

2025-26

Dr. Lewis Dolphin Stallworth Sr. Charter School



Policies, Procedures, and Student Conduct Code TK through Grade 8

*Accredited by Western Association of Schools and
Colleges*

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Table of Contents

GENERAL INFORMATION.....	4
Vision.....	4
Mission Statement.....	4
Accreditation.....	4
Surveys About Personal Beliefs.....	5
Parent and Family Engagement Policy.....	5
FAMILY AND STUDENT RIGHTS & COMPLAINT PROCEDURES.....	5
General Complaint Procedures.....	5
Uniform Complaint Procedure (“UCP”)	6
Student Records, including Records Challenges, Directory Information, and CCGI Notice	9
Nondiscrimination Statement.....	13
STUDENT BEHAVIORAL EXPECTATIONS & DISCIPLINE	19
Lost and Damaged School Property.....	19
Reasonable Search.....	21
Dress Code.....	21
Transportation Conduct.....	23
INSTRUCTIONAL PROGRAM & GENERAL CLASSROOM POLICIES AND PROCEDURES	26
Electronics Use.....	27
Field Trips.....	27
Grade Advancement.....	27
Grade Retention.....	28
Grade Placement	29
Grading System.....	29
Identification Cards.....	32
Conferences With Parents And Students.....	32
Parent Participation.....	32
Sexual Health Education.....	33

State Testing.....	34
Surveys About Personal Beliefs.....	34
Teacher Qualification Information.....	34
Work Permits.....	34
STUDENT HEALTH & SAFETY.....	35
School Meals and Student Wellness	35
Immunizations.....	38
Medications at School	40
Mandated Reporters.....	40
Cancer Prevention Act.....	40
Diabetes.....	41
Dangers of Synthetic Drugs.....	41
Human Trafficking Prevention.....	42
Mental Health Services.....	42
Oral Health Assessment.....	43
Physical Examinations and Right to Refuse.....	43
Pregnant and Parenting Students.....	44
Safe Storage of Firearms.....	44
School Bus and Passenger Safety.....	45
School Safety Plan and Asbestos Management Plan	45
Closed Campus.....	46
Concussion/Head Injuries	46
Location of All Automated External Defibrillator(s) on Campus.....	46
Opioid Information Sheet	46
Sudden Cardiac Arrest Prevention	46
SPECIAL POPULATIONS	47
Special Education.....	47
Section 504.....	47
English Learners.....	48
Education of Foster and Mobile Youth.....	48
Education of Homeless Children and Youth.....	53

APPENDIX A: COMPLETE POLICIES	56
Title IX, Harassment, Intimidation, Discrimination, And Bullying Policy.....	56
Title IX, harassment, Intimidation, Discrimination & Bullying Complaint Form.....	71
Classroom-Based Attendance Policy.....	73
Professional Boundaries: Student/Staff Interaction Policy	84
Suspension and Expulsion Policy and Procedures	101
Admissions Policies and Procedures	122

GENERAL INFORMATION

Vision

Promoting a Professional Learning Center (PLC) that encourages students to become lifelong learners and socially responsible adults that benefit their families and their community through education and recreation.

Mission Statement

To produce students who will be academically sound and socially responsible while embracing the rapid environmental changes and diversity of the 21st century.

Accreditation

Dr. Lewis Dolphin Stallworth Sr., Charter Schools, Inc., has its initial accreditation, which will run through June 30, 2026

Western Association of Schools and Colleges (WASC)
Accrediting Commission for Schools
533 Airport Blvd., Suite 200, Burlingame, CA 94010
Phone (650) 696-1060

Dr. Lewis Dolphin Stallworth, Sr., Charter Schools, Inc. (Stallworth Charter) is chartered by the Stockton Unified School District (SUSD). This policy and procedures manual will follow the guidelines of our charter and of the State of California Educational Codes.

Procedures are guidelines developed by Stallworth Charter staff for consistent operation of Stallworth Charter. They are subject to change.

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.

Parent and Family Engagement Policy

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

FAMILY AND STUDENT RIGHTS & COMPLAINT PROCEDURES

General Complaint Procedures

If there is a problem that a parent or student wants to have solved, the correct procedure is to:

1. Discuss the problem with the teacher and try to resolve the situation.
2. File a written complaint with the administration. Be specific about details—time, place, people involved, and what the resolution attempts have been up to this point. The administration will investigate and verify the details of the situation described in the report.
3. Meet with administration to discuss resolution of the problem.
4. If a resolution is not agreed on, the written complaint along with a report from the administration will be forwarded to the executive director. If a resolution is still not agreed on, the written complaint will be forwarded to the Board of Directors. The decision made by the president in consultation with other members of the board of directors will be final.

5. If your concern falls under the purview of the school's Uniform Complaint Procedures ("UCP") OR Title IX...Bullying Policy as discussed below, you may file the appropriate complaint, which the school will investigate in accordance with its policies and procedures.

The tone of all parties must be respectful. All procedures will be handled as confidentially as possible. Complainants will be protected against retaliation as a result of the filing of any complaint or participation in any complaint process.

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 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 executive director or the compliance officer identified below.

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

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

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

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

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

Mrs. Elaine Moonie
Senior Administrator
1610 East Main Street
Stockton, CA 95205
emoonie@stallworthcharter.org

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 and 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 failed 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.

Student Records, including Records Challenges, Directory Information, and CCGI Notice

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

1. The right to inspect and review the student's education records within 5 business days after the day the charter school receives a request for access. Parents or eligible students should submit to the charter school 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 to the charter school's executive director 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 executive director 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 place of 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 Executive Director at gstallworth@stallworthcharter.org. A copy of the complete policy is available upon request at the main office.

Please note that data collected and reported by the charter school to the California Longitudinal Pupil Achievement Data System ("CALPADS"¹) pursuant to state law will be shared with the California College Guidance Initiative ("CCGI"²) and will:

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

Please visit the CCGI website at CaliforniaColleges.edu to access resources that help students and their families learn about college admissions requirements.

Nondiscrimination Statement

The charter school does not discriminate against any person on the basis of actual or

¹ CALPADS is a database maintained by the CDE which consists of pupil data from elementary and secondary schools relating to, among other things, demographic, program participation, enrollment, and statewide assessments data.

² CCGI is an authorized provider of an institutional service to all California local educational agencies and part of the state's efforts to make college-going a more streamlined experience for students. The CCGI currently receives enrollment data for all public-school students enrolled in grades six through twelve from the California Department of Education ("CDE").

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, homelessness or being a foster/mobile youth, economic disadvantage, nationality, race, ethnicity, or sexual orientation. The charter school shall not encourage a student currently attending the charter school to disenroll or transfer to another school based on any of the aforementioned reasons except in cases of expulsion and suspension or involuntary removal in accordance with the charter school’s charter and relevant policies.

The charter school does not request nor require student records prior to a student’s enrollment.

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

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

The charter school also prohibits sexual harassment, including cybersexual 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, or local law, ordinance, or regulation.

The Charter School does not condone or tolerate harassment of any type, including discrimination, intimidation, or bullying, including cybersexual bullying, by any employee, independent contractor, or other person with whom 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:

Mr. Robert Dukes
ERMTH's Counselor
1610 East Main Street
Stockton, CA 95205
Email: rdukes@stallworthcharter.org

The lack of English language skills will not be a barrier to admission or participation in the charter school's programs or activities. The Charter School prohibits retaliation

against anyone who files a complaint or who participates or refuses to participate in a complaint investigation.

STUDENT BEHAVIORAL EXPECTATIONS & DISCIPLINE

Learning self-discipline is an important part of a student's education. All students of Stallworth Charter must conduct themselves in a manner that demonstrates positive character traits of honesty, respect for others, self-reliance, independence, integrity, and kindness. Parents are encouraged to teach the above character traits.

Students who do not comply with DLDSSCSI regulations may be placed on probation and excluded from field trips and other enrichment activities.

- Students should use the restroom before or after class whenever possible. Kindergarten and first-grade students who need to use the restroom during class will only be allowed to do so with a supervising adult.
- During instructional periods, all students on campus are expected to either be in a class or in a meeting with a teacher, counselor, and/or administrator. Students will always be under the direct supervision of their teacher or a teacher designee.
- Students will not be allowed to leave campus without a parent, guardian, or designated person who is authorized to pick up the child(ren) from the facility.
- Good behavior is always a requirement. No rough play, swearing, bullying, or name-calling will be allowed before, during, or after school.
- The facilities used for classes are public property. Students are expected to respect this property by cleaning up after themselves and taking care not to damage property.

Lost and Damaged School Property

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

Reasonable Search

Stallworth Charter School officials (director, principal, or designee) may conduct a reasonable search of a student (including backpack, purse, bag, locker, or vehicle) if there is a reasonable suspicion to believe the student may have a concealed weapon, narcotics, stolen property, or contraband. To be reasonable, suspicion must be based upon specific, articulable, objective facts and any rationally derived inferences that would lead a reasonable person to suspect that an individual is in violation of the law or school rules while on school premises or in connection with school activities.

School officials or law enforcement officers may conduct random searches if such searches are done in a truly random, minimally intrusive, nondiscriminatory manner (e.g., on all people passing through a designated area in a hallway or on every third person entering an athletic event).

When conducting a search of a student's person, the person conducting the search will be of the same sex as the student being searched. A second adult of the same sex as the students being searched will also be present. In no instance shall a school employee conduct "strip searches."

Dress Code

A well-serviced uniform program has many proven benefits because it:

- Eliminates peer pressure and competition
- Fosters unity among diverse student populations.
- Increase school spirit.
- Puts the focus on students' true identities.
- Saves families money
- Promotes a school as an important part of their community.

The following are permissible items of clothing that may be worn to school:

- Plaid/Khaki/Navy Skirts (elementary girls only)
- Navy/Khaki shorts or capri pants (must be at or below the knee)
- Khaki or navy-blue pants

- Striped-logo oxford shirt (short or long sleeve)
- White or blue logo polo shirt (short or long sleeve)
- Headwear worn for purposes of religious observance is permitted.

Students should wear clothing that is appropriate and in good taste. Stallworth Charter staff is the sole determiner of what is or is not appropriate. If a student arrives for an activity inappropriately dressed, the staff has the options of :

- Sending the student home to change or requesting the parent to bring a change of clothing.
- Offering clothing that is appropriate.
- Giving the student the opportunity to modify their appearance.

If there are economic problems that make it difficult to comply with the required dress code, discuss the need for assistance with one of the administrators.

The following are **inappropriate** and cannot be worn to school:

- **Hoodies in the building.**
- Spaghetti strap tops
- See-through/fishnet tops
- Muscle shirts
- Off-the-shoulder tops
- Miniskirts
- **Bare midriffs**
- Halter tops
- Gang-related bandanas, do-rags, weave caps, hair nets, or hats.
- Clothing or accessories with references to drugs/alcohol, sex, profanity, gang-related images or words, or other culturally offensive, vulgar, or obscene material
- High heels
- Clothing or accessories related to gang activity
- Clothing that is dangerous. No spikes, chains, studs, etc.
- Visible piercings (other than ear/nose piercing)

- Visible tattoos
- Hairstyles or accessories that draw undue attention to themselves and away from learning. This includes any hairstyle or item that obscures any part of the face except the forehead.
- Face coverings of any kind
- **Torn jeans that reveal too much skin**

All students participating in school activities should be appropriately dressed. Clothing appropriate to the activity may include closed shoes for sports, an appropriate jacket or hat for outdoor activities, or an outfit that can be easily washed if the activity (i.e. art or P.E.) may soil the garment.

