

## Innovations Academy Board Minutes: September 15, 2020 @ 6:00 pm

### Meeting location(s)

Innovations Academy 5454 Ruffin Rd San Diego, CA 92123	5519 McMillan Street Oakland, CA 94618	Google Meeting, see below for access information
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\*Members of the public need not state their names when entering the meeting.

### Meeting Access Information

[meet.google.com/vcq-tzva-ksv](https://meet.google.com/vcq-tzva-ksv) Phone: +1 929-299-3205 PIN: 954 932 533#

### Board Attendance

Faraz Sharafi	Nate Cooper	Stephen Rosen	Danielle Strachmen	Keely Moore		
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### Others in Attendance

Ali Kolb	Tony Spitzberg	Christine Kuglen	Sally Lutz	Gabriela Badillo		
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### Agenda

Topic	Minutes
➤ Call to order / roll call	Time / Date Board in Attendance: (see above) Other Present: (see above)
➤ Approval of current agenda	<b>Vote to approve current agenda -</b> 1st motion - Faraz Sharafi 2nd motion- Danielle Strachman <b>Vote:</b> unanimous approval
➤ Approval of prior month meeting minutes (9/8/20) ➤ Revisit Meeting Minutes (9/2/20) See revised minutes with changes in red	<b>Vote to approve past minutes -</b> 1st motion- Stephen Rosen 2nd motion- Faraz Sharafi Vote- unanimous approval <b>Vote to approve revised meeting minutes</b> 1st motion- Danielle Strachman 2nd motion- Stephen Rosen Vote- unanimous approval 1.
➤ Public comments (3 mins per person)	1. Sally Lutz thanked the administration for updating the LCP based on feedback and asked about the possibility for more review and about the Town Hall meeting scheduled for next week. 2. Heather asked how she can have her concerns heard best at IA. She felt that parents are being asked to trust schools and that trust is eroding. She is worried that parents don't have enough input. Requested

	<p>more time to review the LCP.</p> <p>3. Mary Ann spoke about her appreciation of the liability waiver that was sent to parents as it had helpful information for them.</p>
<p>o Director update (Christine)</p> <p>-Update on distance learning</p> <p>-Update on site based learning</p>	<p><u>Item – Director Update</u></p> <p><b>Christine mentioned the Town Hall open meeting to address parent comments, questions and concerns being held next week (one for distance learning and one for site based learning)</b></p> <p><b>Board Discussion:</b></p> <ul style="list-style-type: none"> <li>➤ Stephen asked about measurable success. How can IA measure what is happening to know where to make the next step.</li> <li>➤ Ali (IA Accountability Coordinator) spoke about the number and type of surveys being done and MAP scores.</li> <li>➤ Christine said she would be able to share a summary of input from the latest survey removing teacher identifying information and maintaining confidentiality.</li> <li>➤ Faraz mentioned that in distance learning parents are sharing in the responsibility of teaching alongside the parents and that is challenging.</li> </ul>
<p>➤ Action item: Approval of Learning Continuity and Attendance Plan (LCP)</p>	<p>Christine explained the input for the LCP, the modifications made had come from stakeholder input and that a consultant had reviewed the document. She stated that it meets the requirements in every way.</p> <p>Nate made the motion to approve and adopt the LCP</p> <p><b>Vote-</b></p> <p>1st motion- Nate Cooper</p> <p>2nd motion- Stephen Rosen</p> <p>Vote- unanimous approval</p>
<p>➤ Discussion items</p>	
<p>-Change of board member discussion</p> <p>-Keely would like to dedicate more time to her students and has asked to be replaced on the board.</p> <p>-Gaby Badillo introduction as possible board member. No other teacher expressed interest at this time</p>	<p><u>Item – Change of Board Member</u></p> <p>Christine explained that Keely wishes to focus on her role as a teacher and has submitted a resignation from the board. She spoke with other teachers who are all feeling the same desire to focus on this new parallel track teaching. Gabriela Badillo is a 10 year teacher at IA who started as a teacher assistant at IA then got her credential and has taught K and 1st. Gaby could not unmute herself and will be present for the future board meeting so she and the board can discuss the possibility.</p> <p><b>Discussion:</b> No board discussion at this time. Nate</p>

-Keely expressed a possibility of amending the bylaws so that a teacher doesn't have to be on the board. Suggested a possible teacher rotation of attendance.	requested that any board member who wishes to discuss alteration of the bylaws to bring that up at the next meeting regarding a teacher representative on the board. Nate requested that Christine get any information about the district's stance on a teacher board rep.
➤ Action item: Accept resignation	<u>Item – Change of Board Member</u> The board thanked Keely for her service and accepted her resignation
➤ Discussion Item: Innovations Academy COVID-19 liability waiver see board packet with response from our legal counsel to the board question and the waiver	<u>Item – Liability Waiver</u> Christine thanked Stephen for bringing this to her attention at a previous meeting. When she reached out to the legal team she learned that the state is in heated discussion about a statewide waiver. The Innovations legal team had drafted the waiver and 100% of site based learners had one in place at this time. Discussion: No board discussion or questions.
➤ Next board meeting	Nate requested that Christine discuss with Josh the important approval dates so future meetings could be scheduled.
○ Confirm date of next meeting	TBD
○ Identify agenda items for next meeting	
Meeting adjourned	

The foregoing minutes were approved by the Board of Directors of Innovations Academy on \_\_\_\_\_.

\_\_\_\_\_  
Secretary

Please contact Innovations Academy Board @ [Board@InnovationsAcademy.org](mailto:Board@InnovationsAcademy.org) if you require special assistance or a listening device to attend the Board Meeting. Requests must be made 48 hours in advance.

1. TELECONFERENCE MEETINGS. Members of the Board of Directors may participate in teleconference meetings so long as all of the following requirements in the Brown Act are complied with:
  - At a minimum, a quorum of the members of the Board of Directors shall participate in the teleconference meeting from locations within the boundaries of the State of California;

- All votes taken during a teleconference meeting shall be by roll call;
- If the Board of Directors elects to use teleconferencing, it shall post agendas at all teleconference locations with each teleconference location being identified in the notice and agenda of the meeting;
- All locations where a member of the Board of Directors constituting the quorum participates in a meeting via teleconference must be fully accessible to members of the public and shall be listed on the agenda;
- Members of the public must be able to hear what is said during the meeting and shall be provided with an opportunity to address the Board of Directors directly at each teleconference location; and
- The agenda shall indicate that members of the public attending a meeting conducted via teleconference need not give their name when entering the conference call.
- The Brown Act prohibits requiring members of the public, to provide their names as a condition of attendance at the meeting; however, those wishing to speak may be required to identify themselves.

**Innovations Academy  
Board Narrative  
December 8, 2020**

**Approval of Revised Budget**

The last budget approved by the Board occurred in June 2020. With all the latest updates, the Revised Budget calls for the board to approve a more current budget.

The attached labeled “2020-21 Revised 1<sup>st</sup> Interim Budget” shows a summary and detail of how the budget was changed. The column labeled 2020-21 PRELIMINARY is the budget that was originally approved, and the column labeled 2020-21 REFORECAST is the new proposed budget.

On the first page (the summary) please note the SURPLUS\ (DEFICIT) row is going from a deficit of <~\$249K> to a positive of ~\$45K. This primarily due to increases in revenue, as the governor restored a portion of the original budget cut and the issuance of LLMF funds (COVID Relief) that were given that were not on the original budget. Various expenses in payroll were reduced as well as positions once thought to be needed.

**Approval of 1<sup>st</sup> Interim Report**

The 1<sup>st</sup> interim is a report sent to the district to show them your latest budget as well as what your actual data is from the period of July 2020 to October 2020. Please see the attached labeled “FY2020-21 First Interim Report – Innovations” and note the primary rows labeled “E. NET INCREASE (DECREASE) IN FUND BALANCE/NET POSITION” and “2. Projected Ending Fund Balance/Net Position, June 30” and regarding columns, please focus on “F’ Total Actuals through 10/31/20”.

The school’s actuals for this period are a deficit of <~\$58K> and thus yielding a total fund balance of ~\$2.5M.

**Approval of Budget Overview for Parents**

See the attached labeled “2020-21 Budget Overview for Parents – Innovations”. This report is designed for parents to be able to look over a summary numbers of the school regarding the schools 2020-21 Budget, Learning Continuity Plan (Approved in September), and a update on the 2019-20 LCAP expenses for High Needs Students. It is required that the board approve this.

# Innovations Academy



	NAME	2020-21 PRELIMINARY	2020-21 REFORECAST	VARIANCE
	TOTAL ENROLLMENT	410	410	-
	AVERAGE DAILY ATTENDANCE	393.60	393.60	-
REVENUE	State LCFF Revenue	\$ 3,136,295	\$ 3,261,368	\$ 125,073
	Federal Revenue	\$ 125,132	\$ 330,376	\$ 205,244
	Other State Revenue	\$ 93,657	\$ 121,443	\$ 27,786
	Local Revenue	\$ 260,906	\$ 254,596	\$ (6,310)
	<b>TOTAL REVENUE</b>	<b>\$ 3,615,990</b>	<b>\$ 3,967,783</b>	<b>\$ 351,793</b>
EXPENSES	Certificated Salaries	\$ 1,826,436	\$ 1,683,246	\$ (143,190)
	Classified Salaries	\$ 628,025	\$ 699,250	\$ 71,225
	Benefits	\$ 700,799	\$ 669,557	\$ (31,242)
	<i>TOTAL PERSONNEL EXPENSES</i>	<i>\$ 3,155,260</i>	<i>\$ 3,052,053</i>	<i>\$ (103,207)</i>
	Books and Supplies	\$ 139,700	\$ 292,700	\$ 153,000
	Services and Other Operating Expenses	\$ 540,415	\$ 548,049	\$ 7,634
	Capital Outlay	\$ 30,000	\$ 30,000	\$ -
	Other Outgoing	\$ -	\$ -	\$ -
	<i>TOTAL OTHER EXPENSES</i>	<i>\$ 710,115</i>	<i>\$ 870,749</i>	<i>\$ 160,634</i>
	<b>TOTAL EXPENSES</b>	<b>\$ 3,865,375</b>	<b>\$ 3,922,802</b>	<b>\$ 57,427</b>
FUND BALANCE	<b>SURPLUS\ (DEFICIT)</b>	<b>\$ (249,385)</b>	<b>\$ 44,981</b>	<b>\$ 294,366</b>
	<i>% of LCFF Revenue</i>	<i>-8.0%</i>	<i>1.4%</i>	
	BEGINNING FUND BALANCE	\$ 2,541,823	\$ 2,541,823	
	<b>ENDING BALANCE</b>	<b>\$ 2,292,438</b>	<b>\$ 2,586,804</b>	<b>\$ 294,366</b>
	<i>% of Expenses</i>	<i>59%</i>	<i>66%</i>	<i>0.0%</i>

# REVENUE INPUT

ACCT	ACCOUNT NAME	2020-21 PRELIMINARY	2020-21 REFORECAST	VARIANCE
<b>LCFF</b>				
8011	LCFF; state aid	477,527	667,074	189,547
8012	LCFF; EPA	78,720	75,240	(3,480)
8096	In-Lieu of Property Taxes	2,580,048	2,519,054	(60,994)
8019	Prior Year Income/Adjustments	-	-	-
<b>TOTAL LCFF REVENUE</b>		<b>\$ 3,136,295</b>	<b>\$ 3,261,368</b>	<b>\$ 125,073</b>
<b>FEDERAL</b>				
8181	Special Education - Federal	48,125	48,125	-
8220	Federal Child Nutrition	2,474	2,474	-
8290-32	TITLE I COVID/CARES	25,814	25,814	-
8290-71	LLMF - CARES Act Governor's Emergency Education Relief	-	29,901	29,901
8290-72	LLMF - CARES Act Coronavirus Relief	-	173,062	173,062
8291	Title I	31,346	33,568	2,222
8292	Title II	7,373	7,432	59
8293	Title III	-	-	-
8294	Title IV	10,000	10,000	-
<b>TOTAL FEDERAL REVENUE</b>		<b>\$ 125,132</b>	<b>\$ 330,376</b>	<b>\$ 205,244</b>
<b>OTHER STATE</b>				
8520	State Child Nutrition Program	323	323	-
8550	MANDATE BLOCK GRANT K-8	6,343	6,339	(3)
8560-12	RESTRICTED LOTTERY	18,066	18,066	-
8560-22	LOTTERY	51,188	51,188	-
8590-00	OTHER STATE REVENUE	-	-	-
8590-66	MENTAL HEALTH	17,738	17,738	-
8590-61	ASES	-	-	-
8590-74	LLMF - General Fund	-	27,769	27,769
8590-75	LOW PERFORMING BLOCK GRANT	-	-	-
8591	SB740	-	-	-
8599	Prior Year State Income/Adjustments	-	20	20
<b>TOTAL OTHER STATE REVENUE</b>		<b>\$ 93,657</b>	<b>\$ 121,443</b>	<b>\$ 27,786</b>
<b>LOCAL</b>				
8639	Student Lunch Revenue	-	-	-
8650	Rental Income	-	-	-
8660	Interest Income	10,000	10,000	-
8682	Foundation Grants/Donations	-	-	-
8685	School Site Fundraising	50,000	6,161	(43,839)
8698	E-rate Revenue	-	-	-
8699	All Other Local Revenue	-	1,259	1,259
8792	SPED State/Other Transfers of Apportionments from Co	200,906	237,176	36,270
8982	Foundation Grants/Donations	-	-	-
8983	All Other Local Revenue	-	-	-
<b>TOTAL LOCAL REVENUE</b>		<b>\$ 260,906</b>	<b>\$ 254,596</b>	<b>\$ (6,310)</b>
<b>TOTAL REVENUE</b>		<b>\$ 3,615,990</b>	<b>\$ 3,967,783</b>	<b>\$ 351,793</b>

ACTUAL YTD % of REFORECASTED		
ACTUAL FYTD	BUDGET	REMAINING BUDGET
<b>LCFF</b>		
125,810	19%	541,264
18,810	25%	56,430
453,429	18%	2,065,625
(325)	0%	325
<b>\$ 597,724</b>	<b>18%</b>	<b>\$ 2,663,644</b>
<b>FEDERAL</b>		
-	0%	48,125
-	0%	2,474
6,454	25%	19,360
-	0%	29,901
173,062	100%	-
-	0%	33,568
-	0%	7,432
-	0%	-
-	0%	10,000
<b>\$ 179,516</b>	<b>54%</b>	<b>\$ 150,860</b>
<b>OTHER STATE</b>		
31	10%	292
-	0%	6,339
-	0%	18,066
-	0%	51,188
-	0%	-
-	0%	17,738
-	0%	-
27,769	100%	-
-	0%	-
-	0%	-
21	103%	(1)
<b>\$ 27,821</b>	<b>23%</b>	<b>\$ 93,622</b>
<b>LOCAL</b>		
-	0%	-
-	0%	-
5,200	52%	4,800
-	0%	-
1,161	19%	5,000
-	0%	-
992	79%	267
-	0%	-
<b>\$ 7,353</b>	<b>3%</b>	<b>\$ 10,068</b>
<b>\$ 812,413</b>	<b>20%</b>	<b>\$ 2,918,193</b>

# EXPENSES INPUT

ACCT	ACCOUNT NAME	2020-21 PRELIMINARY	2020-21 REFORECAST	VARIANCE
<b>1000 - CERTIFICATED</b>				
1100	Teacher Salaries	1,453,500	1,310,310	(143,190)
1105	Teach Stipends	6,500	6,500	-
1120	Substitute Expense	-	-	-
1200	Certificated Pupil Support Salaries	55,680	55,680	-
1300	Certificated Supervisor and Administrator Salaries	256,000	256,000	-
1900	Other Certificated Salaries	54,756	54,756	-
	<b>Totals</b>	<b>\$ 1,826,436</b>	<b>\$ 1,683,246</b>	<b>\$ (143,190)</b>
<b>2000 - CLASSIFIED</b>				
2100	Instructional Aide Salaries	328,932	331,637	2,705
2200	Classified Support Salaries (Maintenance, Food)	150,960	191,420	40,460
2300	Classified Supervisor and Administrator Salaries	18,200	55,500	37,300
2400	Clerical, Technical and Office Staff Salaries	129,933	120,693	(9,240)
2900	Other Classified Salaries	-	-	-
	<b>Totals</b>	<b>\$ 628,025</b>	<b>\$ 699,250</b>	<b>\$ 71,225</b>
<b>3000 - BENEFITS</b>				
3101	State Teachers' Retirement System, certificated positions	294,969	271,962	(23,007)
3202	Public Employees Retirement System	-	-	-
3313	OASDI	38,938	42,099	3,162
3323	Medicare	35,590	34,263	(1,326)
3403	Health & Welfare Benefits	282,463	272,559	(9,904)
3503	State Unemployment Insurance	21,840	22,680	840
3603	Worker Compensation Insurance	26,999	25,993	(1,006)
3703	Other Post Employment Benefits	-	-	-
3903	Other Employee Benefits	-	-	-
	<b>Totals</b>	<b>\$ 700,799</b>	<b>\$ 669,557</b>	<b>\$ (31,242)</b>
	<b>TOTAL PERSONEL EXPENSE</b>	<b>\$ 3,155,260</b>	<b>\$ 3,052,053</b>	<b>\$ (103,207)</b>
<b>4000 - BOOKS AND SUPPLIES</b>				
4100	Approved Textbooks and Core Curricula Materials	3,500	3,500	-
4200	Books and Other Reference Materials	4,000	12,000	8,000
4300	Materials and Supplies	17,000	27,000	10,000
4309	Sales and Use Tax Expenses	500	500	-
4315	Classroom Materials and Supplies	22,000	22,000	-
4342	Materials for School Sponsored Athletics	-	-	-
4381	Plant/Facilities Maintenance	15,000	60,000	45,000
4400	Noncapitalized Equipment	20,000	20,000	-
4407	Student Educational Software	-	20,000	20,000
4410	Software & Software Licensing	24,000	24,000	-
4430	Noncapitalized Student Equipment	30,000	100,000	70,000
4700	Food and Food Supplies	3,700	3,700	-
	<b>TOTAL BOOKS AND SUPPLIES</b>	<b>\$ 139,700</b>	<b>\$ 292,700</b>	<b>\$ 153,000</b>
<b>5000 - SERVICES AND OTHER OPEX</b>				
5200	Travel and Conferences	6,000	6,000	-
5210	Training and Development Expense	21,813	21,813	-
5300	Dues and Memberships	3,500	3,500	-
5400	Insurance	30,000	30,000	-
5500	Operation and Housekeeping Services	14,000	4,000	(10,000)
5501	Utilities	50,000	50,000	-
5600	Space Rental/Leases Expense	120	120	-
5601	Building Maintenance	5,000	40,000	35,000
5602	Other Space Rental	1,500	1,500	-
5605	Equipment Rental/Lease Expense	17,000	17,000	-
5610	Equipment Repair	4,000	4,000	-
5800	Professional/Consulting Services and Operating Expenditures	19,000	19,000	-
5803	Banking and Payroll Service Fees	14,500	14,500	-
5805	Legal Services and Audit	12,000	12,000	-
5806	Audit Services	10,500	10,500	-
5807	Legal Settlements	12,000	12,000	-
5809	Employee Tuition Reimbursement	389	389	-
5810	Educational Consultants	63,000	63,000	-
5811	Student Transportation and Field Trips	10,000	5,000	(5,000)
5812	Other Student Activities	580	580	-
5815	Advertising/Recruiting	2,000	2,000	-
5820	Fundraising Expense	13,366	-	(13,366)
5830	Field Trips	24,000	10,000	(14,000)
5836	Transportation Services	-	-	-
5842	Services Student Athletics	-	-	-
5850	Scholarships Awarded	-	-	-
5873	Financial Services	65,000	65,000	-
5874	Personnel Services	1,000	1,000	-
5875	District Oversight Fee	94,089	94,089	-
5877	IT Services	15,000	30,000	15,000
5890	Interest Expenses/Fees	1,058	1,058	-
5900	Communications (Tele., Internet, Copies, Postage, Messenger)	30,000	30,000	-
5998	Unallocated Credit Card Expense	-	-	-
	<b>TOTAL SERVICES AND OTHER OPEX</b>	<b>\$ 540,415</b>	<b>\$ 548,049</b>	<b>\$ 7,634</b>
<b>6000 - CAPITAL OUTLAY</b>				
6900	Depreciation Expense	30,000	30,000	-
	<b>TOTAL DEPRECIATION</b>	<b>\$ 30,000</b>	<b>\$ 30,000</b>	<b>\$ -</b>
<b>7000 - OTHER OUTGOING</b>				
7438	Debt Service Interest	-	-	-
	<b>TOTAL OTHER OUTGOING</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
	<b>TOTAL EXPENSES</b>	<b>\$ 3,865,375</b>	<b>\$ 3,922,802</b>	<b>\$ 57,427</b>

		ACTUAL YTD % of		
ACTUAL FYTD	REFORECASTED BUDGET	REMAINING BUDGET		
335,942	26%	974,368		
-	0%	6,500		
-	0%	-		
7,511	13%	48,169		
64,000	25%	192,000		
5,689	10%	49,067		
<b>413,142</b>	<b>25%</b>	<b>1,270,104</b>		
66,940	20%	264,697		
32,774	17%	158,646		
18,000	32%	37,500		
26,908	22%	93,785		
-	0%	-		
<b>144,622</b>	<b>21%</b>	<b>554,628</b>		
66,722	25%	205,240		
-	0%	-		
8,905	21%	33,194		
8,052	23%	26,212		
85,383	31%	187,177		
1,715	8%	20,965		
4,447	17%	21,546		
-	0%	-		
-	0%	-		
<b>\$ 175,224</b>	<b>26%</b>	<b>\$ 494,334</b>		
<b>\$ 732,988</b>	<b>24%</b>	<b>\$ 2,319,065</b>		
<b>4000 - BOOKS AND SUPPLIES</b>				
187	5%	3,313		
3,329	28%	8,671		
9,098	34%	17,902		
500	0%	500		
8,707	40%	13,293		
-	0%	-		
20,551	34%	39,449		
14,597	73%	5,403		
14,686	73%	5,314		
19,082	80%	4,918		
779	1%	99,221		
-	0%	3,700		
<b>91,015</b>		<b>201,685</b>		
<b>5000 - SERVICES AND OTHER OPEX</b>				
909	26%	2,591		
12,663	42%	17,337		
1,449	36%	2,551		
444	1%	49,556		
-	0%	120		
-	0%	1,500		
3,441	20%	13,559		
976	24%	3,024		
9,412	50%	9,588		
2,380	16%	12,120		
8,294	69%	3,706		
2,740	26%	7,760		
-	0%	12,000		
-	0%	389		
665	1%	62,335		
370	7%	4,630		
-	0%	580		
-	0%	2,000		
-	0%	-		
-	0%	-		
16,250	25%	48,750		
100	10%	900		
-	0%	94,089		
1,725	6%	28,275		
375	35%	683		
-	0%	-		
<b>62,203</b>	<b>11%</b>	<b>388,033</b>		
<b>6000 - CAPITAL OUTLAY</b>				
-	0%	30,000		
-	0%	30,000		
<b>7000 - OTHER OUTGOING</b>				
-	0%	-		
<b>\$ -</b>	<b>#DIV/0!</b>	<b>\$ -</b>		
<b>\$ 886,206</b>	<b>23%</b>	<b>\$ 2,938,783</b>		



### Charter School First Interim Report

FY 2020-2021

For the Period July 1 2020 through October 31, 2020

Accrual Basis

Financial Accounting Department

Charter Schools Accounting Office

Authorizing Agency Contact: Theresa Goody (tgoody@sandi.net)

Authorizing Agency Contact: Nadine Creer (ncreer@sandi.net)

Charter School Name:	Innovations Academy
CDS #:	37-68338-0118083
Charter Approving Entity:	San Diego Unified School District 37-68338
County:	San Diego
SBE Charter #:	1024

Has board approved a revised budget? (check box below)

No.

Yes. (Enter board approved revision date below)

Revised Date: 12/8/2020

Description	Object Code					(A + C)	(B + D)	(E + H)	(G - E)
		A	B	C	D	E	F	G	H
		Unrestricted Budget	Unrestricted Actuals through 10/31/20	Restricted Budget	Restricted Actuals through 10/31/20	Total Budget	Total Actuals through 10/31/20	Projected EFB/NP (Higher of Budget or Actual)	Amount over Budget
<b>A. REVENUES (8000-8799)</b>									
1. Local Control Funding Formula (LCFF) Sources - (8011-8097)									
LCFF State Aid - Current Year (CY) (Res 0000)	8011	667,074	185,576			667,074	185,576	667,074	-
Education Protection Account State Aid (EPA) - CY (Res 1400)	8012	75,240	18,810			75,240	18,810	75,240	-
State Aid - Prior Years (LCFF State Aid and EPA) (Res 0000 and Res 1400)	8019		(650)			-	(650)	-	-
Transfers to Charter Schools In Lieu of Property Taxes - CY & PY (Res 0000)	8096	2,519,054	654,988			2,519,054	654,988	2,519,054	-
Other LCFF Transfers	8091, 8097					-	-	-	-
<b>Total, LCFF Sources</b>		<b>3,261,368</b>	<b>858,724</b>	<b>-</b>	<b>-</b>	<b>3,261,368</b>	<b>858,724</b>	<b>3,261,368</b>	<b>-</b>
2. Federal Revenues (8100-8299)									
ESEA (ESSA), Title I, Part A, Basic Grants Low-Income and Neglected (Res 3010)	8290			33,568	8,392	33,568	8,392	33,568	-
ESEA (ESSA): Title II, Part A, Improving Teacher Quality Program (Res 4035)	8290			7,432	1,858	7,432	1,858	7,432	-
ESEA (ESSA): Title III, Limited English Proficient Student Program (Res 4203)	8290					-	-	-	-
ESEA (ESSA): Title III, Immigrant Education Program (Res 4201)	8290					-	-	-	-
ESEA (ESSA): Title IV, 21st Century Learning Communities (Res 4124)	8290					-	-	-	-
ESEA (ESSA): Title IV, Part A, Student Support and Academic Enrichment Grants (Res 4127)	8290			10,000	2,500	10,000	2,500	10,000	-
ESSA: Title V, Part B, Public Charter Schools Grant Program (Res 4610)	8290					-	-	-	-
Fed SpEd, IDEA Basic Local Assistance Entitlement, Part B, Sec 611 (Res 3310)	8181			48,125		48,125		48,125	-
Fed Sp Ed, IDEA Mental Health Allocation Plan, Part B, Sec 611 (Res 3327)	8182					-	-	-	-
Child Nutrition - Federal (NSLP) (Res 5310 and others)	8220			2,474		2,474		2,474	-
Maintenance and Operations (Public Law 81-874) (Res 0000)	8110					-	-	-	-
Other Federal Revenues (All other resources not reported separately)	8100-8299			198,876	179,516	198,876	179,516	198,876	-
<b>Total - Federal Revenues</b>		<b>-</b>	<b>-</b>	<b>300,475</b>	<b>192,266</b>	<b>300,475</b>	<b>192,266</b>	<b>300,475</b>	<b>-</b>
3. Other State Revenues (8300-8599)									
State Special Education (Res 6500)	8792			237,176	63,454	237,176	63,454	237,176	-
State Special Education Mental Health Services (Res 6512)	8590			17,738		17,738		17,738	-
Mandate Block Grant (Res 0000)	8550	6,339				6,339		6,339	-
After School Education and Safety (ASES) (Res 6010)	8677, 8590					-	-	-	-
Common Core Standards Implementation (Res 7405)	8590					-	-	-	-
Charter School Facility Grant Program (SB 740) (Res 6030)	8590					-	-	-	-
COVID-19 LEA Response Funds (SB 117) (Res 7388)	8590					-	-	-	-
Lottery, Unrestricted (Res 1100)	8560	51,188				51,188		51,188	-
Lottery, Restricted - Prop 20 (Res 6300)	8560			18,066		18,066		18,066	-
Proposition 39 - California Clean Energy Jobs Act (Res 6230)	8590					-	-	-	-
Other State Revenues (All other resources not reported separately)	8300-8599		62	58,013	27,759	58,013	27,821	58,013	-
<b>Total - Other State Revenues</b>		<b>57,527</b>	<b>62</b>	<b>330,993</b>	<b>91,213</b>	<b>388,520</b>	<b>91,275</b>	<b>388,520</b>	<b>-</b>
4. Local Revenue (8600-8799)									
All Local Revenues	8600-8799	17,420	15,147			17,420	15,147	17,420	-
<b>Total - Local Revenues</b>		<b>17,420</b>	<b>15,147</b>	<b>-</b>	<b>-</b>	<b>17,420</b>	<b>15,147</b>	<b>17,420</b>	<b>-</b>
<b>5. TOTAL REVENUES</b>		<b>3,336,315</b>	<b>873,933</b>	<b>631,468</b>	<b>283,479</b>	<b>3,967,783</b>	<b>1,157,412</b>	<b>3,967,783</b>	<b>-</b>
<b>B. EXPENDITURES AND OTHER OUTGO (1000-7499)</b>									
1. Certificated Salaries									
Teachers' Salaries	1100	1,186,580	372,966	130,230	83,587	1,316,810	456,552	1,316,810	-
Pupil Support Salaries	1200	-	-	55,680	10,020	55,680	10,020	55,680	-
Supervisors' and Administrators' Salaries	1300	256,000	80,633		4,700	256,000	85,333	256,000	-
Other Certificated Salaries	1900	-	-	54,756	12,526	54,756	12,526	54,756	-
<b>Total, Certificated Salaries</b>		<b>1,442,580</b>	<b>453,599</b>	<b>240,666</b>	<b>110,832</b>	<b>1,683,246</b>	<b>564,432</b>	<b>1,683,246</b>	<b>-</b>

### Charter School First Interim Report

FY 2020-2021

For the Period July 1 2020 through October 31, 2020

Accrual Basis

Financial Accounting Department

Charter Schools Accounting Office

Authorizing Agency Contact: Theresa Goody (tgoody@sandi.net)

Authorizing Agency Contact: Nadine Creer (ncreer@sandi.net)

Charter School Name:	Innovations Academy
CDS #:	37-68338-0118083
Charter Approving Entity:	San Diego Unified School District 37-68338
County:	San Diego
SBE Charter #:	1024

Has board approved a revised budget? (check box below)

No.

Yes. (Enter board approved revision date below)

Revised Date: 12/8/2020

Description	Object Code					(A+C)	(B+D)	(E+H)	(G-E)
		A	B	C	D	E	F	G	H
		Unrestricted Budget	Unrestricted Actuals through 10/31/20	Restricted Budget	Restricted Actuals through 10/31/20	Total Budget	Total Actuals through 10/31/20	Projected EFB/NP (Higher of Budget or Actual)	Amount over Budget
<b>2. Classified Salaries</b>									
Instructional Salaries	2100	302,660	89,054	28,977	8,266	331,637	97,320	331,637	-
Support Salaries	2200	133,670	26,717	57,750	21,817	191,420	48,533	191,420	-
Supervisors' and Administrators' Salaries	2300	55,500	21,000			55,500	21,000	55,500	-
Clerical and Office Salaries	2400	82,563	24,370	38,130	14,482	120,693	38,852	120,693	-
Other Classified Salaries	2900					-	-	-	-
<b>Total, Classified Salaries</b>		<b>574,393</b>	<b>161,140</b>	<b>124,857</b>	<b>44,565</b>	<b>699,250</b>	<b>205,705</b>	<b>699,250</b>	<b>-</b>
<b>3. Employee Benefits</b>									
STRS	3101-3102	233,094	72,324	38,868	17,899	271,962	90,223	271,962	-
PERS	3201-3202					-	-	-	-
OASDI/Medicare (Social Security)	3301-3302	54,494	18,801	21,869	4,993	76,363	23,794	76,363	-
Health and Welfare Benefits	3401-3402	225,115	103,138	47,444	234	272,559	103,372	272,559	-
Unemployment Insurance	3501-3502	16,800	1,783	5,880	275	22,680	2,058	22,680	-
Workers' Compensation Insurance	3601-3602	20,703	5,778	5,290	-	25,993	5,778	25,993	-
OPEB, Allocated	3701-3702					-	-	-	-
OPEB, Active Employees	3751-3752					-	-	-	-
Other Employee Benefits	3901-3902					-	-	-	-
<b>Total, Employee Benefits</b>		<b>550,206</b>	<b>201,823</b>	<b>119,351</b>	<b>23,401</b>	<b>669,557</b>	<b>225,225</b>	<b>669,557</b>	<b>-</b>
<b>4. Books and Supplies</b>									
Approved Textbooks and Core Curricula Materials	4100	3,500	187		-	3,500	187	3,500	-
Books and Other Reference Materials	4200	2,000	2,919	10,000	3,223	12,000	6,142	12,000	-
Materials and Supplies	4300	79,500	23,685	30,000	21,599	109,500	45,284	109,500	-
Non-capitalized Equipment	4400	64,000	41,449	100,000	15,246	164,000	56,694	164,000	-
Food (Food used in food-service activities for which the purpose is nutrition)	4700	-		3,700		3,700	-	3,700	-
<b>Total, Books and Supplies</b>		<b>149,000</b>	<b>68,239</b>	<b>143,700</b>	<b>40,067</b>	<b>292,700</b>	<b>108,306</b>	<b>292,700</b>	<b>-</b>
<b>5. Services and Other Operating Expenditures</b>									
Subagreements for Services	5100		2,472		-	-	2,472	2,472	2,472
Travel and Conferences	5200	17,813	11,456	10,000	2,750	27,813	14,206	27,813	-
Dues and Memberships	5300	3,500	1,048			3,500	1,048	3,500	-
Insurance	5400	30,000	15,623			30,000	15,623	30,000	-
Operations and Housekeeping Services	5500	54,000	3,101			54,000	3,101	54,000	-
Rentals,Leases,Repairs,and Noncapitalized Improvements	5600	62,620	6,233			62,620	6,233	62,620	-
Transfer of Direct Costs ( <i>MUST net to zero</i> )	5700					-	-	-	-
Prof/Consulting Svcs and Operating Expend ( <i>Include District Oversight</i> )	5800	289,736	53,719	63,000	4,343	352,736	58,062	352,736	-
Communications	5900	30,000	11,165			30,000	11,165	30,000	-
<b>Total, Services and Other Operating Expenditures</b>		<b>487,669</b>	<b>104,817</b>	<b>73,000</b>	<b>7,093</b>	<b>560,669</b>	<b>111,909</b>	<b>563,141</b>	<b>2,472</b>
<b>6. Capital Outlay</b>									
Depreciation Expense (See Sections G.9 & F.2.a)	6900	30,000				30,000	-	30,000	-
<b>Total, Capital Outlay</b>		<b>30,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>30,000</b>	<b>-</b>	<b>30,000</b>	<b>-</b>
<b>7. Other Outgo</b>									
Tuition to Other Schools ( <i>Include contribution to unfunded cost of Sp Ed.</i> )	7110-7143					-	-	-	-
Transfers of Pass-Through Revenues to Other LEAs	7211-7213					-	-	-	-
Transfers of Apportionments to Other LEAs - Spec Ed and All Others	7221-7223					-	-	-	-
All Other Transfers	7280-7299					-	-	-	-
Transfers of Indirect Costs ( <i>MUST net to zero</i> )	7300-7399					-	-	-	-
Debt Service - Interest	7430-7439					-	-	-	-
Debt Service - Principal (FOR MODIFIED ACCRUAL BASIS ONLY)	7439					-	-	-	-
<b>Total, Other Outgo</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>8. TOTAL EXPENDITURES</b>		<b>3,233,848</b>	<b>989,619</b>	<b>701,574</b>	<b>225,958</b>	<b>3,935,422</b>	<b>1,215,577</b>	<b>3,937,894</b>	<b>2,472</b>
<b>C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPEND. BEFORE OTHER FINANCING SOURCES AND USES (A5-B8)</b>		<b>102,467</b>	<b>(115,686)</b>	<b>(70,106)</b>	<b>57,521</b>	<b>32,361</b>	<b>(58,165)</b>	<b>29,889</b>	<b>-</b>

### Charter School First Interim Report

FY 2020-2021

For the Period July 1 2020 through October 31, 2020

Accrual Basis

Financial Accounting Department

Charter Schools Accounting Office

Authorizing Agency Contact: Theresa Goody (tgoody@sandi.net)

Authorizing Agency Contact: Nadine Creer (ncreer@sandi.net)

Charter School Name:	Innovations Academy
CDS #:	37-68338-0118083
Charter Approving Entity:	San Diego Unified School District 37-68338
County:	San Diego
SBE Charter #:	1024

Has board approved a revised budget? (check box below)

No.

