

# Parent Handbook

2024-2025

*Board reviewed: September 1, 2024 (supersedes all previous editions)*



Shade Canyon  
School

## Table of Contents

<b>An Introduction .....</b>	<b>4</b>
<b>Enrollment at the Charter School .....</b>	<b>5</b>
<b>Contact Information .....</b>	<b>5</b>
<b>School Organization .....</b>	<b>6</b>
<b>Kindergarten Age Requirements .....</b>	<b>6</b>
<b>Schedules .....</b>	<b>6</b>
<b>Parking, Arrivals, and Departures .....</b>	<b>6</b>
<b>Lunch and Snacks .....</b>	<b>7</b>
<b>School Supplies .....</b>	<b>7</b>
<b>Media Policy .....</b>	<b>8</b>
<b>Cell Phones .....</b>	<b>8</b>
<b>Parent Involvement.....</b>	<b>8</b>
<b>Educational Policies and Programs Waldorf Education: Why Do I Need to Know About It? .....</b>	<b>9</b>
<b>Attendance .....</b>	<b>10</b>
<b>Involuntary Removal Process.....</b>	<b>15</b>
<b>Homework.....</b>	<b>16</b>
<b>Academic Integrity .....</b>	<b>17</b>
<b>CAASPP Testing.....</b>	<b>17</b>
<b>Educational Support and Remediation.....</b>	<b>17</b>
<b>Teacher Assignment based on Looping / Grade Configuration.....</b>	<b>19</b>
<b>Discipline .....</b>	<b>19</b>
<b>Dress Code Guidelines .....</b>	<b>21</b>
<b>Media.....</b>	<b>22</b>
<b>Medications at School .....</b>	<b>23</b>
<b>Communications at School.....</b>	<b>24</b>
<b>School Board Meetings .....</b>	<b>25</b>
<b>Communication Basics .....</b>	<b>25</b>
<b>Concerns about Your Child and Classroom .....</b>	<b>25</b>
<b>Concerns about School Policy .....</b>	<b>25</b>
<b>Class Parent Meetings.....</b>	<b>26</b>

Parent-Teacher Conferences.....	26
Field Trips .....	26
CarPool and Field Trip Safety Basics .....	27
Emergency Contact Information.....	27
Emergency Procedures .....	28
<b>APPENDIX A: ANNUAL NOTIFICATIONS.....</b>	<b>29</b>
Diabetes.....	29
Dangers of Synthetic Drugs.....	30
Education of Foster and Mobile Youth.....	31
Education of Homeless Children and Youth.....	35
English Learners.....	39
Immunizations .....	39
Mental Health Services.....	40
Nondiscrimination Statement .....	41
Oral Health Assessment.....	43
Physical Examinations and Right to Refuse .....	43
Pregnant and Parenting Students .....	44
Safe Storage of Firearms .....	45
School Bus and Passenger Safety .....	46
School Safety Plan and Asbestos Management Plan.....	46
Section 504.....	46
Special Education /Students with Disabilities .....	46
Student Records, including Records Challenges and Directory Information .....	47
Surveys About Personal Beliefs.....	51
Uniform Complaint Procedure (“UCP”) .....	51
School Meals and Student Wellness.....	54
<b>APPENDIX B: COMPLETE POLICIES.....</b>	<b>56</b>
Title IX Policy Prohibiting Discrimination On The Basis Of Sex.....	56
Suspension and Expulsion Policy and Procedures .....	73
Professional Boundaries: Staff/Student Interaction Policy .....	94

# GENERAL SCHOOL INFORMATION

## An Introduction

This handbook will serve as your basic guide to the School, including rules, regulations, and policies. Please read it carefully and refer to it as you have questions about the School. Always feel free to speak to your class teacher regarding your child's education. Please refer any questions regarding school business and school rules to the administration.

*Mission:* Shade Canyon School provides an alternative option within the public school system for families and children from kindergarten through grade three. The mission of the school is to cultivate inspired learners. Our program aims to provide a balanced education to nurture the development of the whole child, to teach and encourage each child to become a life-long learner, and to become a benefit to the community and society. Using a curriculum inspired by the principles of Public Waldorf education, the school places equal emphasis on a solid academic foundation, artistic skills, social development and responsibility, physical fitness, and attention to the inner emotional life of each child.

### **School Verse:**

*This is our School.*

*Let peace dwell here.*

*Let the rooms be full of contentment.*

*Let love abide here: love of one another,  
love of humankind, and love of life itself.*

*Let us remember that as many hands build a house,  
so many hearts make a school*

### **Shade Canyon is a school of choice.**

We hope that this Parent Handbook will help you, our families, fully understand the values and practices of our school so you can make an informed choice for your children.

We also hope that you will help us to further improve this Handbook. We welcome your feedback directed to the School Office. Thank you for your time spent reading, thinking, and responding.

## **Enrollment at the Charter School**

Shade Canyon School is a public, non-sectarian school that does not discriminate in its programs, enrollment procedures, employment practices, or any other operations. The School does not discriminate on the basis of race, national origin, ethnicity, gender, sexual orientation, perceived sexual orientation, home language, or disability. Diversity and opportunity are at the heart of the School's mission.

As a publicly funded school, there is no tuition.

We do not enroll students on the basis of their knowledge of and commitment to Waldorf education. However, we have found that families who are not fully comfortable with the educational philosophy of Waldorf education at school and at home are ultimately not happy at the Charter School. For both the benefit of the individual child and the School community at large, the importance of self-selection with an eye to a good fit with our educational approach cannot be overstated.

As you read through this Handbook, ask yourself whether your family and child will feel comfortable within this educational setting. Waldorf education is a very different approach to education. Ongoing participation in meetings and other parent educational events will ensure a strong basis by which parents can understand the curriculum and support the School's goals at home.

## **Contact Information**

**Campus Address:** 4335 Sylar Lane, Kelseyville, CA 95451

**Mailing Address:** PO Box 1233, Kelseyville, CA 95451

**Office Hours:** Monday, Wed-Fri.: 8:00am to 3:30pm  
Tuesday 8:00am to 3:00pm

**Phone:** 707-245-7757

**Website:** [www.shadecanyon.org](http://www.shadecanyon.org)

**Email:** [inspired@shadecanyon.org](mailto:inspired@shadecanyon.org)

## **School Organization**

At the heart of Shade Canyon School are the parents and children who make up the School community. The Faculty take up the most important work of educating our children. The School Board of Directors, the Administrator, and the Administrative Staff provide ongoing administration, management, pedagogical orientation, and support for the Faculty. Shade Canyon School's charter is authorized by the Kelseyville Unified School District. The State of California provides funding and regulation.

## **Kindergarten Age Requirements**

Shade Canyon offers two kindergarten programs; applicants will be entered into the lottery for the kindergarten program that corresponds with their date of birth.

### **Kindergarten Programs**

2-year Kindergarten, including TK  
1-year Kindergarten

### **Date of Birth**

June 2, 2019 - June 2, 2020  
June 2, 2018 - June 1, 2019

## **Schedules**

View the 2024-25 school calendar here: [shadecanyon.org/calendar](http://shadecanyon.org/calendar) Please plan family vacations around our school breaks; each day a student is absent, our funding is reduced.

<b>Daily Schedule:</b>	TK/Kindergarten(Morning Glory Room)	8:20 - 12:40 (Mon.-Fri.)
	1st/K(Pear Blossom Room)	8:20 - 2:20 (Mon.-Thurs.)
	2nd/3rd(Canyon Oaks)	8:20 - 2:20 (Mon.- Thurs.)
	Fridays & Minimum Days	8:20 - 12:40 (EVERY Fri. & Min. Days)

**Please drop off no earlier than 8:10**

## **Parking, Arrivals, and Departures**

There is a **one-way traffic flow** through the school from Sylar Lane: Enter at the far driveway (eastern) and drive to the back of the property so that you are circling the parking strip divider with the plum trees in it. Let your student out at the play yard and exit at the near driveway (western) to State Street. Please carpool to school whenever possible.

## **Lunch and Snacks**

Snacks and lunch should be nutritious and well-balanced. Please do not bring gum, candy, and sugary foods to school. We will provide a simple and nutritious breakfast and lunch option for any child who requests it. Please see the “School Meals and Student Wellness” provision in the Annual Notice Appendix within this handbook for more information about the school’s meal program. We ask that families consider donating \$5 per week if their child takes advantage of this service. **Donations are strictly voluntary and not required. No student will be denied access to a nutritious breakfast or lunch due to the family’s inability to make a donation.**

Snacks and drinks are on hand in “The Nest”, a special area for students needing a hug, snack, or some quiet time to re-center themselves. DONATIONS TO THE PROGRAM CAN BE MADE VIA PAYPAL:



## **Peanut and Tree-Nut-Free School**

Due to serious allergic reactions in some of the population. Shade Canyon is a peanut-free and tree-nut-free school. Tree nuts include pistachios, walnuts, almonds, and cashews.

We appreciate your consideration of others and understand that this can be a challenge to lovers of PB & J sandwiches. A popular and safe alternative is Sun Butter, made from sunflower seeds. Discover other delicious and nutritious alternatives with this link : [The 5 Most Mouthwatering Nut Butter Alternatives, According to Nutritionists \(marthastewart.com\)](https://www.marthastewart.com/food/recipes/5-most-mouthwatering-nut-butter-alternatives-according-to-nutritionists/)

## **School Supplies**

Another of the major differences between a Waldorf school and a traditional school, is the materials the children use in their schoolwork. All are carefully chosen for their high quality and because they are made from natural materials. For this reason, the school will supply many of the materials used by your children in each classroom. Some exceptions may apply in the higher grades, each teacher will supply classroom materials lists if needed.

To support the child's full day of imaginative learning, including the very important outdoor learning that we will pursue in all weather, we ask that you supply the following:

- A full set of waterproof clothing: coat, pants, and boots
  - The school can help with this, as needed. Please see Mrs. Segal.
- A complete change of clothes stored inside a standard, cotton pillowcase: short and long-sleeved shirts, pants, underwear, socks, and a sweater or light jacket.

## **Media Policy**

Children are deeply affected by everything in their environment. Waldorf education has always encouraged minimal-to-no screen time for children before the age of 11. In recent years, a number of studies have demonstrated the detrimental effects of too much screen time on children's language and social skills development, as well as attention, sleep, obesity, behavior, and violence.

Shade Canyon wants to partner with parents in protecting childhood's greatest gifts. We urge families to use extreme caution with television, videos, video games, and computer use, and to instead give their children an abundance of screen-free time and space to develop an imagination, solve problems, and invent creative play. Your family's media choices affect not only your child but their classmates as well, as media exposure influences the play of the students.

**Please see "Media" below for more detailed information.**

## **Cell Phones**

We recognize that some students may need cell phones in order to communicate with parents or summon help in an emergency. If it is absolutely necessary for a student to bring a cell phone to school, the following conditions apply: Cell phones must be turned off while on campus. Cell phones must be stored in the designated area while in class. After regular school hours, cell phones may be used outside of the immediate school grounds in a designated area. This policy applies to adults on campus, as well.

## **Parent Involvement**

The success of our students is aided by active family participation in the child's education and the life of our school. Joining in school activities is also the best way to understand the school community and grow friendships. Studies have proven that parent involvement is associated with higher student achievement.



There are many ways to be an active participant at Shade Canyon, such as: attending school events, being a Class Parent, joining a committee, volunteering to support school activities, helping with field trips, participating in classroom or campus clean-up, or joining the Parent Community Council. Some of these volunteer opportunities will require fingerprinting and TB clearance. Volunteer sign-up sheets will be available at Parent Orientation and throughout the year.

**Parent Community Council** meetings occur on the first Thursday of each month at 3:15 pm. All parents are welcome! Detailed volunteer opportunities are discussed there as the PCC supports festivals, events, and classroom activities. Thank you for your willingness to serve our school!

### **Educational Policies and Programs Waldorf Education: Why Do I Need to Know About It?**

Shade Canyon School is dedicated to bringing a public Waldorf curriculum to its students. Everything we do is based on this goal, so it is essential that all members of our community commit to learning about Waldorf education. In their daily and weekly work, the faculty studies Waldorf pedagogy and strives to bring it in new and deeper ways to their students. The administration works in a way that supports this process, and indeed studies and practices Waldorf methods in order to lead the school in a unified and collaborative manner.