Physical Education Attire

- PE clothes are to be kept inside a bag or backpack and must not be worn outside of PE
- **Tennis or athletic shoes are necessary for PE**
- Sweats (tops and bottoms) may be worn for cold weather, only during PE class

Transportation Conduct

MISBEHAVIOR ON A SCHOOL VAN

Title 5 of the California Code of Regulations, Section 14103

Education Code Section 48900(k)

- Riding the school van to and from school is a privilege. Students who ride the van are expected to:
 - Be on time for van pick-up.
 - Appropriate manners are enforced on the van. This behavior includes staying near the van pick-up area, keeping off private property, and not disturbing plants or shrubs. Van pick-ups are a part of school jurisdiction, and all school rules apply.
 - Respect for van rules: no bullying, excessive loudness of any kind, and excessive movement.
 - Seatbelts must be worn at all times.
- ***Students are expected to follow the directions of the driver and avoid causing a disturbance or creating a dangerous situation.***

SCHOOL VAN RULES AND CONDUCT

1. Follow the instructions of the driver.
2. Follow safety procedures.
3. Do not destroy property.
4. Do not fight, push, hit, or trip anyone.
5. Do not litter in the van.
6. Use unacceptable language both in English and Spanish.
7. Stay seated until the van arrives at the stop and the driver has given his/her permission for students to exit the van. (at your stop)
8. Avoid loud talking.
9. Do not board the van with any hazardous materials, which would include, but not limited to, any object that could be used as a weapon or any food products that could become hazardous if spilled on the floor of the van, i.e., snow cones, sodas, ice cream, etc.

The Transportation Department has established a system to deal with misbehavior on school vans. This system provides the driver with several options to deal with unacceptable behavior. The driver may:

1. Choose to correct students with a verbal warning or directive.
2. Issue an “A,” “B,” or “C” Conduct Report, which is addressed to the Principal with copies to the Transportation Department and the child/parent.
3. Continued misbehavior may lead to suspension of rides or expulsion from the van.

In all cases, the principal, in coordination with the transportation director, shall have the final authority to determine the extent of the consequences.

“A” CONDUCT REPORT (Notice To Parents)

These are some examples of unacceptable behavior that would result in an “A” Conduct Report. NOTE: The normal progression of consequences is accelerated to the “B” Conduct Report level after the issuance of two “A” Conduct Reports.

1. Any movement OUT of seats while the van is in motion.
2. Creating excessive noises.
3. Littering of any kind

4. Unauthorized closing or tampering of any kind with van windows.
5. Failure to obey the driver.
6. Failure to sit in assigned seat (if applicable).
7. Playful bullying, playful fighting, and playful harassment.
8. Other violations of a lesser nature.

“B” CONDUCT REPORT (Parental Conduct OR Parental Contact And Conference)

These are some examples of unacceptable behavior that would result in a “B” Conduct Report. NOTE: The normal progression of consequences is accelerated to the “C” Conduct Report level after the issuance of two “B” Conduct Reports.

1. Using other than the students’ regularly designated pick-up/drop-off.
2. Creating excessive noise. (Screaming, yelling, etc.)
3. Legs, feet, and objects obstructing the aisle or facing to the rear in seats.
4. Any improper van stop procedures, e.g., not lining up, rock throwing, playing in street, not exiting orderly.
5. Tampering with radio or controls.
6. Eating or drinking in the van without permission.
7. Giving improper identification when requested by the driver.
8. Continued failure to obey the driver.
9. Failure to remain quiet at all railroad crossings.
10. Other unauthorized or unsafe actions.
11. Continued unacceptable behavior as noted in “A” Conduct Report above.

“C” CONDUCT REPORT (Suspension of Riding Privileges—Determined as either one day or the remainder of the school year)

These are some examples of severe, unacceptable behavior that may result in suspension of riding privileges from one day to the remainder of the school year, which depends on the severity of the unacceptable behavior.

1. Fighting, bullying, and/or harassment on the van or at the van pick-up/drop-off stop.
2. Using profanity or obscene gestures.
3. Unauthorized exits from emergency doors, windows, etc.
4. Riding the van after receiving a “no ride” penalty.
5. Unauthorized opening, closing, or tampering of any kind with the doors.
6. Destruction of property, other people's personal property, or school property.
7. Lighting of matches or a lighter.

8. Use of tobacco products.
9. Possession of explosives.
10. Possession of alcoholic beverages.
11. Possession of drugs and/or paraphernalia.
12. Possession of firearms.
13. Knives or sharp objects on the van.
14. Transporting live animals, reptiles, or insects.
15. Acts of defiance against the driver's authority.
16. Endangering the life or limb of other people.
17. Continued unacceptable behavior noted in examples of "B" Conduct Report above.
18. Putting any part of the body out of the windows at any time.
19. Throwing any objects in, out of, or at the school van.

The school driver, by the California Administrative Code, is responsible for the appropriate behavior of students on the bus and is instructed by the school district to report any unacceptable behavior to the transportation supervisor. Repeated unacceptable behavior or behavior creating serious safety hazards will cause the suspension of school riding privileges.

THE FOLLOWING CONSEQUENCES WILL OCCUR FOR STUDENT MISCONDUCT ON THE SCHOOL VAN:

"A" CONDUCT REPORT

- Conference with student and principal or after-school director
- Parents will be notified.

"B" CONDUCT REPORT

- Conference with student and principal or after-school director
(Driver optional)
- Parents will be notified
- An optional conference with the student, parent, principal or after-school director, and driver, if requested by the parent, principal or after-school director, or driver.

"C" CONDUCT REPORT

- Notification of parent
- Students will be denied bus transportation until a parent conference is held between the driver, student, parent, and site administrator. At this conference the length of suspension will be determined.
- Each “C” Conduct Report will result in school riding suspension from one day up to the remainder of the academic year, depending upon the severity of the inappropriate behavior.

NOTE: Additional Administrator Action may be taken with each level of conduct report issued (“A,” “B,” “C”)

The policy of the Transportation Department regarding a serious violation says, “When a “C” Conduct Report is issued, the Transportation Department will inform the parent of the suspension from riding the school van and instruct the parent to contact the school to arrange for a conference.

“If the suspension occurs on the way to school, the student will be transported to the home stop at the end of the regular school day only on the day that the “C” Conduct Report is issued.”

“If the suspension occurs on the way home from school, the student will be denied transportation the next morning after parent notification.”

In all instances, the principal or after-school director, in coordination with the transportation supervisor, will have the final authority in determining when these requirements have been met and the suspension is to end.

RULES ON PUBLIC TRANSPORTATION

Stallworth Charter students are expected to observe the above rules when riding public transportation. Reported misconduct on public transportation to and from school, or from a school-related activity, will be grounds for a student being suspended from school.

INSTRUCTIONAL PROGRAM & GENERAL CLASSROOM POLICIES AND PROCEDURES

Electronics Use

There are computers and other technological equipment available for students to use in the classrooms. No objectionable material will be allowed during computer use. Caution must be taken to avoid misuse of the equipment or unintentional inappropriate material being displayed on the computer screen. Before using the equipment, a student must read the technology agreement and agree to its conditions as listed in the student application.

TK-8 students will have rules posted by the computers; all students will sign a contract in order to use the equipment. All the rules for electronic use are in effect in the learning center. Computers are to be used for educational purposes—research, programmed learning, and learning games. They are not to be used for recreational games.

Field Trips

Field trips are an important part of the education of each child. Parents should investigate community resources and arrange experiences for their children that support their learning. When traveling, learning experiences should be incorporated into the trip—reading maps, figuring gas mileage, visiting historical landmarks, museums, etc.

School-sponsored field trips may be scheduled throughout the year. Parents are not required to attend field trips. However, parents are encouraged to attend as volunteer chaperones and also to enhance educational discussions at home. The following guidelines will help to make student field trips a positive learning experience:

- Students should sign up for the trips that would accommodate their schedule.
- Students and parents/guardians must sign and complete the field trip permission slip pertaining to the particular trip.
- If a student comes to school with a signed field trip permission slip the day of the trip, and assuming that there is space available, may result in denial of the signed permission slip. All permission slips must be completed and verified at the designated time before the student will be allowed to attend the field trip.
- Supervising teachers may assign a required follow-up activity to be turned in into the teacher.

Grade Advancement

If a student is performing well above his/her grade level, Stallworth Charter encourages parents to seek assistance in understanding the best course of action for their child. Parents should understand that a large percentage of all students score above grade level and that any standardized test score is not accurate when it places a student two years or more above his/her grade level. A truly gifted child needs to have in-depth enrichment learning experiences, which means extra research, projects, competitions, etc. That usually does not mean acceleration into the next grade. Skill areas (reading, math, writing, etc.) need to be presented at their instructional level, but content (i.e. 4th grade California History) should remain at the chronologically appropriate age. However, upon request from a parent to advance a student to a higher-grade level, the following factors

are considered:

1. Academic Achievement (in the top 1-2 percent as determined by standardized testing)
 - Standardized testing to determine current ability level of student in the areas of reading, spelling, mathematics, and others as determined necessary
 - Teacher evaluation of ability, interest, and motivation
 - Student support issues such as special education or LEP
2. Social and Emotional Maturity
 - Communication skills
 - Social adaptability
 - Emotional stability
3. Physical Maturity
 1. Age
 2. Size
4. Educational History
 - Strengths and weaknesses
 - Grades

THE PROCESS FOLLOWED FOR PLACEMENT INCLUDES:

1. The teacher discusses the advantages and disadvantages of accelerated placement and how they apply to the child.
2. The principal decides based on the four factors stated above. Special consideration will be given to what is in the best educational interest of the student.
3. The principal prepares and presents a written recommendation for grade advancement to the board for action.
4. The parent is notified of the school board's decision. Parents may appeal the board decision by presenting new data and/or information at the next regularly scheduled board meeting.
5. If approved, the decision for grade advancement will be reviewed every four months by the principal to determine if it is still in the student's best educational interest.
6. If not approved or appealed, the parent may make another formal request in the next school year or after nine months (whichever is longer).

Grade Retention

Students shall progress through the grade levels by demonstrating growth in learning and meeting grade-level standards of expected student achievement. If these conditions do not occur, retention procedures will be followed. What is in the best interest of the student will always be the determining factor. The final decision of whether to retain or not will

be made by the teacher in consultation with the principal.

When a teacher suspects that a student may not be ready to advance to the next grade, he/she shall form a student study team (SST) to assess the needs of the student. A Retention Considerations Form A: Findings of the Student Study Team (SST) report will be completed that document standardized testing scores and analyze academic, social, and emotional performance of the student. The teacher then develops an action plan to avert retention. The action plan will be discussed with the parents, and actions recommended will be incorporated into the lesson plans for the student.