Yes. (Enter board approved revision date below)

Revised Date: 12/8/2020

Description	Object Code	A	B	C	D	(A + C)	(B + D)	(E + H)	(G - E)
		Unrestricted Budget	Unrestricted Actuals through 10/31/20	Restricted Budget	Restricted Actuals through 10/31/20	Total Budget	Total Actuals through 10/31/20	Projected EFB/NP (Higher of Budget or Actual)	Amount over Budget
<b>D. OTHER FINANCING SOURCES/USES (7600-7699, 8930-8999)</b>									
1. All Other Financing Sources	8930-8979					-	-	-	
2. Other Uses	7630-7699					-	-	-	
3. Contributions between unrestricted and restricted accounts ( <i>MUST net to zero</i> ) ( <i>Include contribution to the unfunded cost of Special Education</i> )	8980-8999	(110,975)		110,975		-	-	-	
4. TOTAL OTHER FINANCING SOURCES/USES		(110,975)	-	110,975	-	-	-	-	
<b>E. NET INCREASE (DECREASE) IN FUND BALANCE/NET POSITION (C + D.4.)</b>		(8,508)	(115,686)	40,869	57,521	32,361	(58,165)	29,889	
<b>F. FUND BALANCE/NET POSITION (Budget and Actuals MUST match) (F.1.a-b)</b>									
1. Beginning Fund Balance/Net Position									
a. July 1 ( <b>MUST</b> match EFB/Net Position of PY Unaudited Actuals, Section F.2)	9791	2,539,597	2,539,597	14,846	14,846	2,554,443	2,554,443	2,554,443	
b. Adjustments/Restatements	9793, 9795	-	-	-	-	-	-	-	
c. Adjusted Beginning Fund Balance/Net Position		2,539,597	2,539,597	14,846	14,846	2,554,443	2,554,443	2,554,443	
<b>2. Projected Ending Fund Balance/Net Position, June 30 (E + F.1.c.)</b>	See cell M128	2,531,089	2,423,912	55,715	72,366	2,586,804	2,496,278	2,584,332	
<b>Components of Ending Net Position</b>									
a. Net Investment in Capital Assets ( <i>See Sections B.6 and G.9</i> )	9796		197,452				197,452		
b. Restricted Net Position	9797				72,366		72,366		
c. Unrestricted Net Position	9791		2,226,460		-		2,226,460		
<b>G. ASSETS</b>									
1. Cash									
In County Treasury	9110		1,256,365				1,256,365		
Fair Value Adjustment to Cash in County Treasury	9111						-		
In Banks	9120		1,034,703		72,366		1,107,069		
In Revolving Fund	9130						-		
With Fiscal Agent/Trustee	9135						-		
Collections Awaiting Deposit	9140						-		
2. Investments	9150						-		
3. Accounts Receivable	9200		588				588		
4. Due From Grantor Government	9290		66,482				66,482		
5. Due From Other Funds	9310						-		
6. Stores	9320						-		
7. Prepaid Expenditures (Expenses)	9330						-		
8. Other Current Assets	9340						-		
9. Capital Assets ( <i>See Sections B.6 &amp; F.2.a</i> )	9400-9489		197,452				197,452		
10. Total Assets			2,555,590		72,366		2,627,956		
<b>H. DEFERRED OUTFLOWS OF RESOURCES</b>									
1. Deferred Outflows of Resources	9490						-		
2. Total Deferred Outflows			-		-		-		

### Charter School First Interim Report

FY 2020-2021

For the Period July 1 2020 through October 31, 2020

Accrual Basis

Financial Accounting Department

Charter Schools Accounting Office

Authorizing Agency Contact: Theresa Goody (tgoody@sandi.net)

Authorizing Agency Contact: Nadine Creer (ncreer@sandi.net)

Charter School Name:	Innovations Academy
CDS #:	37-68338-0118083
Charter Approving Entity:	San Diego Unified School District 37-68338
County:	San Diego
SBE Charter #:	1024

Has board approved a revised budget? (check box below)

No.

Yes. (Enter board approved revision date below)

Revised Date: 12/8/2020

Description	Object Code	A	B	C	D	(A + C) E	(B + D) F	(E + H) G	(G - E) H
		Unrestricted Budget	Unrestricted Actuals through 10/31/20	Restricted Budget	Restricted Actuals through 10/31/20	Total Budget	Total Actuals through 10/31/20	Projected EFB/NP (Higher of Budget or Actual)	Amount over Budget
<b>I. LIABILITIES</b>									
1. Accounts Payable	9500		73,985				73,985		
2. Due to Grantor Government	9590		57,693				57,693		
3. Due to Other Funds	9610						-		
4. Current Loans	9640						-		
5. Deferred Revenue	9650						-		
6. Long-term Liabilities	9660-9669						-		
7. Total Liabilities			131,678		-		131,678		
<b>J. DEFERRED INFLOWS OF RESOURCES</b>									
1. Deferred Inflows of Resources	9690						-		
2. Total Deferred inflows of Resources			-		-		-		
<b>K. ENDING FUND BALANCE/NET POSITION, October 31, 2020</b>									
1. Ending Fund Balance/Net Position (G10+H2-I7-J2)			2,423,912		72,366		2,496,278		

*(MUST agree with F:Z)*

**BUDGET VARIANCE ANALYSIS**  
**1st Interim Budget vs Adopted Budget**  
**FY 2020-21**

**Instructions:**

Column G " Adopted Budget (A)" - manual input (data source: Preliminary Budget)  
 Column H "1st Interim Budget" - will automatically populate (linked to 1st Interim tab)  
 Column I "\$ Difference" - will automatically populate  
 Column J "% Change" - will automatically populate  
 Column K "Explanation" - provide an explanation if Column J is highlighted in RED

Charter School Name:	Innovations Academy
CDS #:	37-68338-0118083
Charter Approving Entity:	San Diego Unified School District 37-68338
County:	San Diego
SBE Charter #:	1024

Description	Object Code	1st Interim Budget vs Adopted Budget				Explanation of Change <i>(e.g. enrollment increase from 350 students to 280.; one-time purchase of 100 chrome books, etc.)</i> =>10% and =>(-10%)
		Adopted Budget (A)	1st Interim Budget (B)	\$ Difference (Col B & A) (C)	% Change (C/A) (D)	
<b>A. REVENUES (8000-8799)</b>						
1. Local Control Funding Formula (LCFF) Sources - (8011-8097)						
LCFF State Aid - Current Year (CY) (Res 0000)	8011	477,527	667,074	189,547	40%	Governor removed a portion of the original 10% cut.
Education Protection Account State Aid (EPA) - CY (Res 1400)	8012	78,720	75,240	(3,480)	-4%	
State Aid - Prior Years (LCFF State Aid and EPA) (Res 0000 and Res 1400)	8019	-	-	-	0%	
Transfers to Charter Schools In Lieu of Property Taxes - CY & PY (Res 0000)	8096	2,580,048	2,519,054	(60,994)	-2%	
Other LCFF Transfers	8091, 8097	-	-	-	0%	
<b>Total, LCFF Sources</b>		<b>3,136,295</b>	<b>3,261,368</b>	<b>125,073</b>	<b>4%</b>	
2. Federal Revenues (8100-8299)						
ESEA (ESSA), Title I, Part A, Basic Grants Low-Income and Neglected (Res 3010)	8290	31,346	33,568	2,222	7%	LLMF Cares act funding.
ESEA (ESSA): Title II, Part A, Improving Teacher Quality Program (Res 4035)	8290	7,373	7,432	59	1%	
ESEA (ESSA): Title III, Limited English Proficient Student Program (Res 4203)	8290	-	-	-	0%	
ESEA (ESSA): Title III, Immigrant Education Program (Res 4201)	8290	-	-	-	0%	
ESEA (ESSA): Title IV, 21st Century Learning Communities (Res 4124)	8290	-	-	-	0%	
ESEA (ESSA): Title IV, Part A, Student Support and Academic Enrichment Grants (Res 4)	8290	10,000	10,000	-	0%	
ESSA: Title V, Part B, Public Charter Schools Grant Program (Res 4610)	8290	-	-	-	0%	
Fed SpEd, IDEA Basic Local Assistance Entitlement, Part B, Sec 611 (Res 3310)	8181	48,125	48,125	-	0%	
Fed Sp Ed, IDEA Mental Health Allocation Plan, Part B, Sec 611 (Res 3327)	8182	-	-	-	0%	
Child Nutrition - Federal (NSLP) (Res 5310 and others)	8220	2,474	2,474	-	0%	
Maintenance and Operations (Public Law 81-874) (Res 0000)	8110	-	-	-	0%	
Other Federal Revenues (All other resources not reported separately)	8100-8299	25,814	198,876	173,062	670%	
<b>Total - Federal Revenues</b>		<b>125,132</b>	<b>300,475</b>	<b>175,343</b>	<b>140%</b>	
3. Other State Revenues (8300-8599)						
State Special Education (Res 6500)	8792	200,906	237,176	36,270	18%	Increase in SPED revenue rate.
State Special Education Mental Health Services (Res 6512)	8590	17,738	17,738	-	0%	
Mandate Block Grant (Res 0000)	8550	6,343	6,339	(4)	0%	
After School Education and Safety (ASES) (Res 6010)	8677, 8590	-	-	-	0%	
Common Core Standards Implementation (Res 7405)	8590	-	-	-	0%	
Charter School Facility Grant Program (SB 740) (Res 6030)	8590	-	-	-	0%	
COVID-19 LEA Response Funds (SB 117) (Res 7388)	8590	-	-	-	0%	
Lottery, Unrestricted (Res 1100)	8560	51,188	51,188	-	0%	
Lottery, Restricted - Prop 20 (Res 6300)	8560	18,066	18,066	-	0%	
Proposition 39 - California Clean Energy Jobs Act (Res 6230)	8590	-	-	-	0%	
Other State Revenues (All other resources not reported separately)	8300-8599	323	58,013	57,690	17861%	
<b>Total - Other State Revenues</b>		<b>294,564</b>	<b>388,520</b>	<b>93,956</b>	<b>32%</b>	
4. Local Revenue (8600-8799)						
All Local Revenues	8600-8799	60,000	17,420	(42,580)	-71%	Due to COVID - removal of fundraising revenue.
<b>Total - Local Revenues</b>		<b>60,000</b>	<b>17,420</b>	<b>(42,580)</b>	<b>-71%</b>	
<b>5. TOTAL REVENUES</b>		<b>3,615,991</b>	<b>3,967,783</b>	<b>351,792</b>	<b>1</b>	
<b>B. EXPENDITURES AND OTHER OUTGO (1000-7499)</b>						
1. Certificated Salaries						
Teachers' Salaries	1100	1,460,000	1,316,810	(143,190)	-10%	
Pupil Support Salaries	1200	55,680	55,680	-	0%	
Supervisors' and Administrators' Salaries	1300	256,000	256,000	-	0%	
Other Certificated Salaries	1900	54,756	54,756	-	0%	
<b>Total, Certificated Salaries</b>		<b>1,826,436</b>	<b>1,683,246</b>	<b>(143,190)</b>	<b>-8%</b>	
2. Classified Salaries						
Instructional Salaries	2100	328,932	331,637	2,705	1%	Adjustments to account for new season.
Support Salaries	2200	150,960	191,420	40,460	27%	
Supervisors' and Administrators' Salaries	2300	18,200	55,500	37,300	205%	
Clerical and Office Salaries	2400	129,933	120,693	(9,240)	-7%	
Other Classified Salaries	2900	-	-	-	0%	
<b>Total, Classified Salaries</b>		<b>628,025</b>	<b>699,250</b>	<b>71,225</b>	<b>11%</b>	

**BUDGET VARIANCE ANALYSIS**  
**1st Interim Budget vs Adopted Budget**  
**FY 2020-21**

**Instructions:**

Column G " Adopted Budget (A)" - manual input (data source: Preliminary Budget)  
 Column H "1st Interim Budget" - will automatically populate (linked to 1st Interim tab)  
 Column I "\$ Difference" - will automatically populate  
 Column J "% Change" - will automatically populate  
 Column K "Explanation" - provide an explanation if Column J is highlighted in **RED**

Charter School Name:	Innovations Academy
CDS #:	37-68338-0118083
Charter Approving Entity:	San Diego Unified School District 37-68338
County:	San Diego
SBE Charter #:	1024

Description	Object Code	1st Interim Budget vs Adopted Budget				Explanation of Change <i>(e.g. enrollment increase from 350 students to 280.; one-time purchase of 100 chrome books, etc.)</i> =>10% and =>(-10%)
		Adopted Budget (A)	1st Interim Budget (B)	\$ Difference (Col B & A) (C)	% Change (C/A) (D)	
<b>3. Employee Benefits</b>						
STRS	3101-3102	294,969	271,962	(23,007)	-8%	
PERS	3201-3202		-	-	0%	
OASDI/Medicare (Social Security)	3301-3302	74,527	76,363	1,836	2%	
Health and Welfare Benefits	3401-3402	282,463	272,559	(9,904)	-4%	
Unemployment Insurance	3501-3502	21,840	22,680	840	4%	
Workers' Compensation Insurance	3601-3602	26,999	25,993	(1,006)	-4%	
OPEB, Allocated	3701-3702		-	-	0%	
OPEB, Active Employees	3751-3752		-	-	0%	
Other Employee Benefits	3901-3902		-	-	0%	
<b>Total, Employee Benefits</b>		<b>700,798</b>	<b>669,557</b>	<b>(31,241)</b>	<b>-4%</b>	
<b>4. Books and Supplies</b>						
Approved Textbooks and Core Curricula Materials	4100	3,500	3,500	-	0%	
Books and Other Reference Materials	4200	4,000	12,000	8,000	200%	Increase to account for expenses realted to COVID LLMF Cares Act funding
Materials and Supplies	4300	54,500	109,500	55,000	101%	Increase to account for expenses realted to COVID LLMF Cares Act funding
Non-capitalized Equipment	4400	74,000	164,000	90,000	122%	Increase to account for expenses realted to COVID LLMF Cares Act funding
Food (Food used in food-service activities for which the purpose is nutrition)	4700	3,700	3,700	-	0%	
<b>Total, Books and Supplies</b>		<b>139,700</b>	<b>292,700</b>	<b>153,000</b>	<b>110%</b>	
<b>5. Services and Other Operating Expenditures</b>						
Subagreements for Services	5100		-	-	0%	
Travel and Conferences	5200	27,813	27,813	-	0%	
Dues and Memberships	5300	3,500	3,500	-	0%	
Insurance	5400	30,000	30,000	-	0%	
Operations and Housekeeping Services	5500	64,000	54,000	(10,000)	-16%	Previously overbudgeted.
Rentals,Leases,Repairs,and Noncapitalized Improvements	5600	27,620	62,620	35,000	127%	Increase to account for school move.
Transfer of Direct Costs ( <i>MUST net to zero</i> )	5700		-	-	0%	
Prof/Consulting Svcs and Operating Expend ( <i>Include District Oversight</i> )	5800	357,484	352,736	(4,748)	-1%	
Communications	5900	30,000	30,000	-	0%	
<b>Total, Services and Other Operating Expenditures</b>		<b>540,417</b>	<b>560,669</b>	<b>20,252</b>	<b>4%</b>	
<b>6. Capital Outlay</b>						
Depreciation Expense (See Sections G.9 & F.2.a)	6900	30,000	30,000	-	0%	
<b>Total, Capital Outlay</b>		<b>30,000</b>	<b>30,000</b>	<b>-</b>	<b>0%</b>	
<b>7. Other Outgo</b>						
Tuition to Other Schools ( <i>Include contribution to unfunded cost of Sp Ed.</i> )	7110-7143		-	-	0%	
Transfers of Pass-Through Revenues to Other LEAs	7211-7213		-	-	0%	
Transfers of Apportionments to Other LEAs - Spec Ed and All Others	7221-7223		-	-	0%	
All Other Transfers	7280-7299		-	-	0%	
Transfers of Indirect Costs ( <i>MUST net to zero</i> )	7300-7399		-	-	0%	
Debt Service - Interest	7430-7439		-	-	0%	
Debt Service - Principal (FOR MODIFIED ACCRUAL BASIS ONLY)	7439		-	-	0%	
<b>Total, Other Outgo</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>0%</b>	
<b>8. TOTAL EXPENDITURES</b>		<b>3,865,376</b>	<b>3,935,422</b>	<b>70,046</b>	<b>112%</b>	
<b>C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPEND.</b>						
BEFORE OTHER FINANCING SOURCES AND USES (A5-B8)		(249,385)	32,361			
<b>D. OTHER FINANCING SOURCES/USES (7600-7699, 8930-8999)</b>						
1. All Other Financing Sources	8930-8979		-	-		
2. Other Uses	7630-7699		-	-		
3. Contributions between unrestricted and restricted accounts ( <i>MUST net to zero</i> ) ( <i>Include contribution to the unfunded cost of Special Education</i> )	8980-8999		-	-		
<b>4. TOTAL OTHER FINANCING SOURCES/USES</b>			<b>-</b>	<b>-</b>		
<b>E. NET INCREASE (DECREASE) IN FUND BALANCE/NET POSITION (C + D.4.)</b>		<b>(249,385)</b>	<b>32,361</b>	<b>-</b>		

# **Local Control Funding Formula (LCFF) Budget Overview for Parents Template**

Developed by the California Department of Education, September 2020

## LCFF Budget Overview for Parents Data Entry Instructions

These instructions are for the completion of the Local Control Funding Formula (LCFF) Budget Overview for Parents.

Notice that there are 5 tabs along the bottom of the workbook titled: 'Title Page', 'Instructions', 'Data Input', 'Narrative Responses', and 'Template'. The local educational agency (LEA) will enter its data in the 'Data Input' tab and then respond to the available prompts in the 'Narrative Responses' tab; please note that certain prompts in the 'Narrative Responses' tab are conditional. This information will automatically populate the 'Template' pages of the Budget Overview for Parents with the information. The tabs 'Title Page', 'Instructions', 'Data Input', and 'Narrative Responses' are "inward facing" and are intended for use by LEA personnel. The information contained in the 'Template' tab will be "outward facing", or the information that will be available to the LEA's parents and stakeholders. To start, ensure that you are on the 'Data Input' worksheet by clicking on the 'Data Input' in the lower left hand side.

**\*NOTE: The "High Needs Students" referred to below are Unduplicated Students for LCFF funding purposes.**

### Data Input Tab Instructions

#### LEA Information (rows 1-3)

The LEA must enter the LEA name, county district school (CDS) code, and LEA contact information (name, phone number and email address) in the corresponding blue boxes.

For the 2020–21 Budget Overview for Parents, the dates for the Current School Year (2020–21) and the Prior School Year (2019–2020) have been prepopulated.

#### Projected General Fund Revenue for the 2020–21 School Year

All amounts should be entered in the gray boxes adjacent to the corresponding amount title. The amounts for the 2020–21 school year must reflect budget information available at the time of the first interim report.

•**Total LCFF funds (row 9):** This amount is the total amount of LCFF funding (including supplemental & concentration grants) the LEA estimates it will receive pursuant to California *Education Code (EC)* sections 2574 (for county offices of education) and 42238.02 (for school districts and charter schools), as of the date of the first interim report for 2020. This amount is the amount indicated in the Standardized Account Code Structure (SACS) First Interim Fund Form 01, Column D, row A.1 (LCFF Sources).



•**LCFF supplemental & concentration grants (row 10):** This amount is the total amount of LCFF supplemental and concentration grants the LEA estimates it will receive on the basis of the number and concentration of low income, foster youth, and English learner students as determined pursuant to *California Code of Regulations*, Title 5 (5 CCR) Section 15496(a)(5), pursuant to *EC* sections 2574 and 42238.02, as applicable for the 2020–21 school year.

•**All other state funds (row 12):** This amount is the total amount of other state funds (do not include including LCFF funds) the LEA estimates it will receive.

•**All local funds (row 13):** This amount is the total amount of local funds and entitlements the LEA estimates it will receive.

•**Total federal funds (row 14):** This amount is the total amount of federal funds (including all Every Student Succeeds Act Title funds and Coronavirus Aid, Relief, and Economic Security [CARES] funds) the LEA estimates it will receive.

•**Federal Coronavirus Aid, Relief, and Economic Security (CARES) funds (row 16):** Of the amount of federal funds reported on line 14, provide the amount attributable to federal funds allocated to the LEA under the federal CARES Act (Public Law 116-136). CARES Act funds include the Elementary and Secondary School Emergency Relief (ESSER) Funds and Learning Loss Mitigation (LLM) Funds; LLM Funds include both Coronavirus Relief (CR) Funds and Governor's Emergency Education Relief (GEER) Funds.

The total of the General Fund Revenue should equal the amount indicated in the SACS First Interim Fund Form 01, Column D, row A.5 (Total Revenues).

### **Total Budgeted Expenditures for the 2020–21 School Year**

The amounts for the 2020–21 school year must reflect budget information available at the time of the first interim report.

•**Total Budgeted General Fund Expenditures (row 19):** This amount is the LEA's total budgeted General Fund expenditures for the 2020–21 school year as indicated on SACS First Interim Fund Form 01, Column D, Row B.9 (Total Expenditures). The General Fund is the main operating fund of the LEA and accounts for all activities not accounted for in another fund. All activities are reported in the General Fund unless there is a compelling reason to account for an activity in another fund. For further information please refer to the California School Accounting Manual (<http://www.cde.ca.gov/fg/ac/sa/>). (Note: For some charter schools that follow governmental fund accounting, this amount is the total budgeted expenditures in the Charter Schools Special Revenue Fund. For charter schools that follow the not-for-profit accounting model, this amount is total budgeted expenses, such as those budgeted in the Charter Schools Enterprise Fund.)

•**Total Budgeted Expenditures in the Learning Continuity and Attendance Plan (Learning Continuity Plan) (row 20):** This is the total amount of budgeted expenditures associated with the actions included in the Learning Continuity Plan.

•**Total Budgeted Expenditures for High Needs Students in the Learning Continuity Plan (row 21):** This is the total amount of the budgeted expenditures, from all fund sources, associated with the actions included in the Learning Continuity Plan that are identified as contributing to the increased or improved services for high needs students pursuant to *EC* Section 42238.07.

### Expenditures for High Needs Students in the 2019–2020 School Year

•**Total Budgeted Expenditures for High Needs Students in the Local Control and Accountability Plan (LCAP) (row 24):** This amount is the total of the budgeted expenditures, from all fund sources, in the planned actions and services included in the 2019–2020 LCAP that are identified as contributing to the increased or improved services for high needs students pursuant to *EC* Section 42238.07 for the current school year.

•**Actual Expenditures for High Needs Students in the LCAP (row 25):** This is the total of the estimated actual expenditures, from all fund sources, in the actions and services included in the 2019–2020 LCAP that are identified as contributing to the increased or improved services for high needs students pursuant to *EC* Section 42238.07.

### Narrative Responses Tab Instructions

The LEA's response for each prompt is limited to 75 words. Double click on the applicable cell to respond to the required prompt(s). Please note that certain prompts are conditional, based on the data provided in the 'Data Input' tab.

•**Brief description for General Fund Expenditures (row 3):** Briefly describe any of the General Fund Budget Expenditures for the 2020–21 school year that are not included in the Learning Continuity Plan.

•**Brief description for High Needs Students (row 4):** If the amount on line 21 ('Data Input' tab) is less than the amount on line 10 ('Data Input' tab), a prompt will appear and the LEA must provide a brief description of the additional actions it is taking to meet its requirement to increase or improve services for high needs students.

**Note:** If no prompt appears, the LEA is not required to supply a description.

**Note:** It may be necessary to adjust the row height to display the entire prompt.

•**Brief description for actual expenditures for high needs students (row 5):** If the amount in line 24 ('Data Input' tab) is greater than the amount in line 25 ('Data Input' tab), a prompt will appear and the LEA must provide a brief description of how the difference impacted the actions and services and overall increased or improved services for high needs students in the 2019–2020 fiscal year pursuant to *EC* Section 42238.07.

**Note:** If no prompt appears, the LEA is not required to supply a description.

**Note:** It may be necessary to adjust the row height to display the entire prompt.

## LCFF Budget Overview for Parents: Data Input

<b>Local Educational Agency (LEA) name:</b>	Innovations Academy
<b>CDS code:</b>	37 68338 0118083
<b>LEA contact information:</b>	Christine Kuglen
<b>Current School Year:</b>	2020-2021
<b>Prior School Year</b>	2019-2020

\*NOTE: The "High Needs Students" referred to in the tables below are Unduplicated Students for LCFF funding purposes.

<b>Projected General Fund Revenue for the 2020-2021 School Year</b>		<b>Amount</b>
Total LCFF funds	\$	3,261,368
LCFF supplemental & concentration grants	\$	172,157
All other state funds	\$	388,520
All local funds	\$	17,420
Total federal funds	\$	300,475
Federal CARES funds	\$	198,876
<b>Total Projected Revenue</b>	<b>\$</b>	<b>3,967,783</b>
<b>Total Budgeted Expenditures for the 2020-2021 School Year</b>		<b>Amount</b>
Total Budgeted General Fund Expenditures	\$	3,922,802
Total Budgeted Expenditures in the Learning Continuity Plan	\$	247,000
Total Budgeted Expenditures for High Needs Students in the Learning Continuity Plan	\$	172,157
Expenditures not in the Learning Continuity Plan	\$	3,675,802
<b>Expenditures for High Needs Students in the 2019-2020 School Year</b>		<b>Amount</b>
Total Budgeted Expenditures for High Needs Students in the LCAP	\$	37,730
Actual Expenditures for High Needs Students in LCAP	\$	185,016

# LCFF Budget Overview for Parents: Narrative Responses

## LCFF Budget Overview for Parents Narrative Responses Sheet

Required Prompt(s)	Response(s)
<p>Briefly describe any of the General Fund Budget Expenditures for the school year not included in the Learning Continuity Plan.</p>	<p>Teacher, staff, and administrators' salaries and benefits, consulting, building maintenance, various materials, curriculum and software/hardware/equipment, educational consultants, depreciation, oversight fee, financial consultants, etc.</p>
<p>A prompt may display based on information provided in the Data Input tab.</p>	
<p>A prompt may display based on information provided in the Data Input tab.</p>	

# LCFF Budget Overview for Parents

Local Educational Agency (LEA) Name: Innovations Academy

CDS Code: 37 68338 0118083

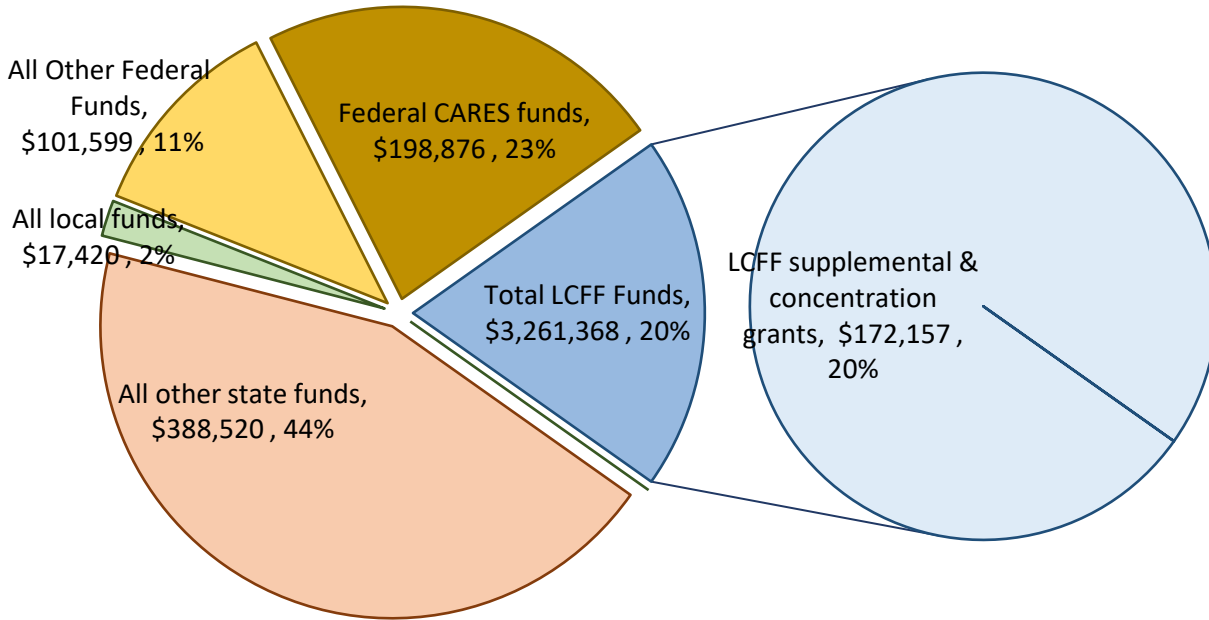
School Year: 2020-2021

LEA contact information: Christine Kuglen

School districts receive funding from different sources: state funds under the Local Control Funding Formula (LCFF), other state funds, local funds, and federal funds. LCFF funds include a base level of funding for all LEAs and extra funding - called "supplemental and concentration" grants - to LEAs based on the enrollment of high needs students (foster youth, English learners, and low-income students).

## Budget Overview for the 2020-2021 School Year

### Projected Revenue by Fund Source

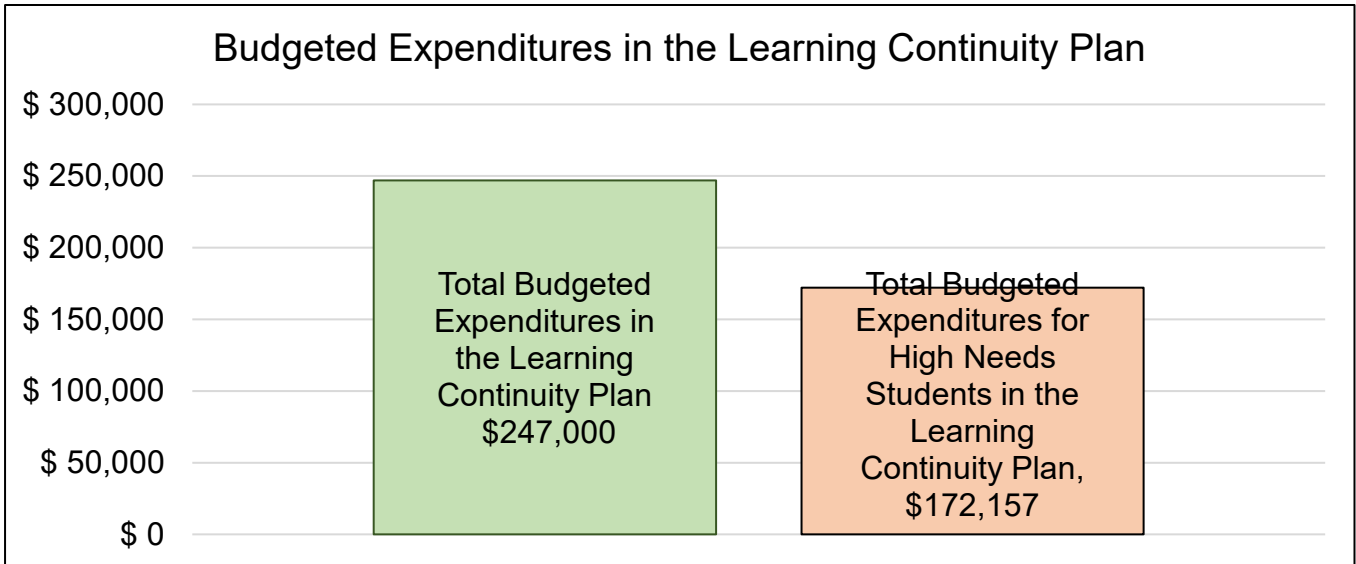


This chart shows the total general purpose revenue Innovations Academy expects to receive in the coming year from all sources.

The total revenue projected for Innovations Academy is \$3,967,783.00, of which \$3,261,368.00 is Local Control Funding Formula (LCFF) funds, \$388,520.00 is other state funds, \$17,420.00 is local funds, and \$300,475.00 is federal funds. Of the \$300,475.00 in federal funds, \$198,876.00 are federal CARES Act funds. Of the \$3,261,368.00 in LCFF Funds, \$172,157.00 is generated based on the enrollment of high needs students (foster youth, English learner, and low-income students).

# LCFF Budget Overview for Parents

For the 2020-21 school year school districts must work with parents, educators, students, and the community to develop a Learning Continuity and Attendance Plan (Learning Continuity Plan). The Learning Continuity Plan replaces the Local Control and Accountability Plan (LCAP) for the 2020–21 school year and provides school districts with the opportunity to describe how they are planning to provide a high-quality education, social-emotional supports, and nutrition to their students during the COVID-19 pandemic.



This chart provides a quick summary of how much Innovations Academy plans to spend for planned actions and services in the Learning Continuity Plan for 2020-2021 and how much of the total is tied to increasing or improving services for high needs students.

Innovations Academy plans to spend \$3,922,802.00 for the 2020-2021 school year. Of that amount, \$247,000.00 is tied to actions/services in the Learning Continuity Plan and \$3,675,802.00 is not included in the Learning Continuity Plan. The budgeted expenditures that are not included in the Learning Continuity Plan will be used for the following:

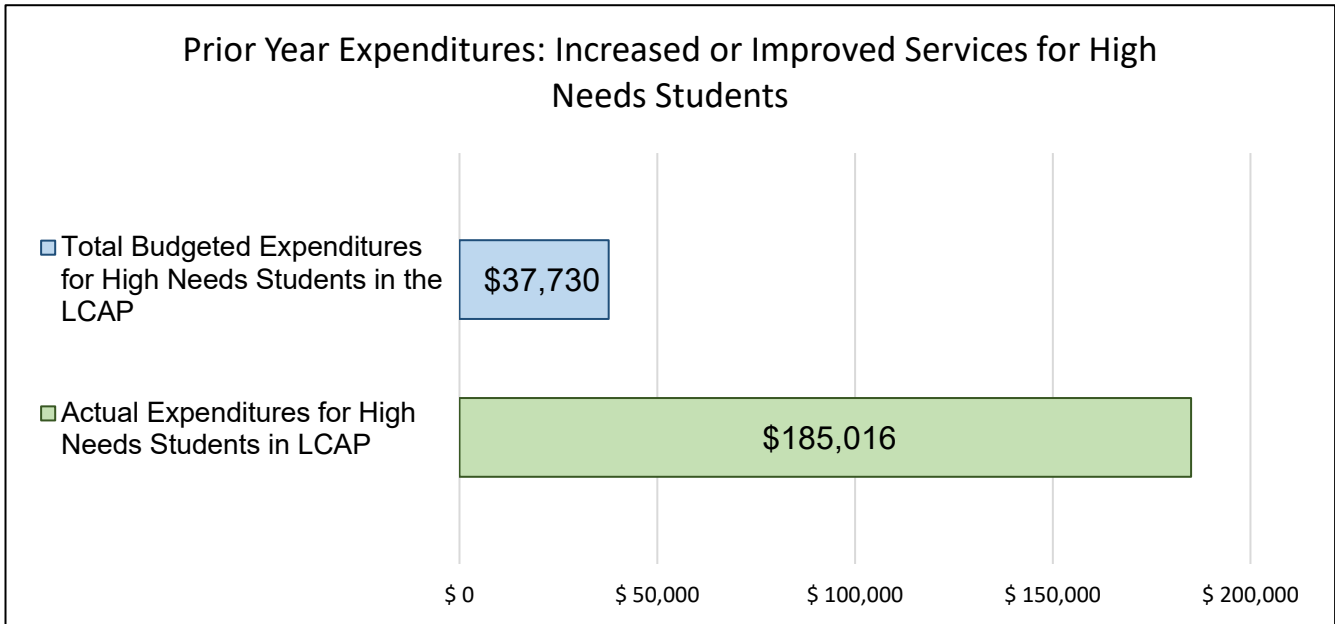
Teacher, staff, and administrators' salaries and benefits, consulting, building maintenance, various materials, curriculum and software/hardware/equipment, educational consultants, depreciation, oversight

## Increased or Improved Services for High Needs Students in the Learning Continuity Plan for the 2020-2021 School Year

In 2020-2021, Innovations Academy is projecting it will receive \$172,157.00 based on the enrollment of foster youth, English learner, and low-income students. Innovations Academy must describe how it intends to increase or improve services for high needs students in the Learning Continuity Plan. Innovations Academy plans to spend \$172,157.00 towards meeting this requirement, as described in the Learning Continuity Plan.

# LCFF Budget Overview for Parents

## Update on Increased or Improved Services for High Needs Students in 2019-2020



This chart compares what Innovations Academy budgeted in the 2019-20 LCAP for actions and services that contributed to increasing or improving services for high needs students with what Innovations Academy actually spent on actions and services that contributed to increasing or improving services for high needs students in the 2019-20 school year.

In 2019-2020, Innovations Academy's LCAP budgeted \$37,730.00 for planned actions to increase or improve services for high needs students. Innovations Academy actually spent \$185,016.00 for actions to increase or improve services for high needs students in 2019-2020.

## Director Report 12/8/2020 and Proposed Board Meeting Dates

### ○ **District Site Visit 20-21**

Innovations Academy's Site Visit is confirmed for February 22, 2021.

9:30 Interview Charter Leadership with Finance (not more than 4 persons)

10:30 Interview Board (ideally, 2 board members who were not interviewed in the prior site visit; if 2 is a quorum, then just 1 board member)

### ○ **Covid-19 Update**

We have had 0 cases of Coronavirus among staff and students so far. We are closely following the plan we set forth at the start of this school year. All staff tests every other month. We are still running a model in which about 60% of students are on campus M-F and the remainder are learning via distance learning.

### ○ **Plans for January to June**

We have proposed a new schedule beginning in January and have asked parents to make a new commitment. Some changes for our new model:

- All students will be learning from home on Mondays via distance learning. This will provide teachers more planning time and time to collaborate with administrators, assistants and each other.
- Site based students will attend 8:30-3:00 p.m. T-F. This will provide them with more learning time on campus.
- Classroom teachers will be supported by TAs and Explorations teachers to provide dedicated time during the school day for distance learners.

### ○ **Building Status**

We are still in the punch list phase. Still to be completed: moving of a few misplaced bathroom garbage cans, repair of carpet, adjusting of HVAC system, security alarm completion and SDGE bills being handed to us for August -December.

We have a custodial staff in place that includes a full time facility manager and 2 part time custodians. The landscape company is still in their three month management included in the contract. We are getting HVAC quotes for maintenance.