It is our hope that parents will also strive to continue to read, learn, and grow in their support for Waldorf education. As you have probably come to realize, having a child in a Waldorf school is not an experience that can ripen fully if there is not support for the education at home as well. So many of the policies and programs at the school can only be successful with parent understanding of the deeper underpinnings of the education. All the things the school asks of families have been deeply considered and thought through – they are not random policies generated to be a burden. Rather, they are designed carefully to provide a solid basis for educational success. We ask that you join the faculty and administration in constantly striving to learn and understand your child’s experience in a deeper way. Do not hesitate to ask your child’s teacher for more resources. But here are some resources you will find helpful:

- *You Are Your Child’s First Teacher*, by Rahima Baldwin. A classic parenting guide, especially for families of preschool and kindergarten aged children.
- *Waldorf Education, a Family Guide*, by Pamela Johnson, Fenner and Karen Rivers. The standard beginner’s guide to Waldorf education, answering commonly answered questions. Highly recommended for new parents.
- *Understanding Waldorf Education: Teaching from the Inside Out*, by Jack Petrash. Insights from a very experienced class teacher and father. Great outline of the key ideas behind Waldorf education.
- *School as a Journey: the Eight-Year Odyssey of a Waldorf Teacher and His Class*, by Torin Finser. A lovely overview of the grades experience, with lots of helpful insights on child development. Has a wonderful appendix that helps anyone interested go further into their reading.

## **Attendance**

Attendance at school each and every day is essential to your child's academic and social wellbeing. In the Waldorf curriculum, much of the information is provided verbally or is experiential and hence is impossible to make up outside of school. Also, because it is a social education, involving relationships and connections that are dynamic, being absent can cause children to experience gaps in their social life/learning. These are both important things to consider before making a choice that requires your child to be absent from school. They are an essential component of your child's Waldorf education.

The School strongly discourages absence and encourages families to schedule any required doctor or other appointments outside of the school day. In the event that a child must miss school due to prolonged illness, surgery, or other extenuating circumstance, please notify the school office at least 5 days before the planned absence, as it may be possible to use the independent study option. This option is described more fully a few pages further on.

There is one other really important reason to make sure your child is in school: when a child misses a day of school, the School cannot receive state funds for that child for that day.

Absences result in the loss of thousands of dollars for our school. Please send your child to school every single day unless an unavoidable unexcused absence provision applies.

### **Reporting Absences:**

You must report each day that your child is not attending school by calling the school at 707-245-7757. You may call the night before. Your Teacher also appreciates an email to let them know.

Absences must be cleared within (4) days of the student's return to school. Any failure to do so will result in an unverified absence (unexcused) that CAN NOT be changed.

State regulations specify that students must attend all scheduled school days except for "excused" absences. Please bring your child to school. Shade Canyon does not receive funding for either excused or unexcused absences.

### **Excused absences**

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

1. Personal illness, including an absence for the benefit of the pupil's mental or behavioral health

2. Quarantine under the direction of a county or city health officer.
3. Medical, dental, optometric, or chiropractic appointments:
4. For the purpose of attending the funeral services or grieving the death of either a member of the pupil's immediate family, or of a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, so long as the absence is not more than five (5) days per incident. "Immediate family" means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.
5. For any of the following reasons, if an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, has died, pupils are encouraged
  - a. To access services from a victim services organization or agency.
  - b. To access grief support services.
  - c. To participate in safety planning or to take other actions to increase the safety of the pupil or an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, including, but not limited to, temporary or permanent relocation.

Absences under this section shall not be excused for more than three (3) days per incident, unless extended on a case-by-case basis at the discretion of the school administrator. "Immediate family" means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.

6. Participation in religious instruction or exercises as follows:
  - a. The student shall be excused for this purpose on no more than four (4) school days per month.
7. To permit the student to spend time with an immediate family member who is an active duty member of the uniformed services, as defined in Education Code section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the Charter School.
8. Attendance at the student's naturalization ceremony to become a United States citizen.

9. Authorized at the discretion of the Executive Director or designee, based on the facts of the student's circumstances, are deemed to constitute a valid excuse.
10. A student who holds a work permit to work for a period of not more than five (5) consecutive days in the entertainment or allied industries shall be excused from school during the period that the student is working in the entertainment or allied industry for a maximum of up to five (5) absences per school year subject to the requirements of Education Code section 48225.5.
11. In order to participate with a not-for-profit performing arts organization in a performance for a public-school student audience for a maximum of up to five (5) days per school year provided the student's parent or guardian provides a written note to the school authorities explaining the reason for the student's absence.
12. For the purpose of participating in a cultural ceremony or event. "Cultural" for these purposes means relating to the habits, practices, beliefs, and traditions of a certain group of people.
13. For the following justifiable personal reasons for a maximum of five (5) school days per school year (unless otherwise indicated), upon advance written request by the student's parent or guardian and approval by the Executive Director or designee pursuant to uniform standards:
  - a. Appearance in court.
  - b. Observance of a holiday or ceremony of the pupil's religion.
  - c. Attendance at religious retreats (not to exceed one school day per semester).
  - d. Attendance at an employment conference.
  - e. Attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization.

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

If your child has a fever, is sick to their stomach or has the flu, please keep the child home until symptoms are gone for 24 hours (without taking medicine).

Please do not send your child to school if he/she has any of the following infectious diseases, and please notify the office if your child has contracted: ● Chicken Pox ● Conjunctivitis/Pink Eye ● Covid ● Diphtheria ● German Measles ● Head Lice\* ● Hepatitis ● Impetigo ● Measles ● Mumps ● Poliomyelitis ● Pertussis/Whooping Cough ● Ringworm ● Scarlet Fever

**Unexcused absences** include but are not limited to: students who are on family trips; students whose parents allow them to stay home on a day when they “don’t feel like going to school”; students who stay home to be with family visiting from out of state; family car problems; and other similar reasons not included on the list of excused absences above.

Students not in attendance for three or more scheduled school days or tardy in excess of 30 minutes on each of three or more days in one school year are required to be recorded as truant in their student record. (Ed Code #48261, #48262).

### **Punctuality:**

In the Waldorf classroom, there is a rhythm to the day, with opening activities which prepare the child to work effectively, as well as closing activities which allow the group to end as one and to bring a sense of completion.

It is important that your child arrive at school on time to benefit from the entire class day. Arriving late creates a disruption for the class and for the child. It also triggers a large amount of administrative work. Mandatory attendance reporting to our accountant, our chartering district, the county office of education, and the state, add up to inordinate amounts of time spent whenever your child is even a few minutes tardy.

Please respect everyone’s time and your child’s experience by arriving between 8:10 and 8:20 am every day. School starts at 8:20 am. School supervision begins at 8:10 am.

If you arrive after your child’s classroom door is closed, your child must proceed to the office to obtain a tardy slip before returning to his/her classroom to enter. If the tardy is due to an excused reason such as feeling ill (physical or mental illness) or a medical or dental appointment, then the student or parent must present a written note stating the excused reason. Otherwise it will be recorded as an Unexcused Tardy. All tardies due to car problems, tiredness, and oversleeping are considered unexcused.

Children should be picked up promptly at the close of the school day. We love it when parents walk in to pick up their children, but please remember to supervise your child after dismissal, especially if you are in conversation with another parent or a teacher. If children are not picked up, they are taken to the school office and the staff will contact the parents.

As a school, we are committed to teaching our children the importance of timeliness. The Enrollment and Admission Information all parents received states that parents ensure regular and punctual attendance by their child. Those families who arrive late to school on a regular

basis must meet with the Administrator in person and there may be other more serious consequences as well. We take punctuality very seriously, as it is an essential component to a healthy Waldorf educational experience.

It is our goal at Shade Canyon School to communicate clearly with parents regarding our policy and the importance of being to school on time. We do this in a number of ways:

- Parent meetings and verbal or written communications with families.
- Administration educates new families at Parent Welcome and Orientation at the beginning of the school year.
- Personal administrative meetings with families to discuss the importance of being on time.
- Information and clearly stated policy in the Parent Handbook as to how tardy and attendance problems affect the child, the class, and the school as a whole.

Remember that tardiness is defined as arriving at the classroom door after the teacher commences class, even if only one minute late. A tardy of 30 minutes or more (or leaving 30 or more minutes before school is dismissed, will be recorded as an absence. Copies of attendance records and all correspondence and written communication about attendance-related problems will be placed in a student's academic records.

### **Unexcused Absences and Unexcused Tardies Policy:**

- If 3 or more unexcused absences and/or tardies greater than 30 minutes occur, the following set of progressive steps may be taken by the school:
  - Verbal reminders to the family from teacher or other school staff, as appropriate.
  - First letter sent to parent/guardian as a warning after the 3rd unexcused absence and/or unexcused tardy greater than 30 minutes for the year.
- Second letter home after 5th occurrence which may require parent(s) (and possibly older students) to speak with the Administrator.
- Third letter home after the 10th occurrence. This letter will result in a mandatory meeting between school administration and the parent/guardian to discuss the causes and possible remedies for the truancies. A copy of this letter will be placed in the student's file. Families must make an appointment to speak with the administrator about the attendance problem within two weeks of notice. At the conclusion of this conference an attendance contract will be signed. If this parent meeting does not result

in a change of student behavior, the student may be subject to involuntary removal based on the involuntary removal process below.

- Excessive unexcused tardies which are less than 30 minutes and occur more than 5 days in the school year may also result in notifications sent home and parent/guardian conferences as necessary with administration.

All letters will be placed in the Student's files. The school has an Attendance Policy that specifies that a student could get disenrolled from the school if too many unexcused absences have accrued. If a student reaches an excess of unexcused absences (18 absences or more), the school may contact the Lake County District Attorney.

### **Involuntary Removal Process**

No student shall be involuntarily removed by the Charter School for any reason unless the parent or guardian of the student has been provided written notice of intent to remove the student no less than five (5) schooldays before the effective date of the action ("Involuntary Removal Notice"). The written notice shall be in the native language of the student or the student's parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder. The Involuntary Removal Notice shall include the charges against the student and an explanation of the student's basic rights including the right to request a hearing before the effective date of the action. The hearing shall be consistent with the Charter School's expulsion procedures. If the student's parent, guardian, or educational rights holder requests a hearing, the student shall remain enrolled and shall not be removed until the Charter School issues a final decision. As used herein, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions or expulsions pursuant to the Charter School's suspension and expulsion policy.

Upon parent/guardian request for a hearing, the Charter School will provide notice of hearing consistent with its expulsion hearing process, through which the student has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the student has the right to bring legal counsel or an advocate. The notice of hearing shall be in the native language of the student or the student's parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder, and shall include a copy of the Charter School's expulsion hearing process.

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

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

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

## **Homework**

Homework has become such an integral part of education that in some schools it is assigned as early as kindergarten. Parents are understandably concerned about homework because they are interested in how their children will develop self-discipline and how they will be prepared to move on to different academic environments later in life. In a Waldorf curriculum, there are several principles we consider when deciding when homework begins and what it should consist of.

- Waldorf education has as one of its primary goals the strengthening of the will of the child. Our entire curriculum guides children toward responsibility and self-reliance. We do not depend upon homework alone to do this.
- Though individual teachers will choose what is right for their class, in general, we begin the process of homework in fourth grade. It is useful to think of the following timetable to understand what skills the teachers are seeking to develop in the children and to understand how parents may best support this process.
- K-3 – Nurturing Home Life: parents should provide regular chores, read aloud to the children, and do family artistic activities together in the evening.
- Grades 4 & 5 – Early Homework: Children begin slowly to develop habits of bringing work home, completing it, and returning it to school. We ask that parents are very involved at this stage, setting aside a regular time to help their children, providing them with an adequate workspace, and checking to make sure that the child has completed their work. Parents must closely follow their own child’s development to understand their level of involvement in their child’s work. This will vary according to personality and temperament.
- Grades 6-8 – Homework: The Waldorf curriculum recognizes that sixth grade is a time when children are both able to take responsibility for their own work and are able to call up a complete picture of their schoolwork while away from school. Work at home now truly becomes “homework” as the children are asked to do deeper thinking and to develop their own individual perspective on the material they are offered. Homework now becomes something which occurs mainly between the teacher and the child, although parents must be sure that their children have adequate time scheduled to complete it and parents should be closely monitoring the work, assisting, supervising and guiding as needed.

The education of a child is a task that takes many hands and hearts in order to bear fruit. Parents at the School work in partnership with the teachers to provide support, love, and proper boundaries for children at home. Closely supervised, quiet time and space for homework is essential. Reading with children on a daily basis, practicing math facts, assisting with library research, and other such help are an important and necessary part of a parent’s role at home.



Children in 4th and 5th grade usually need a parent sitting with them during homework time, helping to make spelling or math practice cards, keeping on task, etc. Middle school children still need assistance and encouragement to do their homework and music practice each day. Older students should have direct supervision in any research done on the Internet. Even if there are no specific assignments due, every child should read and practice music every single day. Ask your child's teachers if you are unsure about what to expect at his/her age.

## **Academic Integrity**

A central tenet of Waldorf philosophy is to develop students capable of independent and creative thought in their approach to academics. We encourage collaboration between and among students, but ask that their work on individual projects and assignments be their own. Behaviors such as copying work from another student when the assignment was intended to be a student's original independent work, cheating on a test, plagiarizing a published source without properly citing the reference, or falsifying information (such as a parent signature) are antithetical to maintaining academic integrity. Students who do not adhere to appropriate conduct in this area will experience consequences as the teacher or administration see fit.