Grade Placement

TK: A child is eligible for TK if they have their fourth birthday.

Kindergarten: A child is eligible for kindergarten if they turn four as of the new state law starting August 2025.

Continuation in Kindergarten: Students who have completed one year of kindergarten (not including TK) shall be admitted to first grade unless the parent/guardian and the district agree that the student shall continue in kindergarten for not more than one additional year.

Acceleration from Kindergarten to First Grade: A student enrolled in kindergarten may be admitted to the first grade at the discretion of the Governing Board and with the consent of the parent/guardian, upon determination that the child is ready for first grade work.

Admission shall be subject to the following minimum criteria:

1. The student is at least five years of age.
2. The child has attended a public-school kindergarten long enough to enable school personnel to evaluate his/her ability.
3. The student is in the upper five percent of his/her age group in terms of general mental ability.
4. The physical development and social maturity of the student are consistent with his/her advanced mental ability.
5. The parent/guardian of the student has filed a written statement with the DLDSSCSI district approving the placement in first grade.

Grading System

TK, Kindergarten–8th Grade

REPORT CARDS

Report card information **MUST** be submitted to the principal within the scheduled times indicated on the master schedule at the end of each quarter or semester. Grades **MUST** be submitted on the forms provided by administration.

Teachers are required to maintain quarter, semester, and end-of-year averages in their grade books in the event of a lost report card, which must be duplicated ASAP.

PROGRESS REPORTS

Progress reports will be sent to parents on a timely basis according to the school calendar. Progress reports **MUST** also be submitted to the principal per the principal's request.

By the end of the four weeks of a grading period, the teacher shall send a notice of progress report to the parent/guardian of a student whose grade average in any subject is lower than 70, whose grade average is deemed borderline, or whose grade average has dropped significantly.

An evaluation and reporting system will be maintained to assess students' progress in the areas of development, performance, and achievement. Such a system is designed to provide both students and parents with information concerning the educational performance and progress of the student. The basic consideration for evaluation is that of assessing the degree of mastery of the California State Standards for the various academic areas and grade levels.

GRADING

General Guideline: An evaluation and reporting system shall be maintained to assess each student's progress in development, performance, and achievement. Such a system is designed to provide both students and parents with evidence-based information concerning the educational performance and progress of the student. The basic

consideration for evaluation is that of assessing the student's degree of mastery of the CA State Standards for each subject or course.

Transitional Kindergarten–Eighth Grade will use the schoolwide rubric to report grades. The following scale will be used for grading:

A. Report cards for grades TK–8

1. At least once every nine (9) weeks, the school shall give written notice to parents or guardians of students' grades in each subject or course. The notice shall provide for the signature of the parent or guardian and shall be returned to the school. If the notice is not returned, the school shall mail notice to the parent or guardian*.
2. **Numerical/letter grades** based on a scale to align with the rubric shall be used on the report card for all subjects and courses.
3. **Comments** shall be reported for each subject area using the following scale:

*Variations in procedures and academic achievement level expectations for awarding grades to students with disabilities shall be determined by the school administrator and shall be included in the student's **Individual Education Plan (IEP)**.*

In assessing students who are **Limited English Proficient (ELL)** for mastery of the CA State Standards, the school shall make every effort to allow students to demonstrate knowledge or competency independent of their English language skills. These efforts shall include, but are not limited to, assessment in the primary language and assessment utilizing the ELD Grading System. School personnel shall maintain effective communications with the parent or guardian. This shall be accomplished by:

B. Report cards for grades K–8

4. At least once every nine (9) weeks, the school shall give written notice to parents or guardians of students' grades in each subject or course. The notice shall provide for the signature of the parent or guardian and shall be returned to the school. If the notice is not returned, the school shall mail notice to the parent or guardian*.
5. **Numerical/letter grades** based on a rubric scale shall be used on the report card for all subjects and courses.
6. **Comments** shall be reported for each subject area a designated area

7. **Excused or unexcused absences shall be recorded on the report card.**
8. If, in any subject, a student receives a grade below standard, the grade notice shall state the need for a conference between the appropriate teacher and the parent/guardian*.

C. Quarter Grades

1. Grades for each reporting period shall be determined by a combination of daily assignments, quizzes, unit exams, and/or projects.
2. In grades TK–8, a benchmark exam shall be administered at the end of each grading period in each subject area on the dates designated by the school.
3. A student must be enrolled at least fifteen (15) school days of the designated nine-week grading period in order to be eligible for a nine-week grade. There will be no early withdrawals during the last weeks of school.

D. Assessment Measures

1. At the end of the first semester, multiple assessments shall be determined by averaging the two diagnostic and growth assessments of each assessment: NWEA, iReady, SIPP, and/or Multitudes.
2. Attendance and participation are necessary to determine the accuracy of learning to identify the student's true ability levels. In accordance with the school policy, a student shall not be given a true accuracy of learning levels if the student has not attended for at least 90% of the given semester.

Identification Cards

Each student will be issued a student identification card for Stallworth Charter School. It will include a photo ID, name, grade, and year. The charter school recommends that the ID should be carried by students when they come to class or into the office. This action helps with 2 uses of the card:

1. Checking in and out textbooks and other instructional materials.
2. Admission to other activities throughout the year.

Conferences With Parents And Students

Students may accompany the parent/guardian to meet with their teacher at least a minimum of one time per reporting period. Ongoing communication and conferences will also be utilized to ensure a best practice of communication regarding students's academic and behavioral achievement.

Parent Participation

Parents/guardians are encouraged to at times visit the classrooms and/or be on campus during regular school hours with an agreement and/or permission from the principal or designee unless extenuating circumstances exist that would preclude them from being on school premises. Parents/guardians must first sign in at the office.

Parents have the right to **only** examine their children's records (FERPA). When a student transfers to another school, those records will be sent to that district.

Sexual Health Education

The charter school offers comprehensive sexual health education to its students in grades 6th-8th. A parent or guardian of a student has the right to excuse their child from all or part of comprehensive sexual health education, HIV prevention education, and assessments related to that education through a passive consent ("opt-out") process. The charter school does not require active parental consent ("opt-in") for comprehensive sexual health education and HIV prevention education. Parents and guardians may:

- Inspect written and audiovisual educational materials used in comprehensive sexual health education and HIV prevention education.
- Excuse their child from participation in comprehensive sexual health education and HIV prevention education in writing to the charter school.
- Be informed whether the comprehensive sexual health or HIV/AIDS prevention education will be taught by charter school personnel or outside consultants. When the charter school chooses to use outside consultants or to hold an assembly with guest speakers to teach comprehensive sexual health or HIV/AIDS prevention education, be informed of:
 - The date of the instruction
 - The name of the organization or affiliation of each guest speaker
- Request a copy of Education Code sections 51930 through 51939.

Anonymous, voluntary, and confidential research and evaluation tools to measure students' health behaviors and risks (including tests, questionnaires, and surveys containing age-appropriate questions about the student's attitudes concerning or practices relating to sex) may be administered to students in grades 6th-8th. A parent or guardian has the right to excuse their child from the test, questionnaire, or survey through a passive consent ("opt-out") process. Parents or guardians shall be notified in writing that this test, questionnaire, or survey is to be administered, given the opportunity to review the test, questionnaire, or survey if they wish, notified of their right to excuse their child from the test, questionnaire, or survey, and informed that in order to excuse their child, they must state their request in writing to the charter school.

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

State Testing

The charter school annually administers a required state test to the applicable grades (3rd-8th) via, 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.

Surveys About Personal Beliefs

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

Teacher Qualification Information

As the charter school receives Title I federal funds through the Elementary and Secondary Education Act ("ESEA"), as reauthorized and amended by the Every Student Succeeds Act ("ESSA"), all parents/guardians of students attending the charter school

may request information regarding the professional qualifications of classroom teachers and/or paraprofessionals, including at a minimum:

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

Upon request, the charter school will provide the information to the parents/guardians in a timely manner. Parents/guardians may contact the principal at 209-948-4511 to obtain this information.

Work Permits

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

STUDENT HEALTH & SAFETY

School Meals and Student Wellness

Pursuant to California law, the charter school shall make available a nutritionally adequate breakfast and a nutritionally adequate lunch free of charge and with adequate time to eat during each school day to any student who requests a meal without consideration of the student's eligibility for a federally funded free or reduced-price meal, with a maximum of one (1) free breakfast meal and one (1) free

lunch meal during each school day. This shall apply to all pupils in kindergarten through grade twelve (12).

Applications for school meals are included with the enrollment 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 are a parent/guardian who does not owe federal taxes, you must file a federal tax return to receive the federal EITC. Be sure to fill out the Federal EITC form in the Federal Income Tax Return Booklet. For information regarding your eligibility to receive the Federal EITC, including information on how to obtain the Internal Revenue Service (IRS) Notice 797 or any other necessary forms and instructions, contact the IRS by calling 1-800-829-3676 or through its website at www.irs.gov.

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

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

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

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

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

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

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

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

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

fax: (833) 256-1665 or (202) 690-7442; or
email: Program.Intake@usda.gov
Charter School is an equal opportunity provider.

Immunizations

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

These required immunizations include:

Child's Grade	List of shots required to attend school
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TK/K-12 Admission	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 NOTE: Four doses of DTaP are allowed if one was given on or after the fourth birthday. Three doses of DTaP meet the requirement if at least one dose of Tdap, DTaP, or DTP vaccine was given on or after the seventh birthday (also meets the 7th-12th grade Tdap requirement.) One or two doses of Td vaccine given on or after the seventh birthday count towards the requirement for DTaP. Three doses of polio are allowed if one was given on or after the fourth birthday. MMR doses must be given on or after the 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.
Entering 7th Grade	Tetanus, reduced Diphtheria, and acellular Pertussis (Tdap)—one (1) dose Varicella (chickenpox)—Two (2) doses NOTE: In order to begin 7th grade, students who had a valid personal belief exemption on file with a public or private elementary or secondary school in California before January 1, 2016, must meet the requirements listed for grades K-12 as well as requirements for 7th grade advancement (i.e., polio, MMR, varicella, and primary series for diphtheria, tetanus, and pertussis). At least one dose of pertussis-containing vaccine is required on or after the 7th birthday.

Medications at School

If your child must take medication during the regular school day, the charter school must

receive a written statement from the physician detailing the method, amount, and time schedules by which the medication is to be taken; and the parent must submit a written statement indicating his/her desire that the charter school assist his/her child in taking the medication; and parents must sign a release statement. All medications must be turned in into the office. Administration of Medication forms are available in the main office.

Mandated Reporters All staff members of the charter school are mandated reporters. If a staff member has **any suspicions** about possible abuse or neglect of a child, they are required by law to report their suspicions to Child Protective Services.

Cancer Prevention Act

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

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

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

Diabetes

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

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

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

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

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

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

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

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

Dangers of Synthetic Drugs

The illicit use and abuse of synthetic drugs represent 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 poisoning and deaths in recent years. This notice aims to address the crisis with a preventative approach, ensuring students and families are educated on the deadly consequences of recreational drug use.