We have not moved forward on the installation of playground structures yet.

### **Suggested Dates for 20-21 Board Meetings**

#### 1. Prior to December 15th

Approval of the 1<sup>st</sup> interim. Universal due date is December 15, but the district generally likes these a few days before. So I would suggest a board meeting to approve this a week or so before this date.



2. Prior to March 15<sup>th</sup>  
Approval of the 2nd interim. Universal due date is March 15, but the district generally likes these a few days before, so I would suggest a board meeting to approve this a week or so before this date.
3. Prior to end of May  
LCAP review. The initial review of the LCAP at a board meeting and approving it at a later meeting. This can be any date prior to the official approval of the LCAP by June 30.
4. Prior to June 30<sup>th</sup>  
LCAP, Preliminary Budget, CONAPP, and EPA approval. These are due June 30, so a meeting a week or so prior to this date will need to happen.

# Innovations Academy

Powerfully creating ourselves through self-expression  
compassionate connection and  
purposeful learning



## Family Handbook ~~19-~~ ~~2020-2021~~ School Year

~~10380 Spring Canyon~~ ~~5454 Ruffin~~ Rd.  
San Diego, CA  
921~~2331~~ 858-271-  
1414  
858-271-1418 (fax)  
www.innovationsacademy.org

**Commented [MB1]:** In completing this review, we did the following:

- 1) Updated the Handbook with all legally required annual notices;
- 2) Updated all complete policies located in the Handbook and added all policies required to be in the Handbook in their entirety (please see below);
- 3) Recommended alternate language where we felt information was unclear or inconsistent with the law;
- 4) Highlighted any potentially problematic legal issues;

We strongly recommend that the School utilize the Handbook to deliver required annual notices, and store complete policies elsewhere (i.e. on the school website or at the campus main office).

**Annual Notices:**

Our understanding is that IA does not have single-gender classes, a GATE Program, afterschool program, language immersion program, provide transportation (to or from school or on field trips), accept tobacco funding, or an athletics program. Please let us know if we are mistaken, as additional annual notices or policies may be required for these programs.

**Policies:**

The following full policies were reviewed within your Handbook:

- Attendance Policy
- Suicide Prevention Policy \*
- Suspension and Expulsion Policy \*
- Title IX Harassment Policy \*
- Staff Interaction Policy \*
- UCP
- General Complaint Policy

\*These policies are required to be within the handbook.

Please let us know if you have any questions!

**Commented [MMH2]:** In reviewing your website, we do not see any of the legally required policies posted. We are sending along a website guide to assist you in determining what information needs to be posted. If you have any questions, please let us know.



Dear Families,

At Innovations Academy we powerfully create our lives through self- expression, compassionate connection, and purposeful learning.

We welcome you to the Innovations Academy ~~2019~~2020-20-21 school year. We are very excited to work together to create the optimal learning environment for all students.

As such a community, we invite you to share with us what is working for you during the year and where you would like to see improvements. Through practicing our mission, we can cultivate a community filled with participation, communication, and contribution.

We look forward to building this community together.

**Please take the time to read through this handbook with your child.**

Joyfully yours, IA

Staff

**Commented [MMH3]:** We recommend updating the footer to include the title of the document (Family Handbook) and the page numbers. There appears to be some formatting issues, and this update can not be made to all of the pages. Please update as desired.

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<b><u><a href="#">Board Approved Policies</a></u></b>	

**Commented [MB4]:** Please note that we did not revise this TOC. Once you have accepted all changes and finalized the substantive content of the Handbook, please ensure that you update the TOC accordingly.

We roughly re-organized the annual notices within this Handbook into three main sections in order to keep related information together:

**I. Academics, Instructional Program, & Attendance**

**II. Student Health & Safety**

**III. Other Student Services & Policies**

You may choose to keep this structure and build your TOC upon it, or else choose a different organizational scheme.

**Commented [MMH5]:** We also recommend that the School consider moving all of its full and complete policies within the Handbook to a fourth section at the end of the Handbook titled Board Policies or Appendix A. This will make your Handbook easier to read.

## ACADEMICS, INSTRUCTIONAL PROGRAM, & ATTENDANCE

### • Mission Statement and Guiding Principles

At Innovations Academy (“IA,” School,” or the “Charter School”) we powerfully create ourselves through self-expression, compassionate connection, and purposeful learning.

Our charter school, serving K - 8 students, is made up of difference-makers who are inspired to contribute to our world. We ~~involve-encourage~~ students to create their own opportunities through enriching experiences and ~~through-making~~ active choices throughout their day.

The accomplishments of ~~Innovations Academy~~IA include providing an environment that respects the intellectual, emotional, and social intelligence of all children while supporting their innate human desire to learn through a multidimensional curriculum.

For a deeper understanding of our school’s philosophy we recommend reading our ~~S~~school’s charter (~~available online on our website~~) as well as reading information about constructivist teaching philosophy, positive discipline, and project-based learning.

### • Academic Program

Fun, excitement, curiosity, and engagement: these things make joyful learners.

At ~~Innovations IA~~ we create this through the following components: activity-based skill instruction, inquiry and project-based learning, character, communication and social emotional instruction, and our Explorations classes and clubs.

Our inquiry and project-based learning curriculum integrates student interest into meaningful standards-~~aware-based~~ projects and explorations incorporating math, art, music, language arts, science, and social studies. We believe that ~~fulfilling-completing~~ projects engages both the hands and the mind.

~~Character~~Character, communication and social-emotional instruction ~~underlines-underscore~~ the importance of effective and productive social interaction and communication for success in life.

Morning meetings, self-evaluations, class council, ~~peer-to-peer discussion~~, and presentations ~~of-learning~~ are some ways that we teach communication skills & conflict resolution. We have a structure to develop relationships conducive to social and intellectual well-being. Over the year, teachers and staff model and teach effective communication skills and techniques.

## Full time and Independent Study Options:

### **Full Time:**

80% of our student population participates in our traditional-schedule full time program. Full time students attend Monday through Friday. We have a minimum day on Monday. The curriculum is mastered using Project Based Service Learning, engaging hands-on activities, enrichment classes, multi-age mentoring, and a strong social emotional/character education program based on learning conflict resolution and problem solving skills.

### **3 Day Option:**

We also offer a 3 day program for K – 2 students on Tuesday, Wednesday, and Thursday for families who wish to participate in their child’s education as the primary -educator 2 extra days per week but would also like to have their child(ren) participate in a typical school classroom. Students integrate into a regular 5-day classroom three days a week and are responsible for their own learning off-site the other two days. Many 3 day students find this to be a nice blend of school with homeschooling.

### **2 Day Option (Home Learner Community- HLC):**

IA also offers a special 2 day program on Tuesdays and Thursdays for home learners in K – 8th grades who want to participate in project-based learning with a supportive home learning community. Our 2-Day students have their own multi-age classrooms on site with a unique schedule specifically designed to meet their needs. Though placement is flexible, we have a K-1 class, a 2nd-4th grade class and a 5th -8th grade class.

Homeschooled children join their peers to create a community of learners. The Home Learning Community (HLC) is a Self Design ([www.selfdesign.com](http://www.selfdesign.com)) inspired program where children ages 5-14 co-create their learning with peers, mentors and group leaders. Classes meet on Tuesdays and Thursdays for COOPERATIVE, STUDENT-DIRECTED learning opportunities which are chosen and designed by the children themselves based on areas of intense INTEREST and CURIOSITY. It is recognized that learning takes many forms and, while there is a great deal of joyful learning in many arenas of academics and life, there is little to no direct instruction from our group leaders. Our experiences in HLC classroom are not dictated by traditional school design. The families in the HLC have created a wonderful community of home learners that function as a small school within the school of Innovations Academy. Student and parent input guides the direction of class.

**Commented [MB6]:** Please note that an Independent Study and Missed Assignment board policy is required to provide I.S. Please let us know if you would like us to review your policy or provide a template policy.

**Commented [MB7]:** We included this information here from your website. Because reference these various programming options in the Attendance section below, we thought it would make sense to include this explanatory information here

• **School Calendar and Class Schedule**

**\*Please note that these events may be unavailable due to the impact of the pandemic on our schedule**

**Commented [MB8]:** Please ensure these dates are accurate and reflective of the 2020-21 school year.

Event	Date
Open House	August 22
School Starts	August 26
Labor Day Holiday	September <del>22</del>
Student Led Conferences MIN. DAYS FOR STUDENTS	October <del>7-9</del> <u>12-14</u>
Veteran's Day Holiday	November 11
Thanksgiving Holiday	November <del>23</del> <u>5-27</u> <del>9</del>
Exhibition Night	December <del>17</del> <u>*9</u>



Event	Date
Winter Break	Dec. <del>21</del> 3-Jan. <del>4</del> 3
Martin Luther King Jr. Birthday Holiday	January <del>18</del> 20
Report Cards Sent home	January <del>2</del> 94
Lincoln & President's Day (NO SCHOOL)	February <del>12</del> 4 & <del>15</del> 7
Portfolio Review Days	February <del>1-3</del> 3-5
Exhibition Night	March <del>2</del> 56
Spring Break	March <del>30</del> 29-April <del>2</del> 3
Staff Collaboration Days NO SCHOOL FOR STUDENTS	April <del>6</del> and <del>7</del> 5
CA State Testing Window	April 21 - June 5
Memorial Day	May <del>31</del> 25
Presentations of Learning Check with teacher for schedule	May and June Check with teacher for schedule
Last Day of School MINIMUM DAY	June <del>11</del> 5

### Class Schedule

~~Each class~~Classroom teachers designs ~~its~~their own schedules, as individual classes have different activities occurring throughout the school day. This flexibility allows us to design ~~the~~programs tailored to meet the needs of our students. Please check with each teacher for the class schedule. If major changes occur in the schedule you will be notified. Explorations Classes (Art, Performing Arts, Nature Studies/Garden, Spanish, Robotics, ~~etc.~~...) take place for some students in the morning and others in the afternoons. These classes change each

semester. Please check with the classroom teacher for detailed information about the daily schedule.

**Innovations Bus Transportation**

~~For the 2019-20 school year only, IA will be offering bus service from Kearny Mesa (KM) to our Scripps Ranch (SR) location until our move. After the move, we will offer transportation from SR to KM for the remainder of the school year. Seats are limited and must be reserved in the front office. There will be a reasonable cost associated with this transportation. Students using this service will be expected to be at the pick-up location between 8:00-8:15 every morning. The bus will depart promptly at 8:15. If a student misses the bus, their parent is expected to drive them to school. The bus will drop off students at the end of the school day between 3:45-4:00 on Tuesdays-Fridays and between 1:00-1:15 on Mondays. Students who are not picked up on time more than once will be denied bus service and their transportation fee will be refunded.~~

**Commented [MB9]:** We removed this paragraph because IA is presumably no longer providing this bus service. If this service will be ongoing, please let us know, as a transportation safety policy and annual notice will be required.

**School Hours**

Starting & Dismissal	Grades 1-8	Grade K
Start Time	8: <del>45</del> <u>30</u> AM	8: <del>45</del> <u>30</u> AM
Dismissal Monday Minimum Days	<del>12:30</del> <u>1:00</u> PM	<del>12:30</del> <u>1:00</u> PM
Dismissal Tuesday-Friday	3: <del>00</del> <u>15</u> PM	<u>3:00<u>2:15</u> PM</u>

**Commented [MB10]:** Please ensure these times are up to date for 20-21.

Office Hours:

8:00 am - 4:00 pm Monday through Friday  
You may contact the office by calling 858-271-1414

**Drop Off & Pick Up**

Drop-off in the morning begins a maximum of ~~15-30~~ minutes before ~~start-time~~ classes begin (8:~~00~~30 a.m.). Children must enter the school campus through the ~~main-back~~ gate. Once on campus all students are to remain on site. The gates are closed and locked at 8:~~30~~45 a.m. All students arriving after 8:~~30~~45 a.m. must sign in at the front office.

Pick-up for Kindergarten starts at ~~3:00~~2:15 p.m. on Tuesday-Friday. ~~Parents/guardians/caregivers~~ will meet their child at the classroom. **Written parent permission must be on file in the office in order for a non-**

**Commented [MB11]:** How do parents grant this permission? Is there a form? Are names recorded on an emergency contact/pick-up card? We recommend including more information here.

parent/guardian to pick up a student, ~~written permission needs to be given to our front office~~. The front office will communicate with teachers regarding permissions for pick up.

Pick up begins for 1st-8th grades at 3:~~00~~<sup>15</sup> ~~p.m., dismissal~~ for a 15- minute duration (until 3:~~15~~<sup>30</sup> p.m. T-Fri). Parents have the responsibility and authority to decide how their child is picked up. If a parent chooses for their child to walk home or walk across the street or walk to the parking lot or park, they must communicate this with their child. If a parent wishes for the teacher to be aware of the plan, the must communicate this with the teacher. We

encourage parents to come into the classroom at least one time per week to pick up their child(ren). This fosters communication between parents/guardians/care-givers and teachers and allows parents to see student work.

Any child ~~in~~ K-5<sup>th</sup> ~~grade~~, going home with another family for a play date must ~~have provide~~ a signed note to ~~be given to their~~the teacher that day or earlier. ~~In lieu of a note, the or their guardian(s)parent/guardian must have notified~~notify the office. ~~Ride coordination can take up quite a bit of time, so please be respectful that teachers have tasks ahead of them after school gets out.~~

**Commented [MMH12]:** We recommend that the School always have documentation in writing. So if someone calls the office to make this request, this should be written down somewhere for tracking. We also recommend having these other parents sign-in/out to track who is going home with whom.

**Commented [MB13]:** This sentence is a bit confusing. Is the teacher coordinating rides home?

**Any child remaining after pick up time has ended will be sent to the office. This is disruptive of staff time, so please plan accordingly. Supervision can not be guaranteed after 3:3045 p.m.**

## **Attendance Policy**

Board Policy # 01[INSERT]

Board Approved: [INSERT]

Board Revised: [INSERT] 12/08/2020

**Commented [MB14]:** A Board-approved attendance policy is strongly recommended. This appears to be IA's complete policy.

We recommend including some formatting to show the reader that this is board approved policy. Accordingly, once finalized please fill in the approval and revision dates.

As noted, above, we also recommend that the School place complete board policies within the appendix or a heading at the end of the handbook to make it easier to read and more clear.

Consistent attendance is very important for a child to develop the relationship and flow for a successful education. We take attendance very seriously.

- If your child is enrolled in the 5- day program then they are committed to attending 5 days per week.
- If your child is enrolled in the 3 -day program (K-2<sup>nd</sup> grade) then your child is committed to attending all three days each week.
- And finally, if your child is enrolled in the Home Learning Community ("HLC"), you have made a commitment to become a part of that community and abide by the agreed upon attendance requirements.

### Definitions

- "Tardy": IA starts at [INSERT TIME] 8:30 a.m. Students shall be classified as tardy if the student arrives after that time.
- "Unexcused Absence": Students shall have an unexcused absence if the student is absent or is tardy for more than thirty (30) minutes without a valid excuse.
- "Truant": Students shall be classified as truant if the student is absent from school without a valid excuse three (3) full days in one school year, or if the student is tardy or absent for more than any 30-minute period during the school day without a valid excuse on three (3) occasions in one school year, or any combination thereof. Any student who has once been reported as a truant and who is again absent from school without valid excuse one or more days, or tardy on one or more days, shall

**Commented [MB15]:** These definitions mirror the Education Code. We advise using these definitions as it makes it easier to work with the local County Office of Education and/or the local D.A. to attempt to combat truancy problems.

again be deemed a truant. Such students shall be reported to the Executive Director or designee.

- "Habitual Truant": Students 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": Students 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.
- "School Attendance Review Team ("SART")": The SART panel will be composed of the Director, the Assistant Director, the Accountability Coordinator and the classroom teacher. ~~INSERT ADMINISTRATORS AND/OR OTHER CERTIFICATED PERSONNEL WHO WILL BE ON THE SART PANEL.~~ The SART panel will discuss the absence problem with the Parent/Guardian to work on solutions, develop strategies, discuss appropriate support 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 shall be required to sign a contract formalizing the agreement by the parents to improve the child's attendance or face additional administrative action. The contract 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 contract:
    - 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 District Attorney
  3. The SART panel may discuss other school placement options.
  4. Notice of action recommended by the SART will be provided in writing to the parent/guardian.

#### Excused Absences for Classroom Based Attendance

**Commented [MMH16]:** Does IA have access to a SARB?

Charter schools may wish to consider contacting their local County Office of Education to determine whether participation in the COE's SARB process is an option, but usually it is not an option.

**Commented [MB17]:** SART is a panel organized by the charter school pursuant to this policy. It is not something provided for in the law. School Districts or County Offices of Education utilize a School Attendance Review Board (SARB) that is defined within the Education Code. Charter schools may also (or instead) wish to consider contacting their local County Office of Education to determine whether participation in the COE's SARB process is an option, but usually it is not an option. If so, this policy can be updated with the appropriate information.

**Commented [MB18]:** Please note that per AB 1360, notice and an opportunity for a hearing are required before a student can be involuntarily removed. We provide more information about this in the "Involuntary Removal" section below.

Also, even if the School follows all legally required procedures to remove a child due to truancy or other reasons, please keep in mind that such removals may be unlawful for other reasons. For example, students received special education services under the IDEA or Section 504 cannot be removed unless a manifestation determination meeting is held by the IEP or 504 team in accordance with applicable law. Please let us know if you have any questions.

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

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

1. Personal illness.
2. Quarantine under the direction of a county or city health officer.
3. Medical, dental, optometric, or chiropractic appointments:
  - a. Students in grades 7-12, inclusive, may be excused from school for the purpose of obtaining confidential medical services without the consent of the student's parent or guardian.
4. Attendance at funeral services for a member of the immediate family:
  - a. Excused absence in this instance shall be limited to one (1) day if the service is conducted in California or three (3) days if the service is conducted out of state.
  - b. "Immediate family" shall be defined as parent or guardian, grandparent, spouse, son/son-in-law, daughter/daughter-in-law, brother, sister or any other relative living in the student's household.
5. Observation of a religious holiday or ceremony.
6. Participation in religious instruction or exercises as follows:
  - a. The student shall be excused for this purpose on no more than four (4) school days per month.
7. For the purposes of jury duty in the manner provided for by law.
8. 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).
9. To permit the student to spend time with an immediate family member who is an active duty member of the uniformed services, as defined in Education Code section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the Charter School.
10. For purpose of serving as a member of a precinct board for an election pursuant to Election Code section 12302.
11. Attendance at the student's naturalization ceremony to become a United States citizen.

**Commented [MB19]:** Pursuant to EC §46010.1, the governing board of each school district shall, each academic year, notify pupils in grades 7 to 12, inclusive, and the parents or guardians of all pupils enrolled in the district, that school authorities **may excuse any pupil from the school for the purpose of obtaining confidential medical services without the consent of the pupil's parent or guardian.** This also mirrors Family Code §6924 and Health and Safety Code §124260, which allows for minors to unilaterally consent to medical treatment under certain circumstances.

While this provision applies to school districts, we recommend the charter school consider adopting it as a best practice to protect the health, safety, and confidentiality of students.

12. Authorized parental leave for a pregnant or parenting student for up to eight (8) weeks.

13. Authorized at the discretion of a school administrator, based on the facts of the student's circumstances, are deemed to constitute a valid excuse.

14. 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.

15. 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.

16. Appearance in court.

17. Attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization upon written request by parent and approval by the Executive Director or designee pursuant to uniform standards established by the Board.

#### Method of Verification

When students who have been absent return to school, they 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 parent/guardian, parent representative. This can be provided in person at the office or by emailing [info@innovationsacademy.org](mailto:info@innovationsacademy.org).
2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. Please call 858-271-1414. 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 expected date of return; 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 information outlined above.
4. Healthcare provider verification:

**Commented [MB20]:** EC 46015 (added by AB 2289 eff. 01/01/19). This law permits students who are pregnant or parenting to take 8 weeks of parental leave, which can be extended if medically necessary. Thus, we have included this section to comply with the law. If you have any specific questions about parental leave or supporting parent/pregnant students, please let us know.

**Commented [MB21]:** We recommend including a parameter for the frequency or duration of an absence for this purpose.

- 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.

**Commented [MB22]:** This is not a legally significant number, Accordingly, IA my revise accordingly base don its program.

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.

### Tardies

William Shakespeare says, "Better three hours too soon than a minute too late." Plan ahead and drop your child off with 5 minutes to spare and they will never be late to class. If students are chronically late to school (more than 5 tardies a month) the family will be called into a meeting to discuss the effect of said tardies on the student, teacher, and class (per the Process for Addressing Truancy, below):-

~~If tardies persist parents meet with an administrator to talk about school participation, involvement, and placement.~~ Teaching children the importance of scheduling and punctuality will have a positive impact on their life. Additionally, when students arrive on time they are more connected to their community throughout the day which makes for a better educational environment for all.

### Leaving School Early

Once at school, a student may not leave the gated premises during school hours without permission from the office. If a student needs to leave school during the school day, s/he must be signed out in the office by a parent or guardian.

We ask that you communicate directly with the office when your child needs to leave campus for any reason. ~~Do not~~ Please do not text or call your child directly during the school day. ~~and do not allow them~~ Students are not permitted to text or call from a personal cell phone ~~you~~ without permission from their teacher or office staff during the school day. ~~for any reason.~~ We are happy to take a message and carry it to your child so that it doesn't disrupt the flow of learning. If signing your student out early, please ~~When you~~ contact the office and, we will send for your child.

**Commented [MMH23]:** Please note that AB 272 lists numerous permissive reasons:

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

### Sick Days

Although we feel it is important that children have good attendance, we also understand that children who are ill will not be able to learn and may impact the health and well-being of others, peers and staff. Please take a few minutes at home

**Commented [MMH24]:** As the School prepares to re-open, perhaps for fall 2020, we recommend that the School have a strong safety plan in place.



to carefully check your child's health before s/he leaves for school. The following are suggested times when a child should stay home. If they come to school with any of the following conditions you may be called to pick them up:

- A report of illness during the night - ~~f~~Fever is present (100 degrees or more)
- Complaints of nausea, upset stomach, vomiting, headache, diarrhea
- Development of a rash on face and/or body
- -Severe cold, cough and/or sore throat Inflamed eye(s) with discharge

Please remember: An ill child cannot function properly in school. The spread of illness and disease through school can be more easily ~~monitored~~ contained if sick children remain at home during the acute stage of an illness.

### Process for Addressing Truancy

- After a student has 3 unexcused absences or tardies of over 30 minutes, the parent/guardian will receive a warning letter.
- After 5 unexcused absences and/or tardies of over 30 minutes, the Executive Director will contact the family to create a plan together for how to improve attendance.
- Should a student reach 10 unexcused absences or tardies of over 30 minutes, a meeting is scheduled with the family, Executive Director, and teacher to address this very serious issue.
- If your child has more than 15 unexcused absences or tardies of over 30 minutes in a school year, your child will be referred to a Student Success Team (SST) and the SART. a meeting is scheduled to discuss school participation, involvement, and placement.

If the conditions of the SART contract 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. 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 district of residence. If your child is absent, it is necessary for you to contact the office via email at info@innovationsacademy.org or telephone at 858-271-1414 to report the absence.

In your message, please leave the following information:

- Student's name and grade
- Day(s) and date(s) of absence
- Reason for absence

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Commented [MB25]: With whom? Is a 2<sup>nd</sup> notification/warning letter also sent? Please let us know if we can provide you with a template letter.

Commented [MMH26]: See comment below regarding SARB/SART.

Commented [MB27]: With whom? Is a 3<sup>rd</sup> notification/warning letter also sent? Please let us know if we can provide you with a template letter.

Commented [MMH28]: See section below on involuntary removal.

Expected date of return

Delinquent families may be reported to the School Attendance Review Board (SARB) for assistance.

**Commented [MMH29]:** This is included, above.

### A budgetary note about frequent absences

While a solid education and quality learning experience are the most important factors of regular attendance, the simplest form of fundraising that you can do for our community is to ensure that your child is here each day possible as funding is based on attendance, not enrollment. When children are absent from school, we miss out on their contribution to our community.

Each day that a student is absent negatively impacts our budget by about \$70.00. In order to run a school with a high-quality staff, materials and program it needs funds and a predictable budget. You can support the school by having your child in school consistently. ~~If a child needs to be absent for any reason, please see the independent study section below.~~ If your child is unable to attend classes on campus regularly, due to prolonged illness, temporary disability, or other reasons, please see our independent study section below or contact the main office for further options.

**Commented [MMH30]:** Please confirm that this remains the ADA per student.

### Short Term Independent Study Contracts

If you know in advance, including the morning of, that your child will be absent from one to twenty-one school/calendar days for any reason, your child's absence

**Commented [MB31]:** Please let us know if you'd like our office to review your short-term independent study contract or policy. A policy is strongly recommended.

may be excused if a Contract of Independent Study is completed and signed before the student leaves. In addition to the signed contract, the student must complete and return to the front office the assigned classwork.

It is of utmost importance that families with children absent for any reason for ~~longer than one school day~~ or longer, obtain an Independent Study Contract. This can be done by contacting the office and downloading the contract/student work from our website, having us email work or coming into the school office to pick up the necessary documents.

**Commented [MB32]:** Revised to align with language in preceding paragraph

When possible, please contact the office three days prior to the anticipated absence in order for teachers to adequately prepare lessons for your child. Students are expected to complete all work assigned and turn it in to the office upon returning to school.

To review the School's complete Independent Study Policy, please request a copy at the [main office](#).

**Commented [MMH33]:** Please review and revise consistent to where this document is located.

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

**Commented [MMH34]:** This language is recommended, not required.

When students are not in attendance on the first five (5) days of the school year, the Charter School will attempt to reach the 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, parents 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 due to an unexcused absence by the fifth day of the school year 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 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 (3<sup>rd</sup>) day of the school year 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 (5<sup>th</sup>) day of the school year will receive a phone call reiterating the content of the letter.
4. The Charter School will send the Involuntary Removal Notice to the Parent/Guardian and follow the Involuntary Removal Process described below for any students who have not attended by the sixth (6<sup>th</sup>) day, and do not have an excused absence.
5. The Involuntary Removal Process can be started immediately upon the Charter School receiving documentation of Student's enrollment and attendance at another public or private school (i.e. a CALPADS report).

**Commented [MB35]:** Please let us know if we can review an existing letter or provide a template letter.

**Commented [MB36]:** Please let us know if we can provide IA with a template notice.

6. The Charter School will use the contact information provided by the parent/guardian in the registration packet.

7. Upon removal, the last known school district of residence will be notified of the student's failure to attend the Charter School and the disenrollment within thirty (30) days of the disenrollment.

#### Involuntary Removal Process

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

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

If the parent/guardian is nonresponsive to the Involuntary Removal Notice, the Student will be disenrolled as of the effective date set forth in the Involuntary Removal Notice. If 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 district of residence within thirty (30) days.

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

#### 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

#### **Commented [MB37]: This is a required annual notice.**

Notice and hearing are required by law for any involuntary removal. (EC 47605(b)(5)(J)(iii)). Per AB 1360 (EC 47605(b)(5)(J)): a student cannot be involuntarily removed without following the procedures available under this subdivision of the statute. It is unclear whether that means the Charter School must follow its expulsion hearing procedures OR provide a hearing as outlined in the statute. Thus, the Charter School could consider utilizing slightly different hearing procedures, so long as the following criteria are met:

(I) Provide timely, written notice of the charges against the student and an explanation of the student's basic rights.

(II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at 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.

**Commented [MB38]:** We can provide you with a draft Involuntary Removal Notice if needed.

**Commented [MB39]:** These are not requirements under AB 1360, but we advise taking these steps to provide due process to the student. Therefore, the charter school will need to ensure documents are translated and include a copy of the expulsion hearing procedures.

issues with the family. For any unexcused absence, the Charter School may refer the family to appropriate school-based and/or social service agencies.

**Commented [MB40]:** While this is not legally required, the charter school is encouraged to provide such references if they are available.

If a child's attendance does not improve after a SART contract has been developed according to the procedures above, or if the parents fail to attend a required SART meeting, the Charter School shall notify the District's 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 report 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.

**Commented [MB41]:** We recommend specifying the interim at which these reports will be required (i.e. quarterly, annually, etc.).

\*\*\*\*\*

**Commented [MMH42]:** Recommended formatting for the end of a policy.

### • Availability of Prospectus

Upon request, the Charter School will make available to any parent or legal guardian, a school prospectus, which shall include the curriculum, including titles, descriptions, and instructional aims of every course offered. Please note that, pursuant to law, the Charter School may charge for the prospectus in an amount not to exceed the cost of duplication.

**Commented [MB43]:** This is an annual notice. This is added pursuant to Ed. Code section 49063. It is unclear whether this is applicable to charter schools, but we suggest adding it.

### — California Healthy Kids Survey

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

**Commented [MB44]:** This is an annual notice. This notice is only required for schools that participate in this survey. Please remove if this does not apply to your school program.

**Commented [MB45]:** These are the grade levels at which the CDE recommends that the CHKS be administered. Please ensure the grade levels listed here are aligned with the grade levels at which the School administers the CHKS.

### • English Learners

The Charter School Innovations Academy 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 IA 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 IA will implement

**Commented [MB46]:** This is a required annual notice. Existing law requires each school to make a determination of the primary language of a student when the student enrolls in the school and requires each parent or guardian of a student enrolled in a public school to receive notice of an assessment of a student's English proficiency no later than 30 days after the start of the school year that includes, among other things, the reason for the student's classification as an English learner, the level of English proficiency, and a description of the program for the English language development instruction. Please ensure you are providing that notice to the Parents of all English Learners. If you would like assistance in this, please let us know.

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

• **Sexual Health Education**

The Charter School Innovations Academy offers comprehensive sexual health education to its students in middle school grades, 7-8 at a minimum in 8<sup>th</sup> grade. 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 student's 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 middle school, at a minimum in 8<sup>th</sup> grade. ~~grades 7-8.~~ A parent or guardian has the right to excuse their child from the test, questionnaire, or survey through a passive consent ("opt-out") process. Parents or guardians shall be notified in writing that this test, questionnaire, or survey is to be administered, given the opportunity to review the test, questionnaire, or survey if they wish, notified of their right to excuse their child from the test, questionnaire, or survey, and informed that in order to excuse their child they must state their request in writing to the Charter School.

A student may not attend any class in comprehensive sexual health education or HIV prevention education, or participate in any anonymous, voluntary, and confidential test, questionnaire, or survey on student health behaviors and risks, if ~~the Charter School~~ IA 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 Innovations Academy shall annually administer required state testing to the applicable grades (e.g., the California Assessment of Student Performance and Progress ["CAASPP"].) Notwithstanding any other provision of law, a parent's or guardian's written request to Charter School officials to excuse their child from any or all parts of the CAASPP shall be granted.

**Commented [MB47]:** This is a required annual notice. Per AB 2601, Ed. Code. Sections 51938 and 51939, commencing with the **2019-20 school year**, charter schools must ensure that all students in grades 7 to 12, inclusive, receive comprehensive sexual health education and HIV prevention education, as specified.

Please note, this is not a complete policy. Please confirm that the School has this policy and that it is located at the main office. If it is located elsewhere, please update the information here.

**Commented [MB48]:** Please note that IA must provide sex education at least once in the middle school grades (7-8).

**Commented [MB49]:** Please note that IA must provide sex education at least once in the middle school grades (7-8).

**Commented [MB50]:** This is a required annual notice.

• 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.

Commented [MB51]: This is a required annual notice.

• Teacher Qualification Information

All parents or guardians may request information regarding the professional qualifications of classroom teachers and/or paraprofessionals.

Commented [MB52]: This is a required annual notice if IA accepts Title I funding. If you do not receive any funds under Title I, this language may be removed.

• Animal Dissections

Students at the Charter School IA may perform animal dissections as part of the science curriculum. Parents/Guardians will be communicated with about animal dissections. Any student who provides their teacher with a written statement, signed by their parent/guardian, specifying the student's moral objection to dissecting or otherwise harming or destroying animals, or any parts thereof, may be excused from such activities if the teacher believes that an adequate alternative education project is possible. The alternative education project shall require a comparable time and effort investment by the student. It shall not, as a means of penalizing the student, be more arduous than the original education project. The student shall not be discriminated against based upon their moral objection to dissecting or otherwise harming or destroying animals, or any parts thereof.

Commented [MB53]: This is a required annual notice. EC 32255.4 states "Each teacher teaching a course that utilizes live or dead animals or animal parts shall also inform the students of their rights pursuant to this chapter." Please be sure that if you have teachers using live or dead animals that this information is shared with students and that they are referred to this notice.

Please note that per Ed. Code section 32255.6, classes and activities, conducted as part of a program in agricultural education that provide instruction on the care, management, and evaluation of domestic animals are exempt from these requirements.

• Fieldtrips (AKA Field Study)

Innovations' IA students participate in many field study experiences. They are a great way to reach out to the community and experience learning in a unique way. Field study can be as simple as walking around the block or more intensive such as going to the zoo, a museum or overnight camping. A blanket general field trip permission slip was included in the online registration packet for this purpose and is also available in the front office. Fieldtrips may come up at the last minute such as a visit to the park down the street or a visit to a neighboring business. Please make sure to contact our office and/or your teacher if you are picking up early to ensure that the student is on campus at your arrival.

Commented [MMH54]: We do not recommend general field trip permission slips. We recommend that a permission slip be provided and signed for each field trip.

Commented [MB55]: We strongly recommend against "last minute" excursions and taking students off campus absent parent notice.

If you prefer to opt-out of the general permission slip, IA can provide you with individual permission slips for each planned field trip. If you choose to volunteer on a field trip, please note the requirements in the volunteer section of this [Family Handbook](#).

Even with a general permission form on file, IA should still be informing parents at least 24-48 hours in advance of a field trip.

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Payments for Field Trips/Field Studies

At IA, our goal each year is for all students to participate in one field study a month and many of these excursions have costs to attend. We keep our costs as low as possible by fundraising for our more expensive trips. Please let us know if the cost of a field trip is a financial hardship for your family. No student will be excluded from

Commented [MB56]: We strongly recommend a Board-approved Fundraising Policy. Please let us know if you would like to see a sample policy or have our office review an existing policy.

participating in a field study due to lack of payment. That is our responsibility as a public school. ~~Thank you for your support.~~

### Public TransitTransportation

Students learn a lot about public transit by using our local public transportation resources during field trips. Buses, trains, and trolleys are great learning experiences, and IA regularly utilizes these methods of transport on field study trips. Student groups are always supervised by an adult chaperone while riding public transit. If you would prefer your child to not ride public transit you may ~~chaperone and bring them to the event~~ arrange alternate transportation for your child.

~~A copy of the complete *Field Trip Policy* is available for review in the main office and on the school website.~~

**Commented [MB57]:** Christine, does IA ever provide school sponsored busing or arrange for carpool/caravanning for field trips? If so we recommend including that here.

If school sponsored busing is utilized for field trips, a Transportation Safety Policy and annual notice is required. Please let us know if we can assist with a Policy.

**Commented [MMH58]:** How does IA supervise and coordinate this transportation?

**Commented [MB59]:** A Board approved policy is strongly recommended. Please let us know if you would like us to review an existing policy or provide a template policy.

Once finalized, please ensure the complete policy is made available. This policy does not appear to be currently posted on your website, so revise as needed.

DRAFT





## STUDENT HEALTH & SAFETY

### • School Safety Plan and Emergency Drill Action Procedures

There is a complete Emergency Action and Safety Plan on file in the main office. It can be viewed in the main office. Innovations Academy IA holds one emergency drill per month.

Some emergency numbers to be aware of:

- Front Office Number: 858-271-1414
- Christine Kuglen, Director: 619-379-9275

### • Health and Administration of Medications

Students may not have self-administer any medications (over the counter or prescription) in class. All medications must be turned into the Sschool office. Medication given at school must be accompanied by:

1. Physician's Authorization for Medication form detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken; OR AND
2. A written statement from parent/guardian indicating that they desire the Sschool to assist the student with medication.

~~A complete copy of the Administration of Medications Policy and associated paperwork are available for review at the main office or school.~~

### • Informed Consent and Acknowledgment for Athletic Activities

Students at Innovations Academy IA have the option to participate in a wide range of athletic activities:

By their very nature, athletic activities can put students in situations in which serious, catastrophic, and perhaps fatal injuries may occur. The injuries could include, but are not limited to the following:

Sprains/strains	Disfigurement
Fractures	Head injuries
Cuts/abrasions	Loss of eyesight
Unconsciousness	Death
Paralysis	

Students and parents must assess the risks involved in such participation and make their choice to participate in spite of those risks. No amount of instruction, precaution or supervision will eliminate all risk of injury.

Although the Sschool may suggest or recommend the use of certain equipment to be purchased by the students, the school does not guarantee that such equipment will be free from defects or protect the student from injury. ~~By granting permission for your son/daughter to participate in athletic activities, you, the~~

Commented [MB60]: This is a required annual notice.

Commented [MB61]: A Board approved Safety Plan is legally required. Please let us know if you would like us to review an existing policy or provide a template policy.

Once finalized, please ensure the complete Plan is made available.

Commented [MMH62]: Please note that your charter states:

Our medication policy can be found in our Family Handbook (located in the Appendix O).

As such, you may want to include your complete policy within the Handbook.

Commented [MB63]: A Board approved policy is strongly recommended. Please let us know if you would like us to review an existing policy or provide a template policy.

Once finalized, please ensure the complete policy is made available.