## **CAASPP Testing**

The Charter School shall annually administer required state testing to the applicable grades (e.g., the California Assessment of Student Performance and Progress ["CAASPP"].) Notwithstanding any other provision of law, a parent's or guardian's written request to Charter School officials to excuse their child from any or all parts of the CAASPP shall be granted. Upon request, parents have a right to information on the level of achievement of their student on every State academic assessment administered to the student.

Each year in the Spring, the CAASPP is administered to grades 3-8. Shade Canyon does not "teach to the test," nor do we view the test as an accurate or complete reflection of student achievement. Historically, Waldorf students perform below grade level on the test in the early grades because of the non-academic kindergarten curriculum and the pacing of curriculum, with our developmental approach to learning. As Waldorf students move into the upper grades, their test scores rise dramatically and typically surpass the scores of conventional schools. For this reason, we recommend that families commit to Waldorf education through at least fifth grade.

## **Educational Support and Remediation**

At times during their education, many children struggle with parts of the curriculum or fall outside the usual range of child development patterns. The Waldorf curriculum is based on a specific model of child development and teachers look carefully at each child every single day

to hold a vision of how they are proceeding on this path. It is completely normal for every child to struggle at times. In fact, we view this as a healthy way for them to learn and grow in a complex world.

At school, the teacher presents living concepts several times over a period of months and even years, to enable the children to slowly awaken to and understand in a deeper manner than might be possible with a more superficial approach.

For example, we do not expect that children will completely grasp or even remember exactly how fractions work the first time they are presented in fourth grade. As fractions are revisited in fifth and sixth grade, the child gradually develops a deeper understanding. However, some children may need extra assistance to keep within the range of what we expect to see in the class. Like any school, ours has a program for helping students who need this extra help.

Our student support program is a multi-tiered system of support (MTSS) in which students identified as needing extra support can be offered a graduated level of intervention ranging from simple classroom accommodations to a pullout intervention group that meets one or more times each week over a specified period of time.

Although most children will require extra help at some time, few will need formal special education services which are afforded to children who have an identified disability AND AFTER other interventions have been tried first.

Identifying a child who may need extra assistance is the first step. Because teachers carefully observe each child in their class every day and within the context of the group, they are often first to notice any problems that may arise. A parent may also notice a child struggling unduly or not seeming to grasp concepts that have been covered over a period of time, and should speak to the class teacher as a way to gauge whether the concern is normal for the child's age. Additionally, a regular school screening may turn up a matter of concern—for example, a vision test that requires parents bring the child for a more thorough test outside of school. A referral from an outside agency, such as a previous school or other individuals having knowledge of special needs, may also be a source of information showing the school that special attention is necessary.

During most children's eight to ten year journey at our school, parents and teachers will meet to discuss ways to further support the development of a child. For example, a phone call home or a meeting between teacher and parents may be called to explore possible approaches in the classroom or at home which might mitigate the situation. Simple solutions such as placing the child closer to the blackboard or providing a modified homework assignment may be all that is necessary. Occasionally, children need extra focused help at home to gain mastery over a subject or exhibit control over behavior.

If this approach does not seem to help or if the problem appears more serious, then the next step is to hold a Student Support Team (SST) meeting. This meeting is made up of the class teacher, the parents, and possibly the Administrator. A specialty teacher may also be invited. In

some cases, the student may need to be observed and a Student Support Team is formed to meet and identify more extensive modification or support for the child.

If problems persist, other tests and assessments may be necessary to research the situation further. The School complies with all state and federal special education requirements and works to accomplish this in a manner that respects the integrity of a Waldorf curriculum.

Questions about special education should be directed to the Administrator. Of course, every child has unique learning needs. While Waldorf education is excellent for many children, it may not suit the needs of some. The curriculum is primarily a teacher-directed, orally-presented, larger group type of instruction.

### **Teacher Assignment based on Looping / Grade Configuration**

An extended relationship between the class teacher and the student is part of the foundation of the Shade Canyon School pedagogical approach. The trust and understanding that builds in such an extended relationship allows the teacher to more fully understand and comprehensively address students' social, emotional and intellectual needs during their enrollment at Shade Canyon.

In addition, there is a significant need for a specialized middle grades program that provides the academic rigor and comprehensive adolescent support elements that ensure positive early adult development.

In consideration of these facts, Shade Canyon School will organize its looping program into separate elementary and middle grade loops. By design, a class will loop with an assigned teacher for grades 1 through 5. Upon grade 6, students will pass to a middle grades teacher, who will loop with the class from grades 6 through 8.

Given the unpredictability of personnel congruence and efficacy, and in the ability to retain personnel to fulfill multi-year loop terms, deviation from the loop ideal may occur, the loop being carried by a different teacher for a portion or remainder of the loop as necessary.

The School recognizes that different teachers have different capacities and preferences in regards to the ages of their students. Consequently, the number of years that any given teacher remains with their class is ultimately decided by the Administrator in consultation with the Faculty.

### **Discipline**

Shade Canyon believes that students learn best in an environment of clear expectations

about behavioral and community norms that allows them to feel safe and nurtured. It is the teacher's responsibility to conduct classes in a way that maintains a learning environment while allowing for spontaneity and differences in temperament. The teacher is a loving authority in the classroom. **Chronic disruptions to the program or threats to the safety of other children are not tolerated.**

### **Discipline Policy:**

The Charter School will adhere to the principles of Restorative Justice. All teachers will receive training in these practices, and the Administrator will monitor consistent implementation across the Charter School.

Restorative Justice is focused on prevention of undesired behaviors through strategies such as:

- Classroom Teacher Modeling
- Respect Agreements
- Class Meetings
- Restorative Discipline
- Greet & Meet
- School-wide Anti-Bullying Program
- Community Building Assemblies
- Class Presentations
- Parent Education

When a conflict does arise, teachers may employ redirection strategies such as:

- Use proximity; teacher may walk over to student's area to get attention
- Look at the student with a slight head shake or facial gesture
- Point in direction of Respect Agreement
- Use a visual symbol signaling "STOP"
- Make a whole class reminder, "It looks like ALMOST everyone is ready to begin"
- Have classroom management systems in place to minimize distractions
- More significant conflicts warrant intervention strategies ranging from referral to the office, meetings with the student and his/her parents/guardian, recommitment to the Respect Agreement, a Behavioral Plan, educational support, etc., or, as needed, suspension or expulsion consistent with school policies and applicable laws.

The Restorative Justice method of discipline holds the student accountable without blame or shame. Behaviors are recorded and in cases of on-going discipline challenges with a student, parents are asked to work with the teacher and in some cases, the Administrator, to help support the child's best behavior in the classroom. At the discretion of the administration and/or pursuant to law, persistent or serious misbehaviors could result in suspension and/or expulsion pursuant to the Suspension & Expulsion Policy located in Appendix B of this handbook (even upon a first offense).

## **Dress Code Guidelines**

The School asks that clothing remain simple and functional. Movement is a part of every school day. The student's clothing and shoes should be appropriate for running, bending, jumping, etc.

Children are unable to learn well if they are cold and their circulation is poor. Cool mornings necessitate layers of clothes that can be peeled off as the children warm up. Coats are necessary during cold weather and legs must be covered.

Please label everything your child wears or brings to school: footwear, lunch baskets, backpacks, sweaters, sweatshirts, bags, hats, etc. Remember to check the lost and found shelves for missing items. The lost and found shelves are periodically emptied and donated to charity.

Class teachers and school staff reserve the right to ascertain when clothing or appearance is unacceptable

Anything that might become a distraction to learning should be avoided. Class teachers may have additional guidelines for their classes. Disregard for any of these standards may result in the parents being contacted to bring other clothes to school. Repeated offenses may result in disciplinary action and/or the student being provided with other clothing by the school.

We respect cultural decisions for certain appearances and appreciate you communicating with us if we are unaware of a certain appearance in conflict with our dress code but related to your child's cultural background.

Please observe the following dress code standards:

- No media characters or political slogans / images on clothing or backpacks/ lunchboxes
- No see-through clothing
- No bare midriff
- No strapless shirts
- Bottoms (i.e.: pants, leggings, skirts, shorts, dresses, etc.): Bottoms must be worn above the hip and underwear should not be visible. Belts must be worn with bottoms that are too big to fit securely around the student's waist. All bottoms must be fingertip length or four (4) inches above the knee without leggings or stockings. Shorts under dresses or skirts are encouraged. The following are not permitted: fishnet stockings, sagging pants, or bottoms with extensive rips.
- No perfume, cologne, or scented body spray
- Accessories, including jewelry, should not prevent participation in any school activities
- No devices that make noise
- No internet connected devices
- No extreme hair styles that are distracting (e.g. mohawks or unnaturally colored hair)

- No clothing, jewelry, accessories, or hairstyles which are, or include, a picture, writing, or insignia which is: (1) gang related; (2) presents a safety hazard to the wearer or others; (3) advertises or symbolizes any type of alcohol, drugs, tobacco, or gambling; (4) includes weapons or acts which are illegal, violent, obscene, or hazardous to one's health; (5) sexually suggestive, crude, vulgar, profane; discriminatory, obscene, contain threats, libelous; or (6) offensive or degrading to students or staff on the basis of gender, cultural, religious or ethnic values.

## **Media**

Waldorf education fosters enthusiasm and reverence for the highest in our human potential. Parents and teachers working with Waldorf education make particular efforts to protect the developing child from negative outside influences.

Among the assaults on childhood, none is more powerful than television, movies, videos, video games, and Internet/computer usage experienced at too young an age (below age 12). Even after age 12, parents need to be wary of their children's exposure to various media. It is important that parents educate themselves about technology communication such as social media, email, and texting, and carefully monitor their children's activities. These ways of communicating can be extremely dangerous for children of any age.

Young children are particularly susceptible to the influence and effects of the media. Its detrimental effects on behavior, ability to learn, and development of values in culture are increasingly recognized and documented scientifically. Recent research alerts us to the harmful effects not only of program content but also of the detriments to a child's physical and psychological processes when engaged in viewing a screen.

Our children need ongoing contact with active adults engaged in real life experiences. They need to hear real human voices. They need interaction with us and with the qualities and values we are striving to achieve.

**The integrity of the Waldorf curriculum for each child in the School depends on the community-wide embrace of a no-media childhood. We strongly urge all parents to educate themselves about this critical topic.**

Some further resources are:

Books:

- *Endangered Minds: Why Our Children Don't Think*, by Jane Healy
- *The Big Disconnect: Protecting Childhood and Family Relationships in the Digital Age*, by Catherine Steiner-Adair, EdD, and Teresa H. Barker (two copies were gifted to the school for parents to borrow)
- *Wired Child: Reclaiming Childhood in a Digital Age*, by Richard Freed

- *Hunt, Gather, Parent: What Ancient Cultures Can Teach Us About the Lost Art of Raising Happy, Helpful Little Humans*, by Michaela Douclev

#### Videos and Websites:

- [Educating Children for the Journey - A TEDx Talk by Jack Petrash - Rudolf Steiner School](#)
- [Angela Hanscom: The REAL reason children fidget – and what we can do about it | TED Talk](#)
- <https://www.childrenandscreens.org>
- <https://screenfree.org>
- From the American Academy of Pediatrics:  
[Kids & Screen Time: How to Use the 5 C's of Media Guidance - HealthyChildren.org](#)

#### **Recording School Performances and Events:**

We wish the children’s experience in performance to live in their memory and in their own deep inner processes. The video image replaces these memories with pictures seen from the outside.

Filming can also create a premature self-consciousness that compromises the children’s innocence. Future performances become less free and focused. Photographing during a play disturbs the audience and can disturb the players.

While we understand that photos can be a valuable record, please arrange for a photo before or after the performance or during a rehearsal. We may have a designated photographer for a special event to minimize the effect of having many cameras, and have pictures available to parents through our website.

A designated photographer will occasionally take photos at the school to use in our school communications per our photography policy which you completed on enrollment. These photos are taken discreetly. The photographer tries to minimize any disruption of the class.

#### **Medications at School**

Students are not allowed to bring medication of any kind (prescription or non-prescription) to school without a written doctor’s note and proper paperwork, nor is office staff allowed to administer any prescription or nonprescription medication absent healthcare provider and parent authorization. The California Education Code Section 49423, allows school personnel to assist students who are required to take medication during the school day under specific circumstances. Please call the school office for details.

EpiPen and asthma inhalers may be carried by the student when with written authorization from a health care provider and parent. Parents and an authorized health care provider must fill out the appropriate form available in the office or school website. The form is available on SchoolCues on the Parent’s tab - Student Information System.

These forms must be completed each and every year.

## **Communications at School**

Many avenues of communication are in place at Shade Canyon School. The weekly “News and Notes” is distributed by email. This newsletter is the best place to get announcements and information about what is currently going on at school. It is the responsibility (and we hope, the pleasure) of the parents to read the Weekly News and Notes. Important information is contained in it and it is an essential way for the School to communicate with you. If you would like to suggest something for posting please email your content and a brief explanation to Mrs. Segal by Thursday of the previous week. We avoid political content in the newsletter, and the school does not in any way endorse events or services offered outside of our community that are listed in the “News and Notes”.