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

The California Department of Public Health ("CDPH") has expounded on the extreme danger of drugs laced with fentanyl. Illicit fentanyl can be added to other drugs to make

them cheaper, more powerful, and more addictive. Illicit fentanyl has been found in many drugs, including heroin, methamphetamine, counterfeit pills, and cocaine. Fentanyl mixed with any drug increases the likelihood of a fatal overdose. Furthermore, it is nearly impossible to tell if drugs have been laced with fentanyl without additional testing because fentanyl cannot be seen, smelled, or tasted when used as a lacing agent. Social media platforms may be used as a way to market and sell synthetic drugs, such as fentanyl.

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

Human Trafficking Prevention

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

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

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

Mental Health Services

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

Available on Campus:

- School-based general counseling services—your child is encouraged to directly contact a charter school counselor by coming into the counseling office during school hours and making an appointment to speak with a counselor. The counseling office can also be reached at 209-948-4511. Our charter school counselors support students by providing individual sessions, group or parent consultations whenever a student is having a difficult time due to academic stress, transition to changes in their environment, or social concerns, including isolation. General counseling services, whether provided by our charter school or by an outside provider listed herein, are voluntary.
- Mental health services—if you believe that your child is suffering from any type of mental health issue, you are encouraged to contact the charter school’s certified ERMHS counselor, **Mr. Robert Dukes**, at (209) 948-4511 to request a consultation.
- Special education services—if you believe your child may have a disability, you are encouraged to directly contact the SPED Coordinator, **Mrs. Maria E. Guzman**, at (209) 948-4511 to request an evaluation.
- Prescription medication while on campus—(please ensure a 504 status with the school): if your child requires prescription medication during school hours and you would like assistance from School staff in providing this medication to your child, please contact the front office, **Mrs. Ofelia Urquiza** at (209) 948-4511

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.

Oral Health Assessment

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

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

Physical Examinations and Right to Refuse

A parent/guardian having control or charge of any child enrolled in the charter school may file annually with the senior executive 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:

Mr. Robert Dukes
Counselor
1610 East Main Street
Stockton, CA 95205
Phone: 209-948-4511

Email: rdukes@stallworthcharter.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 media/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 ensure 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 school bus or school student activity bus shall receive instruction in school bus emergency procedures and passenger safety. A copy of the complete policy is available upon request at the main office.

School Safety Plan 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: No such activities are planned or in progress for the current school year.

Closed Campus

Stallworth Charter is a closed campus. Therefore, students are not permitted to leave without a parent or designee. Parents are responsible for turning over supervision of their children to staff members. If a teacher has not arrived at an activity or class site, the parent must remain with the student until a staff member arrives.

Concussion/Head Injuries

Immediate reports of any type of head injury must be reported to avoid symptoms of concussion. A concussion is a brain injury that can be caused by a bump, blow, or jolt to the head or by a blow to another part of the body with the force transmitted to the head. Even though most concussions are mild, all concussions are potentially serious and may

result in complications, including prolonged brain damage and death, if not recognized and managed properly. Because the charter school has elected to offer an athletic program, we must immediately remove from a school-sponsored athletic activity for the remainder of the day an athlete or student who is suspected of sustaining a concussion or head injury during an activity. The student or athlete may not return to that activity until he/she is evaluated. If a licensed health care provider determines whether the student/athlete has a concussion or head injury, the athlete/student shall also complete a graduated return-to-play protocol of no less than 7 days in duration under the supervision of a licensed health care provider. On a yearly basis, a concussion and/or head injury information sheet must be signed and returned by the parent or guardian before the student/athlete initiates the practice, activity, or competition.

Location of All Automated External Defibrillator(s) on Campus

Senior Administrators Office Houses the AED (Defibrillator will be available on demand)

Opioid Information Sheet

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

<https://www.cdc.gov/drugoverdose/pdf/AHA-Patient-Opioid-Factsheet-a.pdf>

Sudden Cardiac Arrest Prevention

The charter school is invested in the health of its athletes, especially their heart health. Sudden cardiac arrest ("SCA") is when the heart stops beating, suddenly and unexpectedly. Those wishing to participate in athletics at the Charter School must review the information sheet on sudden cardiac arrest via the following link:

<https://www.cde.ca.gov/pd/ca/pe/documents/pescaform.pdf>

SPECIAL POPULATIONS

Special Education

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 County Special Education Local Plan Areas (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 have reason to believe that your child has a disability that requires special services or accommodations, bring this to the attention of your child’s teacher or to the principal. Your child can be evaluated to determine whether he/she is eligible for special instruction or services.

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 be subjected to discrimination under any program of the Charter School. Any student who has an objectively identified disability that 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 accommodation under Section 504 may make a referral for an evaluation to the SPED Coordinator. A copy of the charter school’s Section 504 policies and procedures 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 ensure proper placement, evaluation, and communication regarding English learners and the rights of students and parents.

Education of Foster and Mobile Youth

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

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

³ 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.

in WIC section 11400.

- “*Former juvenile court school student*” means a student who, upon completion of the student’s second year of high school, transfers from a juvenile court school to the Charter School.
- “*Child of a military family*” refers to a student who resides in the household of an active-duty military member.
- “*Currently Migratory Child*” refers to a child who, within the last 12 months, has moved with a parent, guardian, or other person having custody to the Charter School from another Local Educational Agency (“LEA”), either within California or from another state, so that the child or a member of the child’s immediate family might secure temporary or seasonal employment in an agricultural or fishing activity, and whose parents or guardians have been informed of the child’s eligibility for migrant education services. This includes a child who, without the parent/guardian, has continued to migrate annually to secure temporary or seasonal employment in an agricultural or fishing activity.
- “*Newcomer pupil*” is a person aged 3 to 21 years who was not born in any of the 50 United States, the District of Columbia, or the Commonwealth of Puerto Rico and has not been attending one or more schools in any one or more of the 50 United States, the District of Columbia, or the Commonwealth of Puerto Rico for more than three (3) full academic years. This also includes a “pupil participating in a newcomer program,” as defined in Education Code section 51225.2, as that section read on January 1, 2023, who was enrolled in the charter school before January 1, 2024. The charter school may, in its discretion, also extend the rights in Education Code sections 51225.1 and 51225.2 to a “pupil participating in a newcomer program,” as defined in Education Code section 51225.2, as that section read on January 1, 2023.
- “*Educational Rights Holder*” (“ERH”) means a parent, guardian, or responsible adult appointed by a court to make educational decisions for a minor pursuant to WIC sections 319, 361, or 726, or a person holding the right to make educational decisions for the student pursuant to Education Code section 56055.
- “*School of origin*” means the school that the foster youth attended when permanently housed or the school in which the foster youth was last enrolled. If the school the foster youth attended when permanently housed is different from the school in which the student was last enrolled, or if there is some other school

that the foster youth attended within the immediately preceding 15 months, the charter school liaison for foster youth, in consultation with and with the agreement of the foster youth and the ERH for the youth, shall determine, in the best interests of the foster youth, the school that shall be deemed the school of origin. For a foster youth who is an individual with exceptional needs as defined in Education Code section 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, principal, or designee designates the following staff person as the liaison for foster and mobile youth:

Mrs. Elaine Moonie
Senior Administrator
1610 East Main Street
Stockton, CA 95205
emoonie@stallworthcharter.org

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

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

School Stability: The charter school will work with foster youth and their parent/guardian to ensure that each student is placed in the least restrictive educational program 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 school 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, the 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 nonschool days, 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 Coursework: The charter school will accept any coursework that is completed satisfactorily 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 in 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 enroll 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. Sharing housing of another person due to loss of housing, economic hardship, or a similar reason; living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; living in emergency or transitional shelters; or being 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. 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, principal, or designee designates the following staff person as the school liaison for homeless students (42 U.S.C. § 11432(g)(1)(J)(ii)):

Mrs. Elaine Moonie
Senior Administrator
1610 East Main Street
Stockton, CA 95205
emoonie@stallworthcharter.org

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 school 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. The 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 schools shall collect completed housing questionnaires and annually report to the CDE the number of homeless children and youths and unaccompanied youths enrolled. (Education Code Section 48851.)

Academic 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 program 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 school 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, the 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 custodian⁴ 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.

⁴ "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*

“Intersession program” means an expanded learning program offered by the charter school on nonschool days, 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 Coursework:

The charter school will accept coursework satisfactorily completed from any public school, a juvenile court school, a school in a country other than the United States, and/or a nonpublic, nonsectarian school or agency by a homeless student.

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

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

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

APPENDIX A: COMPLETE POLICIES

Title IX, Harassment, Intimidation, Discrimination, And Bullying Policy

Discrimination, sexual harassment, harassment, intimidation, and bullying are all disruptive behaviors that interfere with students' ability to learn, negatively affect student engagement, diminish school safety, and contribute to a hostile school environment. As such, Dr. Lewis D. Stallworth Sr. Charter School ("Charter School") prohibits any acts of discrimination, sexual harassment, harassment, intimidation, and bullying altogether.

As used in this policy, discrimination, sexual harassment, harassment, intimidation, and bullying are described as the intentional conduct, including verbal, physical, written communication or cyber-bullying, including cybersexual bullying, based on the actual or perceived characteristics of mental or physical disability, sex (including pregnancy and related conditions, and parental status), sexual orientation, gender, gender identity, gender

expression, immigration status, nationality (including national origin, country of origin, and citizenship), race or ethnicity (including ancestry, color, ethnic group identification, ethnic background, and traits associated with race, including, but not limited to, hair texture and protective hairstyles such as braids, locs, and twists), religion (including agnosticism and atheism), religious affiliation, medical condition, genetic information, marital status, age, or any combination of those characteristics, association with a person or group with one or more of these actual or perceived characteristics or any combination of those characteristics, or based on any other characteristic protected under applicable state or federal law or local ordinance. Hereafter, such actions are referred to as “misconduct prohibited by this policy.”

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

Moreover, the charter school will not condone or tolerate misconduct prohibited by this policy by any employee, independent contractor, or other person with whom the charter school does business, or any other individual, student, or volunteer. The charter school will promptly and thoroughly investigate and respond to any complaint of misconduct prohibited by this policy in a manner that is not deliberately indifferent and will take appropriate corrective action, if warranted.

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

The charter school complies with all applicable state and federal laws and regulations and local ordinances in its investigation of and response to reports of misconduct prohibited by this policy.

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

Mr. Robert Dukes

ERMHS Counselor

Phone: (209) 948-4511

email: rdukes@stallworthcharter.org

Definitions

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

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

Sexual Harassment

In accordance with Title IX (20 U.S.C. § 1681 *et seq.*; 34 C.F.R. Part 106) and California law, discrimination and harassment on the basis of sex in education institutions, including in the educational institution's admissions and employment practices, is prohibited. All persons, regardless of sex, are afforded equal rights and opportunities and freedom from unlawful discrimination and harassment in education programs or activities conducted by the charter school.