Commented [MMH64]: It was our understanding that the School did not have an athletic program. If not, should this information be removed?

Does this school mean P.E. instead of athletics?

parent/guardian, acknowledge that such risk exists and assume these risks.

Parents have read and agree to hold Innovations Academy IA, its employees, agents, volunteers and/or sponsors and any other person, firm or corporation charged or chargeable with responsibility or liability, free and harmless from any and all claims, demands, damages, costs, expenses, loss of services, action and causes of action resulting from the use of facilities, equipment and participation by my son/daughter in all athletic activities sponsored by the IA, to the fullest extent of the law.

#### • Availability of Health Insurance

Children—regardless of immigration status (foster youth, pregnant women, and legally present individuals, including those with deferred action for childhood arrivals ["DACA"] status) may be eligible for no- or low-cost Medi-Cal insurance. Medi-Cal covers immunizations, checkups, specialists, vision and dental services, and more for children and youth at no- or low-cost. Medi-Cal enrollment is available year-round.

Covered California is where legal residents of California can compare quality health plans and choose the one that works best for them. Based on income and family size, many Californians may qualify for financial assistance. Enroll during Open Enrollment or any time you experience a life-changing event, like losing your job or having a baby. You have sixty (60) days from the event to complete enrollment. Information regarding the availability of insurance is provided with enrollment forms and available at:

[http://hbex.coveredca.com/toolkit/PDFs/ALL\\_IN\\_Flyer\\_EnrollGetCareRenew\\_CC.pdf](http://hbex.coveredca.com/toolkit/PDFs/ALL_IN_Flyer_EnrollGetCareRenew_CC.pdf)

The Charter School Innovations Academy shall not discriminate against a student who does not have health care coverage or use any information relating to a student's health care coverage or interest in learning about health care coverage in any manner that would bring harm to the student or the student's family.

#### • Oral Health Assessment

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

#### • Physical Examinations and Right to Refuse

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

**Commented [MB65]:** Please note that liability waivers and assumption of risk are generally disfavored by California courts.

Thus, if a student is injured and sues IA, a liability waiver/acknowledge is not likely to be dispositive.

**Commented [MB66]:** This is a required annual notice. The School must also include information about insurance within its enrollment paperwork, please ensure this language is consistent.

**Commented [MB67]:** This is a required annual notice.

Pursuant to EC § 49452.8, "public school" students enrolled in kindergarten or first grade if not previously enrolled in kindergarten in a public school" must obtain this oral health assessment. Statute then requires "school districts" to file report with state (EC 49452.8(e).) We believe charter schools do not have to file that report but do need to provide the annual notice and obtain the oral health assessment information. Also, many charters agree to follow EC 49450 et seq. so need to provide annual notice based on charter language.

We have included general language here. However, the Charter School is required to specifically provide notice to covered students. Accordingly, we advise sending this information to all students governed by this section. (kindergarten and first graders enrolling in public school for the first time). If you need a template letter and form, we can provide it to you.

**Commented [MB68]:** Please note, under Ed. Code Section 49451, parents have the right to file annually with the principal a written and signed statement refusing consent for physical examinations of their child(ren), and if such a statement is filed, the child shall be exempt from any physical examination. However, if there is a good reason to believe that the child is suffering from a recognized contagious or infectious disease, he or she 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.

This information may also be included within the School's enrollment paperwork. Please review and ensure alignment.

**Commented [MB69]:** This is a required annual notice.

Vision, Hearing/Scoliosis: Students will be screened for vision, hearing and scoliosis by a nurse contracted by the School. The Charter School will adhere to Education Code Section 49450, et seq., as applicable to the grade levels served by the school.

**Commented [MB70]:** This aligns with your charter petition.

A parent/guardian having control or charge of any child enrolled in the Charter SchoolIA may file annually with the Executive Director of the school in which the child is enrolled 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.

#### **Diabetes**

The Charter SchoolInnovations Academy 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:

**Commented [MMH71]:** This is a required annual notice. A copy of the information sheet that the School must provide is available at: <https://www.cde.ca.gov/ls/hn/type2diabetes.asp>

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.

The language included in this section is sufficient for legal notice, but the School is still required to provide the information sheet that contains all the required information specified in this section to the parents/guardians of incoming 7<sup>th</sup> grade students. Alternatively, the School may place the entire information sheet in the handbook/annual notice guide to eliminate the need to provide the information sheet separately.

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

#### **Immunizations**

Pursuant to the California Health and Safety Code and the California Code of Regulations, children must have a minimum number of immunizations (shots) before they can attend school. Immunization records will be 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 SchoolIA follows and abides by the health standards set forth by the state of California. Students will -not receive classroom-based instruction until all required records have been received. The immunization status of all students will be reviewed periodically. Those students who do not meet the State guidelines may be excluded from classroom-based instruction 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.

**Commented [MB72]:** This is a required annual notice. Annual notice is often provided by charter schools as part of the enrollment paperwork. We are happy to review your paperwork to ensure it contains the appropriate information.

Per your charter petition, all students enrolled and staff will be required to provide records documenting immunizations as is required at public schools pursuant to Health and Safety Code Section 120325-120375, and Title 17, California Code of Regulations Section 6000-6075.

We included sample language below that incorporates the legal requirements.

These required immunizations include:

<b>Child's Grade</b>	<b>List of shots required to attend school</b>
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<b>Entering Kindergarten</b>	<p>Diphtheria, Pertussis, and Tetanus (DTaP) - Five (5) doses          Polio - Four (4) doses          Measles, Mumps, and Rubella (MMR) - Two (2) doses          Hepatitis B (Hep B) - Three (3) doses          Varicella (chickenpox) - Two (2) doses</p> <p><b>NOTE:</b> Four doses of DTaP are allowed if one was given on or after the fourth birthday. Three doses of DTaP meet the requirement if at least one dose of Tdap, DTaP, or DTP vaccine was given on or after the seventh birthday (also meets the 7th-12th grade Tdap requirement.) One or two doses of Td vaccine given on or after the seventh birthday count towards the requirement for DTaP. Three doses of Polio are allowed if one was given on or after fourth birthday. MMR doses must be given on or after first birthday. Two doses of measles, two doses of mumps, and one dose of rubella vaccine meet the requirement, separately or combined. Combination vaccines (e.g., MMRV) meet the requirements for individual component vaccines.</p>
<b>Entering 7<sup>th</sup> Grade</b>	<p>Tetanus, reduced Diphtheria, and acellular Pertussis (Tdap) - One (1) dose          Varicella (chickenpox) - Two (2) doses</p> <p><b>NOTE:</b> In order to begin 7th grade, students who had a valid personal belief exemption on file with a public or private elementary or secondary school in California before January 1, 2016 must meet all requirements for children 7-17 years old (i.e., polio, MMR, varicella and primary series for diphtheria, tetanus, and pertussis), <b>in addition to the 7th grade requirements for Tdap and varicella (varicella requirement for seventh grade advancement expires after June 30, 2025).</b> At least one dose of pertussis-containing vaccine is required on or after the 7th birthday.</p>

A complete copy of the Immunizations Policy is available for review in the main office.

**• Human Trafficking Prevention**

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

In accordance with the California Healthy Youth Act, 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 [INSERT

**Commented [MB73]:** A Board approved policy is strongly recommended. Please let us know if you would like us to review an existing policy or provide a template policy.

Once finalized, please ensure the complete policy is made available.

~~WHERE THIS FORM CAN BE LOCATED – WEBSITE, REQUEST, FRONT OFFICE}front office for your convenience or you can put your request in writing and send it to . 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.~~

**Commented [MB74]:** Please insert where the opt-form may be found.

~~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'sour website for your review.~~

**Commented [MB75]:** This is a required annual notice. AB 1861 (Ed Code 51934) requires charter schools to provide information to students about how social media and mobile device applications are used for human trafficking for students in grades 7-12 beginning with the 2019-2020 school year. While this specific annual notice does not appear to be required, it is strongly recommended.

### • **Mental Health Services**

~~The Charter SchoolInnovations Academy 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 SchoolIA 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:~~

**Commented [MB76]:** SB 1104 (ed Code 49381) requires charter schools serving grades 6-12 to identify methods of informing parents/guardians of their students regarding human trafficking prevention and implement these methods by January 1, 2020. While this annual notice does not appear to be required, it is strongly recommended.

**Commented [MB77]:** Please ensure this information is posted on or before 1/1/2020.

#### Available on Campus:

**Commented [MB78]:** This is a required annual notice. Effective September 18, 2018, AB 2022 added EC section 49428 which requires a Charter School to notify students and parents or guardians of students no less than twice during the school year on how to initiate access to available student mental health services on campus or in the community, or both, as provided. EC section 49428 gives 3 methods for how to notify parents and 3 methods for how to notify students – the Charter School must use at least 2 of these methods for each. 1 of the methods to notify both the parents and students is through the annual notices provided to parents and students in the student handbook. 1 of the other methods is on the School's website. Therefore, unless the School plans to send out a separate communication to parents and students in hard copy or electronically, it must post this information on the School's website.

**Commented [MB79]:** The language of AB 2022 specifies "on campus **or** in the community, **or both**, as provided." We recommend including both on-campus and community recourses, if they are available.

- ~~• School-based counseling services – your child is encouraged to directly contact our Charter School counselor by coming into the counseling officeSolution Center during school hours and making an appointment to speak with a counselor. The counseling office can also be reached at [INSERT PHONE NUMBER]. Our Charter School counselors supports students by providing individual sessions, group or parent consultations whenever a student is having a difficult time due to academic stress, transition to changes in their environment, or social concerns, including isolation. Counseling services, whether provided by our Charter Schoolschool or by an outside provider, listed in this letter, are voluntary.~~
- ~~• Special education services – if you believe your child may have a disability, you are encouraged to directly contact Lisa Smith, our special education coordinator at [INSERT NAME] at [INSERT PHONE NUMBER]Smith@InnovationsAcademy.org. to request an evaluation.~~
- ~~• Prescription medication while on campus – if your child requires prescription medication during school hours and you would like assistance from School staff in providing this mediation to your child, please contact a [INSERT NAME]our health clerk in the front office at 858-271-1414. at [INSERT PHONE NUMBER].~~

**Commented [MMH80]:** AB2022 does not specify what resources should be included and allows individual schools to tailor this list based upon unique on-campus and community- based options.

We have provided resources here that you may but are not required to include. **Please tailor this list as needed to your community and resources.** You are also encouraged to include information about local community/recreations/teen centers, school-based mentorship programs, etc. We also encourage you to work with your authorizer, department of mental health, county health resources, etc. to include information which would be helpful to your families.

Whenever possible, please include as much information about available **on-campus** mental health resources as possible.

#### Available in the Community:

- ~~[INSERT INFORMATION ABOUT COMMUNITY RESOURCES]~~
- ~~[INSERT INFORMATION ABOUT COMMUNITY RESOURCES]~~
- ~~[INSERT INFORMATION ABOUT COMMUNITY RESOURCES]~~

#### 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.

• **Pregnant and Parenting Students**

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

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

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

Christine Kuglen  
Executive Director  
~~10380 Spring Canyon~~5454 Ruffin Rd, San Diego, CA 9212331  
 858-271-1414  
[christine@innovationsacademy.org](mailto:christine@innovationsacademy.org)

**or**

Tony Spitzberg  
Assistant Director  
~~10380 Spring Canyon~~5454 Ruffin Rd, San Diego, CA 9212331  
 858-271-1414  
 [INSERT EMAIL]Tony@innovationsacademy.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.

**Commented [MB81]:** This is a required annual notice. Effective January 1, 2019, AB 2289 added Ed. Code sections 222.5 and 46015 which establishes certain accommodations as rights of a pregnant or parenting student. The Charter School is required to annually notify pregnant and parenting students and their parents of their rights and available educational options.

**For Middle and Elementary Schools:** Though the law does not specify an age or grade range that this provision applies to, we understand you may choose to remove it from this primary school handbook. However, please be aware that **the School is legally required to annual notify “parents and guardians of students at the beginning of the regular school term of the rights and options available to pregnant and parenting students under the law”** and in the (hopefully) unlikely event you have a student in this position, **the law requires you to allow this leave.**

**Commented [MB82]:** This aligns with the contact listed in IA’s UCP policy.

**Commented [MB83]:** This aligns with the contact listed in IA’s UCP policy.

**Commented [MB84]:** Once the complete policy is finalized and Board-approved, please make available.



• **Innovations Academy Youth Suicide Prevention Policy**

Board Policy #: [INSERT]

Board Approved 12/12/17; 5/9/17

Board Revised [INSERT] 12/8/2020

The Governing Board of Innovations Academy (“IA”) recognizes that suicide is a leading cause of death among youth and ~~should be taken seriously. To attempt to reduce suicidal behavior and its impact on students and families, the Board of Directors has developed prevention strategies and intervention procedures, that an even greater amount of youth consider (17 percent of high school students) and attempt suicide (over 8 percent of high school students) (Centers for Disease Control and Prevention, 2015).~~

The possibility of suicide and suicidal ideation requires vigilant attention from our school staff. An appropriate and timely response in preventing suicidal ideation, attempts, and deaths. It is also our intention to continue to create a safe and nurturing campus that minimizes suicidal ideation in students.

Recognizing that it is urgent to protect the health, safety, and welfare of its students, this policy aims to safeguard students and staff against suicide attempts, deaths and other trauma associated with suicide, including ensuring adequate supports for students, staff, and families affected by suicide attempts and loss. As it is known that the emotional wellness of students greatly impacts school attendance and educational success, this policy shall be paired with other policies that support the emotional and behavioral wellness of students.

This policy is based on research and best practices in suicide prevention, and has been adopted with the understanding that suicide prevention activities decrease suicide risk, increase help-seeking behavior, identify those at risk of suicide, and decrease suicidal behaviors. Empirical evidence refutes a common belief that talking about suicide can increase risk or “place the idea in someone’s mind.”

In an attempt to reduce suicidal behavior and its impact on students and families, the Director, Christine Kuglen and Counselor, Jennifer Kuebler, shall develop strategies for suicide prevention, intervention, and postvention, and the identification of the mental health challenges frequently associated with suicidal thinking and behavior. These strategies shall include professional development for all school personnel in all job categories who regularly interact with students or are in a position to recognize the risk factors and warning signs of suicide, including substitute teachers, volunteers, expanded learning staff (after school) and other individuals in regular contact with students (Special Ed Consultants, Coaches and Enrichment Teachers)

The Director and Counselor shall develop and implement preventive strategies and intervention procedures that include the following:

**Overall Strategic Plan for Suicide Prevention**

**Commented [MB85]:** Education Code (EC) 215 requires that Charters who serve students in grades 7-12 adopt a policy on pupil suicide prevention.

Pursuant to AB 1767, EC 215(a)(2)(A) requires Charters who serve pupils in grades K-6 to also adopt a policy on pupil suicide prevention. Policies must be age appropriate. This policy has been drafted using broad language so to apply to all grade levels; however, please ensure all material used are age-appropriate.

**Commented [MB86]:** Our understanding is that this is the current version of IA’s Suicide Prevention Policy. It is also our understanding that IA used the CDE template to craft this policy.

We have noticed that your policy includes language which states that the complete policy will be included within the student handbook.

**Accordingly, we redlined your existing policy with recent legal updates and included it here.**

Once finalized, please update the Board approval and revision dates, and make available for review in the main office.

**Commented [MMH87]:** Please see comment above regarding formatting and location within the Handbook.

**Commented [MB88]:** The CDE template had a lot more introductory language about the dangers of suicide and importance of schools’ addressing it. Because it seemed more like ‘dicta’ in the policy, and in an effort to keep our policy a reasonable length, we did not include it here.

CDE lists the following resources for this section:

- The K–12 Toolkit for Mental Health Promotion and Suicide Prevention has been created to help schools comply with and implement AB 2246, the Pupil Suicide Prevention Policies. The Toolkit includes resources for schools as they promote youth mental wellness, intervene in a mental health crisis, and support members of a school community after the loss of someone to suicide.

Additional information about this Toolkit for schools can be accessed on the Heard Alliance Web site at <http://www.heardalliance.org/>.

- You can find information about a comprehensive suicide prevention toolkit for schools on the Palo Alto Unified School District Counseling Services Web page at <https://www.pausd.org/student-services/counseling-services>



In compliance with Education Code 215, this policy has been developed in consultation with

~~The director shall involve~~ school-employed mental health professionals (school counselor, psychologist), Co-Director other school staff members, parents/guardians/caregivers, students, local health agencies and professionals, law enforcement, and community organizations in planning, implementing, and evaluating the school's strategies for suicide prevention and intervention. schools and schools must work in conjunction with local government agencies, community-based organizations, and other community supports to identify additional resources.

(See attachments)

To ensure the policies regarding suicide prevention are properly adopted, implemented, and updated, IA shall appoint an individual to serve as the suicide prevention point of contact (Jennifer Kuebler, Counselor). In addition, IA has identified one staff member to serve as the liaison to the IA's suicide prevention point of contact, and coordinate and help implement suicide prevention activities on their specific campus (Tony Spitzberg, Co-Director). This policy shall be reviewed and revised as indicated, at least annually in conjunction with the previously mentioned community stakeholders.

#### Resources:

The K-12 Toolkit for Mental Health Promotion and Suicide Prevention has been created to help schools comply with and implement AB 2246, the Pupil Suicide Prevention Policies. The Toolkit includes resources for schools as they promote youth mental wellness, intervene in a mental health crisis, and support members of a school community after the loss of someone to suicide.

Additional information about this Toolkit for schools can be accessed on the Heard Alliance Web site at: ~~at-HYPERLINK"~~  
~~http://www.heardalliance.org/"~~ <http://www.heardalliance.org/>.

You can find information about a comprehensive suicide prevention toolkit for schools on the Palo Alto Unified School District Counseling Services Web page at: ~~at-HYPERLINK"~~  
~~https://www.pausd.org/student-services/counseling-services"~~  
~~https://www.pausd.org/student-services/counseling-services~~

## **Prevention**

### **Messaging about Suicide Prevention**

Messaging about suicide has an effect on suicidal thinking and behaviors. Consequently, ~~Innovations Academy~~ IA along with its partners has critically reviewed and will continue to review all materials and resources used in awareness efforts to ensure they align with best practices for safe messaging about suicide.

#### Resources:

For information on public messaging on suicide prevention, see the National Action Alliance for Suicide Prevention Web site at ~~-HYPERLINK-~~  
~~"http://suicidepreventionmessaging.actionallianceforsuicideprevention.org/"~~  
~~http://suicidepreventionmessaging.actionallianceforsuicideprevention.org/~~

**Commented [MB89]:** As of September 2018, EC 215 states that the governing board or must review, at minimum every 5th year, this policy and, if necessary, update the policy. While the Education Code requires that the Charter review the policy at least every 5 years, the CDE's model policy continues to recommend that the policy be reviewed at least annually. Accordingly, we have included that this policy will be reviewed at least annually.

**Commented [MMH90]:** There seem to be duplicative inclusions

**Commented [MMH91]:** Resources do not need to be included within your policy. This is optional. This may also be included at the end of the policy if you would like.

For information on engaging the media regarding suicide prevention, see the Your Voice Counts Web page at: ~~HYPERLINK~~ "<http://resource-center.yourvoicecounts.org/content/making-headlines-guide-engaging-media-suicide-prevention-california-0>" ~~http://resource-center.yourvoicecounts.org/content/making-headlines-guide-engaging-media-suicide-prevention-california-0~~

For information on how to use social media for suicide prevention, see the Your Voice Counts Web page at: ~~HYPERLINK~~ "<http://resource-center.yourvoicecounts.org/content/how-use-social-media>" ~~http://resource-center.yourvoicecounts.org/content/how-use-social-media~~

### **Suicide Prevention Training and Education (Staff Development)**

~~Innovations AcademyIA~~ has carefully reviewed available staff training to ensure it promotes the mental health model of suicide prevention and does not encourage the use of the stress model to explain suicide.

Training shall be provided for all school staff members and other adults on campus (including substitutes and intermittent staff, volunteers, interns, tutors, and coaches.

~~Training shall include the following:~~

1. At least annually, all staff shall receive training on the risk factors and warning signs of suicide, suicide prevention, intervention, referral, and postvention.
2. All suicide prevention trainings shall be offered under the direction of school-employed mental health professionals (e.g., school counselors, psychologists, or social workers) who have received advanced training specific to suicide and may benefit from collaboration with one or more county and/or community mental health agencies. Staff training can be adjusted year-to-year based on previous professional development activities and emerging best practices.
3. At a minimum, all staff shall participate in training on the core components of suicide prevention (identification of suicide risk factors and warning signs, prevention, intervention, referral, and postvention) at the beginning of their employment. Previously employed staff members shall attend a minimum of one-hour general suicide prevention training (See attached). Core components of the general suicide prevention training shall include:
  - a. Suicide risk factors, warning signs, and protective factors;
  - b. How to talk with a student about thoughts of suicide;
  - c. How to respond appropriately to the youth who has suicidal thoughts. Such responses shall include constant supervision of any student judged to be at risk for suicide and an immediate referral for a suicide risk assessment;

**Commented [MB92]:** EC 215 states that the suicide prevention policy must include materials approved for training. It does not further specify how often or what such training must look like. The language included here is from CDE's model policy, with our advice as to how the School may proceed. However, this section can be revised to be consistent with the School's practices and resources.

CDE's Model Policy lists the following Resources:

- Youth Mental Health First Aid (YMHFA) teaches a 5-step action plan to offer initial help to young people showing signs of a mental illness or in a crisis, and connect them with the appropriate professional, peer, social, or self-help care. YMHFA is an 8-hour interactive training for youth-serving adults without a mental health background. See the Mental Health First Aid Web page at <https://www.mentalhealthfirstaid.org/cs/take-a-course/course-types/youth/>
- Free YMHFA Training is available on the CDE Mental Health Web page at <http://www.cde.ca.gov/ls/cg/mh/projectcalwell.asp>
- Question, Persuade, and Refer (QPR) is a gatekeeper training that can be taught online. Just as people trained in cardiopulmonary resuscitation (CPR) and the Heimlich Maneuver help save thousands of lives each year, people trained in QPR learn how to recognize the warning signs of a suicide crisis and how to question, persuade, and refer someone to help. See the QPR Web site at <http://www.qprinstitute.com/>
- SafeTALK is a half-day alertness training that prepares anyone over the age of fifteen, regardless of prior experience or training, to become a suicide-alert helper. See the LivingWorks Web page at <https://www.livingworks.net/programs/safetalk/>
- Applied Suicide Intervention Skills Training (ASIST) is a two-day interactive workshop in suicide first aid. ASIST teaches participants to recognize when someone may have thoughts of suicide and work with them to create a plan that will support their immediate safety. See the LivingWorks Web page at <https://www.livingworks.net/programs/asist/>
- Kognito At-Risk is an evidence-based series of three online interactive professional development modules designed for use by individuals, schools, districts, and statewide agencies. It includes tools and templates to ensure that the program is easy to disseminate and measures success at the elementary, middle, and high school levels. See the Kognito Web page at <https://www.kognito.com/products/pk12/>

**Commented [MB93]:** Per AB 1767, this policy must address any training on suicide awareness and prevention that will be provided to teachers of pupils in all of the grades served by the local educational agency.

- d. Emphasis on immediately referring (same day) any student who is identified to be at risk of suicide for assessment while staying under constant monitoring by staff member;
  - e. Emphasis on reducing stigma associated with mental illness and that early prevention and intervention can drastically reduce the risk of suicide; and
  - f. Reviewing the data annually to look for any patterns or trends of the prevalence or occurrence of suicide ideation, attempts, or death. Data from the California School Climate, Health, and Learning Survey (Cal-SCHLS) should also be analyzed to identify school climate deficits and drive program development. See the Cal-SCHLS Web site at: ~~at-HYPERLINK-~~ "<http://cal-schls.wested.org/>" <http://cal-schls.wested.org/>;
4. In addition to initial orientations to the core components of suicide prevention, ongoing annual staff professional development for all staff should include the following components:
- a. The impact of traumatic stress on emotional and mental health;
  - b. Common misconceptions about suicide;
  - c. School and community suicide prevention resources;
  - d. Appropriate messaging about suicide (correct terminology, safe messaging guidelines);
  - e. The factors associated with suicide (risk factors, warning signs, protective factors);
  - f. How to identify youth who may be at risk of suicide;
  - g. Appropriate ways to interact with a youth who is demonstrating emotional distress or is suicidal. Specifically, how to talk with a student about their thoughts of suicide and (based on school guidelines) how to respond to such thinking; how to talk with a student about thoughts of suicide and appropriately respond and provide support based on school guidelines;
  - h. School-approved procedures for responding to suicide risk (including multi-tiered systems of support and referrals). Such procedures should emphasize that the suicidal student should be constantly supervised until a suicide risk assessment is completed;
  - i. School-approved procedures for responding to the aftermath of suicidal behavior (suicidal behavior postvention);
  - j. Responding after a suicide occurs (suicide postvention);

- k. Resources regarding youth suicide prevention;
- l. Emphasis on stigma reduction and the fact that early prevention and intervention can drastically reduce the risk of suicide; and
- m. Emphasis that any student who is identified to be at risk of suicide is to be immediately referred (same day) for assessment while being constantly monitored by a staff member.

5. The professional development also shall include additional information regarding groups of students judged by the school, and available research, to be at elevated risk for suicide. These groups include, but are not limited to, the following:

- a. Youth affected by suicide;
- b. Youth with a history of suicide ideation or attempts;
- c. Youth with disabilities, mental illness, or substance abuse disorders;
- d. Lesbian, gay, bisexual, transgender, or questioning youth;
- e. Youth experiencing homelessness or in out-of-home settings, such as foster care;
- f. Youth who have suffered traumatic experiences; and

~~[Charter School may Insert other Local Youth Populations Vulnerable to Depression and Suicide].~~

**Commented [MB94]:** The School can also identify other local youth populations who are vulnerable to depression and suicide. If it does not wish to insert other populations, this bullet can be removed.

Resources:

Youth Mental Health First Aid ("YMHFA") teaches a 5-step action plan to offer initial help to young people showing signs of a mental illness or in a crisis, and connect them with the appropriate professional, peer, social, or self-help care. YMHFA is an 8-hour interactive training for youth-serving adults without a mental health background. See the Mental Health First Aid Web page at: ~~at -HYPERLINK-~~ ["https://www.mentalhealthfirstaid.org/cs/take-a-course/course-types/youth/"](https://www.mentalhealthfirstaid.org/cs/take-a-course/course-types/youth/) ~~https://www.mentalhealthfirstaid.org/cs/take-a-course/course-types/youth/~~

Free YMHFA Training is available on the CDE Mental Health Web page at: ~~at -HYPERLINK-~~ ["http://www.cde.ca.gov/ls/cg/mh/projectcalwell.asp"](http://www.cde.ca.gov/ls/cg/mh/projectcalwell.asp) ~~http://www.cde.ca.gov/ls/cg/mh/projectcalwell.asp~~

Question, Persuade, and Refer (QPR) is a gatekeeper training that can be taught online. Just as people trained in cardiopulmonary resuscitation (CPR) and the Heimlich Maneuver help save thousands of lives each year, people trained in QPR learn how to recognize the warning signs of a suicide crisis and how to question, persuade, and refer someone to help. See the QPR Web site at: ~~at -HYPERLINK-~~ ["http://www.qprinstitute.com/"](http://www.qprinstitute.com/) ~~http://www.qprinstitute.com/~~

SafeTALK is a half-day alertness training that prepares anyone over the age of fifteen, regardless of prior experience or training, to become a suicide-alert helper. See the LivingWorks Web page [at: https://www.livingworks.net/programs/safetalk/](https://www.livingworks.net/programs/safetalk/)

Applied Suicide Intervention Skills Training (ASIST) is a two-day interactive workshop in suicide first aid. ASIST teaches participants to recognize when someone may have thoughts of suicide and work with them to create a plan that will support their immediate safety. See the LivingWorks Web page [at: https://www.livingworks.net/programs/asist/](https://www.livingworks.net/programs/asist/)

Kognito At-Risk is an evidence-based series of three online interactive professional development modules designed for use by individuals, schools, districts, and statewide agencies. It includes tools and templates to ensure that the program is easy to disseminate and measures success at the elementary, middle, and high school levels. See the Kognito Web page [at: https://www.kognito.com/products/pk12/](https://www.kognito.com/products/pk12/)

### **Employee Qualifications and Scope of Services**

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

### **Specialized Staff Training (Assessment)**

Additional professional development in suicide risk assessment and crisis intervention shall be provided to mental health professionals (school counselors, psychologists, social workers, and nurses) employed by ~~IA Innovations Academy~~.

#### Resource:

Assessing and Managing Suicide Risk ("AMSR") is a one-day training workshop for behavioral health professionals based on the latest research and designed to help participants provide safer suicide care. See the Suicide Prevention Resource Center Web page [at: http://www.sprc.org/training-events/amsr](http://www.sprc.org/training-events/amsr)

### **Parents, Guardians, and Caregivers Participation and Education**

1. To the extent possible, parents/guardians/caregivers should be included in all suicide prevention efforts. At a minimum, ~~schools-IA~~ shall share [this Policy](#) with

**Commented [MB95]:** This language is not legally required. Accordingly, we have included permissive language. This section may be omitted if so desired by the School.

CDE includes the following Resource:

Parents as Partners: A Suicide Prevention Guide for Parents is a booklet that contains useful information for parents/guardians/caregivers who are concerned that their children may be at risk for suicide. It is available from Suicide Awareness Voices of Education (SAVE). See the SAVE Web page at <https://www.save.org/product/parents-as-partners/>

parents/guardians/caregivers ~~Innovations Academy suicide prevention policy and procedures, by notifying them where a complete copy of the Policy is available.~~

2. This suicide prevention policy shall be prominently displayed on the ~~IA Innovations Academy~~ Web page and included in the ~~parent hFamily Handbook~~.
3. Parents/guardians/caregivers should be invited to provide input on the development and implementation of this policy.
4. All parents/guardians/caregivers ~~should~~ may have access to suicide prevention training that addresses the following:
  - a. Suicide risk factors, warning signs, and protective factors;
  - b. How to talk with a student about thoughts of suicide; and
  - c. How to respond appropriately to the student who has suicidal thoughts. Such responses shall include constant supervision of any student judged to be at risk for suicide and referral for an immediate suicide risk assessment.

#### Resource:

Parents as Partners: A Suicide Prevention Guide for Parents is a booklet that contains useful information for parents/guardians/caregivers who are concerned that their children may be at risk for suicide. It is available from Suicide Awareness Voices of Education (SAVE). See the SAVE Web page ~~at: at~~ ~~HYPERLINK~~ ~~"https://www.save.org/product/parents-as-partners/"~~ ~~https://www.save.org/product/parents-as-partners/~~

#### Student Participation and Education

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

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

~~IA's instructional curriculum may include information about suicide prevention, as appropriate or needed. If suicide prevention is included in the Charter School's instructional curriculum, it shall consider the grade level and age of the students and be delivered and discussed in a manner that is sensitive to the needs of young students. Under the supervision of an appropriately trained individual acting within the scope of her/his credential or license, students shall:~~

11

**Commented [MB96]:** Pursuant to AB 34, commencing with the 2020–21 academic year, each LEA must ensure that its suicide prevention policy is "readily accessible in a prominent location on the local educational agency's existing internet website in a manner that is easily accessible to parents or guardians and pupils."

**Commented [MB97]:** This language is not legally required. Accordingly, we have included permissive language. However, it may be helpful to provide such student education. This section may be omitted if so desired by the School.

CDE lists the following resources for messaging:  
Resources:

- For information on public messaging on suicide prevention, see the National Action Alliance for Suicide Prevention Web site at <http://suicidpreventionmessaging.actionallianceforsuicideprevention.org/>.

- For information on engaging the media regarding suicide prevention, see the Your Voice Counts Web page at <http://resource-center.yourvoicecounts.org/content/making-headlines-guide-engaging-media-suicide-prevention-california-0>

For information on how to use social media for suicide prevention, see the Your Voice Counts Web page at <http://resource-center.yourvoicecounts.org/content/how-use-social-media>

**Commented [MB98]:** Language recommended by CDE if the School incorporates student education.

**Commented [MB99]:** This section revised to provide flexibility in the adult who instructs students. CDE lists the following resources for student education:

- More Than Sad is school-ready and evidence-based training material, listed on the national Suicide Prevention Resource Center's best practices list, specifically designed for teen-level suicide prevention. See the American Foundation for Suicide Prevention Web page at <https://afsp.org/our-work/education/more-than-sad/>

- Break Free from Depression (BFFD) is a 4-module curriculum focused on increasing awareness about adolescent depression and designed for use in high school classrooms. See the Boston Children's Hospital Web page at <http://www.childrenshospital.org/breakfree>

- Coping and Support Training (CAST) is an evidence-based life-skills training and social support program to help at-risk youth. See the Reconnecting Youth Inc. Web page at <http://www.reconnectingyouth.com/programs/cast/>

- Students Mobilizing Awareness and Reducing Tragedies (SMART) is a program comprised of student-led groups in high schools designed to give students the freedom to implement a suicide prevention on their campus that best fits their school's needs. See the SAVE Web page at <https://www.save.org/what-we-do/education/smart-schools-program-2/>

- Linking Education and Awareness for Depression and Suicide (LEADS) for Youth is a school-based suicide prevention curriculum designed for high schools and educators that links depression awareness and secondary suicide prevention. LEADS for Youth is an informative and interactive opportunity for students and teachers to increase knowledge and awareness of depression and suicide. See the SAVE Web page at <https://www.save.org/what-we-do/education/leads-for-youth-program/>

~~Innovations Academy~~IA has carefully reviewed available student curricula to ensure it promotes the mental health model of suicide prevention and does not encourage the use of the stress model to explain suicide.

Under the supervision of school-employed mental health professionals, and following consultation with county and community mental health agencies, students shall\*\*:

1. Receive developmentally appropriate, student-centered education about the warning signs of mental health challenges and emotional distress;
2. Receive developmentally appropriate guidance regarding the school's suicide prevention, intervention, and referral procedures.
3. The content of the education shall include:
  - a. Coping strategies for dealing with stress and trauma;
  - b. How to recognize behaviors (warning signs) and life issues (risk factors) associated with suicide and mental health issues in oneself and others;
  - c. Help-seeking strategies for oneself and others, including how to engage school-based and community resources and refer peers for help;
  - d. Emphasis on reducing the stigma associated with mental illness and the fact that early prevention and intervention can drastically reduce the risk of suicide.

Student-focused suicide prevention education can be incorporated into classroom curricula (e.g., health classes, freshman orientation classes, science, and physical education).

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

Resources:

More Than Sad is school-ready and evidence-based training material, listed on the national Suicide Prevention Resource Center's best practices list, specifically designed for teen-level suicide prevention. See the American Foundation for Suicide Prevention Web page ~~at: at-~~ ~~HYPERLINK-~~ <https://afsp.org/our-work/education/more-than-sad/> ~~"~~ ~~https://afsp.org/our-work/education/more-than-sad/~~

Break Free from Depression ("BFFD") is a 4-module curriculum focused on increasing awareness about adolescent depression and designed for use in high school classrooms. See the Boston Children's Hospital Web page ~~at: at-~~ ~~HYPERLINK-~~ <http://www.childrenshospital.org/breakfree> ~~"~~ ~~http://www.childrenshospital.org/breakfree~~

Coping and Support Training ("CAST") is an evidence-based life-skills training and social support program to help at-risk youth. See the Reconnecting Youth Inc. Web page ~~at: at-~~



~~HYPERLINK "<http://www.reconnectingyouth.com/programs/cast/>"~~  
~~<http://www.reconnectingyouth.com/programs/cast/>~~

Students Mobilizing Awareness and Reducing Tragedies ("SMART") is a program comprised of student-led groups in high schools designed to give students the freedom to implement a suicide prevention on their campus that best fits their school's needs. See the SAVE Web page ~~at: at~~ ~~HYPERLINK "<https://www.save.org/what-we-do/education/smart-schools-program-2/>"~~ ~~<https://www.save.org/what-we-do/education/smart-schools-program-2/>~~

Linking Education and Awareness for Depression and Suicide ("LEADS") for Youth is a school-based suicide prevention curriculum designed for high schools and educators that links depression awareness and secondary suicide prevention. LEADS for Youth is an informative and interactive opportunity for students and teachers to increase knowledge and awareness of depression and suicide. See the SAVE Web page ~~at: at~~ ~~HYPERLINK "<https://www.save.org/what-we-do/education/leads-for-youth-program/>"~~ ~~<https://www.save.org/what-we-do/education/leads-for-youth-program/>~~

## **Intervention, Assessment, Referral**

### **Staff**

Two ~~Innovations Academy~~IA staff members (Jennifer Kuebler, Counselor and Tony Spitzberg, Co-Director) who have received advanced training in suicide intervention ~~shall be~~are designated as the primary and secondary suicide prevention liaisons.

Whenever a staff member suspects or has knowledge of a student's suicidal intentions, they shall promptly notify the primary designated suicide prevention liaison. If this primary suicide prevention liaison is unavailable, the staff shall promptly notify the secondary suicide prevention liaison.

Under normal circumstances, the primary and/or secondary ~~contact persons~~ liaisons shall notify the ~~Executive Director~~principal, another school administrator, school psychologist or school counselor, if different from the primary and secondary contact persons. The names, titles, and contact information of multi-disciplinary crisis team members shall be distributed to all students, staff, parents/guardians/caregivers and be prominently available on school web sites.