### **Bulletin Boards:**

Our campus has a bulletin board for information about school events. Each class has a bulletin board for classroom specific news.

### **SchoolCues Messages:**

Shade Canyon School has SchoolCues to assist in communicating important information about school events. You will periodically receive emails and texts from the Administrator or school staff with information relevant to the school operations, curriculum, or facilities. We also use SchoolCues to send important forms and information that require your attention. This system will also be used in case of emergencies such as flooding, fire, earthquake. If you are not receiving SchoolCues messages, please notify the office so we may assist you.

**It is very important that you notify the school office regarding any changes to your phone number, email or home address.**

### **Email:**

Email can be used as a convenient and effective means of communication for class information. Because email cannot express inflections of the human voice or facial expressions that help convey meaning, we request that parents and teachers alike use it only for informational purposes (such as meeting times, field trip information, and assignment due dates) and not as a forum for discussion or debate. If you have questions about how your class teacher would like the class parents to communicate, please ask him/her. A group email to parents and/or teachers is only authorized from the class teacher or school administration. Parents should not send group emails to other parents without explicit permission from the class teacher and/or Administrator.



## **School Board Meetings**

Parents are welcome to attend school board meetings as a way to learn more about the functioning of the Charter School. The time and place of the board meetings is announced on the home page of our website and meeting agendas are posted on the office window and on the website several days in advance of the meeting.

## **Communication Basics**

In order to ensure good communications in our school community, keep in mind the following:

- When concerns or conflict arise, talk to the person most immediately involved FIRST. A healthy community depends on direct, honest, respectful communication.
- For questions regarding your child's education, always feel free to speak to your class teacher or, if appropriate, a subject teacher. Please be sensitive to the teaching demands of our teachers: they are not available for lengthy discussions while the children are at school, but will arrange time to meet as necessary.
- And don't forget: our community is one whose educational program is, in part, built upon adults modeling behavior for students. Please, do not gossip, spread or listen to rumors, or allow others to communicate in this unhealthy manner. Every year people get upset about things that never happened or were widely exaggerated because adults succumbed to this less-than-ideal way of communicating. Honesty, directness, and politeness are wonderful qualities for adults to model for children.

## **Concerns about Your Child and Classroom**

Please bear in mind that teachers make decisions taking into consideration both the individual child and what best serves the class as a whole. This may require compromise and flexibility on the part of individual students and families. If you have a concern about your child's experience in the classroom, it is very important that you first approach the teacher for a meeting. Sometimes several discussions may be necessary to continue making progress on problem areas. If a parent feels that this route has not addressed their concerns, the matter should be brought to the Administrator.

## **Concerns about School Policy**

Concerns with school policies and procedures should be brought to the school office, either in person or in writing. You may also make an appointment with the Administrator if you feel that would be helpful. If these steps fail to resolve the issue of concern, then parents may bring an

item to the Board of Directors for final resolution. The School Administrator or the Board President can be contacted for information on Board procedure.

Please also see the Appendices within this handbook for more information about the Uniform Complaint Procedure and Title IX sexual harassment policies and complaint procedures and when they apply.

## **Class Parent Meetings**

Throughout the year, teachers schedule class meetings with the parents of their class. The purpose of these meetings is to explore the meaning of the curriculum, particularly as it relates to the development of the child, provide a picture of what is happening in class, handle class business, deal with issues the class is facing, and come together as the parent group that holds these children as they grow. We believe that parents need to understand their children's developmental needs and how the teacher, through the Waldorf curriculum, is attempting to meet those needs. **It is expected that each child will have at least one of their parents attend all class meetings.**

## **Parent-Teacher Conferences**

At least once each year, an individual parent-teacher conference is held. The purpose of this meeting is to discuss your child's overall social and academic progress. **It is expected that all parents and/or guardians of the child will attend this important meeting.**

## **Field Trips**

Field trips can be an important supplement to our regular curriculum, providing they do not take away from essential classroom instruction. The teacher follows a set procedure for requesting approval for a field trip. Parents are often asked by the teachers to attend the field trips to help with driving and supervision of the children while off campus. Parents wishing to attend a class field trip are subject to teacher approval. Due to insurance requirements, siblings are generally not allowed to attend field trips; contact the Administrator if you have questions about this policy.

Parents who volunteer as drivers on any class outings are required to fill out the appropriate forms and give a copy of proof of insurance coverage within required limits of coverage with the office. Current insurance requirements for drivers are as follows: \$100,000 – \$300,000 bodily injury liability; \$50,000 property damage liability; and \$5,000 medical payment. Field trip drivers are provided with emergency forms for the children they are transporting.

## **CarPool and Field Trip Safety Basics**

Here are some helpful tips and guidelines for transporting a group of children:

- Make sure your car is in good repair and your gas tank is full.
- Pick up and drop off children only at the curb next to homes or school. Don't make them cross a street to get where they are going.
- Insist that each child is buckled up in individual seat belts and that the doors are locked before starting the motor.
- If possible, lock the power window and door controls from the driver's seat.
- Set rules and maintain strict discipline in the car. Do not allow talking or behavior to become a distraction to your driving.
- Pull over if any child in the group gets out of control. If a child consistently presents a problem, exclude him/her from the car-pool until he/she can promise appropriate conduct.
- Do not use the cell phone while you drive. It will allow you to monitor the children better and allow you to concentrate on your driving.
  - Remove hard or heavy objects from the interior of the car during the trip. Loose objects can pose a danger during a crash.
- Have emergency contact and health information for each child who rides in your car.
- Make sure your car carries a well-equipped first aid kit; the office has kits you may borrow if you feel yours is inadequate.
- Be sure your insurance coverage is adequate, up to date, and filed with the school office if driving for a school function.

## **Emergency Contact Information**

**It is of the utmost importance that the Charter School has up-to-date emergency contact information for each child. If you move, get new phone numbers, or have a change in who can pick up your child for emergencies, contact the office immediately.**

### **Emergencies:**

Each year, prior to enrollment, parents must fill out a new Student Emergency Contact form, Medical Information form, and Consent to Emergency Treatment. This is part of the Online Re-Enrollment process. For new families it will be part of their new enrollment forms. These are kept on file in the school office. In addition, a copy accompanies drivers on field trips.

Telephone numbers of parents at home and at work, health insurance, and other important information are all used in case of illness or medical emergency or a disaster during school hours.

Not only do these forms authorize the School to release a child to listed persons in the event of an illness, medical emergency or disaster such as flooding or earthquake, they tell us whom to call if a parent has not arrived to pick up a child at the close of the school day.

Remember to notify the office if any of this information changes throughout the school year. The School would not be able to locate you or your authorized persons in an emergency if you/they cannot be reached at the numbers indicated on the forms. If parents or other authorized persons cannot be reached in a medical emergency, these forms give the School permission to obtain emergency, life-saving medical care for the student. This may include but is not limited to, imaging, medical or surgical diagnosis or treatment by an authorized healthcare professional, hospital care or dental care. Parents also agree to cover the costs of such treatment as well as any ambulance services that may be required.

The teachers and administration have taken every precaution to ensure that the campus is free of safety hazards. Parents are encouraged to notify the office immediately if they observe any unsafe conditions. In the unfortunate event of an accident at school, the School carries accident insurance to cover the cost of treatment which would not be covered by the student's own medical insurance.

All injuries must be reported to the office promptly. If necessary, inquiries regarding the School insurance policy should be directed to the office. Emergency forms also give permission to the School to take supervised walks with the class to the park.

If, in an emergency, you need to change the arrangements for picking up your child, please notify the office promptly.

## **Emergency Procedures**

The Charter School is committed to providing for the safety of the students and our community as a whole. Our staff works to ensure we have the appropriate supplies and training that will allow us to act when any emergency occurs. Regular drills and practice events help us to be ready to put these resources to use. Anyone interested in helping with this effort should call the office for more information.

In case of an emergency, parents will be notified via the School's message system. Remember to update any changes, as this system will call home, cell and work numbers.

All classes regularly practice fire and earthquake drills. Our teachers will cope with emergency situations such as flooding, fire, earthquake or facility problems. Our school buildings are well constructed and evacuation plans are in place. Your children will be well cared for until it is safe for you to pick them up.

During severe storms, or flooding, if you have questions as to whether school is in session, please DO NOT CALL THE OFFICE. Most likely, no one will be in the office early in the morning or if during the day, phone lines will be needed to call out. During flooding, please listen to the radio and always use good common judgment. If you live a distance from the School and have to pass through an area that typically floods, pick your child up early, even if we haven't called.

If a fire occurs during school hours, the children will be evacuated and parents will be notified via the message system.

In the event of a major earthquake, you should stay at home or work until it is safe to pick up your child. Traveling may be dangerous and power lines may be down. Remember to follow your own personal preparedness plan. When you do arrive to pick your child up, you will be asked to follow a specific sign-out before you will be given permission to leave the School grounds with your children. We will not release your child to a friend unless they are listed as being authorized to pick up your child. Again, make sure your emergency form is updated with this information.

#### **IN A NUTSHELL: A Summary of Essential Guidelines:**

- Keep a simple, consistent rhythm in your home life.
- Come to school every day when well – and be on time.
- Know and follow the dress code.
- Park and drive politely.
- Get involved and support the School with your time and financial resources to the greatest extent possible.
- Protect your child from the harmful impact of TV, movies, videos, computers, and computer games.
- Stay in touch.

## **APPENDIX A: ANNUAL NOTIFICATIONS**

### **Diabetes**

The Charter School will provide an information sheet regarding type 1 diabetes to the parent or guardian of a student when the student is first enrolled in elementary school, pursuant to

Education Code Section 49452.6. The information sheet shall include, but shall not be limited to, all of the following:

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

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

## **Dangers of Synthetic Drugs**

The illicit use and abuse of synthetic drugs represents an emerging and ongoing public health threat in California. The fentanyl crisis specifically, has impacted communities across the state, leading to a sharp increase in fentanyl poisonings and deaths in recent years.

This notice aims to address the crisis with a preventative approach ensuring students and families are educated on the deadly consequences of recreational drug use.

A synthetic drug is a drug with properties and effects similar to a known hallucinogen or narcotic but having a slightly altered chemical structure, especially such a drug created in order to evade existing restrictions against illegal substances.

Synthetic drugs include but are not limited to synthetic cannabinoids ("synthetic marijuana," "Spice," "K2"), methamphetamines, bath salts, and fentanyl.

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

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

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

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

- “*Foster youth*” means any of the following:
  1. A child who has been removed from their home pursuant to Section 309 of the California Welfare and Institutions Code (“WIC”).
  2. A child who is the subject of a petition filed pursuant to WIC section 300 or 602 (whether or not the child has been removed from the child’s home by juvenile court).
  3. A child who is the subject of a petition filed pursuant WIC section 602, has been removed from the child’s home by the juvenile court, and is in foster care.
  4. A nonminor under the transition jurisdiction of the juvenile court, as described in WIC section 450, who satisfies all of the following criteria:
    - a. The nonminor has attained 18 years of age while under an order of foster care placement by the juvenile court.
    - b. The nonminor is in foster care under the placement and care responsibility of the county welfare department, county probation department, Indian tribe, consortium of tribes, or tribal organization.
    - c. The nonminor is participating in a transitional independent living case plan.
  5. A dependent child of the court of an Indian tribe, consortium of tribes, or tribal organization who is the subject of a petition filed in the tribal court.<sup>1</sup>
  6. A child who is the subject of a voluntary placement agreement, as defined in WIC section 11400.
- “*Former juvenile court school student*” means a student who, upon completion of the student’s second year of high school, transfers from a juvenile court school to the Charter School.
- “*Child of a military family*” refers to a student who resides in the household of an active duty military member.
- “*Currently Migratory Child*” refers to a child who, within the last 12-months, has moved with a parent, guardian, or other person having custody to the Charter School from another Local Educational Agency (“LEA”), either within California or from another state, so that the child or a member of the child’s immediate family might secure temporary or seasonal employment in an agricultural or fishing activity, and whose parents or guardians have been informed of the child’s eligibility for migrant education services. This includes a child who, without the parent/guardian, has continued to migrate annually to secure temporary or seasonal employment in an agricultural or fishing activity.

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<sup>1</sup> The Charter School shall not require an Indian tribe or tribal court representative to certify that any student is a dependent of an Indian tribe, consortium of tribes, or tribal organization.

