any individual to engage in sexual activity for compensation or reward or deferential treatment for rejecting sexual conduct.
 - Subjecting or threats of subjecting 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 employee's sex.
- Sexual or discriminatory displays or publications anywhere in the work or educational environment, such as:
 - Displaying pictures, cartoons, posters, calendars, graffiti, objections, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning or pornographic or bringing or possessing any such material to read, display or view in the work or educational environment.
 - Reading publicly or otherwise publicizing in the work or educational environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic.
 - Displaying signs or other materials purporting to segregate an individual by sex in an area of the work or educational environment (other than restrooms or similar rooms).

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

Prohibited Bullying

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

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

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

Cyberbullying is an electronic act that includes the transmission of harassing communication, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

Electronic act means the creation and transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

1. A message, text, sound, video, or image.
2. A post on a social network Internet Web site including, but not limited to:
 - a. Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in the definition of "bullying," above
 - b. Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in the definition of "bullying," above. "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably

- believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated
- c. Creating a false profile for the purpose of having one or more of the effects listed in the definition of “bullying,” above. “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
3. An act of “Cyber sexual bullying” including, but not limited to:
 - a. The dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in definition of “bullying,” above. A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
 - b. “Cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
 4. Notwithstanding the definitions of “bullying” and “electronic act” above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

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

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

Bullying and Cyberbullying Prevention Procedures

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

1. Cyberbullying Prevention Procedures

Charter School advises students:

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

- d. To consider how it would feel receiving such comments before making comments about others online.

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

2. Education

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

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

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

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

3. Professional Development

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

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

- Physical cuts or injuries
- Lost or broken personal items
- Fear of going to school/practice/games
- Loss of interest in school, activities, or friends
- Trouble sleeping or eating

- Anxious/sick/nervous behavior or distracted appearance
- Self-destructiveness or displays of odd behavior
- Decreased self-esteem

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

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

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

Grievance Procedures

1. Scope of Grievance Procedures

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

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

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

2. Reporting

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

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

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

While submission of a written report is not required, the reporting party is encouraged to submit a written report to the Coordinator. The Charter School will investigate and respond to all oral and written reports of misconduct prohibited by this Policy in a manner that is not deliberately indifferent. Reports may be made anonymously, but formal disciplinary action cannot be based solely on an anonymous report.

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

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

The Charter School prohibits any form of retaliation against any individual who files a report or complaint, testifies, assists, participates, or refuses to participate in any investigation or proceeding related to misconduct prohibited by this Policy. Such participation or lack of participation shall not in any way affect the status, grades, or work assignments of the individual. Individuals alleging retaliation in violation of this Policy may file a grievance using the procedures set forth in this Policy. Knowingly making false statements or knowingly submitting false information during the grievance process is prohibited and may result in disciplinary action.

3. Supportive Measures

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

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint of sexual harassment or where no formal

complaint of sexual harassment has been filed. Such measures are designed to restore or preserve equal access to the Charter School's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Charter School's educational environment, or deter sexual harassment. Supportive measures available to complainants and respondents may include but are not limited to counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The Charter School will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the Charter School to provide the supportive measures.

4. Investigation and Response

Upon receipt of a report of misconduct prohibited by this Policy from a student, staff member, parent, volunteer, visitor or affiliate of the Charter School, the Coordinator or administrative designee will promptly initiate an investigation. In most cases, a thorough investigation will take no more than seven (7) school days. If the Coordinator, or administrative designee determines that an investigation will take longer than seven (7) school days and needs to be delayed or extended due to good cause, the Coordinator or administrative designee will inform the complainant of the reasons for the delay or extension and provide an approximate date when the investigation will be complete.

At the conclusion of the investigation, the Coordinator or administrative designee will meet with the complainant and, to the extent possible with respect to confidentiality laws, provide the complainant with information about the investigation, including any actions necessary to resolve the incident/situation. However, the Coordinator or administrative designee will not reveal confidential information related to other students or employees.

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

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

- Notice of the Allegations
 - Upon receipt of a formal complaint of sexual harassment, the Coordinator will give all known parties written notice of its grievance process, including any voluntary informal resolution process. The notice will include:
 - A description of the allegations of sexual harassment at issue and to the extent known, the identities of the parties involved in the incident, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident;
 - A statement that the respondent is presumed not responsible for the alleged conduct until a final decision is reached;

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

investigators do not have a conflict of interest or bias for or against complainants or respondents.