~~Jennifer Kuebler, Counselor and Tony Spitzberg, Co-Director:~~

The ~~principal~~Executive Director, another school administrator, school counselor, school psychologist, social worker, or nurse shall then notify, if appropriate and in the best interest of the student, the student's parents/guardians/caregivers as soon as possible and shall refer the student to mental health resources in the school or community. Determination of notification to parents/guardians/caregivers should follow a formal initial assessment to ensure that the student is not endangered by parental notification.

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

Whenever a staff member suspects or has knowledge of a student's suicidal intentions, they shall promptly notify the primary or secondary suicide prevention liaisons. <sup>11</sup>



Students experiencing suicidal ideation shall not be left unsupervised.

A referral process should be prominently disseminated to all staff members, so they know how to respond to a crisis and are knowledgeable about the school and community-based resources.

The Superintendent or Designee shall establish crisis intervention procedures to ensure student safety and appropriate communications if a suicide occurs or an attempt is made by a student or adult on campus or at a school-sponsored activity.

### **Parents, Guardians, and Caregivers**

A referral process should be prominently disseminated to all parents/guardians/caregivers, so they know how to respond to a crisis and are knowledgeable about the school and community-based resources.

### **Students**

Students shall be encouraged to notify a staff member when they are experiencing emotional distress or suicidal ideation, or when they suspect or have knowledge of another student's emotional distress, suicidal ideation, or attempt. (LEA to include crisis intervention procedures, including counseling and other support systems).

### **Parental Notification and Involvement**

~~IAInnovations Academy~~ shall identify a process to ensure continuing care for the student identified to be at risk of suicide. The following steps should be followed to ensure continuity of care:

1. After a referral is made for a student, school staff shall verify with the parent/guardian/caregiver that follow-up treatment has been accessed. Parents/guardians/caregivers will be required to provide documentation of care for the student.
2. If parents/guardians/caregivers refuse or neglect to access treatment for a student who has been identified to be at-risk for suicide or in emotion
3. Receive developmentally appropriate, student-centered education about the warning signs of mental health challenges and emotional distress;
4. Receive developmentally appropriate guidance regarding the school's suicide prevention, intervention, and referral procedures. The content of the education shall include:
  - a. Coping strategies for dealing with stress and trauma;

- b. How to recognize behaviors (warning signs) and life issues (risk factors) associated with suicide and mental health issues in oneself and others;
- c. Help-seeking strategies for oneself and others, including how to engage school-based and community resources and refer peers for help;
- d. Emphasis on reducing the stigma associated with mental illness and the fact that early prevention and intervention can drastically reduce the risk of suicide.
- e. Student-focused suicide prevention education can be incorporated into classroom curricula (e.g., health classes, orientation classes, science, and physical education).

Innovations Academy<sup>IA</sup> will support the creation and implementation of programs and/or activities on campus that raise awareness about mental wellness and suicide prevention (e.g., Mental Health Awareness, Peer Counseling Programs, Success Programs, and National Alliance on Mental Illness Awareness).

Resources:

More Than Sad is school-ready and evidence-based training material, listed on the national Suicide Prevention Resource Center’s best practices list, specifically designed for teen-level suicide prevention. See the American Foundation for Suicide Prevention Web page at ~~at-~~ ~~HYPERLINK~~ "<https://afsp.org/our-work/education/more-than-sad/>" ~~at-~~ ~~HYPERLINK~~ "<https://afsp.org/our-work/education/more-than-sad/>"

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Students Mobilizing Awareness and Reducing Tragedies (“SMART”) is a program comprised of student-led groups in high schools designed to give students the freedom to implement a suicide prevention on their campus that best fits that distress, the suicide point of contact (or other appropriate school staff member) will meet with the parents/guardians/caregivers to identify barriers to treatment (e.g., cultural stigma, financial issues) and work to rectify the situation and build understanding of the importance of care. If follow-up care for the student is still not provided, school staff should consider contacting Child Protective Services (CPS) to report neglect of the youth. (858-694-5141).

**Action Plan for In-School Suicide Attempts**

~~If a suicide attempt is made during the school day on campus, it is important to remember that the health and safety of the student and those around him/her is critical. The following steps should be implemented:~~

When a suicide attempt or threat is reported on campus or at a school-related activity, the suicide prevention liaison shall, at a minimum:

1. Ensure the student's physical safety by one or more of the following, as appropriate:

- a. Remain calm, remember the student is overwhelmed, confused, and emotionally distressed;
- b. Move all other students out of the immediate area;
- c. Immediately contact the administrator or suicide prevention liaison;
- d. Call 911 and give them as much information about any suicide note, medications taken, and access to weapons, if applicable;
- e. If needed, provide medical first aid until a medical professional is available;
- f. Parents/guardians/caregivers should be contacted as soon as possible;
- g. Do not send the student away or leave them alone, even if they need to go to the restroom;
- h. Listen and prompt the student to talk;
- i. Review options and resources of people who can help;
- j. Be comfortable with moments of silence as you and the student will need time to process the situation;
- k. Provide comfort to the student;
- l. Promise privacy and help, and be respectful, but do not promise confidentiality;

m. Student should only be released to parents/guardians/caregivers or to a person who is qualified and trained to provide help.

2. Document the incident in writing as soon as feasible.

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

4. After a referral is made, IA shall verify with the parent/guardian that the follow up treatment has been accessed. Parents/guardians will be required to provide documentation of care for the student. If parents/guardians refuse or neglect to access treatment for a student who has been identified to be at risk for suicide or in

**Commented [MB100]:** Per AB 1767, this is required to be included in the policy for K-6 students.

emotional distress, the suicide prevention liaisons shall meet with the parent to identify barriers to treatment (e.g., cultural stigma, financial issues) and work to rectify the situation and build understanding of care. If follow up care is still not provided, IA may contact Child Protective Services.

5. Provide access to counselors or other appropriate personnel to listen to and support students and staff who are directly or indirectly involved with the incident at IA.
6. Provide an opportunity for all who respond to the incident to debrief, evaluate the effectiveness of the strategies used, and make recommendations for future actions.

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

### **Action Plan for Out-of-School Suicide Attempts**

If a suicide occurs or is attempted by a student is outside of the IA Innovations Academy property campus and unrelated to school activities, the Executive Director or designee shall take the following steps to support the student: ~~it is crucial that the LEA protects the privacy of the student and maintain a confidential record of the actions taken to intervene, support, and protect the student. The following steps should be implemented:~~

1. Contact the parents/guardians/caregivers and offer support to the family;
2. Discuss with the family how they would like the school to respond to the attempt while minimizing widespread rumors among teachers, staff, and students;
3. Obtain permission from the parents/guardians/caregivers to share information to ensure the facts regarding the crisis is correct;
4. Designate a staff member to handle media requests;
5. Provide care and determine appropriate support to affected students;
6. Offer to the student and parents/guardians/caregivers steps for re-integration to school. Re-integration may include obtaining a written release from the parent/guardian to speak with any health care providers; conferring with the student and parent/guardian about any specific requests on how to handle the situation; informing the student's teachers about possible days of absences; allowing accommodations for make-up work (being understanding that missed assignments may add stress to the student); appropriate staff maintaining ongoing contact with the student to monitor the student's actions and mood; and working with the parent/guardian to involve the student in an aftercare plan.

11

**Commented [MB101]:** This language is recommended by CDE. It is unclear whether a public school can require parents to take any particular action. We advise against refusing to reintegrate the student for the parent's failure to get additional treatment. However, these other steps outlined by CDE may be useful to ensure a safe campus.

CDE provides the following Resource:

The School Reentry for a Student Who Has Attempted Suicide or Made Serious Suicidal Threats is a guide that will assist in school re-entry for students after an attempted suicide. See the Mental Health Recovery Services Resource Web page at [http://www.mhrsonline.org/resources/suicide%5Cattempted\\_suicide\\_resources\\_for\\_schools-9/](http://www.mhrsonline.org/resources/suicide%5Cattempted_suicide_resources_for_schools-9/)

**Commented [MB102]:** The CDE template requires the school to establish crisis intervention procedures to ensure student safety if a suicide occurs or is attempted on campus. The school site safety plan is something the School is required to have, and to have been developed with local law enforcement, so this is an appropriate procedure to follow.

**Commented [MB103]:** This language is recommended by CDE. It is unclear whether a public school can require parents to take any particular action. We advise against refusing to reintegrate the student for the parent's failure to get additional treatment. However, these other steps outlined by CDE may be useful to ensure a safe campus.

CDE provides the following resource:

The School Reentry for a Student Who Has Attempted Suicide or Made Serious Suicidal Threats is a guide that will assist in school re-entry for students after an attempted suicide. See the Mental Health Recovery Services Resource Web page at [http://www.mhrsonline.org/resources/suicide%5Cattempted\\_suicide\\_resources\\_for\\_schools-9/](http://www.mhrsonline.org/resources/suicide%5Cattempted_suicide_resources_for_schools-9/)

### **Supporting Students after a Mental Health Crisis**

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

It is crucial that careful steps are taken to help provide the mental health support for the student and to monitor their actions for any signs of suicide. The following steps should be implemented after the crisis has happened:

1. Treat every threat with seriousness and approach with a calm manner; make the student a priority;
2. Listen actively and non-judgmental to the student. Let the student express his or her feelings;
3. Acknowledge the feelings and do not argue with the student;
4. Offer hope and let the student know they are safe and that help is provided. Do not promise confidentiality or cause stress;
5. Explain calmly and get the student to a trained professional, guidance counselor, or designated staff to further support the student;
6. Keep close contact with the parents/guardians/caregivers and mental health professionals working with the student.

### **Re-Entry to School After a Suicide Attempt**

A student who threatened or attempted suicide is at a higher risk for suicide in the months following the crisis. Having a streamlined and well planned re-entry process ensures the safety and wellbeing of students who have previously attempted suicide and reduces the risk of another attempt. An appropriate re-entry process is an important component of suicide prevention. Involving students in planning for their return to school provides them with a sense of control, personal responsibility, and empowerment.

The following steps shall be implemented upon re-entry:

1. Obtain a written release of information signed by parents/guardians/caregivers and providers;
2. Confer with student and parents/guardians/caregivers about any specific requests on how to handle the situation;

3. Inform the student's teachers about possible days of absences;
4. Allow accommodations for student to make up work (be understanding that missed assignments may add stress to student);
5. Mental health professionals or trusted staff members should maintain ongoing contact to monitor student's actions and mood;
6. Work with parents/guardians/caregivers to involve the student in an aftercare plan.

Resource:

The School Reentry for a Student Who Has Attempted Suicide or Made Serious Suicidal Threats is a guide that will assist in school re-entry for students after an attempted suicide. See the Mental Health Recovery Services Resource Web page at ~~HYPERLINK~~ "[http://www.mhrsonline.org/resources/suicide%5Cattempted\\_suicide\\_resources\\_for\\_schools-9/](http://www.mhrsonline.org/resources/suicide%5Cattempted_suicide_resources_for_schools-9/)"

**Responding After a Suicide Death (Postvention)**

A death by suicide in the school community (whether by a student or staff member) can have devastating consequences on students and staff. Therefore, it is vital that we are prepared ahead of time in the event of such a tragedy. Christine Kuglen, Director and Jennifer Kuebler, Counselor for ~~Innovations Academy IA~~ shall ensure that the school has an action plan for responding to a suicide death as part of the general Crisis Response Plan. The Suicide Death Response Action Plan (Suicide Postvention Response Plan) needs to incorporate both immediate and long-term steps and objectives.

The suicide prevention liaison shall:  
~~Suicide Postvention Response Plan shall:~~

1. Identify a staff member to confirm death and cause (Christine Kuglen);
2. Identify a staff member to contact deceased's family (within 24 hours);
3. Enact the Suicide Postvention Response Plan, include an initial meeting of the school Suicide Postvention Response Team;
4. Notify all staff members (ideally in-person or via phone, not via e-mail or mass notification).
5. Coordinate an all-staff meeting, to include:
  - a. Notification (if not already conducted) to staff about suicide death;
  - b. Emotional support and resources available to staff;

- c. Notification to students about suicide death and the availability of support services (if this is the protocol that is decided by administration);
  - d. Share information that is relevant and that which you have permission to disclose.
6. Prepare staff to respond to needs of students regarding the following:
    7. Review of protocols for referring students for support/assessment;
    8. Talking points for staff to notify students;
    9. Resources available to students (on and off campus).
  10. Identify students significantly affected by suicide death and other students at risk of imitative behavior;
  11. Identify students affected by suicide death but not at risk of imitative behavior;
  12. Communicate with the larger school community about the suicide death;
  13. Consider funeral arrangements for family and school community;
  14. Respond to memorial requests in respectful and non-harmful manner; responses should be handed in a thoughtful way and their impact on other students should be considered;
  15. ~~If needed, identify~~ **media spokesperson** skilled to cover story without the use of explicit, graphic, or dramatic content (go to the Reporting on Suicide.Org Web site ~~at: [at: ~~HYPERLINK-"http://www.reportingonsuicide.org" or www.reportingonsuicide.org~~](http://www.reportingonsuicide.org)~~). ~~Research has proven that sensationalized media coverage can lead to contagious suicidal behaviors.~~
  16. Include long-term suicide postvention responses:
    - a. Consider important dates (i.e., anniversary of death, deceased birthday, graduation, or other significant event) and how these will be addressed
    - b. Support siblings, close friends, teachers, and/or students of deceased
    - c. Consider long-term memorials and how they may impact students who are emotionally vulnerable and at risk of suicide

**Commented [MB104]:** There are specific Education Code provisions regarding the monitoring of social media. Accordingly, we advise against this section as written in the CDE model policy.

Resources:

After a Suicide: A Toolkit for School is a comprehensive guide that will assist schools on what to do if a suicide death takes place in the school community. See the Suicide Prevention Resource Center Web page ~~at: at-HYPERLINK-~~ ~~"http://www.sprc.org/comprehensive-approach/postvention"~~ <http://www.sprc.org/comprehensive-approach/postvention>

Help & Hope for Survivors of Suicide Loss is a guide to help those during the bereavement process and who were greatly affected by the death of a suicide. See the Suicide Prevention Resource Center Web page ~~at: at-HYPERLINK-~~ ~~"http://www.sprc.org/resources-programs/help-hope-survivors-suicide-loss"~~ <http://www.sprc.org/resources-programs/help-hope-survivors-suicide-loss>

For additional information on suicide prevention, intervention, and postvention, see the Mental Health Recovery Services Model Protocol Web page ~~at: at-HYPERLINK-~~ ~~"http://www.mhrsonline.org/resources/suicide%5Cattempted-suicide-resources-for-schools-9/"~~ <http://www.mhrsonline.org/resources/suicide%5Cattempted-suicide-resources-for-schools-9/>

Information on school climate and school safety is available on the CDE Safe Schools Planning Web page ~~at: at-HYPERLINK-~~ ~~"http://www.cde.ca.gov/ls/ss/vp/safeschlplanning.asp"~~ <http://www.cde.ca.gov/ls/ss/vp/safeschlplanning.asp>

Additional resources regarding student mental health needs can be found in the SSPI letter Responding to Student Mental Health Needs in School Safety Planning ~~at: at-HYPERLINK-~~ ~~"http://www.cde.ca.gov/nr/el/le/yr14ltr0212.asp"~~ <http://www.cde.ca.gov/nr/el/le/yr14ltr0212.asp>.

**Note:** The model policy is considered exemplary and is not prescriptive, per EC Section 33308.5.

### Student Identification Cards

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

~~Template provided by California Department of Education, Posted 05/09/2017 and revised by Jennifer Kuebler 8/17~~

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**Commented [MB105]:** This section begins on July 1, 2019 and is only legally required for those schools that issue pupil identification cards. Accordingly, please omit if you do not issue pupil identification cards.

EC 215 states that as of January 1, 2019, if the Charter has a supply of unissued student identification cards that do not comply with this section, the Charter can issue those cards until they run out.

As of 2/15/19, the number for the National Suicide Prevention Lifeline is 1-800-273-8255; the number for the Crisis Text Line can be accessed by texting HOME to 741741.

**Commented [MB106]:** This is required beginning on October 1, 2020, but we recommend including it on any newly printed identification cards. EC 215.5(c) allows schools who have a supply of identification cards without this information to continue using noncompliant cards until the supply is depleted.

The National Domestic Violence Hotline number is 1-800-799-7233

**Commented [MB107]:** EC 215.5 does not require these numbers to be printed on the identification cards. Accordingly, you may omit this from the policy. However, we recommend including these numbers on the cards to provide students with access to multiple sources.

**Commented [MMH108]:** We have included this in the Board notes, above.

**Commented [MMH109]:** Recommended formatting for the end of a policy.



## OTHER STUDENT SERVICES, POLICIES, & PROCEDURES

### • Education of Foster and Mobile Youth

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

1. "Foster youth" refers to any child who has been removed from their home pursuant to Welfare and Institutions Code section 309 and/or is the subject of a petition filed under Welfare and Institutions Code section 300 or 602. This includes children who are the subject of cases in dependency court and juvenile justice court.
2. "Former juvenile court school pupils" refers to a student who, upon completion of the student's second year of high school, transfers from a juvenile court school to the Charter School.
3. "Child of a military family" refers to a student who resides in the household of an active duty military member.
4. "Currently Migratory Child" refers to a child who, within the last 12-months, has moved with a parent, guardian, or other person having custody to the Charter School from another Local Educational Agency ("LEA"), either within California or from another state, in order that the child or a member of the child's immediate family might secure temporary or seasonal employment in an agricultural or fishing activity, and whose parents or guardians have been informed of the child's eligibility for migrant education services. "Currently Migratory Child" includes a child who, without the parent/guardian, has continued to migrate annually to secure temporary or seasonal employment in an agricultural or fishing activity.
5. "Pupil participating in a newcomer program" means a pupil who is participating in a program designed to meet the academic and transitional needs of newly arrived immigrant pupils that has as a primary objective the development of English language proficiency.

Within this notice, foster youth, former juvenile court school pupils, a child of a military family, a currently migratory child, and a pupil participating in the newcomer program 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."

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

[INSERT NAME]Christine Kuglen  
[INSERT TITLE]Director  
[INSERT ADDRESS AND CONTACT INFO] 5454 Ruffin Rd. SD 92123  
christine@innovationsacademy.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.

**Commented [MB110]:** This is a required annual notice. Education Code section 51225.2 was amended in 2018 and is effective 1/1/19. This notice complies with the new notice requirements for foster and highly mobile youth. Please note that this is not a full and complete board policy.

**Commented [MB111]:** This may not apply to IA since you are not a high school, however, we recommend leaving in this language.

**Commented [MB112]:** Please ensure that the name and contact information included is consistent with the School's complete Policy.

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

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

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

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

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

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

**Commented [MB113]:** In general Charter schools are not required to hold a spot for foster youth that voluntarily withdraw. EC 47605(d)(3). However, in general **charter schools are required to re-enroll a foster/juvenile court student and child of a military family under certain circumstances if the charter school is the student's "school of origin" and the parent/rights holder believes it is in their best interest**

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

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

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

**Commented [MB114]:** I recommend leaving this reference for all schools (even non-high schools) as it aligns with the Education Code provisions and those provisions do not exclude schools other than high school. Also, leaving this included seems to align with the intent of this statute.

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 (52) business days. The Charter School shall compile the complete educational record of the pupil, 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 pupil's special education records including assessments, IEPs, and/or 504 plans. All requests for student records will be shared with the Foster and Mobile Youth Liaison, who shall be aware of the specific educational record keeping needs of Foster and Mobile Youth.

**Commented [MB115]:** Please be aware of this timeline, as this is faster than the standard 5 business day timeline.

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

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

**Commented [MB116]:** We updated this complete policy, located within this handbook.

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

**Commented [MB117]:** Please ensure this aligns with the name of your complete foster youth policy.

**Commented [MB118]:** Please confirm that the School has this policy and that it is located at the main office.

- **Education of Homeless Children and Youth**

**Commented [MMH119]:** This is a required annual notice. Please note that this is not a full and complete board policy.

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

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

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

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

~~{INSERT NAME}~~Christine Kuglen  
~~{INSERT TITLE}~~Director  
~~{INSERT ADDRESS AND CONTACT INFO}~~ 5454 Ruffin Rd. SD 92123  
~~christine@innovationsacademy.org~~

**Commented [MB120]:** Please ensure that the name and contact information included is consistent with the School's complete Policy.

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

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

manner and form understandable to the parents and guardians of homeless youth and unaccompanied youth.

6. Enrollment/admissions disputes are mediated in accordance with law, the Charter School's charter, and Board policy.
7. Parents/guardians and any unaccompanied youth are fully informed of all transportation services, as applicable.
8. Charter School personnel providing services receive professional development and other support.
9. The Charter School Liaison collaborates with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths.
10. Unaccompanied youth are enrolled in school; have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth; and are informed of their status as independent students under section 480 of the Higher Education Act of 1965 and that the youths may obtain assistance from the Charter School Liaison to receive verification of such status for the purposes of the Free Application for Federal Student Aid described in section 483 of the Act.

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

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

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

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.

**Commented [MB121]:** Please confirm that the School has this policy and that it is located at the main office.

## • Visitors and Volunteers

### Visitation Policy

The safety of all children is of utmost importance. Our gates are locked at 8:30~~45~~ a.m. each morning. At that time the only way on campus is through the front office. Immediately upon entering campus, all visitors, including volunteers, are required to sign in with the school office. ~~Visitors being accompanied by school staff while on campus may be denied permission to enter classrooms if it is determined that there is a substantial likelihood of interference. The Executive Director, or designee, may refuse to register a visitor or volunteer if it is believed that the presence of the visitor or volunteer would cause a threat of disruption or physical injury to teachers, other employees, or students.~~

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

~~If the visitor is a government officer/official (including but not limited to local law enforcement officers, immigration enforcement officers, social workers, district attorneys, or U.S. attorneys) the officer/official will also be asked to produce any documentation that authorizes school access.~~

### Parent Volunteers

~~Volunteerism by parents is encouraged but not mandatory.~~ We love volunteers at ~~Innovations Academy~~IA because they contribute so much time and energy to the students and staff! If you would like to volunteer, please see the below requirements for each level of involvement. For levels 2, 3 or 4, volunteers must complete and turn in the listed documents to the front office. Volunteers will receive an ~~I-A-IA~~ Volunteer Card indicating the volunteer categories that are allowed. If the requirements have not been met, then a parent will not be allowed to volunteer for that category. There are four categories of volunteers, each with different requirements:

- 1) Visitors or guests who enter the school for a one-day visit. This **excludes** whole school events such as Exhibition Nights, the school dance, etc.

#### Requirements:

- Sign in at the front office.
- 2) Volunteers with regular group exposure who have little or no direct unsupervised exposure or contact with children, and volunteers with

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Commented [MB122]: In light of COVID measures, some schools have requested language about implementing protective measures in the event of the current or future health crisis. This language is optional.

Commented [MB123]: This has always been best practices, but it is now also recommended by AG following passage of AB 699.

classroom exposure who work with children and are supervised by school staff.

Requirements:

- Sign in at the front office.
- Present a tuberculosis clearance card (good for 4 years)
- Receive background clearance, including being checked by office staff against the California Department of Justice, Sexual Offender (Megan's Law) website ([www.meganslaw.ca.gov](http://www.meganslaw.ca.gov)).

3) Field Trip Drivers: Volunteers who drive on field trips but do not spend the night.

Requirements:

- Sign in at the front office.
- File a copy of your automobile insurance in the front office.

- File a copy of your driver's license in the front office.
  - Receive background clearance, including ~~Be~~ being checked by office staff against the California Department of Justice, Sexual Offender (Megan's Law) website ([www.meganslaw.ca.gov](http://www.meganslaw.ca.gov)).
- 4) Volunteers who work with students unsupervised or who assist on overnight field trips.

Requirements:

- Sign in at the front office.
- Present a tuberculosis clearance card (good for 4 years).
- Present a fingerprint clearance from the SD County Office of Education.
- Receive background clearance, including being checked by office staff against the California Department of Justice, Sexual Offender (Megan's Law) website ([www.meganslaw.ca.gov](http://www.meganslaw.ca.gov)).

A complete copy of the *Visitor and Volunteer Policy* is available for review in the main office and on the school website.

**• Parent and Family Engagement Policy**

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

A copy of the Charter School's complete Policy is available upon request in the main office.

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**Commented [MB124]:** A Board approved policy is strongly recommended. Please let us know if you would like us to review an existing policy or provide a template policy.

Once finalized, please ensure the complete policy is made available.

**Commented [MB125]:** **This is a required annual notice.** A Board approved policy is legally required if IA accepts Title I funds. Please let us know if you would like us to review an existing policy or provide a template policy.

Once finalized, please ensure the complete policy is made available.



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### • **School Breakfast Program**

~~As required by law (AB 1871), Innovations AcademyIA participates in the National School Breakfast Program. Applications for free or reduced-price meals are included in the first day packets to all families and can also be obtained on the Charter School website and in the main office. All families are encouraged to complete the application form in order to include as many eligible students as possible. Completed application forms can be returned to the main office. The Charter School will provide each student who meets federal eligibility criteria by offering one nutritionally adequate approved school meal (cold breakfast) each day. Students may buy breakfast for \$5.00 if they do not qualify for free or reduced breakfast. Eligible students may receive meals free of charge or at the reduced-price rate of 30 cents for breakfast. You or your children do not have to be United States citizens to qualify Eligibility for free or reduced-price meals is not influenced by immigration or citizenship status. Please also contact the main office with any questions. You must complete the school form at the beginning of the school year so that participation can be gauged. See the office with any questions.~~

**Commented [MB126]:** This is a required annual notice. Once this section is finalized, please make the corresponding changes to the "Meals Info" section of your website.

**Commented [MB127]:** Please ensure these are posted.

### • **School Lunch & Snacks**

~~Innovations AcademyIA is committed to sustainable practices that will contribute to long term maintenance of our school site, city, and planet. The reuse of materials is a sustainable practice. We request that each child and staff member have a plate, cup (non-glass), fork and spoon in their classroom to be used for class parties and hot lunch on campus. Additionally, we are asking parents to send lunch items in reusable containers. Students who bring plastic bags, juice bags, etc. will be asked to take their trash home for discarding.~~

**Commented [MB128]:** Once this section is finalized, please make the corresponding changes to the "Meals Info" section of your website.

~~Our 8<sup>th</sup> graders have PIZZA FRIDAYS as a fundraiser for their 10 day end of the year field trip. If you would like to order pizza, please see the information under the LUNCH tab on our website.~~

**Commented [MB129]:** How are these washed afterwards? Do you have sinks in each classroom? Is each student responsible for washing their own dishes?

**Commented [MB130]:** Does IA have recycle bins on campus?

~~IA does not participate in the National School Lunch Program. However, pursuant to California Law, the Charter School will provide each student who meets federal eligibility criteria for free and reduced-price meals with at least one free or reduced-price, nutritionally adequate meal per school day, currently breakfast. Applications for free or reduced-price meals are included in the first day packets to all families and can also be obtained on the Charter School website and in the main office. All families are encouraged to complete the application form in order to include as many eligible students as possible. Completed application forms can be returned to the main office.~~

**Commented [MB131]:** Please note that we could not locate a "LUNCH" tab on your website.

We did locate a "Meals Info" section, which does not appear to include information about ordering pizza.

~~We do not have a free lunch program. However, if your student is not eligible and you need help finding ways to make affordable lunches at home please feel free to ask. We're happy to help with suggestions and resources.~~

**Commented [MB132]:** This language may be revised since IA doesn't use the NSLP applications to determine eligibility for FRPM.

Lunch Options: Bring a cold lunch or leftovers as we have microwaves on campus.

Snacks:

Please send your child to school with nutritionally sound snacks (and lots of them, your children will be hungry throughout the school day). No energy drinks, soda, or junk food. If a child is seen with such items, it will be removed by the supervising adult. We suggest fruits, vegetables, nuts, whole grain breads, cheeses, etc. Once again, keep in mind that our goal is to have zero trash generated on campus from snacks and lunch so please pack accordingly.

## • Fundraising

At [InnovationsIA](#), each year we create a fundraising plan to give clarity and direction to the necessary fundraising that we must do. The funds bring resources to our program. If you have strong opinions, skills and/or ideas in this area, please volunteer for our Fundraising Committee.

We do a variety of fundraising activities:

**Student:** Fundraising is a great way for students to learn about budgeting, resources, and planning. Furthermore, it makes our students accountable for the activities that they want to do. An example ~~of a fundraising event would be~~ a student-organized bake sale or car wash.

**Passive/Ongoing Fundraisers:** These fundraisers require little effort once established. Money comes to [Innovations AcademyIA](#) throughout the school year. Examples are Gift card purchases, Jamba Juice sales, Amazon Smile Program, debit or credit card registration at several locations. Please see our website for links to all of our ongoing fundraisers.

**Active Fundraising:** ~~IA limits our active fundraising events so as not to be bothering our families for money all of the time and to support ongoing student fundraising.~~ Several active fundraisers that may occur during the school year are Scholastic Book Fair ~~and~~; a School Dance, ~~and the Fall Pledge Drive.~~

There are many other ways to ~~contribute to generating~~[help generate](#) funds that support our students. Helping create a strong network is important. All IA community members can contribute by helping to organize, bringing supplies or goods for a fundraiser, donating monetarily, and/or helping us find grants or philanthropic organizations to partner with. One resource that many people ~~do not know about~~ [don't tap into](#) is their own place of employment. Many companies do matching grants/contributions for fundraising/donations. Find out about yours!

**Education Innovators Program:** We have the goal of creating an Education Innovators Sponsorship Program. This program would enroll 100 sponsors each donating \$1,000.00 each year for three (3) consecutive years. With \$100,000.00 collected each year, we will deposit half of the funds into a reserve account and the other half will be used to support the continuing development of a strong educational program and innovative use of technology. If you are interested in organizing this program, please see the director.

[Please note that participating in fundraising activities or donating to a fundraiser is optional. No student will be penalized for failure to participate.](#)

**Commented [MB133]:** We strongly recommend a Board-approved Fundraising Policy.

• **Dress Code**

Innovations AcademyIA believes that socially responsible behavior is crucial to improving and maintaining a climate of respect. Dress and grooming should not interfere with the educational process. School clothing should be neat, clean, maintain adequate coverage, and be appropriate for school activities, ~~and follow standards of common decency (no profanity, nondiscriminatory, sexually explicit clothing, etc.)~~. Clothing that promotes alcohol, drugs, tobacco, or other controlled substances, or uses suggestive, vulgar, obscene, or profane language and/or images is prohibited.

Footwear: Please wear or bring to school closed-toe athletic shoes for outdoor activities during P.E. The scheduling of P.E. can be unpredictable and classes often play active outdoor games. Please plan accordingly.

A copy of the complete Dress Code Policy is available for review in the main office and on the school website.

**Commented [MB134]:** We strongly recommend a Board-approved Dress Code Policy.

**Commented [MB135]:** A Board approved policy is strongly recommended. Please let us know if you would like us to review an existing policy or provide a template policy.

Once finalized, please ensure the complete policy is made available.

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## • Cell Phone and other Electronic Communication Device Policy

We at ~~Innovations Academy~~IA powerfully create our lives through self-expression, compassionate connection, and purposeful learning. This is the first sentence of our mission statement and we recognize that it is also the reason why families have entrusted us with their children. We believe that the authentic, face-to-face, compassionate communication that ties not only teachers and students, but students to each other, must take place in the absence of cell phones and other communication devices (such as communication watches). ~~for compassionate connection to exist.~~

No "smart" device that connects to the internet (cell phones, watches, ipads, computers) will be allowed on campus at any time ~~, unless assigned by IA for instructional use. :~~

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

Pagers and cCell phones that call and text ONLY (flip phones) may be brought to school. Each of these devices must be inspected at the front office and by the classroom teacher and approved prior to a student carrying said device. ~~The device will be turned in to the teacher at the start of every school day and returned to the student at the end of the school day.~~

Any student found with a "smart" device (one that connects to the internet) or other communication device on campus during the school day will have it immediately taken away and parents-parent/guardian will be required to come to a scheduled meeting with the school counselor, Director, and Assistant Director. The device will be returned to the student's guardian parent/guardian only at that meeting. ~~If the child is found an additional time with a "smart" device in his/her possession, the phone device will be taken away, and a meeting set up to discuss the student's continued enrollment at our school.~~

Parents who need to contact their children during the school day ~~can should~~ leave a message at the front desk. Students are allowed to come to the office to make a phone call during class time only with the permission of the teacher, and at breaks and lunch as well as, before and after school. ~~to contact their parents as needed.~~

~~A copy of the complete Cell Phones & Other Electronic Communication Devices Policy is available for review in the main office and on the school website.~~

**Commented [MMH136]:** This complies with AB 272 (2019) regarding smart phones and EC 48901.7.

**Commented [AT137]:** Internal Note: AB 272 - EC 48901.7(b)(1). This new EC provision does not require a state of emergency to be declared, it just states that smartphone possession or use cannot be limited in the case of an emergency or in response to a perceived threat of danger.

**Commented [MB138]:** This seems to contradict the previous sentence. Why would a device need to be inspected at the front office to allow student to carry it if the teacher will hold it for the rest of the day anyway?

We recommend deleting this language in order to reconcile the contradiction.

**Commented [MB139]:** This contradicts the above paragraph. A flip-flop is a permitted communication device that a student is allowed to carry on campus.

We recommend deleting this language in order to reconcile the contradiction.

**Commented [MB140]:** Please note that expulsion for this reason is likely not justifiable based on the enumerated acts listed in your current Suspension & Expulsion Policy.

**Commented [MB141]:** A Board approved policy is strongly recommended. Please let us know if you would like us to review an existing policy or provide a template policy.

Once finalized, please ensure the complete policy is made available.

## • Student Use of Technology Policy

IA offers students access to technologies that may include internet access, electronic mail, and equipment, such as Chromebooks, computers, tablets, or other multimedia hardware. The technological resources provided by IA must be used in a safe, responsible, and proper manner in support of the instructional program and for the advancement of student learning.

### Chromebook Care Agreement

IA assigns individual Chromebooks to students in grades 2- 8 for instructional use throughout the school day. Students agree to follow their classroom expectations governing the use and care of their individual Chromebooks to prevent loss or damage. Normal wear of student equipment is expected and ~~Innovations Academy~~IA repairs Chromebooks as needed.

If ~~Innovations Academy~~IA staff determines that a Chromebook is willfully damaged by a student as a result of an intentional act, neglect, or abuse or because that student did not follow the acceptable use policies, below, or those established by his or her class, the student's parents understand and agree that they are responsible for the cost of repair or replacement of the Chromebook.

### Acceptable Use Policies

IA expects that students take appropriate care of their Chromebook by observing the following:

- Students transport their Chromebooks using both hands so as to avoid accidentally dropping them.
- Students store their Chromebooks carefully so the Chromebooks are not susceptible to damage (stored in the designated space in the classroom).
- Students type with care so that keys remain intact on keyboards.
- Students keep screens from bending back so as not to cause pressure damage to hinges or screens.
- Students keep their Chromebooks with them when Chromebooks are in use.
- Students keep their Chromebooks free of permanent marks and/or stickers.
- Students keep food and liquid away from their Chromebooks.
- Students plug in and remove headphones carefully so as not to damage headphone inputs or break off headphone jacks.
- Students ensure that when they use their Chromebook adapters, the cords do not pose trip hazards and are not exposed to damage.

Please communicate with your child the importance and value of handling and using his or her Chromebook with care.

Approximate replacement costs: screen - \$110.00 / keyboard - \$60.00 / power

**Commented [MMH142]:** If the School accepts e-rate funding under the Children's Internet Protection Act, additional information may need to be included.

**Commented [MMH143]:** We have also included a section, below, on lost or replacement materials.

**Commented [MB144]:** We recommend deleting this language to not confuse an agreement to proper chromebook care with the broader Acceptable Use Agreement that we recommend IA adopt. Such an agreement addresses expectation of privacy, inappropriate use, as well as equipment care. Please let us know if we can provide you with this sample Acceptable Use Agreement.

adapter - \$20.00 / Chromebook - \$350.00

**Commented [MMH145]:** Please confirm that these costs remain correct.

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## Internet Safety/Network Use Guidelines

Please read the following carefully. This will give you information about the privileges and responsibilities of using the Internet and InnovationsAcademyIA networks as part of your student's educational experience.

InnovationsAcademy'sIA's network provides access to the Internetinternet. The Internet-internet is an electronic highway connecting thousands of computers all over the world.

Students will have access to:

- Information and news from a variety of sources and research institutions.
- Public domain and shareware software of all types.
- Discussion groups on a wide variety of topics.
- Many university libraries, the Library of Congress, and more!

## Responsibilities- Safety

InnovationsAcademyIA has taken reasonable precautions to restrict access to "harmful matter" and to materials that do not support approved educational objectives. However, on a public network it is impossible to control all materials. "Harmful matter" means matter that, taken as a whole by the average person applying contemporary statewide standards, describes in a patently offensive way material which lacks serious literary, artistic, political, or scientific value for minors (Penal Code, ~~s~~Section 313).

The teacher/staff will choose resources on the Internet-internet that are appropriate for classroom instruction and/or research for the needs, maturity, and ability of their students. ~~InnovationsAcademy takes no responsibility for the accuracy or quality of information from Internet sources.~~

While IA is able to exercise reasonable control over content created and purchased by the Charter School, it has limited control over content accessed via the internet and no filtering system is 100% effective. Neither the Charter School nor its staff shall be responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes, misuse or negligence.