- “*Newcomer pupil*” is a person aged 3 to 21 years, who was not born in any of the 50 United States, the District of Columbia, or the Commonwealth of Puerto Rico, and has not been attending one or more schools in any one or more of the 50 United States, the District of Columbia, or the Commonwealth of Puerto Rico, for more than three (3) full academic years.
- “*Educational Rights Holder*” (“*ERH*”) means a parent, guardian, or responsible adult appointed by a court to make educational decisions for a minor pursuant to WIC sections 319, 361 or 726, or a person holding the right to make educational decisions for the student pursuant to Education Code section 56055.
- “*School of origin*” means the school that the foster youth attended when permanently housed or the school in which the foster youth was last enrolled. If the school the foster youth attended when permanently housed is different from the school in which the student was last enrolled, or if there is some other school that the foster youth attended within the immediately preceding 15 months, the Charter School liaison for foster youth, in consultation with and with the agreement of the foster youth and the ERH for the youth, shall determine, in the best interests of the foster youth, the school that shall be deemed the school of origin. For a foster youth who is an individual with exceptional needs as defined in Education Code section 56026, “school” as used in the definition of “school of origin” includes a placement in a nonpublic, nonsectarian school as defined in Education Code section 56034, subject to the requirements of Education Code section 56325.
- “*Best interests*” means that, in making educational and school placement decisions for a foster youth, consideration is given to, among other factors, the opportunity to be educated in the least restrictive educational program and the foster youth’s access to academic resources, services, and extracurricular and enrichment activities that are available to all Charter School students.
- “*Partial coursework satisfactorily completed*” includes any portion of an individual course, even if the student did not complete the entire course.

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

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

Tim de la Torre



Administrator  
Shade Canyon School  
4335 Sylar Lane, Kelseyville, CA 95451  
Tel: (707) 245-7757

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

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

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

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

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

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

If the Charter School operates an intersession program, Charter School shall grant priority access to foster youths. Notwithstanding any other law, if the foster youth will be moving during

an intersession period, the pupil's educational rights holder, or Indian custodian in the case of an Indian child, shall determine which school the pupil attends for the intersession period, if applicable. "Intersession program" means an expanded learning program offered by the Charter School on nonschooldays, including, but not limited to, summer school. "Indian custodian" is as the term is defined in Section 1903 of Title 25 of the United States Code.

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

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

**Student Records:** When the Charter School receives a transfer request and/or student records request for the educational information and records of a foster youth from a new local educational agency ("LEA"), the Charter School shall provide these student records within two (2) business days. The Charter School shall compile the complete educational record of the student, including but not limited to a determination of seat time, full or partial credits earned, current classes and grades, immunization and other records, and, if applicable, a copy of the student's special education records including assessments, IEPs, and/or 504 plans. All requests for student records will be shared with the Foster and Mobile Youth Liaison, who shall be aware of the specific educational recordkeeping needs of Foster and Mobile Youth.

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

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

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

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

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

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

## **Education of Homeless Children and Youth**

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

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

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

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

Tim de la Torre

Administrator  
Shade Canyon School  
4335 Sylar Lane, Kelseyville, CA 95451  
Tel: (707) 245-7757

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

1. Homeless students are identified by Charter School personnel through outreach and coordination activities with other entities and agencies and through the annual housing questionnaire administered by the Charter School
2. Homeless students enroll in and have a full and equal opportunity to succeed at the Charter School.
3. Homeless students and families receive educational services for which they are eligible, including services through Head Start programs (including Early Head Start programs) under the Head Start Act, early intervention services under part C of the Individuals with Disabilities Education Act, any other preschool programs administered by the Charter School, if any, and referrals to health care services, dental services, mental health services and substance abuse services, housing services, and other appropriate services.
4. Parents/guardians are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children.
5. Public notice of the educational rights of homeless children is disseminated at places frequented by parents or guardians of such youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, and in a manner and form understandable to the parents and guardians of homeless youth and unaccompanied youth.
6. Enrollment/admissions disputes are mediated in accordance with law, the Charter School's charter, and Board policy.
7. Parents/guardians and any unaccompanied youth are fully informed of all transportation services, as applicable.
8. Charter School personnel providing services receive professional development and other support.
9. The Charter School Liaison collaborates with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths.

10. Unaccompanied youth are enrolled in school; have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth; and are informed of their status as independent students under section 480 of the Higher Education Act of 1965 and that the youths may obtain assistance from the Charter School Liaison to receive verification of such status for the purposes of the Free Application for Federal Student Aid described in section 483 of the Act.

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

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

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

Homeless students have the right to remain in their school of origin if it is in their best interest. The Charter School will immediately enroll a homeless student seeking reenrollment in the Charter School as the student's school of origin (subject to the Charter School's capacity and pursuant to the procedures stated in the Charter School's charter and Board policy). The Charter School will also immediately enroll any homeless student seeking to transfer to the Charter School (subject to the Charter School's capacity and pursuant to the procedures stated in the Charter School's charter and Board policy) regardless of the student's ability to meet normal enrollment documentation or uniform requirements (e.g., producing medical records or academic records from a previous school).

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

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

If the Charter School operates an intersession program, Charter School shall grant priority access to homeless students. Notwithstanding any other law, if the homeless student will be moving during an intersession period, the pupil's parent, guardian, educational rights holder, Indian custodian<sup>2</sup> in the case of an Indian child, or, if none of the preceding are applicable, an accompanied homeless student themselves shall determine which school the pupil attends for the intersession period, if applicable. "Intersession program" means an expanded learning program offered by the Charter School on nonschooldays, including, but not limited to, summer school. "Indian custodian" is as the term is defined in Section 1903 of Title 25 of the United States Code.

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

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

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

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<sup>2</sup> "Indian custodian" means any Indian person who has legal custody of an Indian child under tribal law or custom or under State law or to whom temporary physical care, custody, and control has been transferred by the parent of such child. *Section 1903 of Title 25 of the United States Code*

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

### **English Learners**

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

### **Immunizations**

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

These required immunizations include:

<b>Child’s Grade</b>	<b>List of shots required to attend school</b>
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<b>TK/K-12 Admission</b>	<p>Diphtheria, Tetanus and Pertussis (DTaP) - Five (5) doses          Polio - Four (4) doses          Measles, Mumps, and Rubella (MMR) - Two (2) doses          Hepatitis B (Hep B) - Three (3) doses          Varicella (chickenpox) – Two (2) doses</p> <p><b>NOTE:</b> Four doses of DTaP are allowed if one was given on or after the fourth birthday. Three doses of DTaP meet the requirement if at least one dose of Tdap, DTaP, or DTP vaccine was given on or after the seventh birthday (also meets the 7th-12th grade Tdap requirement.) One or two doses of Td vaccine given on or after the seventh birthday count towards the requirement for DTaP. Three doses of Polio are allowed if one was given on or after fourth birthday. MMR doses must be given on or after first birthday. Two doses of measles, two doses of mumps, and one dose of rubella vaccine meet the requirement, separately or combined. Combination vaccines (e.g., MMRV) meet the requirements for individual component vaccines.</p>
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## **Mental Health Services**

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

### Available Locally:

#### **Lake County Behavioral Health**

7000B S Center Drive Ste B,  
 Clearlake, CA 95422

[Behavioral Health Services | Lake County, CA \(lakecountyca.gov\)](http://lakecountyca.gov)

**Call: (707) 994-7090**

According to their website, “The mission of Behavioral Health Services is to improve the quality of life for people of Lake County experiencing mental illness or substance use disorder by offering recovery-oriented services.” Mental health services are provided for children and adults.

#### **Lake Family Resource Center**

[Who We Are | Lake Family Resource Center \(lakefrfc.org\)](http://lakefrfc.org)



**Call: (707) 279-0563**

Their website states, “Lake Family Resource Center is a local non-profit serving all of Lake County. We provide services in child and youth development, parenting education and personal development, family and community violence prevention, intervention, and treatment, and health & wellness.”

**Redwood Coast Regional Center (RCRC)**

[redwoodcoastrc.org](http://redwoodcoastrc.org)

**Lakeport Office**

180 3rd Street  
Lakeport, CA 95453  
Phone: (707) 262-0470  
Fax: (707) 264-6537

**Clearlake Office**

14888 Olympic Dr.  
Clearlake, CA 95422  
Phone: (707) 621-6169  
Fax: (707) 264-6537

The website states, “RCRC provides intake, assessment, diagnosis, and coordinates community-based services for over 10,000 children and adults with developmental disabilities in Del Norte, Humboldt, Lake, and Mendocino counties. We work in partnership with many individuals, family members, community leaders, and agencies to help the people we serve live quality, independent lives in our region.”

Available Nationally:

- National Suicide Prevention Hotline - This organization provides confidential support for adults and youth in distress, including prevention and crisis resources. Available 24 hours at 1-800-273-8255.
- The Trevor Project - This organization provides suicide prevention and crisis intervention for LGBTQ youth between the ages of 13 and 24. **Available at 1-866-488-7386 or visit <https://www.thetrevorproject.org/>.**
- Big Brothers/Big Sisters of America – This organization is a community-based mentorship program. Community-specific program information can be found online at <https://www.bbbs.org> or by calling (813) 720-8778.

**Nondiscrimination Statement**

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

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

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

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

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

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

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

The Charter School also prohibits sexual harassment, including cyber sexual bullying, and harassment based upon pregnancy, childbirth or related medical conditions, race, religion, religious affiliation, creed, color, immigration status, gender, gender identity, gender expression, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal, state, local law, ordinance or regulation.

The Charter School does not condone or tolerate harassment of any type, including discrimination, intimidation, or bullying, including cyber sexual bullying, by any employee, independent contractor or other person with which the Charter School does business, or any other individual, student, or volunteer. This applies to all employees, students, or volunteers and relationships, regardless of position or gender.

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

The Charter School will promptly and thoroughly investigate any complaint of harassment and take appropriate corrective action, if warranted. Inquiries, complaints, or grievances regarding harassment as described in this section, above, should be directed to the Charter School Uniform Complaint Procedures (“UCP”) Compliance Officer:

Tim de la Torre  
Administrator  
Shade Canyon School,  
4335 Sylar Lane, Kelseyville, CA, 95451  
Tel: (707) 245-7757  
Email: [tim@shadecanyon.org](mailto:tim@shadecanyon.org)

The Charter School will promptly and thoroughly investigate any complaint of harassment and take appropriate corrective action, if warranted.

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

### **Oral Health Assessment**

Students enrolled in kindergarten in a public school or while enrolled in first grade if the student was not previously enrolled in kindergarten in a public school are required to have an oral health assessment completed by a dental professional. Please contact the main office if you have questions about this requirement.

### **Physical Examinations and Right to Refuse**

All students must complete a health screening examination on or before the 90th day after the student’s entrance into first grade or such students must have obtained a waiver pursuant to Health and Safety Code Sections 124040 and 124085. This examination can be obtained from your family physician or possibly through the services provided by your County Health Department. Information and forms are distributed to students enrolled in kindergarten. If your

child's medical status changes, please provide the teacher with a physician's written verification of the medical issue, especially if it impacts in any way your child's ability to perform schoolwork.

A parent/guardian having control or charge of any child enrolled in the Charter School may file annually with the Administrator a written and signed statement stating that the parent/guardian will not consent to a physical examination of the child. Thereupon the child shall be exempt from any physical examination, but whenever there is a good reason to believe that the child is suffering from a recognized contagious or infectious disease, the child shall be sent home and shall not be permitted to return until the school authorities are satisfied that any contagious or infectious disease does not exist.

### **Pregnant and Parenting Students**

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

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

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

Tim de la Torre  
Administrator  
Shade Canyon School,  
4335 Sylar Lane, Kelseyville, CA, 95451  
Tel: (707) 245-7757  
Email: [tim@shadecanyon.org](mailto:tim@shadecanyon.org)

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

## **Safe Storage of Firearms**

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

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

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

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

## **School Bus and Passenger Safety**

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

## **School Safety Plan and Asbestos Management Plan**

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

The Charter School has also established an Asbestos Management Plan. The Plan is available upon request at the main office. The following asbestos-related activities are planned or in progress at the Charter School: [INSERT inspections, response actions, and post-response action activities, including periodic reinspection and surveillance activities that are planned or in progress for the school year OR indicate that no such activities are planned or in progress for the current school year]

## **Section 504**

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

## **Special Education /Students with Disabilities**

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

Pursuant to the IDEA and relevant state law, the Charter School is responsible for identifying, locating, and evaluating children enrolled at the Charter School with known or suspected disabilities to determine whether a need for special education and related services exists. This includes children with disabilities who are homeless or foster youth. The Charter School shall not deny nor discourage any student from enrollment solely due to a disability. If you believe your child may be eligible for special education services, please contact Dr. Maggie Lieb, Vice Principal, at (707) 245-7757.

### **Student Records, including Records Challenges and Directory Information**

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

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

Parents or eligible students who wish to ask the Charter School to amend a record should write the Charter School’s Administrator or designee, clearly identify the part of the record they want changed and specify why it should be changed. If the Charter School decides not to amend the record as requested by the parent or eligible student, the Charter School will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing. If the Charter School decides to amend the record as requested by the parent or eligible student, the Administrator must order the correction or the removal and destruction of the information and inform the parent or eligible student of the amendment in writing.