The charter school is committed to providing a work and educational environment free of sexual harassment and considers such harassment to be a major offense, which may result in disciplinary action. Inquiries about the application of Title IX and 34 C.F.R. Part 106 may be referred to the coordinator, the assistant secretary for civil rights of the U.S. Department of Education, or both.

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

- An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or

- “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

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 the educational institution.

- Examples of conduct that may fall within the Title IX definition of sexual harassment, the Education Code definition of sexual harassment, or both: Physical assaults of a sexual nature, such as:
 - Rape, sexual battery, molestation, or attempts to commit these assaults.
 - Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another’s body, or poking another’s body.
- Unwanted sexual advances, propositions, or other sexual comments, such as:
 - Sexually oriented gestures, notices, remarks, jokes, or comments about a person’s sexuality or sexual experience.
 - Preferential treatment or promises of preferential treatment to an individual for submitting to sexual conduct, including soliciting or attempting to solicit any individual to engage in sexual activity for compensation or reward or deferential treatment for rejecting sexual conduct.
 - Subjecting or threatening to subject 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.

- Sexual or discriminatory displays or publications anywhere in the work or educational environment, such as:
 - Displaying pictures, cartoons, posters, calendars, graffiti, objections, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning, or pornographic, or bringing or possessing any such material to read, display, or view in the work or educational environment.
 - Reading publicly or otherwise publicizing in the work or educational environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning, or pornographic.
 - Displaying signs or other materials purporting to segregate an individual by sex in an area of the work or educational environment (other than restrooms or similar rooms).

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

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

- Placing a reasonable student ^{or 5} students in fear of harm to that student's or those students' person or property.
- Causing a reasonable student to experience a substantially detrimental effect on the student's physical or mental health.
- Causing a reasonable student to experience a substantial interference with the student's academic performance.
- Causing a reasonable student to experience a substantial interference with the student's ability to participate in or benefit from the services, activities, or privileges provided by the charter school.

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

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

- A message, text, sound, video, or image.
- A post on a social network Internet website, including but not limited to:
 - Posting to or creating a burn page. A “burn page” means an Internet website created for the purpose of having one or more of the effects as listed in the definition of “bullying” above.
 - Creating a credible impersonation of another actual student for the purpose of having one or more of the effects listed in the definition of “bullying” above. “Credible impersonation” means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.
 - Creating a false profile for the purpose of having one or more of the effects listed in the definition of “bullying” above. “False profile” means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.
- An act of “cybersexual bullying” includes, but is not limited to:
 - The dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in the definition of “bullying” above. A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
 - “Cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

- Notwithstanding the definitions of “bullying” and “electronic act” above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

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

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

Bullying and Cyberbullying Prevention Procedures

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

Cyberbullying Prevention Procedures

The charter school advises students:

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

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

Education

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

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

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

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

Professional Development

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

The charter school informs instructional staff and department employees about the common signs that a student is a target of bullying, including

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

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

The charter school also informs certificated employees about the groups of students determined by the charter school and available research to be at elevated risk for bullying, and provides its certificated employees with information on existing school and community resources related to the support of these groups. These groups include, but are not limited to:

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

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

Grievance Procedures

Scope of Grievance Procedures

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

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

The following grievance procedures shall be utilized for reports of misconduct prohibited by this policy that do not comply with the writing, timeline, or other formal filing

requirements of a uniform complaint. For formal complaints of sexual harassment, the charter school will utilize the sexual harassment grievance procedures listed below in addition to its UCP when applicable.

Submitting a Report or Complaint

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

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

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

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

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

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

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

All supervising 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. In addition, all staff and any individual designated as a Title IX coordinator, investigator, or decision-maker, and any person who facilitates an informal resolution process will receive Title IX training and/or instruction concerning sexual harassment as required by law.

Supportive Measures Under Title IX

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

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

Investigation and Response

Upon receipt of a report or complaint of misconduct prohibited by this policy, the coordinator or designee will promptly initiate an investigation. In most cases, a thorough investigation will take no more than thirty (30) school days.

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

If the complaint is against the coordinator, the principal, executive director, or designee will conduct a fact-finding investigation, likewise of any employee named or not named, and provide the complainant with information about the investigation and resolution of the incident/situation.

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

- Notice of the Allegations

- Upon receipt of a formal complaint of sexual harassment, the coordinator will give all known parties written notice of its grievance process, including any voluntary informal resolution process. The notice will include:
 - A description of the allegations of sexual harassment at issue and, to the extent known, the identities of the parties involved in the incident, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident;
 - A statement that the respondent is presumed not responsible for the alleged conduct until a final decision is reached;
 - A statement that the parties may have an advisor of their choice, who may be an attorney, and may inspect and review evidence; and
 - A statement that the charter school prohibits an individual from knowingly making false statements or knowingly submitting false information during the grievance process.

- Emergency Removal

- The charter school may place a non-student employee respondent on administrative leave during the pendency of a formal complaint of sexual harassment grievance process in accordance with the charter school's policies.
- The charter school may remove a respondent from the charter school's education program or activity on an emergency basis, in accordance with the charter school's policies, provided that the charter school undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.
- This provision may not be construed to modify any rights under the IDEA, Section 504, or the ADA.

- Informal Resolution

- If a formal complaint of sexual harassment is filed, the charter school may offer a voluntary informal resolution process, such as mediation, to the parties at any time prior to reaching a determination regarding responsibility. If the charter school offers such a process, it will do the following:

- Provide the parties with advance written notice of:

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

- Obtain the parties' advance voluntary, written consent to the informal resolution process.

- Stallworth Charter will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

- Investigation Process

- The decision-maker will not be the same person(s) as the coordinator or the investigator. The charter school shall ensure that all decision-makers and investigators ***do not have a conflict of interest or bias*** for or against complainants or respondents.
- In most cases, a thorough investigation will take no more than thirty (30) school days. If the coordinator determines that an investigation will take longer than thirty (30) school days and needs to be delayed or extended due to good cause, the coordinator or designee will inform the complainant and any respondents in writing of the reasons for the delay or extension. The entire Title IX process, including informal resolution, opportunities to respond, and determination of responsibility, may take ninety (90) calendar days or longer, depending on the complexity of the investigation and the issues raised.
- The parties will be provided with an equal opportunity to present witnesses, to inspect and review any evidence obtained that is directly related to the allegations raised, and to have an advisor present during any investigative meeting or interview.
- The parties will not be prohibited from discussing the allegations under investigation or gathering and presenting relevant evidence.
- A party whose participation is invited or expected at an investigative meeting or interview will receive written notice of the date, time, location, participants, and purpose of the meeting or interview with sufficient time for the party to prepare to participate.
- Prior to completion of the investigative report, the charter school will send to each party and the party's advisor, if any, a copy of the evidence subject to inspection and review, and the parties will have at least ten (10) days to submit a written response for the investigator's consideration prior to the completion of the investigation report.
- The investigator will complete an investigation report that fairly summarizes relevant evidence and send a copy of the report to each party and the party's advisor, if any, at least ten (10) days prior to the determination of responsibility.
- Dismissal of a Formal Complaint of Sexual Harassment
 - If the alleged harassment did not occur in the charter school's education program or activity or against a person in the United States or would not constitute sexual harassment under Title IX even if proved, the formal complaint with regard to that conduct must be dismissed for purposes of sexual harassment under Title IX. However, such a dismissal does not preclude action under another applicable charter school policy.

- The charter school may dismiss a formal complaint of sexual harassment if:
 - The complainant provides a written withdrawal of the complaint to the coordinator.
 - The respondent is no longer employed or enrolled at Stallworth Charter; or
 - The specific circumstances prevent the charter school from gathering sufficient evidence to reach a decision on the formal complaint or the allegations therein.
- If a formal complaint of sexual harassment or any of the claims therein are dismissed, the charter school will promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to the parties.
- **Determination of Responsibility**
 - The standard of evidence used to determine responsibility is the preponderance of the evidence standard.
 - Determinations will be based on an objective evaluation of all relevant evidence, and credibility determinations will not be based on a person's status as a complainant, respondent, or witness.
 - The charter school will send a written decision on the formal complaint to the complainant and respondent simultaneously that describes
 - The allegations in the formal complaint of sexual harassment
 - All procedural steps taken, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
 - The findings of facts supporting the determination;
 - The conclusions about the application of the Charter School's code of conduct to the facts;
 - The decision and rationale for each allegation;
 - Any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the complainant; and

- The procedures and permissible bases for appeals.

Consequences

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

Right of Appeal

Should the reporting individual find the charter school's resolution unsatisfactory for complaints within the scope of this policy, other than formal complaints of sexual harassment, the reporting individual may, within five (5) business days of notice of the charter school's decision or resolution, submit a written appeal to the president of the charter school board, who will review the investigation and render a final decision.

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

- The complainant and the respondent shall have the same appeal rights, and the charter school will implement appeal procedures equally for both parties.
- Within five (5) business days of the charter school's written decision or dismissal of the complaint, the complainant or respondent may submit a written appeal to the President of the school board, who will serve as the appeal decision-maker or designate an appeal decision-maker.
- The decision-maker for the appeal will not be the same person(s) as the coordinator, the investigator, or the initial decision-maker.
- The complainant and respondent may appeal from a determination regarding responsibility and from the charter school's dismissal of a formal complaint or any allegations therein on the following basis:
 - Procedural irregularity that affected the outcome of the matter;
 - New evidence that was not reasonably available at the time of determination regarding responsibility or dismissal was made that could affect the outcome of the matter; and
 - The Title IX Coordinator, investigator(s), or decision maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

- The charter school will notify the other party in writing when an appeal is filed.
- The decision maker for the appeal will 1) give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome; 2) issue a written decision describing the result of the appeal and the rationale for the result; and 3) provide the written decision simultaneously to both parties.

Recordkeeping

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

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

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

Title IX, harassment, Intimidation, Discrimination & Bullying Complaint Form

Your Name: _____

Date: _____

Date of Alleged Incident(s): _____

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

List any witnesses that were present: _____

Where did the incident(s) occur? _____

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

I hereby authorize the Charter School to disclose the information I have provided as it finds necessary in pursuing its investigation. I hereby certify that the information

I have provided in this complaint is true and correct and complete to the best of my knowledge and belief. I further understand that providing false information in this regard could result in disciplinary action up to and including termination or expulsion from the Charter School.

Date: _____

Signature of Complainant

Print Name

To be completed by the Charter School:

Received by: _____ Date: _____

Follow up Meeting with Complainant held on: _____

4865-0092-2159, v. 4

Classroom-Based Attendance Policy

The Charter School believes that regular attendance plays a key role in student achievement. The Charter School recognizes its responsibility under the law to ensure that students attend school regularly. Parent/guardians of children aged six to eighteen are obligated to send their children to school unless otherwise provided by law. The Charter School shall abide by all state attendance laws and may use appropriate legal means to correct the problems of excessive absence or truancy.

Definitions

- “*Tardy*”: The Charter School starts at 8:45 a.m. Students shall be classified as tardy if the student arrives after that time.