~~Use of any information obtained through the Internet is at the user's risk.~~

### Acceptable Use

The purpose of schools having access to the internet is to support research and education, ~~in and among academic institutions by providing access to unique resources,~~ and the opportunity for collaborative work. The use of InnovationsAcademyIA networks must be in support of education and research and consistent with the educational objectives of InnovationsAcademyIA. ~~Use of another organization's networks or computing resources must comply with rules appropriate for that network. InnovationsAcademy takes no responsibility for the accuracy or quality of information from Internet sources.~~

### Prohibited Use

Commented [MMH146]: Confirmed.

Transmission of any material in violation of any federal or state law is prohibited. This includes, but is not limited to, the distribution of:

- Any information which violates or infringes upon the rights of any other person.
- Any defamatory, inappropriate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or illegal material.
- Advertisements, solicitations, commercial ventures, or political lobbying.
- Any information that encourages the use of controlled substances or the use of the system for the purpose of inciting crime.
- Any material that violates copyright laws.

Any vandalism, unauthorized access, "hacking," or tampering with hardware or software, including introducing "viruses" or pirated software, is strictly prohibited (Penal Code, ~~§~~Section 502).

[Behaviors that constitute cyberbullying are strictly prohibited. Please see the Title IX, Harassment, Intimidations, Discrimination, and Bullying Policy within this Family Handbook for more information about cyberbullying.](#)

~~Warning: Inappropriate use may result in the cancellation of network privileges. The site system administrator(s) or Innovations Academy security administrator may close an account at any time deemed necessary.~~

~~Depending on the seriousness of the offense, any combination of the following policies/procedures will be enforced: Education Code, Innovations Academy procedures, and school site discipline/network use policy. Students who engage in inappropriate network use may be subject to discipline, up to and including suspension and/or expulsion, in accordance with IA policies and procedures.~~

#### Privileges

The use of Innovations Academy IA networks and the Internet-internet is a privilege, not a right, and inappropriate use will result in a cancellation of those privileges. The administration, teachers, and/or staff may request the site system administrator or Innovations Academy IA security administrator to deny, revoke, or suspend specific user access.

#### Netiquette (Network Etiquette)

The use of Innovations Academy IA networks requires adherence to rules of network etiquette.

These include, but are not limited to, the following:

- Be polite. Do not send abusive messages to anyone.
- Use appropriate language. In all messages, do not swear or use vulgarities

**Commented [MMH147]:** Confirmed. This provides general information about computer crimes.

**Commented [MB148]:** This information is already discussed under "Privileges" below.

or any other inappropriate language.

- Anything pertaining to illegal activities is strictly forbidden. (Note: E-mail is not guaranteed to be private. People who operate the system do have access to all mail. Messages relating to, or in support of, illegal activities must be

**Commented [MB149]:** This sentence is not clear.

reported to appropriate authorities.)

- Maintain privacy. Do not reveal the personal address or phone numbers of yourself or other persons. Before publishing a student's picture, name, or work on the Internet, the school must have on file a parent release form authorizing publication.
- Respect copyrights. All communications and information accessible via the network should be assumed to be the property of the author and should not be reused without his/her permission.
- Do not disrupt the network. Do not use the network in a way that would disrupt the use of the network by others.

### Security

Security on any computer system is a high priority, especially when the system involves many users.

If you ~~feel you can identify~~ are aware of a security problem on ~~Innovations Academy IA~~ networks, ~~you must please~~ notify ~~S~~ school administration either in person, in writing, phone, or via the network. ~~Do not demonstrate the problem to other users.~~

**Commented [MB150]:** This sentence is not clear.

Any user identified as a security risk or having a history of problems with other computer systems may be denied access to ~~Innovations Academy IA~~ networks and the ~~Internet~~ internet.

### Vandalism

Vandalism will result in cancellation of privileges. This includes, but is not limited to, the uploading or creation of computer viruses and damaging any hardware owned by ~~Innovations Academy IA~~.

~~Before a student is assigned a Chromebook or permitted to access any other technology on campus, including internet, they must sign the IA Acceptable Use Agreement.~~

~~A copy of the complete Student Use of Technology Policy and Acceptable Use Agreement is available for review in the main office and on the school website.~~

**Commented [MB151]:** A Board approved technology use policy is strongly recommended. If IA accept e-rate funding, a policy on internet safety is **legally required**.

Please let us know if you would like us to review an existing policy or provide a template policy.

Once finalized, please ensure the complete policy is made available.

• **Lost or Damaged School Property**

If a student willfully damages the Charter School's property or the personal property of a Charter School employee, or fails to return a textbook, library book, computer/tablet or other Charter School property that has been loaned to the student, the student's parents/guardians are liable for all damages caused by the student's misconduct not to exceed ten thousand dollars (\$10,000), adjusted annually for inflation. After notifying the student's parent or guardian in writing of the student's alleged misconduct and affording the student due process, 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 damages 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.

• **Positive Discipline Policy and Procedures**

Positive Discipline is a program based on the work of Adler and Dreikurs. The program, by Jane Nelsen, is designed to teach young people to become responsible, respectful and resourceful members of their community. It teaches important life skills in a manner that is deeply respectful and encouraging for both children and adults. Positive Discipline is the basis for ~~Innovations Academy's~~IA's discipline plan.

We know that students do better socially and academically when they believe that they are an integral part of their community, when they feel that others care for them and when they feel their contributions are valued. ~~Innovations Academy~~IA staff invests a lot of time and planning to create such an atmosphere. We expect students to work with us to create the optimal learning environment.

**Commented [MB152]:** We included this sample language based on Ed. Code section 48904 as many clients include a provision in their handbooks regarding lost or damaged school property. This is not a legally required annual notice.

In order to withhold grades/transcripts/diplomas from a student and the student's parent/guardian due to debts, the School must adopt a policy allowing this practice, provide the parents with advance written notice and provide the student with due process and a voluntary work program in lieu of paying debts. See Ed. Code section 48904. Further, Education Code section 48904 only authorizes this practice for debts that are due to *willfully* lost or damaged school property; it doesn't specifically authorize this process for other types of debts such as meal or field trip fees, etc. or the withholding of records other than transcripts/grades/diploma.

However, please note that while the School may withhold grades/transcripts/diplomas from a student and parent until debts are cleared if it follows the aforementioned process, transcripts/grades and records may not be withheld from the school to which a student seeks to enroll due to the student's debts. See Ed. Code section 49068(b), which states, "If a student transfers from one public school to another or to a private school, or transfers from a private school to a public school within the state, the student's permanent record or a copy of it shall be transferred by the former public school or private school no later than 10 schooldays following the date the request is received from the public school or private school where the student intends to enroll." (Emphasis added.) As this provision relates to "public schools," charter schools are likely bound by these requirements.

## School Discipline

Opportunities to learn come from making mistakes. By addressing mistakes we can move towards the path of resolution. We use positive discipline to help children become competent conflict resolvers.

As relationships with students are important to us, we work hard to make consequences for misbehavior respectful and constructive rather than punitive. This supports us in being decisive and action oriented in discipline measures. For more information about why Innovations Academy discipline policy works, consider reading one of the following resources:

- Positive Discipline by Jane Nelsen
- Solving Thorny Behavior Problems by Caltha Crowe

### **Student Expectations**

In order for the classroom and campus to be a safe and engaging learning environment, students are expected to:

- ~~be-Be~~ willing to actively engage in academic learning activities. This includes trying things when they are difficult and following directions at all times.
- ~~actively-Actively~~ participate in conflict resolution, seeking to understand another's point of view and ultimately resolve the issue, which may include an action apology/make up action, creating an acceptable plan and consistently taking action that will achieve the goal of resolution.
- ~~create-Create~~ an acceptable plan to resolve problems at school. All students involved in conflict must create an acceptable plan to resolve the issue and demonstrate consistent action, which will achieve resolution.

If a student is not willing to engage in any of the above, they will be removed from class and possibly sent home and a parent meeting will be scheduled to discuss.

### **Incidences Compromising Safety and a Productive Learning Environment**

When student behavior compromises learning or negatively impacts the community in any way, the following actions may be utilized:

Taking a break in the classroom, taking a break outside of the classroom, generating a written plan for behavior change, visiting the Solution Center to generate a plan, completing work outside of the classroom, working independently in an alternative classroom, making a contribution in a lower grade classroom, parent notification, creating a home-to-school checklist for desired behavior

changes, ~~and/or~~ a day of reflection, ~~and/or~~ suspension and or expulsion.

When it is ascertained by staff that the student's behavior is of a significant nature or is an ongoing disruption, the student and/or parents may be asked to participate in individual or family counseling with the IASC (Innovations Academy Solution Center) counselor to address the behavioral challenges.

Parents are contacted when a child ~~is acting in any of the following ways below (in suspension/expulsion policy section); commits an enumerated offense per IA's Suspension & Expulsion Policy,~~ or ~~for~~ engages in repeated minor infractions. Any incidence compromising safety or a productive learning environment is evaluated for a 'reflection day' or suspension with a possible recommendation for expulsion. The governing board handles the expulsion process. For more on this process, see the Suspension/Expulsion Policy.

#### ~~• Reflection Day~~

~~There may be incidents when your child is asked to take a Day of Reflection. Students may be sent home without the parent/guardian being able to speak with the teacher right away about the incident as s/he is teaching. Follow up on the situation will be addressed by the evening. We've found that a "Day of Reflection" can bring to light situations and feelings that have yet to be addressed at school. With your support we can meet the child's needs and maintain a healthy classroom community.~~

At Innovations Academy ("IA") we pride ourselves in our Character Development program that includes children in the conflict resolution process. Most incidents at school will be handled inside the classroom, counseling center or office through peer to peer conflict resolution, teacher to student discussion and problem solving or through the class council conflict resolution procedure. However, when a situation reaches the level of needing intervention from the Executive Director, an evaluation is made as to if a suspension or expulsion is recommended. This section, below, is designed to inform all parents of suspension/expulsion procedures and due process.

#### ~~• Suspension & Expulsion Procedures Policy~~

~~Board Policy#: [INSERT]  
Board Approved: [INSERT] 11/2013  
Board Revised: [INSERT] 12/8/2020~~

~~At Innovations Academy ("IA") we pride ourselves in our Character Development program that includes children in the conflict resolution process. Most incidents at school will be handled inside the classroom through peer to peer conflict resolution, teacher to student discussion and problem solving or through the class council conflict resolution procedure. However, when a situation reaches the level of needing intervention from the Director, an evaluation is made as to if a suspension or expulsion is recommended. This section is designed to inform all parents of suspension/expulsion procedures and due process.~~

~~Innovations Academy staff shall enforce disciplinary rules and procedures fairly and consistently among all students. Discipline includes but is not limited to advising and~~

**Commented [MB153]:** Christine, our understanding is that this is no longer a practice at Innovations. Accordingly, we recommend deleting.

**Commented [MMH154]:** Your charter states:

This Policy and its Procedures is printed and distributed as part of the Innovations Academy Family Handbook and will clearly describe discipline expectations.

As such, we recommend that the full policy be included within the Handbook.

**Commented [MB155]:** We updated this policy to comply with new laws, but we also included some other updates. Once your Board approves this revised Policy, all updates will be effective even though they may not align with the S&E policy within the school's Charter.

Thus, before IA adopts these revisions, IA needs to discuss the proposed revisions to this policy with the authorizer to ensure the authorizer will not require IA to obtain a material revision to the charter to make these changes.

Please let us know if you have any questions.

~~counseling students, conferring with parents/guardians, detention during and after school hours, use of alternative educational environments, suspension and expulsion.~~ Suspension and Expulsion Policy and Procedures have been established in order to promote learning and protect the safety and wellbeing of all students at IA. 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 or expulsion.

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

**Commented [MB156]:** Please note this obligation to include this policy within the Charter School's Handbook. Please ensure that the title included matches the title of the Charter School's handbook (ie: Family Handbook, Family & Student Handbook, etc.)



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

The Charter School administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline and involuntary removal policies and procedures. The notice shall state that this policy and its procedures are available upon request at the Executive 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 ~~Innovations-Academy~~The Charter School has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities ~~in~~-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 ~~regular~~general education students except when federal and state law mandates additional or different procedures.

~~Innovations-Academy~~The Charter School will follow Section 504, the IDEA, and 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 ~~Innovations-Academy~~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.

~~Within ten school days, the school will assemble an IEP team to make a manifestation determination as to whether the disciplinary behavior was the result of the student's disability. Should the student remain on suspension for an extended period, the school will work with the district to provide an interim alternative educational setting. Innovations-Academy shall notify the District of the suspension of any student identified under the IDEA (or for whom there may be a basis of knowledge of the same) or as a student with a disability under Section 504 and would grant the District approval rights prior to the expulsion of any such student as well.~~

No student shall be involuntarily removed by the Charter School for any reason unless the parent/guardian of the student has been provided written notice of intent to remove the student no less than five (5) school days before the effective date of the action. The written notice shall be in the native language of the student or the student's parent/guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder, and shall inform the student, the student's parent/guardian, or educational rights holder of the basis for which the student is being involuntarily removed and the student's parent, guardian, or educational rights holder's right to request a hearing to challenge the involuntary removal. If a student's parent, guardian, or educational rights holder 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, or educational rights holder requests a hearing, the student shall remain enrolled and shall not be removed until the Charter

**Commented [MMH157]:** Language required by AB 1360, EC 47605(b)(5)(J)(iii). Please let us know if the Charter School has any questions regarding this process.

**Commented [MMH158]:** Please revise to state the title of the appropriate administrator and please revise to state the correct location of the policy. Please revise to reflect the appropriate title accordingly and ensure any such revisions are made throughout the Policy.

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 ~~Innovations Academy or at any other school or an Innovations Academy sponsored event~~ 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. Enumerated Offenses

1. Discretionary Suspension Offenses: Students may be suspended ~~or expelled for any of the following acts~~ when it is determined the ~~pup~~student:

**Commented [MB159]:** Language required by AB 1360, EC 47605(b)(5)(J)(iii).

**Commented [MB160]:** This Policy reflects the discretionary and mandatory suspension and expulsion offenses in alignment with the current laws and Ed. Code. Note that since the School is not wholly bound by the Ed. Code, the Charter School may revise these enumerated offenses, but they must align with the Policy as set forth under the current charter and with any charter renewal. Please review and let us know if the Charter School has any questions and/or would like to make any revisions.

~~a) Caused, attempted to cause, or threatened to cause physical injury to another person or willfully.~~

~~a)b) Willfully used force or violence upon the person of another, except self-defense.~~

~~a. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Director or designee's concurrence.~~

~~b)c) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.~~

**Commented [MB161]:** Sale of controlled substances was moved to a non-discretionary suspension offense.

~~e)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)e) Committed or attempted to commit robbery or extortion.~~

~~e)f) Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases.~~

~~f)g) Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.~~

~~g)h) Possessed or used tobacco or any 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.~~

~~h)i) Committed an obscene act or engaged in habitual profanity or vulgarity.~~

~~i)j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.~~

~~j) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.~~

**Commented [MB162]:** Pursuant to SB 419 (2019), EC § 48901.1: Effective July 1, 2020, students in grades K-5 (indefinitely) and grades 6-8 (through July 1, 2025) may not be suspended for this enumerated offense (disruption or willful defiance). Moreover, students in grades K-12 may not be expelled for this offense (disruption or willful defiance).

~~k) Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.~~

As a result, schools may only suspend students in grades 9-12 for this enumerated offense. These legal changes explicitly apply to charter schools pursuant to EC § 48901.1.

~~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.~~

**Commented [MMH163]:** Since the School is k-8, we have removed this element.

- 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.

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p) terroristic threats against school officials and/or school property, which includes but is not limited to, electronic files and databases. For purposes of this policy, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for their own safety or for their immediate family's safety, or for the protection of school property, which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or their immediate family.

q) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this policy, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This provision shall apply to students in any of grades ~~4 to 128~~, inclusive.

r) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in Education Code Section 233(e). This provision shall apply to students in any of grades ~~4 to 128~~, inclusive.

s) Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading the rights of either school personnel or volunteers and/or student(s) by creating an intimidating or hostile educational environment. This provision shall apply to students in any of grades ~~4 to 128~~, inclusive.

t) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.

1) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:

i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of their age, or for a person of their age with exceptional needs) or students

**Commented [MB164]:** Please note that the Ed Code lists grades "4-12." However, we understand that IA only serves students up to grade 8, so we adjusted this accordingly.

**Commented [MB165]:** See comment above.

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

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

- i. A message, text, sound, video, or image.
- ii. A post on a social network Internet Web site including, but not limited to:
  - (a) Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
  - (b) Creating a credible impersonation of another actual student for the purpose of having one or more of the effects listed in subparagraph (1) above. "Credible impersonation" means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.
  - (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. "False profile" means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.
- iii. An act of cyber sexual bullying.
  - (a) For purposes of this policy, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.

(b) For purposes of this policy, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

3) Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

u) A student who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a student who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1)(a)-(b).

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

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

a) Possessed, sold, or otherwise furnished any firearm, explosive, or other destructive device unless, in the case of possession of any device of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Executive 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 261, 266c, 286, 288, 288a or 289,~~ or committed a sexual battery as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289 of former Section 288a of the Penal Code or committed a sexual battery as defined in Penal Code Section 243.4

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

a) Caused, attempted to cause, or threatened to cause physical injury to another person.

b) Willfully used force or violence upon the person of another, except self-defense.

- c) Unlawfully possessed, used, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases.
- g) Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.
- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of a student's own prescription products by a student.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.
- l) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- m) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- n) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

~~b.-Engaged in or attempted to engage in hazing of another:~~

- ~~o) Aiding or abetting as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person Engaged in, or attempted to engage in, hazing. For the purposes of this policy, "hazing"~~



means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. For purposes of this policy, "hazing" does not include athletic events or school-sanctioned events.

p) Made terroristic threats against school officials and/or school property, which includes but is not limited to, electronic files and databases. For purposes of this policy, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for their own safety or for their immediate family's safety, or for the protection of school property, which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or their immediate family.

q) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this policy, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This provision shall apply to students in any of grades 4 to 12, inclusive.

~~m)e) \_\_\_\_\_.~~

~~c. Made terrorist threats against school officials and/or school property.~~

~~d. Committed sexual harassment.~~

~~e)r) \_\_\_\_\_ Caused, attempted to cause, threatened to cause, or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This provision shall apply to students in any of grades 4 to 8+2, inclusive.~~

~~e)s) \_\_\_\_\_ Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading student the rights of either school personnel or volunteers and/or student(s) by creating an intimidating or hostile educational environment. Threatened or attempted This provision shall apply to cause harm students in any of grades 4 to a teacher or other staff member 12, inclusive.~~

Commented [MB166]: See comment above.

~~Alternatives to suspension or expulsion will first be attempted with students who are truant, tardy, or otherwise absent from assigned school activities.~~

~~t) Whether a student is given suspension or Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.~~

~~1) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:~~

~~i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of their age, or for a person of their age with exceptional needs) or students in fear of harm to that student's or those students' person or property.~~

~~ii. Causing a reasonable student to experience a substantially detrimental effect on their physical or mental health.~~

~~iii. Causing a reasonable student to experience substantial interference with their academic performance.~~

~~iv. Causing a reasonable student to experience substantial interference with their ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.~~

~~2) "Electronic Act" means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:~~

~~i. A message, text, sound, video, or image.~~

~~ii. A post on a social network Internet Web site including, but not limited to:~~

~~(a) Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.~~

~~(b) Creating a credible impersonation of another actual student for the purpose of having one or more of the effects listed in subparagraph (1) above. "Credible impersonation" means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that another student~~

would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.

(c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. "False profile" means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.

iii. An act of cyber sexual bullying.

(a) For purposes of this policy, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.

(b) For purposes of this policy, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

3) Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

u) A student who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a student who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (3)(a)-(b).

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

4. Non-Discretionary Expellable Offenses: Students must be recommended for expulsion will be when it is determined by prior record, intent and severity and 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 Executive 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 or committed a sexual battery as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289 of 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 Director. A recommendation for expulsion will be taken to the Board for approval prior to the expulsion being levied Administrative Panel and/or Board of Directors that a student has brought a firearm or destructive device, as defined in Section 921 of Title 18 of the United States Code, on to campus or to have possessed a firearm or destructive device on campus, the student shall be expelled for one year, pursuant to the Federal Gun Free Schools Act of 1994. In such instances, the student shall be provided due process rights of notice and a hearing as required in this policy.

The Charter School will use the following definitions:

- The term "knife" means (A) any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing; (B) a weapon with a blade fitted primarily for stabbing; (C) a weapon with a blade longer than 3½ inches; (D) a folding knife with a blade that locks into place; or (E) a razor with an unguarded blade.
- The term "firearm" means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.
- The term "destructive device" means any explosive, incendiary, or poison gas, including but not limited to: (A) bomb; (B) grenade; (C) rocket having a propellant charge of more than four ounces; (D) missile having an explosive or incendiary charge of more than one-quarter ounce; (E) mine; or (F) device similar to any of the devices described in the preceding clauses.

### C. Suspension Procedure

Suspensions shall be initiated according to the following procedures: \_

a. Who May Suspend:

Only the Director (Principal) or the Director's designee may suspend a student.

**Commented [MB167]:** This language incorporates the grounds for expulsion which mandate a recommendation for expulsion for school districts. In 2018, AB 1747 required charter schools to update their health and safety procedures in their charters to include a safety plan which covers the topics listed in Section 32282(a)(2)(A-H), one of these topics includes "policies" pursuant to Education Code Section 48915(d) which is a cross-reference to the acts which would lead to a mandatory recommendation for expulsion for school districts. One could argue that we could address this "topic" but not incorporate all of the mandatory list applied to school districts. However, if the school does not feel strongly one way or the other, we would recommend utilizing the same list as school districts to avoid criticism.

**Commented [MB168]:** The following procedures are suggested best practices and aligned with current law and the Ed. Code. These procedures should align with the procedures under the Charter School's current charter and handbook. Please let us know if there are any questions.

## 1. Conference

Suspension shall be preceded, if possible, by a conference conducted by the Executive Director or the Director's designee with the student and ~~his or her~~ the student's parent/guardian and, whenever practical, the teacher, supervisor or ~~school~~ 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 ~~school~~ Charter School personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the ~~student's~~ student's right to return to school for the purpose of a conference.

At the conference, the ~~pupil~~ student shall be informed of the reason for the disciplinary action and the evidence against ~~him or her~~ the student and shall be given the opportunity to present ~~his or her~~ their version and evidence in ~~his or her~~ 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 ~~pupil~~ student waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. No penalties may be imposed on a 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.

~~No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with school officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference.~~

## 2. Notice to Parents/Guardians

At the time of the suspension, an administrator or designee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension and the date of return following suspension. This notice shall state the specific offense(s) committed by the student: as well as the date the student may return to school following the suspension. In addition, the notice may also state the ~~date and~~ time when the student may return to school. If ~~school~~ 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 Placement/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 or representative 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

**Commented [MB169]:** Language required by AB 1360, EC 47605(b)(5)(J)(iii).

AB 1505 changed this to 47605(c)

**Commented [MB170]:** Pursuant to AB 1360, EC 47605(b)(5)(J)(i), a charter school may follow the procedures below for suspensions of 10 days or fewer. Accordingly, this language may be revised to read:

Suspensions, when not including a recommendation for expulsion, shall not exceed ten (10) consecutive school days per suspension.

Please note that pursuant to the new laws under AB 1360, charter schools may allow for suspensions of 10 days or fewer. If the Charter School would like to exercise this option and allow for longer suspensions, please let us know, as we will need to revise some of the language in this section.

However, please note that the suspensions of up to 10 days is only applicable to charter schools and not other public schools. As such, it is uncertain how districts may respond to charter schools extending suspensions beyond 5 days.

Charter School has determined a suspension period shall be extended, such extension shall be made only after a conference is held with the student or the student's parent/guardian, unless the student and the student's parent/guardian fail to attend the conference.

Upon a recommendation of placement/expulsion by the Director or Director's

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designee, the pupil and the pupil's guardian or representative will be invited to a conference to determine if the suspension for the pupil should be extended pending an expulsion hearing. This determination will be made by the Executive Director or designee upon either of the following determinations: 1) the pupil's presence will be disruptive to the education process; or 2) the pupil poses a threat or danger to others. Upon either determination, the pupil's suspension will be extended pending the results of an expulsion hearing.

#### 4. Homework Assignments During Suspension

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

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

#### D. Authority to Expel

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

A student may be expelled either by the Innovations Academy 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 should shall consist of at least three (3) members who are certificated and neither a teacher of the pupil or student nor a Board member of the School's governing board Charter School Board of Directors. Each entity shall be presided over by a designated neutral hearing chairperson. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense, and the Board of Directors shall make the final determination.

#### E. Expulsion Procedures

Only the Director or the Director's designee may recommend expulsion of a student or refer a student for an expulsion hearing. 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 Pupil student has committed an expellable offense, and recommends the student for expulsion.

**Commented [MB171]:** Pursuant to AB 982, which added EC §§ 48913.5 and 47606.2 to provide homework for suspended pupils and specifically required this language to be included within a charter school's suspension and expulsion policy pursuant to EC § 47606.2.

**Commented [MB172]:** Language required by AB 1360, EC 47605(b)(5)(J)(iii).

Internal Note: This change goes into effect 7/1/20.

In the event an ~~administrative panel~~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 ~~pupil~~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~~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 ~~pupil~~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 ~~School's~~Charter School's disciplinary rules which relate to the alleged violation~~;~~.

~~b.~~ Notification of the ~~student's~~student's or parent/~~guardian's~~guardian's obligation to provide information about the ~~student's~~student's status at the ~~school~~Charter School to any other school



4. district or school to which the student seeks enrollment.
5. The opportunity for the student and/or the student's parent/guardian to appear in person or to employ and be represented by counsel or a non-attorney advisor.
6. The right to inspect and obtain copies of all documents to be used at the hearing.
7. The opportunity to confront and question all witnesses who testify at the hearing.
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses.

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

~~Innovations Academy~~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 ~~which that~~ shall be examined only by the ~~school~~Charter School or the hearing officer. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the ~~pupil~~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 ~~his/her/their~~ right to (a) receive five ~~days~~(5) calendar days' notice of ~~his/her/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.  
~~(b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she testifies, which may include a parent, guardian, or legal counsel, and (c) elect to have the hearing closed while testifying.~~

~~Innovations Academy~~

2. The Charter School must also provide the victim a room separate from the hearing room for the complaining ~~witness~~witness' use prior to and during breaks in testimony.
3. At the discretion of the ~~person or panel~~entity conducting the expulsion hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which ~~he or she~~the complaining witness may leave the hearing room.
4. The personentity 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 personentity conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours ~~he/she~~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 personentity presiding over the hearing from removing a support person whom the presiding person finds is disrupting the hearing. The personentity conducting the hearing may permit any one of the support persons for the complaining witness to accompany ~~him or her~~the complaining witness to the witness stand.
  7. If one or both of the support persons is also a witness, ~~Innovations Academy~~the Charter School must present evidence that the ~~witness~~witness' presence is both desired by the witness and will be helpful to the Charter School. The personentity presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising ~~his or her~~their discretion to remove a person from the hearing whom ~~he or she~~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.
- ~~Especially~~ for charges involving sexual assault or battery, if the hearing is to be conducted in ~~the~~ public at the request of the ~~pupil~~student being expelled, the complaining witness shall have the right to have ~~his/her~~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

9. 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~~'witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the ~~person~~entity conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary ~~circumstance~~circumstances can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

#### **G. Record of Hearing**

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

#### **H. Presentation of Evidence**

While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. \_\_\_\_\_ A recommendation by the Administrative Panel to expel must be supported by substantial evidence that the student committed an expellable offense.

Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay ~~and sworn~~. Sworn declarations may be admitted as testimony from witnesses of whom the Board, or Administrative Panel ~~or designee~~ determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

If, due to a written request by the expelled ~~pupil~~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 ~~his or her~~their testimony heard in a session closed to the public.

## I. Expulsion Decision

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

If the ~~expulsion hearing panel~~Administrative Panel decides not to recommend expulsion, ~~or the pupil shall Board of Directors ultimately decides not to expel, the student shall~~ immediately be returned to ~~his/her~~their ~~previous~~ educational program.

~~Independent study is an alternative to classroom instruction. Students who are excluded from classroom instruction in a school district who have been suspended or expelled are thereby excluded from independent study as well. No ADA credit may be claimed for either classroom attendance or independent study by suspended/expelled students during the duration of their suspensions/expulsions. Students whose expulsions are being held in abeyance pursuant to Education Code Section 48917 and who have been referred to specified settings in lieu of expulsion, pursuant to that section may generate ADA credit through independent study only if they are also given at least one classroom instruction option.~~

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

**Commented [MB173]:** This is an optional provision that allows the Board to order an expulsion with suspended enforcement in accordance with EC § 48917. Please contact our office to further discuss this provision and whether the Charter School would like to include this option or not.

## 1. Written Notice to Expel

The ~~Executive~~ Director or designee, following a decision of the ~~Innovations Academy Charter School~~ Board of Directors to expel, shall send written notice of the decision to expel, including the ~~Board's~~Board of Directors' adopted findings of fact, to the student ~~or~~and student's parent/guardian. This notice shall also include the following:

~~d-~~Notice (a) notice of the specific offense committed by the student

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

with the ~~school~~ Charter School.

The Executive Director or designee shall send a copy of the written notice of the decision to expel to the ~~District~~ chartering authority. This notice shall include the following:

(a) the student's

a) ~~The student's~~ name

~~The~~; and (b) the specific expellable offense committed by the student.

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

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

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

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

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

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

#### **N. Rehabilitation Plans**

Students who are expelled from ~~Innovations Academy~~ 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 ~~pupil~~ student may reapply to the ~~school~~ Charter School for readmission.

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

The decision to readmit a ~~pupil~~ student after the end of the student's expulsion term or to admit a previously expelled ~~pupil~~ 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 ~~Innovations Academy~~ Board of Directors following a meeting with the Executive Director or designee and the ~~pupil~~ student and student's parent/guardian or representative to determine whether the ~~pupil~~ student has successfully completed the rehabilitation plan and to determine whether the ~~pupil~~ 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 ~~Innovations Academy~~ Board of

**Commented [MB174]:** Pursuant to EC § 47605(e)(3), the Charter School must also notify the student's district of residence (if different than the chartering authority) that the student has been expelled (i.e., student's name and offenses) within 30 days of the expulsion. Please contact our office for assistance with preparing such a notice and/or if the Charter School has any questions.

Directors following the meeting regarding his or her the Executive Director's or designee's determination.

The pupil's 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 Innovations Academy's Charter School's capacity at the time the student seeks readmission or admission to the Charter School.

#### **P. Notice to Teachers**

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

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

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

In accordance with Education Code Section 51747 and the Charter School's Board policy on independent study for Home Learning Community students, after if monthly calendars of learning and/or one representative work sample from each subject during a 40 day period are not turned in, [INSERT NUMBER] missed assignments, an evaluation is held by the HLC teacher team in conjunction with the director to determine whether it is in the best interest of the student to remain in independent study. If it is determined that it is not in the student's best interest to remain in independent study, the Charter School may involuntarily remove the student after the Charter School follows the requirements of the Missed Assignment Policy and only after providing notice and an opportunity for a parent, guardian, educational rights holder to request a hearing prior to any involuntary removal as forth herein. Students who are involuntarily removed for truancy shall be given a rehabilitation plan and shall be subject to the readmission procedures set forth herein.

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

##### 1. Notification of District/SELPA

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

##### 2. Services During Suspension

**Commented [MB175]:** Client Note: Language required by AB 1360, EC 47605(b)(5)(J)(iii).

**Commented [MB176]:** Please note that this is very controversial for most chartering authorities and should be discussed before incorporating. Moreover, this typically would go in the Charter School's attendance policy, but we wanted to include it as it aligns with the involuntary removal provisions discussed above. Please review and let us know if there are any questions. Again, we may want to move this section to the Charter School's attendance policy depending on how the Charter School would like to proceed.

**Commented [MB177]:** Please insert the number from the Charter School's Master Agreement and Board Policy. We recommend that these documents be regularly reviewed by our office in order to ensure they are current.

**Commented [MB178]:** Please indicate the person/entity who will hold this evaluation.

**Commented [MB179]:** Language required by AB 1360, EC 47605(b)(5)(J)(iii).

**Commented [MB180]:** Please confirm whether the Charter School must also notify the chartering authority of any such incident. Typically, the Charter School would notify its SELPA and then the District of Residence if the Student is removed and/or expelled. Please modify accordingly.

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 parents to determine:

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

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

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

- a. Conduct a functional behavioral assessment and implement a behavioral intervention plan for such child, provided that the Charter School had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;
- b. If a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and
- c. Return the child to the placement from which the child was removed, unless the parent/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 Executive Director or designee may remove a student to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability in cases where a student:

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

#### 6. Interim Alternative Educational Setting



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

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

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

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

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

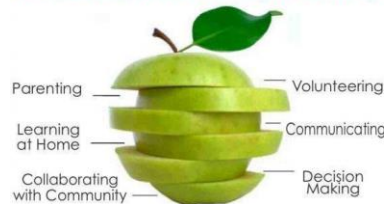
If the Charter School knew or should have known the student had a disability under any of the three (3) circumstances described above, the student may assert any of the protections available to IDEA-eligible children with disabilities, including the right to stay-put.

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

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

\*\*\*\*\*

### The Six Slices of Parental Involvement



#### • **Parent Responsibility**

“Responsibility for our children’s education must begin at home” - President Obama

As a parent of a student attending [Innovations Academy IA](#), it has been your choice to place your child in a school with a specific design and mission. It is your job to understand the [School's mission statement](#). By choosing [I.A. IA](#) as the school of choice for your child(ren), you also choose to be an active participant of [Innovations IA's](#) academic community. This means developing an understanding of the [School's](#) learning philosophies, policies, and goals. It also means actively pursuing an understanding of the [School's](#) curriculum, and supporting your child(ren)’s learning at home.

It is important to understand that [Innovations Academy IA](#) follows a progressive teaching model that is very different than traditional public schools. This aspect of [I.A. IA](#) brings with it the inherent challenges of learning a new paradigm. These challenges may occur as:

- Feeling confused about the learning process
- Misunderstanding an aspect of the philosophy
- Worrying about the progress of learning

When any of the above feelings happen, it is the parent’s responsibility to talk with a teacher or administrator who will support the parent in getting their needs met for information and understanding.

The following are aspects of the program that may be new and/or different and which parents may need to communicate about.

[Innovations Academy IA](#):

- Does not have a traditional report card
- Holds student led conferences in which a student is present with

the parent

- Students call staff by their first names
- Students contribute to decisions about their learning
- Does not give meaningless homework
- Implements POLs (presentations of learning) to assess a student's progress.
- Uses project based and inquiry based learning experiences as a central part of the academic program
- Does not focus on test taking, benchmark testing, or test scores
- Has a relationship based discipline plan which is not a one size fits all approach-

All parents are members of the [Innovations-IA](#) academic community and play a vital role by showing support and participating in school activities as much as possible.

Some great ways to participate are:

- Chaperone a field trip
- Read to your children or do an outside activity
- Foster friendships between IA students by creating play opportunities outside of school
- Contribute to a fundraising event (bake sales, IA Education Conservators, etc.)
- Attend Exhibition Nights
- Provide large quantities of unstructured time for your child(ren)
- Be a Reading Buddy in a classroom
- Participate in the Parent Connection (our parent association)

If you'd like to help with any classroom or school wide event, please speak with your teacher or the Parent Association president who will gladly get you started.

#### • **Getting Needed Information**

We often hear from parents about the need to be connected and how challenging that can be. The first step is to learn what is going on in the classroom and at school. Another component is communication between home and school. This [letter-section](#) will explain some ways to get the information and communication you want with [I-A-IA](#):

- Innovations Academy has its own **website**:- [www.innovationsacademy.org](http://www.innovationsacademy.org). On this website you will find updates, information about our philosophy, links to our classroom digital portfolios, calendar, [Family Handbook](#), [Charter](#), etc.

- **Class Info pages**-All [Innovations Academy IA](#) teachers use ParentSquare to communicate with families. Parents can access student portfolios via SeeSaw.
- **Sunday Blast:** On Sunday evenings a ~~phone call and email~~ [ParentSquare communication will](#) go out to all of our parents with activity updates and information for the upcoming week.
- **Exhibition Nights:** During the ~~2019~~[2020-20-21](#) school year we will have Exhibition Nights on the following dates: December ~~17~~<sup>9</sup>th and March ~~25~~<sup>6</sup>th. We expect 100% attendance by parents as all students will be presenting work they have completed. If you can't make it, please communicate with us ahead of time. We consider Exhibitions to be as important as report cards.
- **Student Led Conferences ("SLC"):** During SLCs, students take the lead to facilitate a conference with their teacher(s) and parent(s). The outcome of the conference is that students share their learning in various subject areas and set academic, personal and social goals.
- **Presentations of Learning ("POL"):** A presentation of learning is an opportunity for a student to speak about specific areas of their own learning in an authentic, reflective way. The act of speaking about who you are, your strengths and challenges is an important part of our program. Please make every attempt to attend your child's presentation of learning.
- **Come In!** We are here every school day (and hopefully we'll see you at pick up or at a Coffee Connection). Please come in and say hi and let us know if you have any questions. If we can't address them on the spot then we can schedule time with you.
- **Coffee Connection:** Current and new IA parents have the opportunity to meet with the Director and get questions answered. It's also a great place to connect with other IA families and have fun while developing a deeper understanding of [I.A. IA](#) philosophy. Check the website calendar for scheduled Coffee Connections.

Commented [MMH181]: Please confirm.