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

One exception, which permits disclosure without consent, is disclosure to Charter School officials with legitimate educational interests. A Charter School official is a person employed by the Charter School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the Charter School’s Board of Directors. A Charter School official also may include a volunteer,

consultant, vendor, or contractor outside of the Charter School who performs an institutional service or function for which the Charter School would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, therapist, or contracted provider of digital educational platforms and/or services; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another Charter School official in performing their tasks. A Charter School official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility.

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

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

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

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

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

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

- a) Charter School officials who have a legitimate educational interest as defined by 34 C.F.R. Part 99;
- b) Other schools to which a student seeks or intends to enroll so long as the disclosure is for purposes related to the student's enrollment or transfer. When a student transfers schools, the Charter School will mail the original or a copy of a student's cumulative file



to the receiving district or private school within ten (10) school days following the date the request is received from the public school or private school where the student intends to enroll. The Charter School will make a reasonable attempt to notify the parent or eligible student of the request for records at the parent's or eligible student's last known address, unless the disclosure is initiated by the parent or eligible student. Additionally, the Charter School will give the parent or eligible student, upon request, a copy of the record that was disclosed and give the parent or eligible student, upon request, an opportunity for a hearing;

- c) Certain government officials listed in 20 U.S.C. § 1232g(b)(1) in order to carry out lawful functions;
- d) Appropriate parties in connection with a student's application for, or receipt of, financial aid if it is necessary to determine eligibility, amount of aid, conditions for aid or enforcing the terms and conditions of the aid;
- e) Organizations conducting certain studies for the Charter School in accordance with 20 U.S.C. § 1232g(b)(1)(F);
- f) Accrediting organizations in order to carry out their accrediting functions;
- g) Parents of a dependent student as defined in section [152 of the Internal Revenue Code](#) of 1986;
- h) Individuals or entities, in compliance with a judicial order or lawfully issued subpoena. Subject to the exceptions found in 34 C.F.R. § 99.31(a)(9)(i), reasonable effort must be made to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek a protective order;
- i) Persons who need to know in cases of health and safety emergencies;
- j) State and local authorities, within a juvenile justice system, pursuant to specific State law;
- k) A foster family agency with jurisdiction over a currently enrolled or former student, a short-term residential treatment program staff responsible for the education or case management of a student, and a caregiver (regardless of whether the caregiver has been appointed as the student's educational rights holder) who has direct responsibility for the care of the student, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource family, may access the current or most recent records of grades, transcripts, attendance, discipline, and online communication on platforms established by the Charter School for students and parents, and any individualized education program ("IEP") or Section 504 plan that may have been developed or maintained by the Charter School; and/or
- l) A victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceedings conducted by the Charter School with respect to that alleged crime or offense. The Charter School discloses the final results of the disciplinary proceeding regardless of whether the Charter School concluded a violation was committed.

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

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

If you do not want the Charter School to disclose directory information from your child's education records without your prior written consent, you must notify the Charter School in writing at the time of enrollment or re-enrollment, please notify the Administrator at: (707) 245-7757.

Please note that data collected and reported by Charter School to the California Longitudinal Pupil Achievement Data System ("CALPADS"<sup>3</sup>) pursuant to state law, will be shared with the California College Guidance Initiative ("CCGI"<sup>4</sup>) and will:

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

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<sup>3</sup> CALPADS is a database maintained by the CDE which consists of pupil data from elementary and secondary schools relating to, among other things, demographic, program participation, enrollment, and statewide assessments data.

<sup>4</sup> CCGI is an authorized provider of an institutional service to all California local educational agencies and part of the state's efforts to make college-going a more streamlined experience for students. The CCGI currently receives enrollment data for all public-school students enrolled in grades six through twelve from the California Department of Education ("CDE").

## **Surveys About Personal Beliefs**

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

## **Uniform Complaint Procedure ("UCP")**

The Charter School is the local agency primarily responsible for compliance with federal and state laws and regulations governing educational programs. The Charter School shall investigate and seek to resolve complaints using policies and procedures known as the Uniform Complaint Procedure ("UCP") adopted by our Governing Board for the following types of complaints:

1. Complaints alleging unlawful discrimination, harassment, intimidation, or bullying against any protected group on the basis of the actual or perceived characteristics of age, ancestry, color, mental disability, physical disability, ethnic group identification, immigration status, citizenship, gender expression, gender identity, gender, genetic information, nationality, national origin, race or ethnicity, religion, medical condition, marital status, sex, or sexual orientation, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any Charter School program or activity. Unlawful discrimination includes, but is not limited to, noncompliance with Education Code section 243(a) or 244(a).
2. Complaints alleging a violation of state or federal law or regulation governing the following programs:
  - Accommodations for Pregnant, Parenting or Lactating Students;
  - Adult Education;
  - Career Technical and Technical Education;
  - Career Technical and Technical Training;
  - Child Care and Development Programs;
  - Consolidated Categorical Aid;
  - Education of Students in Foster Care, Students who are Homeless, former Juvenile Court Students now enrolled in a public school, Migratory Children and Children of Military Families;
  - Every Student Succeeds Act;
  - Migrant Education Programs;
  - Regional Occupational Centers and Programs;
  - School Safety Plans; and/or
  - State Preschool Programs.

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

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

Complaints of noncompliance with laws relating to pupil fees may be filed with the Administrator.

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

Complaints alleging noncompliance regarding child nutrition programs established pursuant to Education Code sections 49490-49590 are governed by Title 7, Code of Federal Regulations (“C.F.R.”) sections 210.19(a)(4), 215.1(a), 220.13(c), 225.11(b), 226.6(n), and 250.15(d) and Title 5, California Code of Regulations (“C.C.R.”) sections 15580 - 15584.

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

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

Tim De La Torre  
Administrator  
Shade Canyon School, 4335 Sylar Lane, Kelseyville, CA 95451  
Tel: (707) 245-7757

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

Complaints alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed within six (6) months from the date the alleged discrimination, harassment, intimidation, or bullying, occurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. All other complaints under the UCP shall be filed not later than one (1) year from the date the alleged violation occurred. For complaints relating to the LCAP, the date of the alleged violation is the date on which the Charter School's Board of Directors approved the LCAP or the annual update was adopted by the Charter School.

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

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

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

A complainant who appeals the Charter School's Decision on a UCP complaint to the CDE shall receive a written appeal decision within sixty (60) calendar days of the CDE's receipt of the appeal, unless extended by written agreement with the complainant or the CDE documents exceptional circumstances and informs the complainant.

Within thirty (30) calendar days of the date of the CDE's appeal Decision pursuant to 5 C.C.R. section 4633(f)(2) or (3), either party may request reconsideration by the State Superintendent of Public Instruction ("SSPI") or the SSPI's designee. The request for

reconsideration shall specify and explain the reason(s) for contesting the findings of fact, conclusions of law, or corrective actions in the CDE's appeal Decision.

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

If a UCP complaint is filed directly with the CDE and the CDE determines that it merits direct intervention, the CDE shall complete an investigation and provide a written decision to the complainant within sixty (60) calendar days of receipt of the complaint, unless the parties have agreed to extend the timeline or the CDE documents exceptional circumstances and informs the complainant.

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

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

### **School Meals and Student Wellness**

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

Applications for school meals are included in the first day packets to all families and can also be obtained on the Charter School website and in the main office. All families are encouraged to complete the application form. Completed application forms can be returned to the main office. Income eligibility guidelines for federally funded free and reduced-price meals are available at: <https://www.cde.ca.gov/ls/nu/rs/>

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

A parent/guardian may also be eligible to receive the California Earned Income Tax Credit (California EITC) starting with the calendar year 2015 tax year. The California EITC is a refundable state income tax credit for low-income working individuals and families. The California EITC is treated in the same manner as the Federal EITC and generally will not be used to determine eligibility for welfare benefits under California law. To claim the California EITC, even if you do not owe California taxes, you must file a California income tax return and complete and attach the California EITC Form (FTB 3514). For information on the availability of the credit eligibility requirements and how to obtain the necessary California forms and get help filing, contact the Franchise Tax Board at 1-800-852-5711 or through its website at [www.ftb.ca.gov](http://www.ftb.ca.gov).

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

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

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

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

# APPENDIX B: COMPLETE POLICIES

## **Title IX Policy Prohibiting Discrimination On The Basis Of Sex**

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

Charter School does not discriminate on the basis of sex and prohibits any acts of sex discrimination in any education program or activity that it operates, as required by California law, Title IX (20 U.S.C. § 1681 *et seq.*) and the Title IX regulations (34 C.F.R. Part 106), including in admission and employment.<sup>5</sup> Charter School will take actions to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects.

This Policy applies to conduct occurring in Charter School’s education programs or activities on or after August 1, 2024 including but not limited to incidents occurring on the school campus, during school-sponsored events and activities regardless of the location, and through school-owned technology, whether perpetrated by a student, parent/guardian, employee, volunteer, independent contractor or other person with whom Charter School does business.

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

### **Definitions**

#### **Prohibited Sex Discrimination**

Title IX and California law prohibit discrimination on the basis of sex, including sex-based harassment and differences in the treatment of similarly situated individuals on the basis of sex with regard to any aspect of services, benefits, or opportunities provided by Charter School. Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

#### **Prohibited Sex-Based Harassment**

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<sup>5</sup> Charter School complies with all applicable state and federal laws and regulations and local ordinances in its investigation of and response to reports and complaints of misconduct prohibited by this Policy.



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

- Quid pro quo harassment occurs when an employee, agent, or other person authorized by Charter School to provide an aid, benefit, or service under Charter School’s education program or activity explicitly or impliedly conditions the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct.
- Hostile environment harassment is unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from Charter School’s education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
  - The degree to which the conduct affected the complainant’s ability to access Charter School’s education program or activity;
  - The type, frequency, and duration of the conduct;
  - The parties’ ages, roles within Charter School’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
  - The location of the conduct and the context in which the conduct occurred; and
  - Other sex-based harassment in Charter School’s education program or activity.
- Sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
- Dating violence, meaning violence committed by a person:
  - Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - Where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - The length of the relationship;
    - The type of relationship; and
    - The frequency of interaction between the persons involved in the relationship.
- Domestic violence, meaning felony or misdemeanor crimes committed by a person who:
  - Is a current or former spouse or intimate partner of the victim under applicable family or domestic violence laws, or a person similarly situated to a spouse of the victim;

- Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- Shares a child in common with the victim; or
- Commits acts against a youth or adult victim who is protected from those acts under applicable family or domestic violence laws.
  - Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
    - Fear for the person's safety or the safety of others; or
    - Suffer substantial emotional distress.

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

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

- Physical assaults of a sexual or sex-based nature, such as:
  - Rape, sexual battery, molestation or attempts to commit these assaults.
  - Intentional physical conduct that is sex-based or sexual in nature, such as touching, pinching, patting, grabbing, brushing against another's body, poking another's body, violence, intentionally blocking normal movement or interfering with work or school because of sex.
- Unwanted sexual advances or propositions, derogatory sex-based comments, or other sex-based conduct, such as:
  - Sexually oriented or sex-based gestures, notices, epithets, slurs, remarks, jokes, or comments about a person's sexuality or sexual experience.
  - Preferential treatment or promises of preferential treatment to an individual for submitting to sexual conduct, including soliciting or attempting to solicit any individual to engage in sexual activity for compensation or reward or deferential treatment for rejecting sexual conduct.
  - Subjecting or threats of subjecting a student or employee to unwelcome sexual attention or conduct or intentionally making the student's or

- employee's performance more difficult because of the student's or the employee's sex.
- Retaliation against an individual who has articulated a good faith concern about sex-based harassment.
- Sexual or discriminatory displays or publications anywhere in the work or educational environment, such as:
  - Displaying pictures, cartoons, posters, calendars, graffiti, objections, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning or pornographic or bringing or possessing any such material to read, display or view in the work or educational environment.
  - Reading publicly or otherwise publicizing in the work or educational environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic.
  - Displaying signs or other materials purporting to segregate an individual by sex in an area of the work or educational environment (other than restrooms or similar rooms).

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

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

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

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

**Party** means a complainant or respondent.

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

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

### **Title IX Coordinator**

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

Tim de la Torre  
Administrator  
Shade Canyon School  
4335 Sylar Lane, Kelseyville, CA 95451  
Tel: (707) 245-7757  
Email: [tim@shadecanyon.org](mailto:tim@shadecanyon.org)

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

Maggie Lieb  
Vice Principal  
Shade Canyon School  
4335 Sylar Lane, Kelseyville, CA 95451  
Tel: (707) 245-7757  
Email: [maggie@shadecanyon.org](mailto:maggie@shadecanyon.org)

The Coordinator is responsible for coordinating Charter School’s efforts to comply with the requirements of Title IX, receiving reports and complaints of sex discrimination and inquiries about the application of Title IX, addressing reports and complaints of sex discrimination and taking other actions as required by this Policy, monitoring for barriers to reporting conduct that reasonably may constitute sex discrimination, and taking steps reasonably calculated to address such barriers.