- In most cases, a thorough investigation will take no more than twenty-five (25) school days. If the investigator determines that an investigation will take longer than twenty-five (25) school days and needs to be delayed or extended due to good cause, the investigator will inform the complainant and any respondents in writing of the reasons for the delay or extension and provide an approximate date when the investigation will be complete.
 - The parties will be provided with an equal opportunity to present witnesses, to inspect and review any evidence obtained that is directly related to the allegations raised, and to have an advisor present during any investigative meeting or interview.
 - The parties will not be prohibited from discussing the allegations under investigation or to gather and present relevant evidence.
 - A party whose participation is invited or expected at an investigative meeting or interview will receive written notice of the date, time, location, participants, and purpose of the meeting or interview with sufficient time for the party to prepare to participate.
 - Prior to completion of the investigative report, the Charter School will send to each party and the party's advisor, if any, a copy of the evidence subject to inspection and review, and the parties will have at least ten (10) days to submit a written response for the investigator's consideration prior to the completion of the investigation report.
 - The investigator will complete an investigation report that fairly summarizes all relevant evidence and send a copy of the report to each party and the party's advisor, if any, at least ten (10) days prior to the determination of responsibility.
- Dismissal of a Formal Complaint of Sexual Harassment
 - If the investigation reveals that the alleged harassment did not occur in the Charter School's educational program in the United States or would not constitute sexual harassment even if proved, the formal complaint with regard to that conduct must be dismissed. However, such a dismissal does not preclude action under another applicable the Charter School policy.
 - The Charter School may dismiss a formal complaint of sexual harassment if:
 - The complainant provides a written withdrawal of the complaint to the Coordinator;
 - The respondent is no longer employed or enrolled at the Charter School; or
 - The specific circumstances prevent the Charter School from gathering evidence sufficient to reach a decision on the formal complaint or the allegations therein.
 - If a formal complaint of sexual harassment or any of the claims therein are dismissed, the Charter School will promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to the parties.

- Determination of Responsibility
 - The standard of evidence used to determine responsibility is the preponderance of the evidence standard.
 - Determinations will be based on an objective evaluation of all relevant evidence and credibility determinations will not be based on a person's status as a complainant, respondent, or witness.
 - Charter School will send a written decision on the formal complaint to the complainant and respondent simultaneously that describes:
 - The allegations in the formal complaint of sexual harassment;
 - All procedural steps taken including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
 - The findings of facts supporting the determination;
 - The conclusions about the application of the Charter School's code of conduct to the facts;
 - The decision and rationale for each allegation;
 - Any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the complainant; and
 - The procedures and permissible bases for appeals.

5. Consequences

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

6. Right of Appeal

Should the Complainant find the Coordinator's resolution unsatisfactory, the reporting individual may, within five (5) school days, file a written appeal with the Designated Appeals Committee. In such cases, at least three (3) certificated School employees who are unfamiliar with the case and who have been previously designated and trained for this purpose shall be assembled to conduct a confidential review of the Complainant's appeal and render a final decision.

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

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

7. Recordkeeping

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

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

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

Training

The Charter School shall educate students about the negative impact of bullying other students based on their actual or perceived immigration status or their religious beliefs or customs.

The Charter School shall also train teachers, staff, and personnel to ensure that they are aware of their legal duty to take reasonable steps to eliminate a hostile environment and respond to any incidents of harassment based on the actual or perceived characteristics noted above. Such training shall, at minimum, provide Charter School personnel with the skills to do the following:

- Discuss the varying immigration experiences among members of the student body and school community;
- Discuss bullying-prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims;
- Identify the signs of bullying or harassing behavior;
- Take immediate corrective action when bullying is observed; and
- Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior.

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

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

Your Name: _____ Date: _____

Date of Alleged Incident(s): _____

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

List any witnesses that were present: _____

Where did the incident(s) occur? _____

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

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

Signature of Complainant

Date: _____

Print Name

To be completed by the Charter School:

Received by: _____ Date: _____

Follow up Meeting with Complainant held on: _____

APPENDIX F: SCHOOL VOLUNTEER AND VISITATION POLICY

Adopted: February 28, 2019

DIEGO VALLEY EAST PUBLIC CHARTER SCHOOL

SCHOOL VOLUNTEER AND VISITATION POLICY

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

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

Volunteering

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

1. Prior to volunteering, all volunteers are required to review the Volunteer Handbook and submit a signed Volunteer Program Handbook Acknowledgment Form agreeing to always abide by the provisions of the Handbook during volunteer service.
2. Volunteers who will volunteer outside of the direct supervision of a credentialed employee shall be (1) fingerprinted, and (2) receive background clearance prior to volunteering without the direct supervision of a credentialed employee.
3. A volunteer who will have frequent or prolonged contact with students shall have on file with the Charter School a certificate showing that, upon initial volunteer assignment, the person submitted to a tuberculosis risk assessment and, if tuberculosis risk factors were identified, was examined, and found to be free of infectious tuberculosis. If no risk factors are identified, an examination is not required.
4. Volunteering must be arranged with the Charter School Principal or designee at least forty-eight (48) hours in advance.
5. Volunteer hours may be limited to a monthly maximum number of hours at the discretion of the Principal or designee.
6. Prior to volunteering, the volunteer should communicate with the Principal and/or teacher to discuss the expectations for volunteering needs. Parent/guardian volunteers are there to benefit the entire class and are not in class solely for the benefit of their own

child. Volunteers must follow the instructions provided by the Charter School staff. Classroom rules also apply to volunteers to ensure minimal distraction to the teacher. If a volunteer is uncomfortable following the direction of the teacher or aid the volunteer may leave their volunteer position for that day.