Please let us know if you have any ideas that can improve our methods of communication. Thank you.

- **Email Communication Policy**

Innovations Academy IA recognizes that electronic mail (email) can be a valuable communication tool, when it is used judiciously and in accordance with privacy laws and the school internet ethics code. To help us implement school email policy, I.A. faculty and staff members are provided with school e-mail accounts to improve the efficiency and effectiveness of communication both within the school and with the parent/guardian community. Faculty and staff are required to use their school email for all communications with parents.

In the interest of ensuring that email is a positive influence on our learning community of committed parents/guardians, teachers, students, and friends, we are instituting these e-mail guidelines for parent-teacher communication.

- Keep the email short, no more than 1-2 brief paragraphs is a good rule, and request to schedule a time to meet or to speak via telephone
- Respect teacher planning time by sending email only when necessary
- Keep the content appropriate and specific
- Please keep all contacts professional. Jokes, amusing or special stories, chain letters, or commercial solicitations are inappropriate

Your child's academic progress, learning expectations, or behavioral issues are best addressed through a telephone conversation or by scheduling a personal conference with your child's teacher. ~~An email message on these matters is not appropriate.~~

Remember that your child's teacher oversees 25 students. Before sending an email to your teacher, please ask yourself:

- Can I get the answer on the class or school website?
- Was the information sent in the teacher's weekly email?
- Can I ask my child to find out tomorrow?
- Can it wait?

~~Please remember that:~~

- ~~1. I.A. faculty and staff may not reply to emails that reveal student records, discuss other non-related students by name, discuss other~~
- ~~2. I.A. staff or faculty, or contain contentious, emotional, or highly confidential information. These issues must be dealt with fact to face or over the phone. I.A. faculty and staff may discuss and welcome your communications on field trips, volunteering, help with supplies, and other topics that help them help your children have the best year possible.~~

**• Nondiscrimination Statement**

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

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

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

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

The Charter School shall provide a copy of the California Department of Education Complaint Notice and Form to any parent, guardian, or student over the age of 18 at the following times: (1) when a parent, guardian, or student over the age of 18 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). Charter School also prohibits sexual harassment, including cyber sexual bullying, and harassment based upon pregnancy, childbirth or related medical conditions, race, religion, religious affiliation, creed, color, immigration status, gender, gender identity, gender expression, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal, state, local law, ordinance or regulation. Charter School does not condone or tolerate harassment of any type, including discrimination, intimidation, or bullying, including cyber sexual bullying, by any employee, independent contractor or other person with which 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. 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:

Christine Kuglen  
Executive Director

10380 Spring Canyon Rd, San Diego, CA 92131

Commented [MMH182]: This is a required annual notice.

Commented [MB183]: These policies generally include the suspension/expulsion policy, attendance policy with involuntary removal language, and/or an independent study policy. If you are missing any of these policies or involuntary removal language, please let us know and we can assist in providing some sample language.

Commented [MB184]: The CDE Complaint Notice and Form must also be posted on the School's website per EC 47605(d)(4)(D).

Commented [MB185]: This aligns with the contact listed in IA's UCP policy.

858-271-1414  
[christine@innovationsacademy.org](mailto:christine@innovationsacademy.org)

or

[Tony Spitzberg](#)  
[Assistant Director](#)  
[10380 Spring Canyon Rd, San Diego, CA 92131](#)  
[858-271-1414](#)  
[\[INSERT EMAIL\]](#)

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

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

Board Policy #: [\[INSERT\]](#)  
Board Adopted/Approved: [\[INSERT\]](#)  
Board Revised: [\[INSERT\]](#)

Discrimination, sexual harassment, harassment, intimidation, and bullying are all disruptive behaviors, which interfere with students' ability to learn, negatively affect student engagement, diminish school safety, and contribute to a hostile school environment. As such, Innovations Academy ("IA" or the "Charter School") prohibits any acts of discrimination, sexual harassment, harassment, intimidation, and bullying altogether. This policy is inclusive of instances that occur on any area of the school campus, at school-sponsored events and activities, regardless of location, through school-owned technology, and through other electronic means.

As used in this policy, discrimination, sexual harassment, harassment, intimidation, and bullying are described as the intentional conduct, including verbal, physical, written communication or cyber-bullying, including cyber sexual bullying, based on the actual or perceived characteristics of mental or physical disability, sex (including pregnancy 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 historically associated with race, including, but not limited to, hair texture and protective hairstyles such as braids, locks, and twist), religion (including agnosticism and atheism), religious affiliation, medical condition, genetic information, marital status, age or association with a person or group with one or more of these actual or perceived characteristics or based on any other characteristic protected under applicable state or federal law or local ordinance. Hereafter, such actions are referred to as "misconduct prohibited by this Policy."

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

**Commented [MB186]:** This aligns with the contact listed in IA's UCP policy.

**Commented [MB187]:** Per AB 34 and 543, this policy 1) must be posted in a prominent and readily accessible location on the School's website; 2) should be included in the School's "regular policy statement"; 3) shall be provided as part of any orientation program conducted for new and continuing pupils at the beginning of each quarter, semester, or summer session, as applicable; 4) shall be provided for each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or at the time that there is a new employee hired; 5) and shall appear in any publication of the institution that sets forth the comprehensive rules, regulations, procedures, and standards of conduct for the institution (i.e. student handbook); and 6) shall be displayed in a prominent location in the main administrative building or other area of the campus or schoolsite where other similar notices/policies are posted.

Please note that in addition to this policy, the School is legally required to have Title IX language on the School's website in compliance with Education Code section 221.61 including a link to the CDE's Title IX information, the definition of discrimination and harassment based on sex as described in Section 230, and the rights set forth in Section 221.8. We can provide you with some sample language if desired.

Further, charter school serving pupils in any of grades 9 through 12, inclusive, shall create a poster that notifies pupils of the applicable sexual harassment policy. The language in the poster shall be age appropriate and culturally relevant. The poster shall be displayed in English and any primary language spoken by 15 percent or more of the pupils enrolled at the schoolsite as determined pursuant to EC Section 48985. The poster shall be no smaller than 8.5 by 11 inches and use at least 12-point font. The poster shall be prominently and conspicuously displayed in each bathroom and locker room at the schoolsite. The poster shall display, at a minimum, all of the following:

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

Please do not hesitate to reach out with additional questions regarding posting requirements.

**Commented [MB188]:** Per AB 34 and 543, the school's **complete** Title IX/Harassment, Intimidation, Discrimination, and Bullying Policy must be included within this Handbook. We included our updated template policy here. If you would like us to review and update an existing policy, please let us know. Otherwise, we recommend adopting this language.

After the policy is finalized and Board-approved, please ensure that a copy is also made available in the main office after the policy is finalized and Board-approved.

Moreover, the Charter School will not condone or tolerate misconduct prohibited by this Policy by any employee, independent contractor or other person with whom IA does business, or any other individual, student, or volunteer. This Policy applies to all employees, students, or volunteer actions and relationships, regardless of position or gender. IA 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. IA 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"):**

Christine Kuglen  
Executive Director  
10380 Spring Canyon 5454 Ruffin Rd, San Diego, CA 9212331  
858-271-1414  
christine@innovationsacademy.org

**Commented [MB189]:** This aligns with the Title IX contact listed on IA's website.

#### **Definitions**

##### **Prohibited Unlawful Harassment**

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

##### **Prohibited Unlawful Harassment under Title IX**

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

IA 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.

Sexual harassment consists of conduct on the basis of sex, including but not limited to unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct on the basis of sex, regardless of whether or not the conduct is motivated by sexual desire, when: (a) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, education, academic status, or progress; (b) submission to, or rejection of, the conduct by the individual is used as the basis of



employment, educational or academic decisions affecting the individual; (c) the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment; and/or (d) submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

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

Sexual harassment may include, but is not limited to:

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

### **Prohibited Bullying**

**Bullying** is defined as any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act. Bullying includes one or

more acts committed by a student or group of students that may constitute sexual harassment, hate violence, or creates an intimidating and/or hostile educational environment, directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing a reasonable student<sup>1</sup> or students in fear of harm to that student's or those students' person or property.
2. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
3. Causing a reasonable student to experience a substantial interference with his or her academic performance.
4. Causing a reasonable student to experience a substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by IA.

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

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

1. A message, text, sound, video, or image.
2. A post on a social network Internet Web site including, but not limited to:
  - a. Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in the definition of "bullying," above.
  - b. Creating a credible impersonation of another actual 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.
  - c. Creating a false profile for the purpose of having one or more of the effects listed in the definition of "bullying," above. "False profile" means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.
3. An act of "Cyber sexual bullying" including, but not limited to:
  - a. The dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a 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 definition of "bullying," above. A photograph or other visual recording, as described

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<sup>1</sup> "Reasonable student" is defined as a student, including, but not limited to, an exceptional needs student, who exercises care, skill and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.

b. "Cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

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

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

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

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

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

#### **1. Cyberbullying Prevention Procedures**

IA advises students:

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

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

#### **2. Education**

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

Charter School educates students to accept all student peers regardless of protected characteristics (including but not limited to actual or perceived sexual orientation, gender identification, physical or cognitive disabilities, race, ethnicity, religion.

**Commented [MB190]:** This section has been added pursuant to Education Code section 234.4 (AB 2291), which requires LEAs including charter schools to adopt, on or before December 31, 2019, "procedures for preventing acts of bullying, including cyberbullying."

The law doesn't specify the exact bullying prevention procedures that must be adopted by schools. However, since the law requires schools to provide the CDE's bullying module to its staff who interact with students, the bullying prevention procedures developed by the School should be consistent with those outlined in the CDE's online bullying module, which include education and professional development components.

To develop these procedures, we used the CDE's bullying module and Stopbullying.gov-Bullying Training Prevention Center's bullying module, which is also recommended by the CDE and available at:

<https://www.stopbullying.gov/prevention/training-center/index.html>

Please let us know if these proposed procedures do not work for the School logistically or if they are inconsistent with the procedures the School plans to implement. We can work with the School to further tailor the procedures to align with the School's program.

**Commented [MB191]:** Please ensure the School's technology use policies align with the cyberbullying prevention procedures adopted by the School as part of this policy. If the School doesn't have a technology use policy, we can provide the School with a starting place draft for this policy upon request. These cyberbullying prevention procedures were developed from the CDE's bullying module.

**Commented [MB192]:** We recommend that the School have a technology policy and an acceptable use agreement. If you would like a sample policy, please let us know.

and immigration status) and about the negative impact of bullying other students based on protected characteristics.

IA [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.]

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

### **3. Professional Development**

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

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

- Physical cuts or injuries
- Lost or broken personal items
- Fear of going to school/practice/games
- Loss of interest in school, activities, or friends
- Trouble sleeping or eating
- Anxious/sick/nervous behavior or distracted appearance
- Self-destructiveness or displays of odd behavior
- Decreased self-esteem

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

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

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

### **Grievance Procedures**

#### **1. Scope of Grievance Procedures**

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

- a. [Are written and signed;]
- b. Filed by an individual who alleges that that individual has personally suffered unlawful discrimination, harassment, intimidation or bullying, or by one who believes

**Commented [MB193]:** Teaching students about the difference between appropriate and inappropriate behaviors, how to advocate for themselves and others, and when to go to an adult for help are listed as recommended bullying prevention procedures in the CDE’s bullying module. Please ensure the School’s bullying prevention education aligns with the procedures adopted by the School in this Policy.

**Commented [MB194]:** The CDE recommends bullying prevention procedures be placed within the parent/student handbook, school safety plan, and the bullying prevention policy.

**Commented [MB195]:** This is required per Ed. Code section 32283.5 (effective 1/1/19). The CDE’s bullying module and online training module are currently located here:

<https://www.cde.ca.gov/ls/ss/se/bullyres.asp>

**Commented [MB196]:** If the complainant is unable to put the complaint in writing, due to conditions such as a disability or illiteracy, the School must assist the complainant in the filing of the complaint.

any specific class of individuals has been subjected to discrimination, harassment, intimidation or bullying prohibited by this part, or by a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying; and

c. Submitted to the IA 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, IA will utilize the following grievance procedures in addition to its UCP when applicable.

## 2. Reporting

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

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

Christine Kuglen  
Executive Director  
10380 Spring Canyon Rd, San Diego, CA 92131  
858-271-1414  
christine@innovationsacademy.org

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. IA will investigate and respond to all oral and written reports of misconduct prohibited by this Policy in a manner that is not deliberately indifferent. Reports may be made anonymously, but formal disciplinary action cannot be based solely on an anonymous report.

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

IA acknowledges and respects every individual's right to privacy. All reports shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process to the greatest extent possible. This includes keeping the identity of the

**Commented [MB197]:** This aligns with the Title IX contact listed on IA's website.

**Commented [MB198]:** For a complaint of discrimination, bullying, harassment, discrimination or intimidation to fall under the UCP, it must be a written complaint. However, all reports of harassment/discrimination/bullying must be investigated even if they are oral or outside the UCP timelines, and appropriate action must be taken when necessary according to the results of the investigation.

**Commented [MB199]:** We believe this to be the title of the School's preferred administrative designee. Please revise as needed and if changes are made, please make these changes throughout the Policy.

reporter confidential, as appropriate, except to the extent necessary to comply with the law, carry out the investigation and/or to resolve the issue, as determined by the Coordinator or administrative designee on a case-by-case basis.

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

### **3. Supportive Measures**

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

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

### **4. Investigation and Response**

Upon receipt of a report of misconduct prohibited by this Policy from a student, staff member, parent, volunteer, visitor or affiliate of IA, the Coordinator (or administrative designee) will promptly initiate an investigation. In most cases, a thorough investigation will take no more than twenty-five (25) school days. If the Coordinator (or administrative designee) determines that an investigation will take longer than twenty-five (25) school days and needs to be delayed or extended due to good cause, the Coordinator (or administrative designee) will inform the complainant of the reasons for the delay or extension and provide an approximate date when the investigation will be complete.

**Commented [MB200]:** the training of these individuals must include training on the definition of sexual harassment in § 106.30, the scope of the recipient's education program or activity, how to conduct an investigation and grievance process including appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

The School also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence and decision-makers are trained on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

**Commented [MB201]:** If a complaint is against the Coordinator, that complaint must be investigated/resolved by another administrator who holds a position above the Coordinator or by a member of the Board.

**Commented [MB202]:** EC 234.1 does not include a specific timeline for the investigation but requires that this policy include a timeline and the timeline should be reasonable. We have included a suggested timeline of 25 school days (or about 5 weeks unless over a break) or less, but have left flexibility in the event the investigation will take longer. Note that under the UCP, for complaints alleging discrimination, harassment, intimidation or bullying against a group based on protected characteristics or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, a written response including specific elements must be provided to the complainant within 60 days from the receipt of the complaint.

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

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 IA prohibits an individual from knowingly making false statements or knowingly submitting false information during the grievance process.

- Emergency Removal

- IA 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 IA's policies.
- IA may remove a respondent from IA 's education program or activity on an emergency basis, in accordance with IA 's policies, provided that IA 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, IA may offer a voluntary informal resolution process, such as mediation, to the parties at any time prior to reaching a determination regarding responsibility. If IA 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

**Commented [MB203]:** If, in the course of an investigation, the School decides to investigate allegations about the complainant or respondent that are not included in this notice, the School must provide notice of the additional allegations to the parties whose identities are known.

**Commented [MB204]:** Regardless of any determination on whether to remove a student or employee on an emergency basis, the School still must follow the grievance process required for formal complaints of sexual harassment before imposing any disciplinary sanctions or other actions that are not supportive measures (e.g., terminations or expulsions) against a respondent. Emergency removal is not a substitute for reaching a determination as to a respondent's responsibility for the sexual harassment allegations; rather, emergency removal is for the purpose of addressing imminent threats posed to any person's physical health or safety, which might arise out of the sexual harassment allegations. Emergency removals allow schools to address emergency situations, whether or not a grievance process is underway, provided that the school first undertakes an individualized safety and risk analysis and provides the respondent notice and opportunity to challenge the removal decision.



- 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.
  - IA 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. IA shall ensure that all decision-makers and investigators do not have a conflict of interest or bias for or against complainants or respondents.
  - In most cases, a thorough investigation will take no more than twenty-five (25) school days. If the investigator determines that an investigation will take longer than twenty-five (25) school days and needs to be delayed or extended due to good cause, the investigator will inform the complainant and any respondents in writing of the reasons for the delay or extension and provide an approximate date when the investigation will be complete.
  - The parties will be provided with an equal opportunity to present witnesses, to inspect and review any evidence obtained that is directly related to the allegations raised, and to have an advisor present during any investigative meeting or interview.
  - The parties will not be prohibited from discussing the allegations under investigation or to gather and present relevant evidence.
  - A party whose participation is invited or expected at an investigative meeting or interview will receive written notice of the date, time, location, participants and purpose of the meeting or interview with sufficient time for the party to prepare to participate.
  - Prior to completion of the investigative report, IA 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 investigation reveals that the alleged harassment did not occur in IA 's educational program in the United States or would not constitute sexual harassment even if proved, the formal complaint with regard to that conduct must be dismissed. However, such a dismissal does not preclude action under another applicable IA policy.
  - IA 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 IA; or
    - The specific circumstances prevent IA from gathering evidence sufficient to reach a decision on the formal complaint or the allegations therein.



- If a formal complaint of sexual harassment or any of the claims therein are dismissed, IA 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.
  - IA 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 IA 's code of conduct to the facts;
    - The decision and rationale for each allegation;
    - Any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the complainant; and
    - The procedures and permissible bases for appeals.

**5. Consequences**

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

**6. Right of Appeal**

Should the reporting individual find IA 's resolution unsatisfactory, the reporting individual may, within five (5) business days of notice of IA 's decision or resolution, submit a written appeal to the [President of the IA Board], who will review the investigation and render a final decision.

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

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

**7. Recordkeeping**

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

IA 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

**Commented [MB205]:** The School may change this reference to an administrator at the School who is in a position above the person making the initial decision as long as it is not the same person as the Coordinator or the investigator. The School could also use the Board to make the appeal decision, which may ultimately delay the process, but anyone on the Board who participated in the investigation or initial decision or who serves as the Coordinator would need to recuse themselves.

sanctions imposed on the respondent; and any remedies provided to the complainant.

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

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**Commented [MB206]:** the School must make these training materials publicly available on its website or, if it does not have a website, make them available for inspection by the general public upon request.

**[INSERT CHARTER SCHOOL LETTERHEAD]**

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

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

Date of Alleged Incident(s): \_\_\_\_\_

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

List any witnesses that were present: \_\_\_\_\_

Where did the incident(s) occur? \_\_\_\_\_

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

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

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

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

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

**To be completed by the Charter School:**

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

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

## • Professional Boundaries: Staff/Student Interaction Policy

Board Policy#: [INSERT]

Board Approved: [INSERT]

Board Revised: [INSERT]

Innovations Academy ("IA") recognizes its responsibility to make and enforce all rules and regulations governing student and employee behavior to bring about the safest and most learning-conducive environment possible.

### Corporal Punishment

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

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

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

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

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

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

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

### Acceptable and Unacceptable Staff/Student Behavior

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

**Commented [MB207]:** Per EC 44050, Commencing July 1, 2018, a Charter School is required to provide a written copy of its section on employee interactions with students in its code of conduct to the parent or guardian of each enrolled student at the beginning of each school year. The School may satisfy this requirement by including the section on employee interactions with students in its student handbook or annual notice packet. **The School is also required to post its policy on employee interactions with students on its website.**

We included sample language here; in the event IA has an existing policy, you may replace our language with it. Please let us know if you would like us to review your existing policy.

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

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

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

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

#### Duty to Report Suspected Misconduct

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

#### Examples of Specific Behaviors

The following examples are not an exhaustive list:

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

- (a) Giving gifts to an individual student that are of a personal and intimate nature.
- (b) Kissing of any kind.
- (c) Any type of unnecessary physical contact with a student in a private situation.
- (d) Intentionally being alone with a student away from the school.
- (e) Making or participating in sexually inappropriate comments.
- (f) Sexual jokes.
- (g) Seeking emotional involvement with a student for your benefit.
- (h) Listening to or telling stories that are sexually oriented.
- (i) Discussing inappropriate personal troubles or intimate issues with a student in an attempt to gain their support and understanding.

- (j) Becoming involved with a student so that a reasonable person may suspect inappropriate behavior.

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

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

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

*Cautionary Staff/Student Behaviors*

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

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

*Acceptable and Recommended Staff/Student Behaviors*

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

- (r) Keeping your professional conduct a high priority.
- (s) Asking yourself if your actions are worth your job and career.

• **Uniform Complaint Policy ~~And~~ & Procedures**

Board Policy#: [INSERT]  
 Board Approved: [INSERT]  
 Board Revised: [INSERT], 2020

Innovations Academy ("IA") complies with applicable federal and state laws and regulations. IA is the local agency primarily responsible for compliance with federal and state laws and regulations governing educational programs. Pursuant to this policy, persons responsible for compliance and/or conducting investigations shall be knowledgeable about the laws and programs, which they are assigned to investigate.

Scope

~~Innovations Academy (IA) shall have the primary responsibility to comply with applicable state and federal laws and regulations. Additionally, Innovations Academy shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and seeks to resolve those complaints in accordance with the policies and procedures of the Local Complaint Policy and the Uniform Complaint Policy.~~

Not all complaints fall under the scope of ~~the Uniform Complaint~~this Policy.

- Many concerns ~~should can~~ be made ~~following in accordance with the~~ **Local- General Complaint Policy**, including complaints regarding classroom assignments, common core, grades, classroom requirements, hiring and evaluation of staff, drop off and pick up procedures, homework policies and practices, provision of core curricula subjects, student advancement and retention, student discipline, student records, the Bagley- Keene Open Meeting Act, the Brown Act, and other general education and school requirements that do not otherwise fall under the purview of this Policy. A complete copy of this Policy is included within this Family Handbook.
- Concerns may also be raised under the School's Title IX, Harassment, Intimidation, Discrimination, and Bullying Policy. A complete copy of this Policy is included within this Family Handbook.

~~In addition,~~ The following complaints are referred to other agencies for resolution and not subject to the Uniform Complaint Policy:

- Allegations of child abuse are referred to County Departments of Social Services, Protective Services Divisions, or appropriate law enforcement agency.
- Employment complaints are sent to the California Department of Fair Employment and Housing.

Commented [MMH208]: Annual notice. It appears that the School has included its complete policy, as such, we have updated to ensure legal compliance.

- Allegations of fraud are referred to the responsible Division Director at the California Department of Education ("CDE").

~~Pursuant to this policy, Innovations Academy adopts the following complaint procedure as required by law for the following types of complaints:~~

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

- ~~1. Complaints of unlawful discrimination, harassment, intimidation or bullying against any protected group on the basis of, including actual or perceived ~~discrimination, 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, pregnancy, 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 Innovations AcademyIA~~

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2-1. program or activity.

2. Complaints of violations of state or federal law and regulations governing the following programs:

- Accommodations for Pregnant, Parenting or Lactating Students;
- Adult Education;
- Career Technical and Technical Education;
- Career Technical and Technical Training;
- Child Care and Development Programs;
- Consolidated Categorical Aid;
- Education of Students in Foster Care, Students who are Homeless, former Juvenile Court Students now enrolled in a public school, Migratory Children and Children of Military Families;
- Every Student Succeeds Act;
- Migrant Education Programs;
- Regional Occupational Centers and Programs; and/or  
School Safety Plans.

including but not limited to: Consolidated Categorical Aid Programs; Child Nutrition Programs; Special Education Programs; Foster and Homeless Youth Services; and No Child Left Behind Act (2001) Programs (Titles I-VII) (until phased out in accordance with law), including improving academic achievement, compensatory education, limited English proficiency, and migrant education.

3. Complaints alleging that a student enrolled in a public school was required to pay a pupil fee for participation in an educational activity as those terms are defined below.

- a. "Educational activity" means an activity offered by the charter school that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities.
- b. "Pupil fee" means a fee, deposit or other charge imposed on students, or a student's parents/guardians, in violation of Education Code section 49011 and Section 5 of Article IX of the California Constitution, which require educational activities to be provided free of charge to all students without regard to their families' ability or willingness to pay fees or request special waivers, as provided for in *Hartzell v. Connell* (1984) 35 Cal.3d 899. A pupil fee includes, but is not limited to, all of the following:
  - i. A fee charged to a student as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory or is for credit.
  - ii. A security deposit, or other payment, that a student is required to make to obtain a lock, locker, book, class apparatus, musical instrument, uniform or other materials or equipment.
  - iii. A purchase that a student is required to make to obtain materials, supplies, equipment or uniforms associated with an educational activity.

c. A pupil fees complaint and complaints regarding local control and accountability plans ("LCAP") only, may be filed anonymously (without an identifying signature), if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with Education Code sections 52060 - 52077, including an allegation of a violation of Education Code sections 47606.5 or 47607.3, as referenced in Education Code section 52075, regarding local control and accountability plans.

d. If IA finds merit in a pupil fees complaint, or the California Department of Education ("CDE") finds merit in an appeal, IA shall provide a remedy to all affected students, parents/guardians that, where applicable, includes reasonable efforts by IA to ensure full reimbursement to all affected students and parents/guardians, subject to procedures established through regulations adopted by the state board.

e. Nothing in this Policy shall be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or IA and other entities from providing student prizes or other recognition for voluntarily participating in fundraising activities.

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

~~3. Complaints alleging that a pupil enrolled in a public school was required to pay an unauthorized pupil fee for participation in an educational activity.~~

4.5. ~~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.~~

5-6. ~~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.~~

~~To file a complaint on any of the bases enumerated above for UCP, a complaining party may use the Uniform Complaint Procedure Form. To file a complaint on any of the bases enumerated above for the LCP, a complaining party may use the Effective Communication Policy Form (Local Form)~~

~~IA shall ensure that the staff persons responsible for conducting investigations relating to this Uniform Complaint Policy shall be knowledgeable about the laws and programs that are the subject of investigation. Moreover, IA acknowledges and respects every individual's right to privacy. Unlawful discrimination, harassment, intimidation or bullying complaints shall be investigated in a manner that protects (to the greatest extent reasonably possible) the confidentiality of the parties and the integrity of the process. IA cannot guarantee anonymity of the complainant. This includes keeping the identity of the complainant confidential. However, IA will~~

**Commented [MB209]:** Although these complaints do not fall under the UCP, under 5 CCR § 15583, the School must investigate and prepare a written report on these complaints in compliance with the UCP requirements.

**Commented [MB210]:** CDE considers this in the same family of programs as Homeless/Foster/Military/Migrant. See above in list of Programs.

attempt to do so as appropriate. IA may find it necessary to disclose information regarding the complaint/complainant to the extent necessary to carry out the investigation or proceedings, as determined by the Director or designee on a case-by-case basis.

IA prohibits any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of unlawful discrimination, harassment, intimidation or bullying. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

#### Compliance Officers

The Board of Directors designates the following compliance officer(s) to receive and investigate complaints and to ensure Innovations Academy's compliance with law:

Christine Kuglen  
Executive Director  
10380 Spring Canyon Rd, San Diego, CA 92131  
858-271-1414  
christine@innovationsacademy.org

**or**

Tony Spitzberg  
Assistant Director  
10380 Spring Canyon Rd, San Diego, CA 92131  
858-271-1414  
[INSERT EMAIL]

~~Christine Kuglen, Director~~  
~~Tony Spitzberg,~~  
~~Assistant Director~~  
~~Innovations Academy~~  
~~10380 Spring Canyon Rd.~~  
~~San Diego, CA 92131~~

IA shall ensure that the staff persons responsible for conducting investigations relating to this Uniform Complaint Policy shall be knowledgeable about the laws and programs that are the subject of investigation for which they are responsible. The compliance officer may have access to legal counsel as determined by the Executive Director or designee.

Should a complaint be filed against the Director or Assistant Director, the compliance officer for that case shall be the Parent Representative on the Board of Directors or his/her designee. [Faraz Sharafi, fsharafi@gmail.com](mailto:Faraz-Sharafi,fsharafi@gmail.com)

**Commented [MB211]:** This aligns with the contact listed in IA's UCP policy.

**Commented [MB212]:** This aligns with the contact listed in IA's UCP policy.

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## Notifications

The Executive Director or designee shall annually provide written notification of ~~the IA Uniform Complaint Procedures~~this Policy to employees, students, parents and/or guardians, school officials and other interested parties by publishing notification on the web site and in the Family Handbook, ~~and a~~ copy is available upon request free of charge.

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

The annual notice shall include the following:

1. A list of the types of complaints that fall under the scope of the UCP and the state and federal provisions that govern complaints regarding child nutrition programs and special education programs.
- ~~1-2.~~ 2. A statement clearly identifying any California State preschool programs that IA is operating as exempt from licensing pursuant to Health and Safety Code section 1596.792(o) and corresponding Title 5 health and safety regulations, and any California State preschool programs that IA is operating pursuant to Title 22 licensing requirements.
- ~~2-3.~~ 3. A statement that IA is primarily responsible for compliance with federal and state laws and regulations.
- ~~3-4.~~ 4. A statement that a pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.
5. A statement identifying the responsible staff member, position, or unit designated to receive complaints.
6. A statement that if a UCP complaint is filed directly with the CDE and the CDE determines that it merits direct intervention, the CDE shall complete an investigation and provide a written decision to the complainant within sixty (60) calendar days of receipt of the complaint, unless the parties have agreed to extend the timeline or the CDE documents exceptional circumstances and informs the complainant.
- ~~4-7.~~ 7. A statement that the complainant has a right to appeal an IA decision to the CDE by filing a written appeal within thirty (30) calendar days of the date of IA's decision, except if IA has used its UCP to address a complaint that is not subject to the UCP requirements.
8. A statement that a complainant who appeals IA's decision on a UCP complaint to the CDE shall receive a written appeal decision within sixty (60) calendar days of the CDE's receipt of the appeal, unless extended by written agreement with the complainant or the CDE documents exceptional circumstances and informs the complainant.
9. A statement that if IA finds merit in a UCP complaint, or the CDE finds merit in an appeal, IA shall take corrective actions consistent with the requirements of existing

**Commented [MMH213]:** Please note this website requirement.

**Commented [MB214]:** 60 calendar days per EC 33315.

**Commented [MB215]:** 30 calendar days per 5 CCR 4632(a).

**Commented [MB216]:** 60 calendar days per EC 33315.

law that will provide a remedy to the affected student and/or parent/guardian as applicable.

5.10. A statement advising the complainant of any civil law remedies that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable, and of the appeal pursuant to Education Code § 262.3.

6.11. A statement that copies of the local educational agency complaint procedures shall be available free of charge.

#### Procedures

The following procedures shall be used to address complaints that allege that IA has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint.

- **Step 1: Filing of Complaint subsequent related actions.**

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

Any individual, including a person's duly authorized representative or an interested third party, public agency, or organization alleging noncompliance by IA or unlawful discrimination, harassment, intimidation or bullying pursuant to this Policy may file a written complaint using the complaint form.

A complaint alleging unlawful discrimination, harassment, intimidation or bullying shall be initiated no later than six (6) months from the date\_

when the alleged unlawful discrimination, harassment, intimidation or bullying occurred, or six (6) months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination, harassment, intimidation or bullying, unless the time for filing is extended by the Executive Director or designee, upon written request by the complainant setting forth the reasons for the extension. Such extension by the Executive Director or designee shall be made in writing. The period for filing may be extended by the Executive Director or designee for good cause for a period not to exceed ninety (90) calendar days following the expiration of the six-month time period. The Executive Director shall respond immediately upon a receipt of a request for extension.

A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination, harassment, intimidation or bullying or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination, harassment, intimidation or bullying.

All other complaints under this Policy shall be filed not later than one (1) year from the date the alleged violation occurred. For complaints relating to the LCAP, the date of the alleged violation is the date on which the IA Board of Directors approved the LCAP or the annual update was adopted by IA. Pupil fee complaints shall be filed not later than one (1) year from the date the alleged violation occurred.

The complaint shall be presented to the Compliance Officer, who shall maintain a log of complaints received, providing each with a code number and date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, IA staff shall assist him/her in the filing of the complaint.

Complaints filed pursuant to this Policy must be in writing and signed. A signature may be handwritten, typed (including in an email) or electronically generated. Only complaints regarding pupil fees or LCAP compliance may be filed anonymously as set forth in this Policy. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, IA staff shall assist the complainant in the filing of the complaint.

- **Step 2: Resolution Meeting**

Within five (5) business days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of engaging in a Resolution Meeting with the IA school counselor serving as mediator. If the complainant agrees to a Resolution Meeting, the compliance officer shall make arrangements for the same.

**Commented [MB217]:** This is not a timeline set forth in the law/regulation, but it seems reasonable.

Before initiating the Resolution Meeting of an unlawful discrimination, harassment, intimidation or bullying complaint, the compliance officer shall ensure that all parties agree to make the counselor a party to related confidential information.

If the Resolution Meeting does not resolve the problem, the compliance officer shall proceed with his/her investigation of the complaint.

The use of a Resolution Meeting shall not extend IA's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

- **Step 3: Investigation of Complaint**

~~Within five (5) business days of receiving the complaint, The the~~ compliance officer is encouraged to ~~informally discuss with the complainant the possibility of using mediation.~~

~~hold an investigative meeting within five (5) business days of receiving the complaint or an unsuccessful attempt to mediate the complaint.~~ This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally. ~~If the complainant agrees to mediation, the compliance officer shall make arrangements for this process.~~

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

A complainant's refusal to provide IA's ~~investigator~~ compliance officer with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation.

IA's refusal to provide the compliance officer ~~investigator~~ with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

- **Step 4: Final Written Response**

Unless extended by written agreement with the complainant, the compliance officer shall ~~prepare and send~~ issue to the complainant a written report of IA's investigation and ~~decision~~ Decision within sixty (60) calendar days of receipt of the complaint.

~~IA's decision shall be in writing and sent to the complainant.~~ IA's decision shall be written in English and in the language of the complainant whenever feasible or as required by law.

The decision shall include:

1. The findings of fact based on evidence gathered
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition
5. Corrective actions, if any are warranted
- ~~1-6.~~ 6. Notice of the complainant's right to appeal the decision within ~~fifteen (15)~~ thirty (30) calendar days to the CDE, ~~except when IA has used its UCP to address complaints that are not subject to the UCP requirements.~~

~~2-7.~~ 7. ~~and procedures~~ Procedures to be followed for initiating such an appeal

~~3-8.~~ 8. For unlawful discrimination, harassment, intimidation or bullying complaints arising under state law, notice that the complainant must wait until sixty (60) days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies

~~For unlawful discrimination, harassment, intimidation or bullying complaints arising under federal law such complaint may be made at any time to the U.S. Department of Education, Office for Civil Rights.~~

**Commented [MB218]:** 30 calendar days per 5 CCR 4632(a); 5 CCR 4631(a)



If an employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the employee was informed of IA's expectations. The report shall not give any further information as to the nature of the disciplinary action.

Appeals to the California Department of EducationCDE

If dissatisfied with IA's ~~decision~~Decision, the complainant may appeal in writing to the CDE within ~~thirty (30) calendar days~~ ~~fifteen (15) days~~ of receiving the ~~decision~~Decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of IA's ~~decision~~Decision. When appealing to the CDE, the complainant must specify and explain the basis for the appeal, including at least one of the following:

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

Upon notification by the CDE that the complainant has appealed IA's decision, the Director or designee shall forward the following documents to the CDE:

1. A copy of the original complaint.
2. A copy of the decision.
3. A summary of the nature and extent of the investigation conducted, if not covered by the decision.
4. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by all parties and gathered by the investigator.
5. A report of any action taken to resolve the complaint.
6. A copy of IA's complaint procedures.
7. Other relevant information requested by the CDE.

If the CDE determines the appeal raises issues not contained in the local complaint, the CDE will refer those new issues back to IA for resolution as a new complaint. If the CDE notifies IA that its Decision failed to address an allegation raised by the complaint and subject to the UCP process, IA will investigate and address such allegation(s) in accordance with the UCP requirements and provide the CDE and the appellant with an amended Decision addressing such allegation(s) within twenty (20) calendar days of the CDE's notification. The amended Decision will inform the appellant of the right to separately appeal the amended Decision with respect to the complaint allegation(s) not addressed in the original Decision.

Commented [MB219]: 30 calendar days per 5 CCR 4632(a).

Commented [MB220]: 20 calendar days per 5 CCR 4632(f)

Within thirty (30) calendar days of the date of the CDE’s appeal Decision pursuant to 5 C.C.R. section 4633(f)(2) or (3), either party may request reconsideration by the State Superintendent of Public Instruction (“SSPI”) or the SSPI’s designee. The request for reconsideration shall specify and explain the reason(s) for contesting the findings of fact, conclusions of law, or corrective actions in the CDE’s appeal Decision. The SSPI will not consider any information not previously submitted to the CDE by a party during the appeal unless such information was unknown to the party at the time of the appeal and, with due diligence, could not have become known to the party. Pending the SSPI’s response to a request for reconsideration, the CDE appeal Decision remains in effect and enforceable, unless stayed by a court.

The CDE may directly intervene in the complaint without waiting for action by IA when one of the conditions listed in Title 5, California Code of Regulations, §Section 4650 exists, including cases in which IA has not taken action within sixty (60) days of the date the complaint was filed with ~~Innovations Academy~~IA.

Commented [MB221]: Citation confirmed.