The Coordinator may serve as an investigator and/or decisionmaker for complaints, except in cases where doing so would constitute a conflict of interest. The Coordinator may delegate one or more of their duties to one or more designees who have received the required Title IX training and do not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. However, the Coordinator must at all

times retain ultimate oversight over those responsibilities and ensure Charter School's consistent compliance with Title IX.

### **Reporting Sex Discrimination**

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

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

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

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

### **Privacy**

Charter School acknowledges and respects every individual's right to privacy. All reports and complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process to the greatest extent possible. This includes but is not limited to keeping the identity of the reporter and other personally identifiable information confidential, as appropriate, except to the extent necessary to comply with the law, carry out the investigation and/or to resolve the issue, as determined by the Coordinator or designee on a case-by-case basis.

### **Retaliation**

Charter School prohibits any form of retaliation against any individual who files a report or complaint, testifies, assists, participates, or refuses to participate in any investigation or proceeding related to misconduct prohibited by this Policy. Such participation or lack of participation shall not in any way affect the status, grades, or work assignments of the individual. Individuals alleging retaliation in violation of this Policy may file a complaint in accordance with the grievance procedures set forth in this Policy.

Nothing in this Policy precludes Charter School from requiring an employee or other person authorized by Charter School to provide aid, benefit, or service under Charter School's

education program or activity to participate as a witness in, or otherwise assist with, an investigation or proceeding under this Policy.

### **Confidential Employees**

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

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

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

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

### **Coordinator's Response to Reports of Sex Discrimination**

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

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

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

- Complainant's request not to proceed with a complaint and the complainant's reasonable safety concerns;
- Risk that additional acts of sex-based discrimination would occur if a complaint is not initiated;

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

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

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

### **Supportive Measures**

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

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

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

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

If the party is not satisfied with the Coordinator's decision on the request to modify supportive measures, the party may contact Maggie Lieb, Vice Principal, Shade Canyon School, 4335 Sylar Lane, Kelseyville, CA 95451, Tel: (707) 245-7757, Email: [maggie@shadecanyon.org](mailto:maggie@shadecanyon.org) who is an appropriate and impartial employee or who may designate such an employee, to seek modification or reversal of Charter School's decision to provide, deny, modify, or terminate supportive measures applicable to them. The impartial employee is someone other than the Coordinator who made the challenged decision and has the authority to modify or reverse the decision.

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

### **Informal Resolution**

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

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

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

Parties will not be required or pressured to agree to participate in the informal resolution process. Charter School will obtain the parties' voluntary consent to participate in the informal



resolution process. Parties may end the informal resolution process and proceed with the grievance procedures at any time.

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

## **Grievance Procedures**

### **Scope and General Requirements**

Charter School has adopted these grievance procedures to provide for the prompt and equitable resolution of complaints of made by students, employees, or other individuals who are participating or attempting to participate in Charter School's education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX. Upon receipt of a complaint, the Coordinator or designee will promptly initiate these grievance procedures, or the informal resolution process if available, appropriate, and requested by all parties.

Charter School requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Coordinator or investigator.

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

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

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

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

Charter School will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence.<sup>6</sup> Credibility determinations will not be based on a person’s status as a complainant, respondent, or witness.

If a party is a student with a disability, the Coordinator or designee must consult with one or more members, as appropriate, of the student’s IEP Team and 504 Team, if any, to determine how to comply with the requirements of the Individuals with Disabilities Education Act (“IDEA”) and Section 504 of the Rehabilitation Act of 1973 (“Section 504”) throughout the grievance procedures.

### **Dismissal**

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

Charter School may dismiss a complaint if:

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

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

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

If the dismissal occurs after the respondent has been notified of the allegations, then the Coordinator or designee must also simultaneously notify the respondent in writing of the

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<sup>6</sup> Inculpatory means tending to impute guilt or fault, and exculpatory means tending to absolve from guilt or fault.

dismissal, the basis for the dismissal, and the respondent's right to appeal the dismissal on the above grounds within five (5) business days of the dismissal notice.

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

### **Appeal of a Dismissal**

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

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

### **Notice of the Allegations**

Upon initiation of the grievance procedures, the Coordinator or designee will provide notice of the allegations to the parties whose identities are known. The notice will include:

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

### **Emergency Removal**

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

Charter School may remove a respondent from Charter School's education program or activity on an emergency basis, in accordance with Charter School's policies, provided that Charter School undertakes an individualized safety and risk analysis, determines that an imminent and serious threat to the health or safety of any person arising from the allegations of sex discrimination justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

This provision must not be construed to modify any rights under the IDEA, Section 504, or the ADA.

### **Investigation**

Investigations of complaints will be adequate, reliable, and impartial. In most cases, a thorough investigation will take no more than twenty-five (25) business days. Charter School has the burden to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred. The investigator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance in accordance with Title IX.

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

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless Charter School obtains that party's or witness's voluntary, written consent for use in the grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

The parties will have an equal opportunity to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible and to access such evidence. The parties may submit a written response to the investigator within five (5) business days of being provided with access to the evidence or an accurate description of it. The parties'

timely submitted written responses, if any, will be considered by the investigator and decisionmaker before a determination of responsibility is made.

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

### **Determination of Responsibility**

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

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

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

### **Appeal of the Determination of Responsibility**

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

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

### **Consequences**

Students or employees who engage in misconduct prohibited by this Policy may be subject to disciplinary action up to and including expulsion from Charter School or termination of employment. If there is a determination that sex discrimination occurred, the Coordinator or designee will coordinate the provision and implementation of any remedies and/or disciplinary sanctions ordered by Charter School including notification to the complainant of any such disciplinary sanctions. The Coordinator will take appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within Charter School's education program or activity.

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

### **Student Pregnancy and Related Conditions**

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

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

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

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

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

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

A student who is pregnant or has a related condition may voluntarily take a leave of absence for the time deemed medically necessary by the student's licensed healthcare provider, or if the student so chooses, the time allowed under any Charter School leave policy for which the student qualifies. A pregnant or parenting student is entitled to eight weeks of parental leave, which the student may take before the birth of the student's infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction, in order to protect the health of the student who gives or

expects to give birth and the infant, and to allow the pregnant or parenting student to care for and bond with the infant.

Upon the student's return from leave, the student will be reinstated to the academic status, and, as practicable, to the extracurricular status that the student held when the leave began. The student will not be required to provide any kind of certification demonstrating their ability to physically participate in any class, program, or extracurricular activity unless:

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

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

### **Training**

All supervisors of staff will receive sexual harassment training within six (6) months of their assumption of a supervisory position and will receive further training once every two (2) years thereafter. All employees, Coordinators and designees, investigators, decisionmakers, and other persons who are responsible for implementing Charter School's grievance procedures or have the authority to modify or terminate supportive measures will receive Title IX and sexual harassment training and/or instruction concerning sexual harassment as required by law.

### **Recordkeeping**

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

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

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

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

Your Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Date of Alleged Incident(s): \_\_\_\_\_  
Name of Person(s) you have a complaint against: \_\_\_\_\_  
List any witnesses that were present: \_\_\_\_\_  
Where did the incident(s) occur? \_\_\_\_\_

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

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

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

\_\_\_\_\_  
Signature of Complainant Date: \_\_\_\_\_

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

**To be completed by Charter School:**

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

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



## **Suspension and Expulsion Policy and Procedures**

### **Policy**

The Suspension and Expulsion Policy and Procedures have been established in order to promote learning and protect the safety and wellbeing of all students at the Charter School. In creating this policy, the Charter School has reviewed Education Code Section 48900 *et seq.* which describe the offenses for which students at noncharter schools may be suspended or expelled and the procedures governing those suspensions and expulsions in order to establish its list of offenses and procedures for suspensions, expulsions and involuntary removal. The language that follows is largely consistent with the language of Education Code Section 48900 *et seq.* Shade Canyon will review policies and procedures surrounding suspensions, expulsions, and involuntary removals at least once annually, and, as necessary, modify the lists of offenses for which students are subject to suspension, expulsion, or involuntary removal.

Consistent with this Policy, it may be necessary to suspend or expel a student from regular classroom instruction. This shall serve as Shade Canyon's policy and procedures for student suspension, expulsion, and involuntary removal, 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.

Shade Canyon staff shall enforce disciplinary rules and procedures fairly and consistently among all students. The Policy and its Procedures will be printed and distributed as part of the Family 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 this policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to school property.

The Charter School administration shall ensure that students and their parents/guardians<sup>7</sup> are notified in writing upon enrollment of all discipline and involuntary removal policies and procedures. The notice shall state that this policy and its procedures are available upon request at the Charter School office.

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

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<sup>7</sup> The Charter School shall ensure that a homeless child or youth's educational rights holder; a foster child or youth's educational rights holder, attorney, and county social worker; and an Indian child's tribal social worker and, if applicable, county social worker have the same rights as a parent or guardian to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, involuntary removal notice, and other documents and related information. For purposes of this Policy and its Procedures, the term "parent/guardian" shall include these parties.

Each incident is addressed individually, though previous activities may be taken into account in order to determine the severity of the discipline assigned. Discipline begins with a meeting between the student and the Administrator or his/her designee. Following this meeting, several actions may occur, including but not limited to:

- Warning, both verbal and written
- Loss of privileges (e.g. field trips)
- Notices to parents by telephone or letter
- Request for parent conference (including teachers, counselors, or administrators)
- Behavior contract
- Detention
- Suspension (including in-school suspensions)
- Expulsion

A student identified as an individual with disabilities or for whom Shade Canyon has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act of 2004 (“IDEA”) or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 (“Section 504”) is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to general education students except when federal and state law requires additional or different procedures. Shade Canyon will follow all applicable federal and state laws including but not limited to the applicable provisions of the California Education Code, when imposing any form of discipline on a student identified as an individual with disabilities or for whom 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. If operating as a public school of the District for purposes of special education, Shade Canyon shall notify KVUSD of the suspension of any student identified under the IDEA (or for whom there may be a basis of knowledge of the same) and work with KVUSD to ensure that all applicable laws related to discipline for students with be provided with the procedural protections as outlined below in this policy.

No student shall be involuntarily removed by the Charter School for any reason unless the parent/guardian of the student has been provided written notice of intent to remove the student no less than five (5) school days before the effective date of the action. The written notice shall be in the native language of the student or the student’s parent/guardian, and shall inform the student, and the student’s parent/guardian, of the basis for which the student is being involuntarily removed and the student’s parent/guardian’s, right to request a hearing to challenge the involuntary removal. If a student’s parent/ guardian requests a hearing, the Charter School shall utilize the same hearing procedures specified below for expulsions, before the effective date of the action to involuntarily remove the student. If the student’s parent/ guardian requests a hearing, the student shall remain enrolled and shall not be removed until the Charter School issues a final decision. As used herein, “involuntarily removed” includes disenrolled, dismissed, transferred, or terminated, but does not include removals for misconduct which may be grounds for suspension or expulsion as enumerated below. Students may be involuntarily removed for reasons including, but not limited to, failure to comply with the terms of the student’s independent study Master Agreement pursuant to Education Code Section 51747(c)(4

## **Procedures**

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

A student may be suspended or expelled for prohibited misconduct if the act is related to school activity or school attendance occurring at Shade Canyon or at any other school or a School-sponsored event at any time including, but not limited to, any of the following:

1. While on school grounds;
2. While going to or coming from school;
3. During the lunch period, whether on or off the Charter School campus; or
4. During, going to, or coming from a school-sponsored activity.

### **B. Enumerated Offenses**

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

- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.
- l) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- m) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- n) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- o) Engaged in, or attempted to engage in, hazing. For the purposes of this policy, “hazing” means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. For purposes of this policy, “hazing” does not include athletic events or school-sanctioned events.
- p) Made terroristic threats against school officials and/or school property, which includes but is not limited to, electronic files and databases. For purposes of this policy, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for their own safety or for their immediate family’s safety, or for the protection of school property, which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or their immediate family.
- q) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this policy, the conduct described in Section 212.5 must be considered by a

reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This provision shall apply to students in any of grades 4 to 12, inclusive.

- r) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in Education Code Section 233(e). This provision shall apply to students in any of grades 4 to 12, inclusive.
- s) Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading the rights of either school personnel or volunteers and/or student(s) by creating an intimidating or hostile educational environment. This provision shall apply to students in any of grades 4 to 12, inclusive.
- t) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
  - 1) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
    - i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of their age, or for a person of their age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
    - ii. Causing a reasonable student to experience a substantially detrimental effect on their physical or mental health.
    - iii. Causing a reasonable student to experience substantial interference with their academic performance.
    - iv. Causing a reasonable student to experience substantial interference with their ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
  - 2) "Electronic Act" means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
    - i. A message, text, sound, video, or image.

- ii. A post on a social network Internet Web site including, but not limited to:
  - (a) Posting to or creating a burn page. A “burn page” means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
  - (b) Creating a credible impersonation of another actual student for the purpose of having one or more of the effects listed in subparagraph (1) above. “Credible impersonation” means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.
  - (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. “False profile” means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.
- iii. An act of cyber sexual bullying.
  - (a) For purposes of this policy, “cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
  - (b) For purposes of this policy, “cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
- 3) Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
- u) A student who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a student who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1)(a)-(b).
- v) Possessed, sold, or otherwise furnished any knife or other dangerous object of no reasonable use to the student unless, in the case of possession of any object of this type,

the student had obtained written permission to possess the item from a certificated school employee, with the Administrator or designee's concurrence.