- “*Unexcused Absence*”: A student shall have an unexcused absence if the student is absent or is tardy for more than thirty (30) minutes without a valid excuse.
- “*Truant*”: A student shall be classified as a truant if the student is absent from school without a valid excuse three (3) full days in one school year, or if the student is tardy or absent for more than any 30-minute period during the school day without a valid excuse on three (3) occasions in one school year, or any combination thereof. Any student who has once been reported as a truant and who is again absent from school without valid excuse one or more days, or tardy on one or more days, shall again be deemed a truant. Such students shall be reported to the Executive Director or designee.
- “*Habitual Truant*”: A student shall be classified as a habitual truant if the student is reported for truancy three (3) or more times within the same school year. This generally occurs when the student is absent from school without a valid excuse for five (5) full days in one school year or if the student is tardy or absent for more than any 30-minute period during the school day without a valid excuse on five (5) occasions in one school year, or any combination thereof.
- “*Chronic Truant*”: A student shall be classified as a chronic truant if the student is absent from school without a valid excuse for ten (10) percent or more of the school days in one school year, from the date of enrollment to the current date.

Excused Absences for Classroom Based Attendance

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
 - Students in grades 7-8, inclusive, may be excused from school for the purpose of obtaining confidential medical services without the consent of the student’s parent or guardian.
4. For the purpose of attending the funeral services or grieving the death of either a member of the pupil’s immediate family, or of a person that is determined by the pupil’s parent or guardian to be in such close association with the pupil as to be considered the pupil’s immediate

family, so long as the absence is not more than five (5) days per incident. “Immediate family” means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.

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

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

6. Participation in religious instruction or exercise as follows: the student shall be excused for this purpose on no more than four (4) school days per month.
7. Due to the illness or medical appointment during school hours of a child of whom the student is the custodial parent, including absences to care for a sick child. (The school does not require a note from the doctor for this excusal).
8. 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. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the Charter School.

9. Attendance at the student's naturalization ceremony to become a United States citizen.
10. Authorized parental leave for a pregnant or parenting student for up to eight (8) weeks, which may be extended if deemed medically necessary by the student's physician.
11. 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.
12. 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.
13. 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.
14. 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.
15. For the purpose of a middle school pupil engaging in a civic or political event as indicated below, provided that the pupil notifies the school ahead of the absence. A "civic or political event" includes, but is not limited to, voting, poll working, strikes, public commenting, candidate speeches, political or civic forums, and town halls.
 - A middle school pupil who is absent pursuant to this provision is required to be excused for only one school day-long absence per school year.

- A middle school pupil who is absent pursuant to this provision may be permitted additional excused absences in the discretion of a school administrator.

16. 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 parent/guardian and approval of the principal or designee pursuant to uniform standards:

- Appearance in court
- Observation of a holiday or ceremony of the pupil's religion
- Attendance at religious retreats (not to exceed one school day per semester)
- Attendance at an employment conference.
- 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.

Method of Verification

When a student who has been absent returns to school, the student must present a satisfactory explanation verifying the reason for the absence. The following methods may be used to verify student absences:

1. Signed, written note from the student's parent/guardian or parent representative.
2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. The employee shall subsequently record the following:
 - a. Name of student;
 - b. Name of parent/guardian or parent representative;
 - c. Name of verifying employee;
 - d. Date or dates of absence; and
 - e. Reason for absence.

3. Visit to the student's home by the verifying employee, or any other reasonable method, which establishes the fact that the student was absent for the reasons stated. A written recording shall be made, including the information outlined above.
4. Healthcare provider verification:
 - a. When excusing students for confidential medical services or verifying such appointments, Charter School staff shall not ask the purpose of such appointments but may contact a medical office to confirm the time of the appointment.
 - b. A healthcare provider's note of illness will be accepted for any reported absence. When a student has had fourteen (14) absences in the school year for illness verified by methods listed in #1-#3 above without a healthcare provider's note, any further absences for illness must be verified by a healthcare provider.

Insofar as class participation is an integral part of students' learning experiences, parents/guardians and students shall be encouraged to schedule medical appointments during non-school hours.

Students should not be absent from school without their parents/guardians' knowledge or consent except in cases of medical emergency.

Process for Addressing Truancy

1. Each of the first two (2) unexcused absences or unexcused tardies over 30 minutes will result in a call home to the parent/guardian by the Executive Director or designee. The student's classroom teacher may also call home.
2. Each of the third (3rd) and fourth (4th) unexcused absences or unexcused tardies over 30 minutes will result in a call home to the parent/guardian by the Executive Director or designee. In addition, the student's classroom teacher may also call home and/or the Charter School may send the parent an e-mail notification. In addition, upon reaching three (3) unexcused absences or unexcused tardies over 30 minutes in a school year, the parent/guardian will receive "**Truancy Letter #1 – Truancy Classification Notice**" from the Charter School notifying the

parent/guardian of the student's "Truant" status. This letter must be signed by the parent/guardian and returned to the Charter School. This letter shall also be accompanied by a copy of this Attendance Policy. This letter, and all subsequent letter(s) sent home, shall be sent by Certified Mail, return receipt requested, or some other form of mail that can be tracked. This letter shall be re-sent after a fourth (4th) unexcused absence.

3. Upon reaching five (5) unexcused absences or unexcused tardies over 30 minutes, the parent/guardian will receive "**Truancy Letter #2 – Habitual Truant Classification Notice and Conference Request**," notifying the parent/guardian of the student's "Habitual Truant" status and a parent/guardian conference will be scheduled to review the student's records and develop an intervention plan/contract. In addition, the Charter School will consult with a school counselor regarding the appropriateness of a home visitation and/or case management.
 4. Upon reaching six (6) unexcused absences or unexcused tardies over 30 minutes, the parent/guardian will receive a "**Truancy Letter #3 – Referral to SART Meeting**" and the student will be referred to a Student Success Team (SST) and the School Attendance Review Team (SART), as described below.
2. If the conditions of the SART plan are not met, the student may incur additional administrative action up to and including disenrollment from the Charter School, consistent with the Involuntary Removal Process described below.
 3. If a student is absent ten (10) or more consecutive school days without valid excuse and the student's parent/guardian cannot be reached at the number or address provided in the registration packet and does not otherwise respond to the Charter School's communication attempts, as set forth above, the student will be in violation of this Policy and the SART plan (if any) and may be subject to disenrollment in compliance with the Involuntary Removal Process described below. If the student is disenrolled after the Involuntary Removal Process has been followed, notification will be sent within thirty (30) days to the student's last known school district of residence.
 4. Any documentation received by the Charter School regarding a student's enrollment and attendance at another public or private school (i.e., CALPADS report) shall be deemed evidence of a **voluntary** disenrollment and shall not trigger the Involuntary Removal Process below.

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

School Attendance Review Team Process

The School Attendance Review Team ("SART") panel will be composed of Principal Director of Instructions and Mrs. Claudia Espinoza. The SART panel will discuss the absence problem with the student's parent/guardian to work on solutions, develop strategies, discuss appropriate mental health support and other supportive services for the student and student's family, and establish a plan to resolve the attendance issue.

1. The SART panel shall direct the parent/guardian that no further unexcused absences or tardies can be tolerated.
2. The parent/guardian shall be required to sign the plan formalizing the agreement by the parent/guardian to improve the child's attendance or face additional administrative action. The plan will identify the corrective actions required in the future, and indicate that the SART panel shall have the authority to order one or more of the following consequences for non-compliance with the terms of the plan:
 - a. Parent/guardian to attend school with the child for one day
 - b. Student retention
 - c. After school detention program
 - d. Required school counseling
 - e. Loss of field trip privileges
 - f. Loss of school store privileges
 - g. Loss of school event privileges
 - h. Mandatory Saturday school
 - i. Required remediation plan as set by the SART
 - j. Notification to the County District Attorney
3. Notice of action recommended by the SART will be provided in writing to the parent/guardian.

Process for Students Who Are Not in Attendance at the Beginning of the School Year

When a student is not in attendance on the first five (5) days of the school year, the Charter School will attempt to reach the student's parent/guardian on a daily basis for each of the first five (5) days to determine whether the student has an excused absence, consistent with the process outlined in this policy. If the student has a basis for an excused absence, the student's parent/guardian must notify the Charter School of the absence and provide documentation consistent with this policy. However, consistent with process below, students who are not in attendance by the sixth (6th) day of the school year due to an unexcused absence will be disenrolled from the Charter School roster after following the Involuntary Removal Process described below, as it will be assumed that the student has chosen another school option.

1. Students who are not in attendance on the first (1st) day of the school year will be contacted by phone to ensure their intent to enroll in the Charter School.
2. Students who have indicated their intent to enroll but have not attended by the third (3rd) day of the school year and do not have an excused absence will receive a letter indicating the student's risk of disenrollment.
3. Students who have indicated their intent to enroll but have not attended by the fifth (5th) day of the school year and do not have an excused absence will receive a phone call reiterating the content of the letter.
4. Students who are not in attendance by the sixth (6th) day of the school year and do not have an excused absence will receive an Involuntary Removal Notice and the CDE Enrollment Complaint Notice and Form. The Charter School will follow the Involuntary Removal Process described below, which includes an additional five (5) schooldays for the parent/guardian to respond to the Charter School and request a hearing before disenrollment.
5. The Charter School will use the contact information provided by the parent/guardian in the registration packet.
6. Within thirty (30) calendar days of disenrollment, the Charter School will send the student's last known school district of residence a letter notifying it of the student's failure to attend the Charter School.

7. Any documentation received by the Charter School regarding a student's enrollment and attendance at another public or private school (i.e., CALPADS report) shall be deemed evidence of a voluntary disenrollment and shall not trigger the Involuntary Removal Process below.

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 the Charter School's intent to remove the student ("Involuntary Removal Notice"). The Involuntary Removal Notice must be provided to the parent or guardian no less than five (5) schooldays before the effective date of the proposed disenrollment date.

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:

1. The charges against the student
2. An explanation of the student's basic rights including the right to request a hearing before the effective date of the action
3. The CDE Enrollment Complaint Notice and Form

The hearing shall be consistent with the Charter School's expulsion procedures. If the student's parent, guardian, or educational rights holder requests a hearing, the student shall remain enrolled and shall not be removed until the 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 a parent's or guardian's 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) calendar days.

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

Referral to Appropriate Agencies or County District Attorney

It is the Charter School's intent to identify and remove all barriers to the student's success, and the Charter School will explore every possible option to address student attendance issues with the family. For any unexcused absence, the Charter School may refer the family to appropriate school-based and/or social service agencies.

If a student's attendance does not improve after a SART plan has been developed according to the procedures above, or if the parents/guardians fail to attend a required SART meeting, the Charter School shall notify the County District Attorney's office, which then may refer the matter for prosecution through the court system. Students twelve (12) years of age and older may be referred to the juvenile court for adjudication.

Non-Discrimination

These policies will be enforced fairly, uniformly, and consistently without regard to the characteristics listed in Education Code section 220 (actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Penal Code section 422.55, including immigration status, pregnancy, or association with an individual who has any of the aforementioned characteristics).