7. Information gained by volunteers regarding students (e.g., academic performance or behavior) is to be maintained in strict confidentiality.
8. Volunteers shall follow and be governed by all other guidelines indicated elsewhere in this Policy. This includes, but is not limited to, the process of registering and signing out of the campus at the main office as indicated below.
9. This Policy does not authorize the Charter School to permit a parent/guardian to volunteer or visit the campus if doing so conflicts with a valid restraining order, protective order, or order for custody or visitation issued by a court of competent jurisdiction.

Visitation

1. Visits during school hours should first be arranged with the Principal or designee and teacher, if applicable, at least forty-eight (48) hours in advance. If a conference is desired, an appointment should be set with the teacher during non-instructional time, at least forty-eight (48) hours in advance. Parents seeking to visit the school during school hours must first obtain the approval of the teacher and the Principal or designee.

Unless specifically authorized, parents, guardians, family, and friends are not permitted in the classroom area. The reception area is available for anyone waiting for a student to complete his/her classroom appointments.

2. All visitors – including immigration-enforcement officers – shall register in the Visitors Log Book and complete and wear an ID badge in the main office immediately upon entering any school building or grounds during regular school hours.

When registering, the visitor is required to provide the following information:

- Name, address, occupation;
- Age, if less than 21;
- Purpose in entering school grounds;
- Proof of identity; and
- Any other information as required by law.

For purposes of school safety and security, the Principal or designee shall always wear an ID badge while on school premises.

Charter School personnel shall report entry by immigration-enforcement officers to any on-site school police or other appropriate administrator as would be required for any unexpected or unscheduled outside visitor coming on campus.

3. Except for unusual circumstances, approved by the Principal, school visits should not exceed approximately sixty (60) minutes in length and may not occur more than once per month.
4. While on campus, visitors are to enter and leave classrooms as quietly as possible, not converse with any student, teacher, or other instructional assistant unless permitted, and not interfere with any school activity. No electronic listening or recording device may be used in a classroom without the teacher's and Principal's written permission.
5. Before leaving campus, the visitor shall return the Visitor's Permit and sign out of the Visitors Log Book in the main office.
6. The Principal, or designee, may refuse to register a visitor or volunteer if it is believed that the presence of the visitor or volunteer would cause a threat of disruption or physical injury to teachers, other employees, or students.
7. The Principal or designee may withdraw consent to be on campus even if the visitor has a right to be on campus whenever there is reason to believe that the person has willfully disrupted or is likely to disrupt the Charter School's orderly operation. If consent is withdrawn by someone other than the Principal, the Principal may reinstate consent for the visitor if the Principal believes that the person's presence will not constitute a disruption or substantial and material threat to the Charter School's orderly operation. Consent can be withdrawn for up to fourteen (14) days.
8. The Principal or designee may request that a visitor who has failed to register, or whose registration privileges have been denied or withdrawn, promptly leave school grounds. When a visitor is directed to leave, the Principal or designee shall inform the visitor that if he/she reenters the school without following the posted requirements he/she will be guilty of a misdemeanor.
9. Any visitor that is denied registration or has his/her registration revoked may request a conference with the Principal. The request shall be in writing, shall state why the denial or revocation was improper, shall give the address to which notice of conference is to be sent, and shall be delivered to the Principal with fourteen (14) days of the denial or revocation of consent. The Principal shall promptly mail a written notice of the date, time, and place of the conference to the person who requested the conference. A conference with the Principal shall be held within seven (7) days after the Principal receives the request. If no resolution can be agreed upon, the Principal shall forward notice of the complaint to the Charter School Board of Directors. The Charter School Board of Directors shall address the Complaint at the next regular board meeting and make a final determination.
10. At each entrance to the campus, signs shall be posted specifying the hours during which registration is required, stating where the office of the Principal or designee is located, and what route to take to that office, and setting forth the penalties for violation of this policy.

11. The Principal or designee shall seek the assistance of the police in managing or reporting any visitor in violation of this Policy.

Penalties for violating this Policy shall be handled in accordance with board policy and applicable state law.