2. Non-Discretionary Suspension Offenses: Students must be suspended and recommended for expulsion when it is determined the student:
  - a) Possessed, sold, or otherwise furnished any firearm, explosive, or other destructive device unless, in the case of possession of any device of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Administrator or designee's concurrence.
  - b) Brandished a knife at another person.
  - c) Unlawfully sold a controlled substance listed in Health and Safety Code Section 11053, et seq.
  - d) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289 or former Section 288a of the Penal Code, or committed a sexual battery as defined in Penal Code Section 243.4
3. Discretionary Expellable Offenses: Students may be recommended for expulsion when it is determined the student:
  - a) Caused, attempted to cause, or threatened to cause physical injury to another person.
  - b) Willfully used force or violence upon the person of another, except self-defense.
  - c) Unlawfully possessed, used, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
  - d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
  - e) Committed or attempted to commit robbery or extortion.
  - f) Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases.
  - g) Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.

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



which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or their immediate family.

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

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

- 3) Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
  - u) A student who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a student who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (3)(a)-(b).
  - v) Possessed, sold, or otherwise furnished any knife or other dangerous object of no reasonable use to the student unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Administrator or designee's concurrence.
4. Non-Discretionary Expellable Offenses: Students must be recommended for expulsion for any of the following acts when it is determined pursuant to the procedures below that the student:
- a) Possessed, sold, or otherwise furnished any firearm, explosive, or other destructive device unless, in the case of possession of any device of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Administrator or designee's concurrence.
  - b) Brandished a knife at another person.
  - c) Unlawfully sold a controlled substance listed in Health and Safety Code Section 11053, et seq.
  - d) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289, or former Section 288a of the Penal Code or committed a sexual battery as defined in Penal Code Section 243.4.

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

The Charter School will use the following definitions:

- The term "knife" means (A) any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing; (B) a weapon with a blade fitted primarily for stabbing; (C) a

weapon with a blade longer than 3½ inches; (D) a folding knife with a blade that locks into place; or (E) a razor with an unguarded blade.

- The term “firearm” means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.
- The term “destructive device” means any explosive, incendiary, or poison gas, including but not limited to: (A) bomb; (B) grenade; (C) rocket having a propellant charge of more than four ounces; (D) missile having an explosive or incendiary charge of more than one-quarter ounce; (E) mine; or (F) device similar to any of the devices described in the preceding clauses.

### **C. Suspension Procedure**

Suspensions shall be initiated according to the following procedures:

#### 1. Conference

Suspension shall be preceded, if possible, by a conference conducted by the Administrator with the student and the student’s parent/guardian and, whenever practical, the teacher or Charter School employee who referred the student to the Administrator or designee. The conference may be omitted if the Administrator 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 student shall be informed of the reason for the disciplinary action and the evidence against the student and shall be given the opportunity to present their version and evidence in their defense, in accordance with Education Code Section 47605(c)(5)(J)(i). This conference shall be held within two (2) school days, unless the student waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. The conference shall be held as soon as the student is physically able to return to school for the conference or by phone if necessary. Penalties shall not be imposed on a student for failure of the student’s parent/guardian to attend a conference with Charter School officials. Reinstatement of the suspended student shall not be contingent upon attendance by the student’s parent/guardian at the conference.

#### 2. Notice to Parents/Guardians

At the time of the suspension, the Administrator shall make a reasonable effort to contact the parent/guardian in person, by email, or by telephone. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension and the date of return following suspension. This notice shall state the specific offense(s) committed by the student as well as the

date the student may return to school following the suspension. If Charter School officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent/guardian respond to such requests without delay.

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

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension. Students may be suspended for a maximum of 20 days per school year. The student shall have no right of appeal from suspension from the Charter School as the Administrator's decision to suspend shall be final. Upon a recommendation of expulsion by the Administrator or designee, the student and the student's parent/guardian will be invited to a conference with the Administrator to determine if the suspension for the student should be extended pending an expulsion hearing. In such instances when the Charter School has determined a suspension period shall be extended, such extension shall be made only after a conference is held with the student and the student's parent/guardian, unless the student and the student's parent/guardian fail to attend the conference.

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

### 4. Homework Assignments During Suspension

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

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

## **D. Authority to Expel**

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

A student may be expelled 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 (3) members who are certificated and neither a teacher of the student 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**

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

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

Written notice of the hearing shall be forwarded to the student and the student’s parent/guardian at least ten (10) calendar days before the date of the hearing. Upon mailing the notice, it shall be deemed served upon the student. 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 Shade Canyon’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**

Shade Canyon 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 student.

1. The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of their right to (a) receive five (5) days' notice of their scheduled testimony; (b) have up to two (2) adult support persons of their choosing present in the hearing at the time the complaining witness testifies, which may include a parent/guardian or legal counsel; and (c) elect to have the hearing closed while testifying.
2. Shade Canyon 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 the complaining witness 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 the complaining witness 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 the complaining witness to the witness stand.
7. If one or both of the support persons is also a witness, Shade Canyon must present evidence that the witness' presence is both desired by the witness and will be helpful to Shade Canyon. The entity presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising their discretion to remove a person from the hearing whom they believe is prompting, swaying, or influencing the witness.
8. The testimony of the support person shall be presented before the testimony of the complaining witness and the complaining witness shall be excluded from the hearing room during that testimony.
9. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in public at the request of the student being expelled, the complaining witness shall have the right

to have their testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.

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 circumstances can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

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

### **I. Expulsion Decision**

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



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

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

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

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

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

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

Shade Canyon shall maintain records of all student suspensions and expulsions at Shade Canyon. Such records shall be made available to KVUSD upon request.

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

The student shall have no right of appeal from expulsion from Shade Canyon. The Board of Directors' decision to expel shall be final.

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

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

## **N. Rehabilitation Plans**

Students who are expelled from Shade Canyon 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 (1) year from the date of expulsion when the student may reapply to Shade Canyon for readmission.

## **O. Readmission or Admission of Previously Expelled Student**

The decision to readmit a student after the end of the student's expulsion term or to admit a previously expelled student from another school district or charter school who has not been readmitted/admitted to another school or school district after the end of the student's expulsion term, shall be in the sole discretion of the Board of Directors following a meeting with the Administrator or designee and the student and student's parent/guardian to determine whether the student has successfully completed the rehabilitation plan and to determine whether the student poses a threat to others or will be disruptive to the Charter School environment. The Administrator or designee shall make a recommendation to the Board following the meeting regarding the Administrator's or designee's determination. The Board shall then make a final decision regarding readmission or admission of the student during the closed session of a public meeting, reporting out any action taken during closed session consistent with the requirements of the Brown Act. The student's readmission is also contingent upon Shade Canyon's capacity at the time the student seeks readmission or admission to the Charter School.

## **P. Notice to Teachers**

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

## **Q. Involuntary Removal for Truancy**

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

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

### 1. Notification of SELPA

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

### 2. Services During Suspension

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

### 3. Procedural Safeguards/Manifestation Determination

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

- a. If the conduct in question was caused by, or had a direct and substantial relationship to, the student'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 Shade Canyon, the parent/guardian, and relevant members of the IEP/504 Team determine that either of the above is applicable for the student, the conduct shall be determined to be a manifestation of the student's disability.

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

- a. Conduct a functional behavioral assessment and implement a behavioral intervention plan for such student, provided that Shade Canyon 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 student to the placement from which the student was removed, unless the parent/guardian and Shade Canyon agree to a change of placement as part of the modification of the behavioral intervention plan.

If Shade Canyon, the parent/guardian, and relevant members of the IEP/504 Team determine that the behavior was not a manifestation of the student's disability and that the conduct in question was not a direct result of the failure to implement the IEP/504 Plan, then Shade Canyon may apply the relevant disciplinary procedures to students with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities. However, Shade Canyon and the District must still provide ongoing education and related services pursuant the student's IEP/504 Plan.

#### 4. Due Process Appeals

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

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

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

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

#### 5. Special Circumstances

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

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

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

## 6. Interim Alternative Educational Setting

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

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

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

Shade Canyon 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 Shade Canyon supervisory or administrative personnel, or to one of the student's teachers that the student is in need of special education or related services.
- b. The parent/guardian has requested an evaluation of the student.
- c. The student's teacher, or other Shade Canyon personnel, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Administrator or to other Charter School supervisory personnel.

If Shade Canyon 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 students with disabilities, including the right to stay-put.

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

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

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

Shade Canyon Charter School (“Charter School”) recognizes its responsibility to make and enforce all rules and regulations governing student and employee behavior to bring about the safest and most learning-conducive environment possible.

### **Corporal Punishment**

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

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

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

#### A. Examples of PERMITTED actions (NOT corporal punishment)

1. Stopping a student from fighting with another student;
2. Preventing a pupil from committing an act of vandalism;
3. Defending yourself from physical injury or assault by a student;
4. Forcing a pupil to give up a weapon or dangerous object;
5. Requiring an athletic team to participate in strenuous physical training activities designed to strengthen or condition team members or improve their coordination, agility, or physical skills;
6. Engaging in group calisthenics, team drills, or other physical education or voluntary recreational activities.

#### B. Examples of PROHIBITED actions (corporal punishment)

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

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

This policy is intended to guide all School faculty and staff in conducting themselves in a way that reflects the high standards of behavior and professionalism required of school employees and to specify the boundaries between students and staff.

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

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

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

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

#### Duty to Report Suspected Misconduct

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

#### Examples of Specific Behaviors

The following examples are not an exhaustive list:

#### *Unacceptable Staff/Student Behaviors (Violations of this Policy)*

- (a) Giving gifts to an individual student that are of a personal and intimate nature.
- (b) Kissing of any kind.
- (c) Any type of unnecessary physical contact with a student in a private situation.

- (d) Intentionally being alone with a student away from the school.
- (e) Making or participating in sexually inappropriate comments.
- (f) Sexual jokes.
- (g) Seeking emotional involvement with a student for your benefit.
- (h) Listening to or telling stories that are sexually oriented.
- (i) Discussing inappropriate personal troubles or intimate issues with a student in an attempt to gain their support and understanding.
- (j) Becoming involved with a student so that a reasonable person may suspect inappropriate behavior.

Unacceptable Staff/Student Behaviors without Parent and Supervisor Permission

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

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

Cautionary Staff/Student Behaviors

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

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

Acceptable and Recommended Staff/Student Behaviors

- (a) Getting parents' written consent for any after-school activity.
- (b) Obtaining formal approval to take students off school property for activities such as field trips or competitions.
- (c) Emails, text, phone and instant messages to students must be very professional and pertaining to school activities or classes (Communication should be limited to school technology).
- (d) Keeping the door open when alone with a student.
- (e) Keeping reasonable space between you and your students.
- (f) Stopping and correcting students if they cross your own personal boundaries.
- (g) Keeping parents informed when a significant issue develops about a student.
- (h) Keeping after-class discussions with a student professional and brief.



- (i) Asking for advice from fellow staff or administrators if you find yourself in a difficult situation related to boundaries.
- (j) Involving your supervisor if conflict arises with the student.
- (k) Informing the Principal about situations that have the potential to become more severe.
- (l) Making detailed notes about an incident that could evolve into a more serious situation later.
- (m) Recognizing the responsibility to stop unacceptable behavior of students or coworkers.
- (n) Asking another staff member to be present if you will be alone with any type of special needs student.
- (o) Asking another staff member to be present when you must be alone with a student after regular school hours.
- (p) Giving students praise and recognition without touching them.
- (q) Pats on the back, high fives and handshakes are acceptable.
- (r) Keeping your professional conduct a high priority.
- (s) Asking yourself if your actions are worth your job and career.

**ACKNOWLEDGMENT OF RECEIPT OF PARENT HANDBOOK**

PLEASE READ THE PARENT HANDBOOK AND SUBMIT A SIGNED COPY OF THIS STATEMENT TO THE ADMINISTRATOR.

PARENT NAME: \_\_\_\_\_

I ACKNOWLEDGE that I have received a copy of the Parent Handbook. I have read and understood the contents of the Handbook, and I agree to abide by its directions and procedures. I have been given the opportunity to ask any questions I might have about the policies in the Handbook. I understand that it is my responsibility to read and familiarize myself with the policies and procedures contained in the Handbook. I also understand that if I am ever unclear on any language, or policies and procedures in this Handbook, it is my responsibility to seek clarification from the School.

I understand that the statements contained in the Handbook are guidelines for parents concerning some of the School’s policies and benefits, and are not intended to create any contractual or other legal obligations with the School.

Parent’s Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Please sign/date this form, tear it out, and return it to Mrs. Segal..**

**Retain this Handbook for your reference.**