Reports

The Executive Director, or designee, shall gather and semester reports to the Board the number of absences both excused and unexcused as well as students who are truant, and the steps taken to remedy the problem.

Professional Boundaries: Student/Staff Interaction Policy

DISCIPLINARY PHYSICAL CONTACT WITH STUDENTS

It is in this policy of Dr. Lewis Dolphin Stallworth Charter Schools, Inc. (Stallworth Charter) that no teacher or other staff member will use corporal punishment against a student. This prohibition includes spanking, slapping, pinching, hitting, tying, taping, or the use of any other physical force as retaliation or correction for inappropriate behavior.

STAFF-STUDENT INTERACTIONS

While the use of appropriate touching is part of daily life and is important for student development, teachers and other staff members must ensure that they do not exceed appropriate behavior. If a child or other staff member specifically requests that he or she not to be touched, then that request must be honored without question.

Boundaries Defined

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

Acceptable and Unacceptable Behaviors

Some activities may seem innocent from a staff member’s point of view but could be perceived as flirtation or sexual insinuation from the perspective of students or parents. There is no single reasonable person standard. The purpose of the following lists of unacceptable and acceptable 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 inappropriate, or sexual misconduct, or “grooming.” Grooming is defined as an act or series of acts by a sexual predator to gain physical and/or emotional control by gaining trust (of staff and/or family and a minor) and desensitizing the minor to various forms of touching and other intimate interaction.

Staff members must understand their own responsibilities for ensuring that they do not cross the boundaries as written in this policy. Violations could subject the teacher or staff member to discipline up to and including termination. *Disagreeing with wording or intent of these established boundaries will be considered irrelevant for any required disciplinary purposes.* Thus, it is critical that all employees study this policy thoroughly and apply its spirit and intent in their daily activities.

Unacceptable Behaviors

These list (and any subsequent lists) are not meant to be all-inclusive, but rather, illustrative of the types of behavior intended to be addressed by this policy

1. Giving gifts of a personal and intimate nature (including photographs) to a student; or items such as money, food, outings, electronics, etc. without the written pre-approval of the Principal or School Leader. It is recommended that any such gifts be filtered through the Principal along with the rationale, therefore.
2. Kissing of ANY kind
3. Massage [Note: Prohibited in athletics unless provided by massage therapist or other certified professional in an open public location. Coaches may not perform massage or rub-down. Permitted in Special Education only instructed under an IEP or 504 Plan.]
4. Full frontal or rear hugs and lengthy embraces
5. Sitting students on one's lap (grades 3 and above)
6. Touching buttocks, thighs, chest or genital area
7. Wrestling with students or other staff members except in the context of a formal wrestling program
8. Tickling or piggyback rides
9. Any form of sexual contact
10. Any type of unnecessary physical contact with a student in a private situation
11. Intentionally being alone with a student away from school
12. Furnishing alcohol, tobacco products, or drugs – or failing to report knowledge of such
13. "Dating" or "going out with" a student
14. Remarks about physical attributes or psychological development of anyone. This includes comments such as "Looking fine!" or "Check out that [body part]."
15. Taking photographs or videos of students for personal use or posting online
16. Either partially or fully undressing in front of a student or asking a student to undress, with the intent to view/expose private body parts
17. Leaving campus alone with a student for lunch
18. Sharing a bed, mat, or sleeping bag with a student
19. Making, or participating in, sexually inappropriate comments
20. Sexual jokes, or jokes/comments with sexual overtones or double-entendres

Unacceptable Behaviors, continued

21. Seeking emotional involvement (which can include intimate attachment) with a student beyond the normative care and concern required of an educator.
22. Listening to or telling stories that are sexually oriented
23. Discussing your personal troubles or intimate issues with a student
24. Becoming too involved with a student so that a reasonable person may suspect inappropriate behavior

25. Giving students a ride to/from school or school activities without the express, advance written permission of the Principal and the student's parent or legal guardian
26. Being alone in a room with a student at school with the door closed and/or windows blocked from view
27. Allowing students at your home and/or rooms within your home without signed parental permission for a pre-planned and pre-communicated educational activity which must include another educator, parent, or designated school volunteer
28. Staff mirroring the immature behavior of minors
29. Sending emails, text messages, social media responses, making phone calls, or sending notes or letters to students if the content is not about school activities. Communication via private social media accounts is not acceptable.

This policy does not prevent: 1) touching a student for the purpose of guiding them along a physical path; 2) helping them up after a fall; or 3) engaging in a rescue or the application of Cardiopulmonary Resuscitation (CPR) or other emergency first-aid. Nor does it prohibit the use of reasonable force and touching in self-defense or in the defense of another. Restraining a child who is trying to engage in violent or inappropriate behavior is also allowed. Only such force as necessary to defend one's self, another person, or the child or to protect property is legally permitted. Excessive force is prohibited.

Acceptable Behaviors

1. Pats on the shoulder or back
2. Handshakes
3. "High-fives" and hand slapping
4. Touching face to check temperature, wipe away a tear, remove hair from face, or other similar types of contact
5. Holding hands while walking with small children or children with significant disabilities
6. Assisting with toileting of small or disabled children in view of another staff member
7. Touch required under IEP or 504 Plan
8. Reasonable restraint of violent people to protect self, others, or property
9. Obtaining formal written pre-approval from the Principal to take students off school property for activities such as field trips or competitions, including parent's written permission and waiver form for any sponsored after-school activity whether on or off campus

10. Emails, text-messages, phone conversations, and other communication to and with students, if permitted, must be professional and pertain to school activities or classes (communication should be initiated via transparent [non-private] school-based technology and equipment)
11. Keeping the door wide open when alone with a student
12. Keeping reasonable and appropriate space between you and the student
13. Stopping and correcting students if they cross your own personal boundaries, including touching legs, or buttocks, frontal hugs, kissing, or caressing
14. Keeping parents informed when a significant issue develops about a student, such as a change in demeanor or uncharacteristic behavior
15. Keeping after-class discussions with a student, professional and brief
16. Immediately asking for advice from senior staff or administration if you find yourself in a difficult situation related to boundaries
17. Involving your direct supervisor in discussion about boundaries situations that have the potential to become more severe (including but not limited to: groom or other red flag behaviors observed in colleagues, written material that is disturbing, or a student fixation on an adult)

Acceptable Behaviors, continued

18. Making detailed notes about an incident that in your best judgement could evolve into a more serious situation later
19. Recognizing the responsibility to stop “Unacceptable Behaviors” of students and/or co-workers
20. Asking another staff member to be present, or within close supervisory distance, when you must be alone with a student after regular school hours
21. Prioritizing professional behavior during all moments of student contact
22. *Asking yourself if any of your actions, which could be contrary to these provisions, are worth sacrificing for your job and career.*

This policy does not prevent: 1) touching a student for the purpose of guiding them along a physical path; 2) helping them up after a fall; or 3) engaging in a rescue or the application of Cardiopulmonary Resuscitation (CPR) or other emergency first-aid. Nor does it prohibit the use of reasonable force and touching in self-defense or in the defense of another. Restraining a child who is trying to engage in violent or inappropriate behavior is also allowed. Only such force as necessary to defend one’s self, another person, or the child to protect property is legally permitted. Excessive force is prohibited.

Boundaries Reporting

When any staff member, parent, or student becomes aware of a staff member (or volunteer, guest, vendor) having crossed the boundaries specified in this policy, or has a strong suspicion of misconduct, he or she must report the suspicion to the principal promptly. Reasonable suspicion means something perceived in spite of inconclusive or slight evidence. It is based on facts that would lead a reasonable person to believe the conduct occurred. Prompt reporting of observations falling into the unacceptable range of adult behavior with students is essential to protect students, the staff member, any witnesses, and the school as a whole. Employees must also report to the administration any awareness of, or concern about, student behavior that crosses boundaries, or any situation in which a student appears to be at risk for sexual abuse.

Child Abuse/Sexual Abuse Reporting (Mandatory Reporting)

If, within your professional capacity or within the scope of your employment, you observe or gain possession of knowledge that a child has been a victim of child abuse or sexual abuse, or you reasonably suspect it, **California Penal Code Section 11166 requires YOU to immediately report this information or suspicion directly to a child protective agency or the police.** The report shall be made by phone as soon as possible and a subsequent written report must be sent within 36 hours of your knowledge or suspicion of the abuse. Internal reporting to the Principal occurs after the phone-in report. Failure to meet these obligations can result in monetary fine and/or jail.

Investigating

The Principal will promptly investigate and document the investigation of any allegation of sexual misconduct or inappropriate behavior, using such support staff or outside assistance, as he or she deems necessary and appropriate under the circumstances. Throughout this fact-finding process, the investigating administrator, and all others privy to the investigation, shall protect the privacy interests of any affected student(s) and/or staff members(s) including any potential witnesses, as much as possible. The investigating administrator shall promptly notify the Governing Board in closed session of the existence and status of any investigations. Upon completion of any such investigations, the Executive Director shall report to the Governing Board any conclusions reached. The investigating administrator shall consult with legal counsel, as appropriate, prior to, during, and after conducting any investigation.

Consequences

Staff members who have violated this policy will be subject to appropriate disciplinary action, and where appropriate, will be reported to authorities for potential legal action.

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.* The Charter School is committed to annual review of policies and procedures surrounding suspensions, expulsions, and involuntary removals, and, as necessary, modification of the lists of offenses for which students are subject to suspension, expulsion, or involuntary removal.

Consistent with this Policy, it may be necessary to suspend or expel a student from regular classroom instruction. This shall serve as the Charter School's policy and procedures for student suspension, expulsion, and involuntary removal, and it may be amended from time to time without the need to seek a material revision of the charter so long as the amendments comport with legal requirements. Charter School staff shall enforce disciplinary policies and procedures fairly and consistently among all students. This policy and its procedures will be printed and distributed annually as part of the Student Handbook which will clearly describe discipline expectations.

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of or willfully causing the infliction of physical pain on a student. For purposes of 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/guardians⁵

⁵ The Charter School shall ensure that a homeless child or youth's educational rights holder; a foster child or youth's educational rights holder, attorney, and county social worker; and an Indian child's tribal social worker and, if applicable, county social worker have the same rights as a parent or guardian to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, involuntary removal notice, and other documents and related information. For purposes of this Policy and its Procedures, the term "parent/guardian" shall include these parties.

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 in the Student Handbook and on request at the Director's office.

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

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

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

Procedures

A. Grounds for Suspension and Expulsion of Students

A student may be suspended or expelled for prohibited misconduct if the act is related to school activity or school attendance occurring at any time including but not limited to: a) while on school grounds; b) while going to or coming from school; c) during the lunch period, whether on or off the school campus; or d) during, going to, or coming from a school-sponsored activity.

B. Alternative Means of Correction

For a student facing discipline for a discretionary offense listed below, the principal may, whenever possible and practicable, provide alternatives to suspension or expulsion. These alternatives shall use a research-based framework with aged-appropriate strategies that improve behavioral and academic outcomes while addressing and correcting the student's specific misbehavior.

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

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

- 1) A conference between school personnel, the pupil's parent/guardian, and the pupil.
- 2) Referrals to the school counselor and psychologist.
- 3) Intervention-related teams that assess the behavior, and develop and implement an plan to address the behavior in partnership with the pupil and the pupil's parents.
- 4) Referral for a comprehensive psychosocial and psychoeducational assessment, including for purposes of creating an individualized education program, or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)).
- 5) Participation in a restorative justice program.
- 6) Positive behavior supports approach with tiered interventions that occur during

the school day on campus.

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

For a student who has been suspended, or for whom other means of correction have been implemented, for an incident of racist bullying, harassment, or intimidation, Charter School may require to both the victim and perpetrator to engage in a restorative justice practice. Charter School may also require perpetrators to engage in culturally sensitive programs that promote racial justice and equity and combat racism and ignorance.

Charter School may utilize its Multi-Tiered System of Supports, which includes restorative justice practices, trauma-informed practices, social and emotional learning, and schoolwide positive behavior interventions and support, be used to help pupils gain critical social and emotional skills, receive support to help transform trauma-related responses, understand the impact of their actions, and develop meaningful methods for repairing harm to the school community.

C. Enumerated Offenses

1. Discretionary **Suspension and Expulsion Offenses**: Students may be suspended and recommended for expulsion when it is determined that 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. Students who voluntarily disclose their use of a controlled substance, alcohol, or an intoxicant of any kind in order to seek help through services or supports shall not be suspended solely for that disclosure.
- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058,

alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.

- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases.
- g) Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.
- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of a student's own prescription products by a student. Students who voluntarily disclose their use of a controlled substance, alcohol, or an intoxicant of any kind in order to seek help through services or supports shall not be suspended solely for that disclosure.
- 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.
- a) 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.

- b) 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.
- c) 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.
- d) 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 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, “cybersexual 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.

e) 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).

f) 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 has obtained written permission to possess the item from a certificated school employee, with the Executive Director or designee’s concurrence.

4. **Non-Discretionary Suspension and Expulsion Offenses:** Students must be recommended for expulsion 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 Director 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 with 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.

D. 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

Executive Director or designee with the student and the student's parent/guardian and, whenever practical, the teacher, supervisor or Charter School employee who referred the student to the Executive Director or designee.

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

3. Suspension Time Limits/Recommendation for Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension. Upon a recommendation of expulsion by the Executive Director or designee, the student and the student's parent/guardian will be invited to a conference to determine if the suspension for the

student should be extended pending an expulsion hearing. In such instances when the Charter School has determined a suspension period shall be extended, such extension shall be made only after a conference is held with the student and the student's parent/guardian, unless the student and the student's parent/guardian fail to attend the conference.

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

4. Homework Assignments During Suspension

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

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

E. 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.

F. 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 Executive Director or designee determines that the student has committed an expellable offense and recommends the student for expulsion.

In the event an Administrative Panel hears the case, it will make a recommendation to the Board for a final decision whether to expel. The hearing 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 the Charter School’s disciplinary rules which relate to the alleged violation.
4. Notification of the student’s or parent/guardian’s obligation to provide information about the student’s status at the Charter School to any other school district or school to which the student seeks enrollment.
5. The opportunity for the student and/or the student’s parent/guardian to appear in person or to employ and be represented by counsel or a non-attorney advisor.
6. The right to inspect and obtain copies of all documents to be used at the hearing.
7. The opportunity to confront and question all witnesses who testify at the hearing.
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student’s behalf including witnesses.

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

The Charter School may, upon a finding of good cause, determine that the disclosure of either the identity of the witness or the testimony of that witness at the hearing, or both,

would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations that shall be examined only by the Charter School or the hearing officer. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the 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. The Charter School must also provide the victim with 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, the Charter School must present evidence that the witness' presence is both desired by the witness and will

- be helpful to the Charter School. The entity presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising 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 courtroom during that testimony.
 9. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in public at the request of the 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 with a 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.

H. 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.

I. 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.

J. 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 of Directors 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 decide 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.

K. Written Notice to Expel

The Executive Director or designee, following a decision of the Board of Directors to expel, shall send written notice of the decision to expel, including the Board of Directors' adopted findings of fact, to the student 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 the Charter School.

The Executive Director 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.

L. Disciplinary Records

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

M. No Right to Appeal

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

N. 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.

O. Rehabilitation Plans

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

P. 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 Executive Director 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 school environment. The Executive Director or designee shall make a recommendation to the Board of Directors following the meeting regarding the Executive Director'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 the Charter School's capacity at the time the student seeks readmission or admission to the Charter School.

Q. 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.

R. 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.

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

1. Notification of SELPA

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

2. Services During Suspension

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

3. Procedural Safeguards/Manifestation Determination

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

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

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

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

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

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

4. Due Process Appeals

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

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent/guardian or the charter school, the student shall remain in the interim alternative educational setting

pending the decision of the hearing officer in accordance with state and federal law, including 20 U.S.C. Section 1415(k), until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, unless the parent/guardian and the charter school agree otherwise.

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

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

5. Special Circumstances

Charter school personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct. The principal, executive director, and/or licensed designee may remove a student to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability in cases where a student:

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

6. Interim Alternative Educational Setting

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

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

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

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

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

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

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

The charter school shall not be deemed to have knowledge that the student had a disability if the parent/guardian had not allowed an evaluation, disclosed the

necessary information, or refused services, or if the student has been evaluated and determined to not be eligible.

Admissions Policies and Procedures

The charter school will be nonsectarian in its programs, admission policies, and all other operations. It will not charge tuition nor discriminate against any student based upon any of the characteristics listed in Education Code Section 220.

The charter school shall admit students who wish to attend the charter school. No test or assessment shall be administered to students prior to acceptance and enrollment into the charter school. The charter school will comply with all laws establishing minimum and maximum ages for public school attendance in charter schools. Admission, except in the case of a public random drawing, shall not be determined by the place of residence of the student or parent/legal guardian within the state.

The charter school's application process is comprised of the following:

1. Parent attendance at the Charter School orientation session (optional but encouraged)
2. Completion of a student's application form (the document parents submit to indicate interest in attending the Charter School)

After admission, parents will receive and return registration packets that include:

1. Student's enrollment form;
2. Proof of Immunization;
3. Home Language Survey;
4. Completion of Emergency Medical Information Form
5. Proof of minimum/maximum age requirements; and
6. Release of school's records, including IEP if applicable.

The charter school will recruit a diverse population of students within the community of the San Joaquin Valley. No matter the educational background, the charter school will recruit students and families who understand the value of our mission and are committed to our instructional and operational philosophy. As needed, the charter school recruitment

strategy will target students directly by announcing the after-school programs, sports activities, and clubs through placing advertisements in the community.

As a part of the application process, students and parents/guardians will be encouraged in person and through letters mailed home to attend an orientation session to learn more about the philosophy, goals, and objectives of the charter school's educational program. The letter shall include notice that orientation session attendance is not mandatory and not a condition of admission/enrollment. The personal orientation will involve interested families meeting with the charter school personnel to discuss the educational program at the charter school. The orientation is not designed to disqualify or discourage an applicant but to help ensure that families understand the educational program at the charter school. Orientation sessions will be offered at a designated time to meet the needs of most families. Alternatives will be available to families who cannot attend an orientation session.

Public Random Drawing

Applications will be accepted during a publicly advertised open enrollment period each year for enrollment in the following school year. Following the open enrollment period each year, applications will be counted to determine whether any grade level has received more applications than availability. If this happens, the charter school will hold a public random drawing to determine admission for the impacted grade level. Existing students will not be placed in the drawing, as they are exempt. They are guaranteed admission in the following school year. In case of a public random drawing, preference in enrollment will be given to the following students in the following order as described below:

- Children or wards of the Charter School employees;
- Siblings of students admitted to or attending Stallworth, or wards of their parents (foster children that are placed in the home of an existing Stallworth student);
- Residents of Stockton Unified School District
- All other applicants

The Board of Directors will make all necessary efforts to ensure lottery procedures are fairly executed. Lottery spaces are pulled in order of grade level by the designated lottery official (appointed by the executive director). Separate lotteries shall be conducted for each grade in which there are fewer vacancies than pupils interested in attending. All lotteries shall take place on the same day in a single location. Lotteries will be conducted in ascending order beginning with the lowest applicable grade level. There is no weighted priority assigned to the preference categories; rather, within each grade level, students

will be drawn from pools beginning with all applicants who qualify for the first preference category and shall continue with that preference category until all vacancies within that grade level have been filled. If there are more students in a preference category than there are spaces available, a random drawing will be held from within that preference category until all available spaces are filled. If all students from the preference category have been selected and there are remaining spaces available in that grade level, students from the second preference category will be drawn in the lottery, and the drawing shall continue until all spaces are filled and preference categories are exhausted in the order provided above. Written documentation of lottery results will be maintained by the Charter School for one calendar year in order to document the fair execution of lottery procedures

The charter school and the district agree to adhere to the requirement related to admission preferences as set forth in Education Code Section 47605(d)(2) and (B)(i)-(iv).

The charter school will take all necessary efforts to ensure lottery procedures are fairly executed. Lottery spaces are pulled in order of grade level by the designated lottery official (appointed by the executive director). Separate lotteries shall be conducted for each grade in which there are fewer vacancies than pupils interested in attending. All lotteries shall take place on the same day in a single location. Lotteries will be conducted in ascending order beginning with the lowest applicable grade level. There is no weighted priority assigned to the preference categories; rather, within each grade level, students will be drawn from pools beginning with all applicants who qualify for the first preference category and shall continue with that preference category until all vacancies within that grade level have been filled. If there are more students in a preference category than there are spaces available, a random drawing will be held from within that preference group until all available spaces are filled. If all students from the preference category have been selected and there are remaining spaces available in that grade level, students from the second preference category will be drawn in the lottery, and the drawing shall continue until all spaces are filled and preference categories are exhausted in the order provided above.

After the public random drawing, all students who were not granted admission due to capacity shall be given the option to put their name on a waitlist according to their drawing in the lottery. In the case of an opening during the school year, families will be contacted via phone by our office personnel from the waiting list until the opening is filled. In no circumstance will a waitlist carry over to the following school year.

Public random drawing rules, deadlines, locations, dates, and times will be communicated in the enrollment applications and on the charter school's website. Public

notice for the location, date, and time of the public random drawing will be posted once the application deadline has passed. The charter school will inform all applicants and interested parties of the rules, location, date, and time of the public random drawing via mail or email at least two weeks prior to the lottery date.

The charter school will conduct the lottery during the spring of each year for admission in the subsequent school year. The charter school will hold a lottery the day after parent orientation. All student names will be placed in a box by parents, and the executive director, principal, or designee will pull names from the box to fill available space per grade level. The lottery will occur in the school gymnasium in the morning at 8:00 a.m. The day after parent orientation, if enrollment is not met, a lottery will be held at 3:00 p.m. the same day. The charter school will keep a sign-in sheet for lottery day, and lottery day will be on the school calendar.

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