#### Civil Law Remedies

A complainant may pursue available civil law remedies outside of these 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) 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 IA has appropriately, and in a timely

manner, apprised the complainant of his/her right to file a complaint ~~in accordance with 5-CCR-4622.~~

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**UNIFORM COMPLAINT PROCEDURE FORM**

**Commented [MB222]:** Although you may provide this form, complainants are not required to use this form to submit a UCP complaint. Any written and signed statement (which may include an email with a digital signature) alleging violations that fall under the UCP that is filed pursuant to the UCP within the required timeframes constitutes a UCP complaint.

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

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

- |  |   |
|--|---|
| <input type="checkbox"/> Consolidated Categorical Programs   | <input checked="" type="checkbox"/> <del>Nutrition Services</del>   |
| <input type="checkbox"/> Pupil Fees  | <input type="checkbox"/> <u>Regional Occupational Centers and Programs</u>  |
| <input checked="" type="checkbox"/> <del>Foster/Homeless Youth</del>   | <input type="checkbox"/> <u>School Plans for School Achievement</u>   |
| <input checked="" type="checkbox"/> <del>No Child Left Behind Programs (until phased out in accordance with law)</del> | <input type="checkbox"/> <u>School Safety Plan</u>  |
| <input type="checkbox"/> <u>Adult Education</u>  | <input type="checkbox"/> <u>Pregnant, Parenting or Lactating Students</u>   |
| <input type="checkbox"/> <u>Career Technical and Technical Education/Career Technical and Technical Training</u>       | <input checked="" type="checkbox"/> <del>Special Education</del>  |
| <input type="checkbox"/> <u>Child Care and Development</u>   | <input type="checkbox"/> Local Control Funding Formula/ Local Control and Accountability Plan   |
| <input type="checkbox"/> <u>Regional Occupational Centers and Programs</u>   | <input type="checkbox"/> <u>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</u> |
|  | <input type="checkbox"/> <u>Every Student Succeeds Act</u>  |
|  | <input type="checkbox"/> <u>Migrant Education Programs</u>  |

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**For allegation(s) of unlawful discrimination, harassment, intimidation or bullying, please check the basis of the unlawful discrimination, harassment, intimidation or bullying described in your complaint, if applicable:**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Age                                    | <input type="checkbox"/> Gender / Gender Expression / Gender Identity | <input type="checkbox"/> Sex (Actual or Perceived)   |
| <input type="checkbox"/> Ancestry                               | <input type="checkbox"/> Genetic Information                          | <input type="checkbox"/> Sexual Orientation (Actual or Perceived)  |
| <input type="checkbox"/> Color                                  | <input type="checkbox"/> Medical Condition                            | <input type="checkbox"/> Based on association with a person or group with one or more of these actual or perceived characteristics |
| <input type="checkbox"/> Disability (Mental or Physical)        | <input type="checkbox"/> National Origin/ <u>Nationality</u>          | <input type="checkbox"/> Marital Status  |
| <input type="checkbox"/> Ethnic Group Identification            | <input type="checkbox"/> Race or Ethnicity                            |  |
| <input type="checkbox"/> Immigration Status/ <u>citizenship</u> | <input type="checkbox"/> Religion                                     |  |

1. Please give facts about the complaint. Provide details such as the names of those involved, dates, whether witnesses were present, etc., that may be helpful to the complaint investigator.

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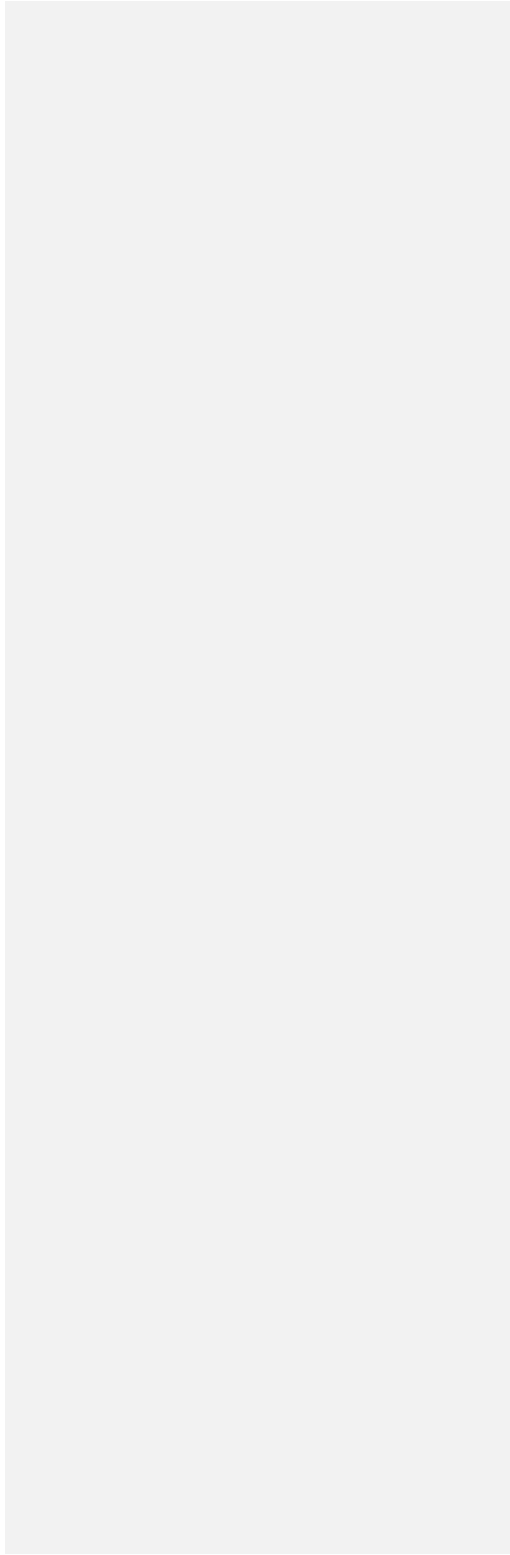
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2. Have you discussed your complaint or brought your complaint to any IA staff members? If you have, to whom did you take the complaint, and what was the result?

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3. Please provide copies of any written documents that may be relevant or supportive of your complaint. I have attached supporting documents.  Yes  
 No

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

Mail complaint and any relevant documents to:

Christine Kuglen, Director or  
Tony Spitzberg, Assistant  
Director  
Innovations Academy  
10380 Spring Canyon  
Rd. San Diego, CA  
92131

**PLEASE KEEP A COPY OF YOUR COMPLETED FORM FOR YOUR RECORDS.**

• ~~Local~~ **General Complaint Policy**

Board Policy #: [INSERT]  
 Board Approved: [INSERT]  
 Board Revised: [INSERT], 2020

The Innovations Academy ("IA") Board has approved this policy to be used for parents. ~~What to do=~~ when something is working or not working for ~~you~~ at IA. This is our name for our Adult Effective Communication Complaint Policy. It is what we believe works best to truly address issues and solve them.

Modeling is essential in the learning process. If we want our children to learn how to communicate effectively it is of utmost importance that we model what this looks like. Here is a chart of specific actions that will support our children to learn effective communication.

Instead of:	Do:
Complaining about something that happened	Speak with the teacher or staff about your concern
Shutting down because you feel left out of some communication	Speak to the teacher about how to get all class info
Believing something someone tells you (aka participate in rumors)	Go to the source and get the information yourself
Sharing a frustration about the school, the teacher or the parent association with another parent or on social media	Speak directly with the director, the teacher or the Parent Association president
Harboring frustration, anger or hurt about something your child told you happened at school	Approach the teacher or <u>Executive Director</u> to inquire about the situation

Feedback is an essential part of communication that is very valuable to us as a community. If there is something you like, let us know (we can publish it in our gratitude book)! If there is something you do not understand, are confused by, or do not like, also let us know. Going directly to the source generally gives clarity and understanding.

The only way to get your needs met is to let us know what your needs are. If you have a complaint, frustration, question, concern, excitement or

**Commented [MB223]:** A Board-approved General Complaint Policy is strongly recommended. This appears to be IA's complete policy. Accordingly, once finalized please fill in the approval and revision dates.



appreciation, please communicate with us. There are many ways to communicate: talk in person, write an email, send a note, or make a phone call. We want our families to get their questions answered. We want to be in communication with you. We need you to tell us when you need that to happen. All of your positive and negative feedback helps us improve our program and understand the needs of so many families.

Though giving feedback sounds good on paper it can truly be the most difficult thing you will do. Actually approaching a person when you have negative feelings is a huge challenge. Expect to feel uneasy and let the person with which you need to speak know you need their time. You can start with, "I'm confused; I'm hurt; I'm happy; or I'm excited; when I see (hear, notice...)\_\_\_\_\_.

Understand that we would rather have the information so that we can improve than to have rumors and negative information, like poison, spread through the internet, school or community grapevine.

If you have a concern, here are the appropriate steps to take:

1. Start at the source:

- a. If you have a concern with something in the classroom, speak to the teacher.
- b. If you have a concern with something in the front office, speak with the [Executive Director](#).
- c. If you have a concern with an IEP, speak with the Education Specialist/Case Manager.
- d. If you have a concern about the educational program, speak with the [Executive Director](#).
- e. If you have a concern about an issue with another student, speak with the teacher, the [Assistant Director](#) or the [Executive Director](#).

2. If you have completed step one and feel the concern is persisting, email the teacher (or other staff member) and copy the director. A meeting will be set up with all parties involved.

3. If you have completed step one and two and the concern is persisting, set up a private meeting with the director.

4. If you have completed steps one, two, and three and do not feel that your concern has been fully addressed, email the [Executive Director](#) and copy the Innovations Academy Board of Directors ([board@innovationsacademy.org](mailto:board@innovationsacademy.org)).

5. If you have communicated thoroughly using steps one through four and do not feel that the concern has been fully addressed, please get in touch with the IA Board of Directors in one of the following ways:

- a. Write a letter to the I.A. Board and send it to our school address, or
- b. Email our board at [Board@InnovationsAcademy.org](mailto:Board@InnovationsAcademy.org), or
- c. Attend a board meeting and present during community comments.

We have provided the form on the next page for providing feedback to the [School](#).

#### GENERAL ASSURANCES

1. Confidentiality: All complainants shall be notified that information obtained from the complainants, and thereafter gathered during the investigation, shall be maintained in a manner as confidential as possible, but in some circumstances absolute confidentiality cannot be guaranteed.
2. Non-Retaliation: All complainants shall be advised that complainants shall be protected against retaliation as a result of the filing of any complaints or participation in any complaint process.
3. Resolution: The Board, Executive Director, or designee will investigate complaints appropriately under the circumstances, and if necessary, take appropriate remedial measures to ensure effective resolution of any complaint.

\*\*\*\*\*

**Feedback General Complaint Form**  
~~(in place of a typical Uniform Complaint Policy Form)~~ To be turned into  
the front office

Name/Anonymous: \_\_\_\_\_

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

If you would like to provide feedback, we'd love to hear it. Please take your time and turn it in to the main office. We understand that giving negative feedback is challenging and we commit to address your issue when it is brought to our attention. We invite your information and need it in order to improve. Both children and adults are encouraged to use this form. Please use as much factual detail as possible (e.g. specific statements; what, if any, physical contact was involved; any verbal statements; what did you do to avoid the situation, etc.)

Date of Alleged Incident(s): \_\_\_\_\_

Name of Person(s) this complaint is about (if known and applicable):  
\_\_\_\_\_

List any witnesses that were present: \_\_\_\_\_

Where did the incident(s) occur? \_\_\_\_\_

Summary of my issue/observation (Attach additional pages, if needed): \_\_\_\_\_

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

I would like to (check all that apply):

\_\_\_\_\_ To talk to a particular staff member (name: \_\_\_\_\_)

\_\_\_\_\_ To meet with the Executive Director

\_\_\_\_\_ To call a conference for my family with another family at IA.

\_\_\_\_\_ Receipt of this form to be acknowledged

\_\_\_\_\_ To thank the parties involved who are

\_\_\_\_\_ To express my appreciation for  
\_\_\_\_\_

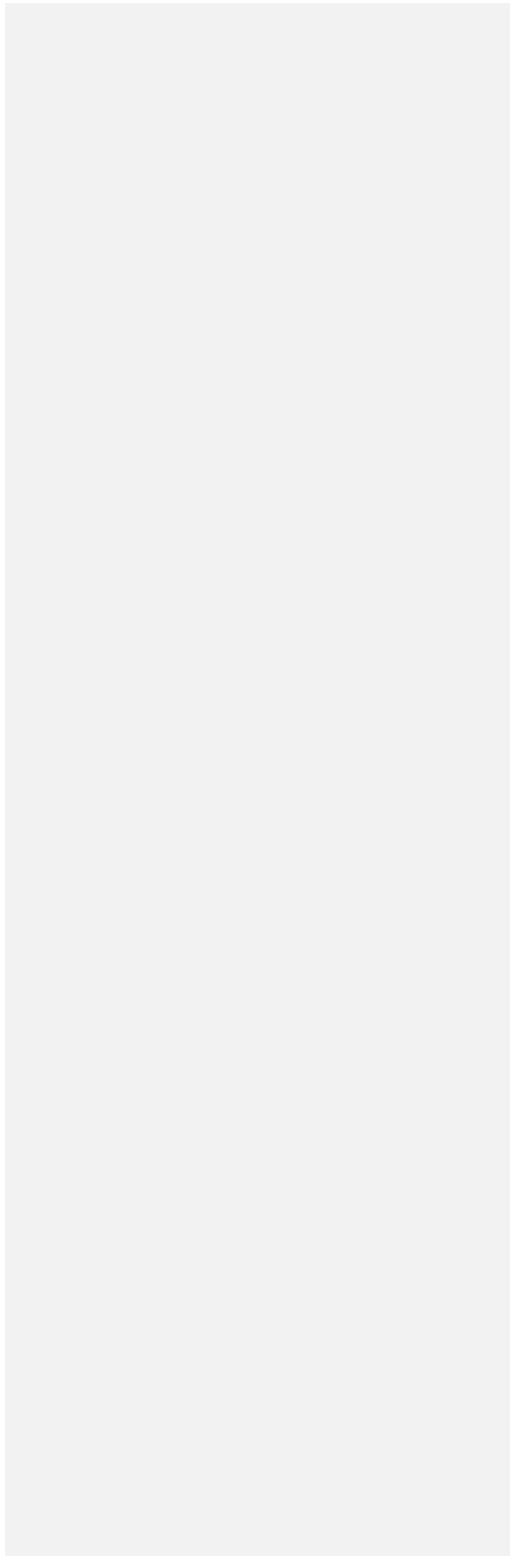
\_\_\_\_\_ Other: \_\_\_\_\_

Any further comments:

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. Employees providing false information

in this regard could result in disciplinary action up to and including termination.

DRAFT



**• Special Education /Students with Disabilities**

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

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

**• Section 504**

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

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

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

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

Parents or eligible students who wish to ask the Charter School to amend a record

**Commented [MB224]: This is a required annual notice.**

A Board approved policy is legally required. Please let us know if you would like us to review an existing policy or provided a template policy.

Once finalized, please ensure the complete policy is made available.

**Commented [MB225]:** There are annual child find

notice requirements under the IDEA and EC section 56301. If the Charter School is an independent LEA for purposes of special education (meaning you belong to a SELPA), then check with the SELPA for the notice language. If Charter School is a school of its authorizer for purposes of special education, check with the authorizer if there is specific language other than what has been included that the charter school should use.

**Commented [MMH226]: This is a required annual notice.**

**Commented [MB227]:** A Board approved policy is legally required. Please let us know if you would like us to review an existing policy or provided a template policy.

Once finalized, please ensure the complete policy is made available.

**Commented [MB228]: This is a required annual notice.**

Please note the School must effectively notify parents or eligible students with disabilities and those who have a primary or home language other than English.

**Commented [MB229]:** Please ensure this timeline aligns with the School's complete policy.

should write 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.

**Commented [MB230]:** Ensure the Charter School has such procedures in place.

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

1. Charter School officials who have a legitimate educational interest as defined by 34 C.F.R. Part 99;
2. Other schools to which a student seeks or intends to enroll so long as the disclosure is for purposes related to the student's enrollment or transfer. When a student transfers schools, the Charter School will mail the original or a copy of a student's cumulative file to the receiving district or private school within ten (10) school days following the date the request is received from the public school or private school where the student intends to enroll. Charter School will make a reasonable attempt to notify the parent or eligible student of the request for records at his/her last known address, unless the disclosure is initiated by the parent or eligible student. Additionally, 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 hearing;
3. Certain government officials listed in 20 U.S.C. § 1232q(b)(1) in order to carry out lawful functions;
4. Appropriate parties in connection with a student's application for, or receipt of, financial aid if it is necessary to determine eligibility, amount of aid, conditions for aid or enforcing the terms and conditions of the aid;
5. Organizations conducting certain studies for the Charter School in accordance with 20 U.S.C. § 1232q(b)(1)(F);
6. Accrediting organizations in order to carry out their accrediting functions;
7. Parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1986;
8. Individuals or entities, in compliance with a judicial order or lawfully issued subpoena. Subject to the exceptions found in 34 C.F.R. § 99.31(a)(9)(i), reasonable effort must be made to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek a protective order;
9. Persons who need to know in cases of health and safety emergencies;
10. State and local authorities, within a juvenile justice system, pursuant to specific State law;
11. A foster family agency with jurisdiction over a currently enrolled or former student, a short-term residential treatment program staff responsible for the education or case management of a student, and a caregiver (regardless of whether the caregiver has been appointed as the student's educational rights holder) who has direct responsibility for the care of the student, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource

family, may access the current or most recent records of grades, transcripts, attendance, discipline, and online communication on platforms established by Charter School for student and parents, and any individualized education program ("IEP") or Section 504 plan that may have been developed or maintained by Charter School; and/or

12. A victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceedings conducted by Charter School with respect to that alleged crime or offense. Charter School discloses the final results of the disciplinary proceeding regardless of whether Charter School concluded a violation was committed.

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

Christine Kuglen  
Executive Director  
10380 Spring Canyon Rd, San Diego, CA 92131  
858-271-1414  
christine@innovationsacademy.org

A copy of the complete *Educational Records & Student Information Policy* is available upon request at the main office.

• **Resources for Parents**

**Commented [MB231]:** These are additional suggestions of what can be considered directory information. This list can be modified as appropriate for the School. Please ensure this aligns with the School's complete Policy.

**Commented [MB232]:** A Board approved policy is legally required. Please let us know if you would like us to review an existing policy or provided a template policy.

Once finalized, please ensure the complete policy is made available.



Classes/Workshops/Presentations: The following are resources for parenting/discipline classes as well as Special Education workshops that we've found to be beneficial for all of our students:

Learning Development Services – Established in 1970 as an educational, psychological, and neuropsychological center for children, adolescents, families and adults. They offer a full range of diagnostic, educational, and clinical services. They offer many free lectures on Special Needs children, ADD, and other topics. <http://learningdevelopmentservices.com/>

Positive Discipline is for parents and teachers who are looking for skills that do not include punishment or rewards to encourage their children to think for themselves, feel capable, become more responsible, and have a greater respect for themselves and others. <https://www.positivediscipline.com/>

Assessments: Below is a list of information regarding outside assessments that we feel comfortable recommending to all students. The below assessments are free of charge.

**Center for Behavioral Teratology** - This SDSU Research Group gives a **free** cognitive screening to children ages 5 – 17 years of age. They can be reached at 6363 Alvarado Court, Suite 100/200, San Diego, CA 92120, or by phone at (619) 594-1228, or by email at [cbt@projects.sdsu.edu](mailto:cbt@projects.sdsu.edu).

**The Learning Convergence** - The Learning Convergence provides a free reading screening for children of all ages. They can be reached at 3511 Camino del Rio South, Ste. 301, San Diego, CA 92108. Or at their website <http://thelearningconvergence.com/> or by phone at 619-640-6835.

- **Staff Directory**

[This information may also be found on the IA website:](#)

<u>Staff</u>	<u>Role</u>	<u>Phone</u>	<u>Email</u>
Christine Kuglen	<u>Executive Director</u>	858-271-1414 619-379-9275*	<a href="mailto:Christine@InnovationsAcademy.org">Christine@InnovationsAcademy.org</a>
Tony Spitzberg	Assistant Director	858-271-1414	<a href="mailto:Tony@innovationsacademy.org">Tony@innovationsacademy.org</a>

Commented [MMH233]: Please ensure that this remains up to date.

Donna Napier	Office Manager	858-271-1414	<a href="mailto:Donna@InnovationsAcademy.org">Donna@InnovationsAcademy.org</a>
Tina McGinnis	Records and Nursing	858-271-1414	<a href="mailto:McGinnis@InnovationsAcademy.org">McGinnis@InnovationsAcademy.org</a>
Tami Hermann	Attendance	858-271-1414	<a href="mailto:Info@InnovationsAcademy.org">Info@InnovationsAcademy.org</a> <a href="mailto:Tami@InnovationsAcademy.org">Tami@InnovationsAcademy.org</a>
Jennifer Kuebler	Solution Center Counselor	858-271-1414	<a href="mailto:Jenniferasc@Innovationsacademy.org">Jenniferasc@Innovationsacademy.org</a>
Stephanie Bondaryk	Special Education	858-271-1414	<a href="mailto:Stephanie@InnovationsAcademy.org">Stephanie@InnovationsAcademy.org</a>
Lisa Smith	Special Education	858-271-1414	<a href="mailto:LSmith@InnovationsAcademy.org">LSmith@InnovationsAcademy.org</a>
Clara Urbalejo	Kindergarten Teacher	Leave a message at the front office	<a href="mailto:Clara@InnovationsAcademy.org">Clara@InnovationsAcademy.org</a>
Gabriela Badillo	Kindergarten Teacher	Leave a message at the front office	<a href="mailto:Gabriela@InnovationsAcademy.org">Gabriela@InnovationsAcademy.org</a>
Lauren Berry	1st Grade Teacher	Leave a message at the front office	<a href="mailto:Lauren@InnovationsAcademy.org">Lauren@InnovationsAcademy.org</a>
Ashleigh Turner	1st Grade Teacher	Leave a message at the front office	<a href="mailto:Ashleigh@InnovationsAcademy.org">Ashleigh@InnovationsAcademy.org</a>
Keely Moore	2nd Grade Teacher	Leave a message at the front office	<a href="mailto:Keely@InnovationsAcademy.org">Keely@InnovationsAcademy.org</a>
Abbey Levin	2nd Grade Teacher	Leave a message at the front office	<a href="mailto:Abbey@InnovationsAcademy.org">Abbey@InnovationsAcademy.org</a>
James Ruland	3rd Grade Teacher	Leave a message at the front office	<a href="mailto:James@InnovationsAcademy.org">James@InnovationsAcademy.org</a>

Grace Shin	3 <sup>rd</sup> Grade Teacher	Leave a message at the front office	<a href="mailto:Grace@innovationsacademy.org">Grace@innovationsacademy.org</a>
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Emily Mayer	4th grade teacher	Leave a message at the front office	<a href="mailto:EmilyM@innovationsacademy.org">EmilyM@innovationsacademy.org</a>
Tori Dahlberg	4 <sup>th</sup> grade teacher	Leave a message at the front office	<a href="mailto:Tori@innovationsacademy.org">Tori@innovationsacademy.org</a>
Emily Luscomb	5 <sup>th</sup> grade teacher	Leave a message at the front office	<a href="mailto:Emily@innovationsacademy.org">Emily@innovationsacademy.org</a>
Stephanie Rivera	5 <sup>th</sup> grade teacher	Leave a message at the front office	<a href="mailto:Steph@innovationsacademy.org">Steph@innovationsacademy.org</a>
Dominique Henry	6 <sup>th</sup> grade teacher	Leave a message at the front office	<a href="mailto:Dominique@innovationsacademy.org">Dominique@innovationsacademy.org</a>
Samantha Moore	6 <sup>th</sup> grade teacher	Leave a message at the front office	<a href="mailto:EmilyM@innovationsacademy.org">EmilyM@innovationsacademy.org</a>
Devon Woodruff	7 <sup>th</sup> grade teacher	Leave a message at the front office	<a href="mailto:Devon@innovationsacademy.org">Devon@innovationsacademy.org</a>
Nora Bowman	8 <sup>th</sup> grade teacher	Leave a message at the front office	<a href="mailto:Nora@innovationsacademy.org">Nora@innovationsacademy.org</a>
Jennifer Mercer	HLC 5-8 grade teacher	Leave a message at the front office	<a href="mailto:Jennifer@innovationsacademy.org">Jennifer@innovationsacademy.org</a>
Jill Keltner	HLC 2-4 grade teacher	Leave a message at the front office	<a href="mailto:Jill@innovationsacademy.org">Jill@innovationsacademy.org</a>
Teresa Draguicevich	HLC K-1 teacher	Leave a message at the front office	<a href="mailto:TeresaD@innovationsacademy.org">TeresaD@innovationsacademy.org</a>

Niki Moyer	Art Teacher	Leave a message at the front office	<a href="mailto:Niki@innovationsacademy.org">Niki@innovationsacademy.org</a>
Patrick Murphy O'Connor	Spanish Teacher	Leave a message at the front office	<a href="mailto:Patrick@innovationsacademy.org">Patrick@innovationsacademy.org</a>

Natasha Starbuck Mary Zanotelli Joe Bandini	Performing Arts Nature Studies Robotics	Leave a message at the front office	Leave a message at the front office
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**Commented [MMH234]:** As noted, above, you may want to have a section here on complete Board policies.

DRAFT

# Innovations Academy

Powerfully creating ourselves through self-expression  
compassionate connection and  
purposeful learning



## Family Handbook 2020-2021 School Year

5454 Ruffin Rd.  
San Diego, CA 92123  
858-271-1414  
858-271-1418 (fax)  
[www.innovationsacademy.org](http://www.innovationsacademy.org)

**Commented [MB1]:** In completing this review, we did the following:

1) Updated the Handbook with all legally required annual notices;

2) Updated all complete policies located in the Handbook and added all policies required to be in the Handbook in their entirety (please see below);

3) Recommended alternate language where we felt information was unclear or inconsistent with the law;

4) Highlighted any potentially problematic legal issues;

We strongly recommend that the School utilize the Handbook to deliver required annual notices, and store complete policies elsewhere (i.e. on the school website or at the campus main office).

**Annual Notices:**

Our understanding is that IA does not have single-gender classes, a GATE Program, afterschool program, language immersion program, provide transportation (to or from school or on field trips), accept tobacco funding, or an athletics program. Please let us know if we are mistaken, as additional annual notices or policies may be required for these programs.

**Policies:**

The following full policies were reviewed within your Handbook:

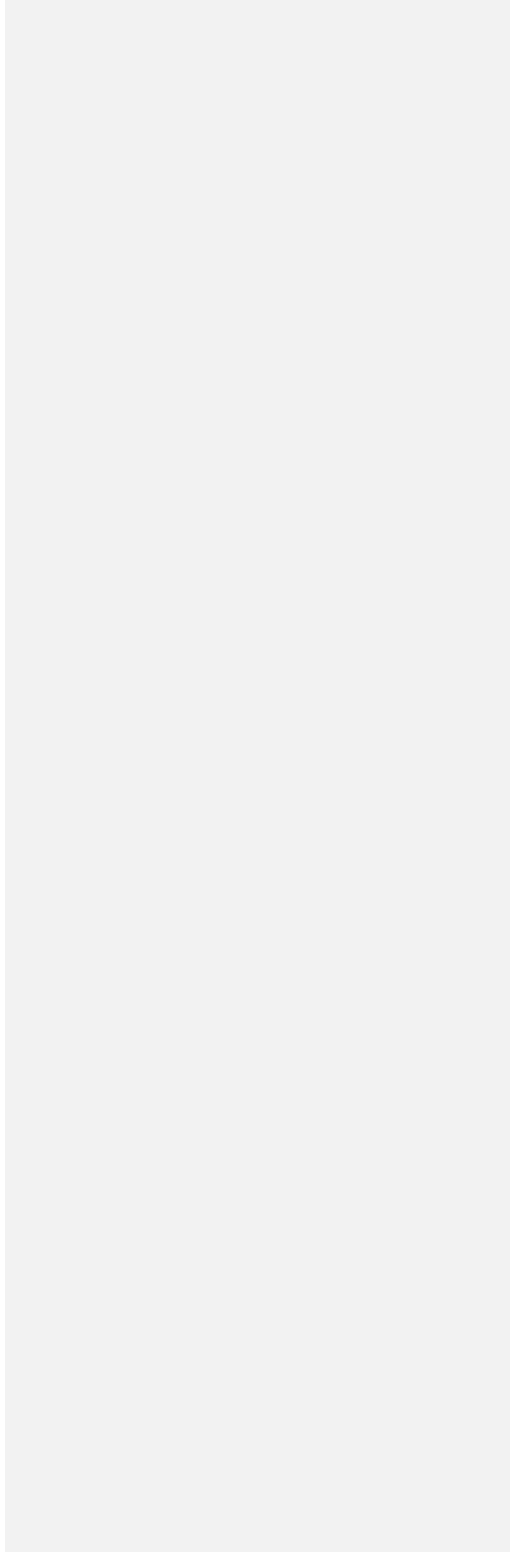
- Attendance Policy
- Suicide Prevention Policy \*
- Suspension and Expulsion Policy \*
- Title IX Harassment Policy \*
- Staff Interaction Policy \*
- UCP
- General Complaint Policy

\*These policies are required to be within the handbook.

Please let us know if you have any questions!

**Commented [MMH2]:** In reviewing your website, we do not see any of the legally required policies posted. We are sending along a website guide to assist you in determining what information needs to be posted. If you have any questions, please let us know.

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Dear Families,

At Innovations Academy we powerfully create our lives through self- expression, compassionate connection, and purposeful learning.

We welcome you to the Innovations Academy 2020-21 school year. We are very excited to work together to create the optimal learning environment for all students.

As such a community, we invite you to share with us what is working for you during the year and where you would like to see improvements. Through practicing our mission, we can cultivate a community filled with participation, communication, and contribution.

We look forward to building this community together.

**Please take the time to read through this handbook with your child.**

Joyfully yours, IA

Staff

**Commented [MMH3]:** We recommend updating the footer to include the title of the document (Family Handbook) and the page numbers. There appears to be some formatting issues, and this update can not be made to all of the pages. Please update as desired.

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**Commented [MB4]:** Please note that we did not revise this TOC. Once you have accepted all changes and finalized the substantive content of the Handbook, please ensure that you update the TOC accordingly.

We roughly re-organized the annual notices within this Handbook into three main sections in order to keep related information together:

**I. Academics, Instructional Program, & Attendance**

**II. Student Health & Safety**

**III. Other Student Services & Policies**

You may choose to keep this structure and build your TOC upon it, or else choose a different organizational scheme.

**Commented [MMH5]:** We also recommend that the School consider moving all of its full and complete policies within the Handbook to a fourth section at the end of the Handbook titled Board Policies or Appendix A. This will make your Handbook easier to read.

## **ACADEMICS, INSTRUCTIONAL PROGRAM, & ATTENDANCE**

### **• Mission Statement and Guiding Principles**

At Innovations Academy (“IA,” School,” or the “Charter School”) we powerfully create ourselves through self- expression, compassionate connection, and purposeful learning.

Our charter school, serving K - 8 students, is made up of difference- makers who are inspired to contribute to our world. We encourage students to create their own opportunities through enriching experiences and active choices throughout their day.

The accomplishments of IA include providing an environment that respects the intellectual, emotional, and social intelligence of all children while supporting their innate human desire to learn through a multidimensional curriculum.

For a deeper understanding of our school’s philosophy we recommend reading our School’s charter (available on our website) as well as reading information about constructivist teaching philosophy, positive discipline, and project- based learning.

### **• Academic Program**

Fun, excitement, curiosity, and engagement: these things make joyful learners.

At IA we create this through the following components: activity- based skill instruction, inquiry and project- based learning, character, communication and social emotional instruction, and our Explorations classes and clubs.

Our inquiry and project- based learning curriculum integrates student interest into meaningful standards-based projects and explorations incorporating math, art, music, language arts, science, and social studies. We believe that completing projects engages both the hands and the mind.

Character, communication and social- emotional instruction underscore the importance of effective and productive social interaction and communication for success in life.

Morning meetings, self-evaluations, class council, peer-to-peer discussion, and presentations are some ways that we teach communication skills & conflict resolution. We have a structure to develop relationships conducive to social and intellectual well-being. Over the year, teachers and staff model and teach effective communication skills and techniques.

## Full time and Independent Study Options:

### **Full Time:**

80% of our student population participates in our traditional-schedule full time program. Full time students attend Monday through Friday. We have a minimum day on Monday. The curriculum is mastered using Project Based Service Learning, engaging hands-on activities, enrichment classes, multi-age mentoring, and a strong social emotional/character education program based on learning conflict resolution and problem solving skills.

### **3 Day Option:**

We also offer a 3 day program for K – 2 students on Tuesday, Wednesday, and Thursday for families who wish to participate in their child’s education as the primary educator 2 extra days per week but would also like to have their child(ren) participate in a typical school classroom. Students integrate into a regular 5-day classroom three days a week and are responsible for their own learning off-site the other two days. Many 3 day students find this to be a nice blend of school with homeschooling.

### **2 Day Option (Home Learner Community- HLC):**

IA also offers a special 2 day program on Tuesdays and Thursdays for home learners in K – 8th grades who want to participate in project-based learning with a supportive home learning community. Our 2-Day students have their own multi-age classrooms on site with a unique schedule specifically designed to meet their needs. Though placement is flexible, we have a K-1 class, a 2nd-4th grade class and a 5th -8th grade class.

Homeschooled children join their peers to create a community of learners. The Home Learning Community (HLC) is a Self Design ([www.selfdesign.com](http://www.selfdesign.com)) inspired program where children ages 5-14 co-create their learning with peers, mentors and group leaders. Classes meet on Tuesdays and Thursdays for COOPERATIVE, STUDENT-DIRECTED learning opportunities which are chosen and designed by the children themselves based on areas of intense INTEREST and CURIOSITY. It is recognized that learning takes many forms and, while there is a great deal of joyful learning in many arenas of academics and life, there is little to no direct instruction from our group leaders. Our experiences in HLC classroom are not dictated by traditional school design. The families in the HLC have created a wonderful community of home learners that function as a small school within the school of Innovations Academy. Student and parent input guide the direction of class.

**Commented [MB6]:** Please note that an Independent Study and Missed Assignment board policy is required to provide I.S. Please let us know if you would like us to review your policy or provide a template policy.

**Commented [MB7]:** We included this information here from your website. Because reference these various programming options in the Attendance section below, we thought it would make sense to include this explanatory information here

• **School Calendar and Class Schedule**

**Commented [MB8]:** Please ensure these dates are accurate and reflective of the 2020-21 school year.

**\*Please note that these events may be unavailable due to the impact of the pandemic on our schedule**

<b>Event</b>	<b>Date</b>
Open House	August 22
School Starts	August 26
Labor Day Holiday	September 7
Student Led Conferences MIN. DAYS FOR STUDENTS	October 12-14
Veteran's Day Holiday	November 11
Thanksgiving Holiday	November 23-27
Exhibition Night	December 17*

<b>Event</b>	<b>Date</b>
Winter Break	Dec. 21-Jan. 4
Martin Luther King Jr. Birthday Holiday	January 18
Report Cards Sent home	January 29
Lincoln & President's Day (NO SCHOOL)	February 12 & 15
Portfolio Review Days	February 1-3
Exhibition Night	March 25
Spring Break	March 29-April 2
Staff Collaboration Days NO SCHOOL FOR STUDENTS	April 5
CA State Testing Window	April 21 - June 5
Memorial Day	May 31
Presentations of Learning Check with teacher for schedule	May and June Check with teacher for schedule
Last Day of School MINIMUM DAY	June 11

### Class Schedule

Classroom teachers design their own schedules, as individual classes have different activities occurring throughout the school day. This flexibility allows us to design programs tailored to meet the needs of our students. Please check with each teacher for the class schedule. If major changes occur in the schedule you will be notified. Explorations Classes (Art, Performing Arts, Nature Studies/Garden, Spanish, Robotics, etc.) take place for some students in the morning and others in the afternoons. These classes change each

semester. Please check with the classroom teacher for detailed information about the daily schedule.

• **School Hours**

Starting & Dismissal	Grades 1-8	Grade K
Start Time	8:30 AM	8:30 AM
Dismissal Monday Minimum Days	1:00 PM	1:00 PM
Dismissal Tuesday-Friday	3:00 PM	3:00 PM

Office Hours:

8:00 am - 4:00 pm Monday through Friday  
You may contact the office by calling 858-271-1414

• **Drop Off & Pick Up**

Drop-off in the morning begins a maximum of 30 minutes before classes begin (8:00 a.m.). Children must enter the school campus through the back gate. Once on campus all students are to remain on site. The gates are closed and locked at 8:30 a.m. All students arriving after 8:30 a.m. must sign in at the front office.

Pick-up for Kindergarten starts at 3:00 p.m. on Tuesday-Friday. parents/guardians/caregivers will meet their child at the classroom. **Written parent permission** must be on file in the office for a non-parent/guardian to pick up a student. The front office will communicate with teachers regarding permissions for pick up.

Pick up begins for 1st-8th grades at 3:00 p.m., for a 15-minute duration (until 3:15 p.m. T-Fri). Parents have the responsibility and authority to decide how their child is picked up. If a parent chooses for their child to walk home or walk across the street or walk to the parking lot or park, they must communicate this with their child. If a parent wishes for the teacher to be aware of the plan, the must communicate this with the teacher. We

**Commented [MB9]:** We removed this paragraph because IA is presumably no longer providing this bus service. If this service will be ongoing, please let us know, as a transportation safety policy and annual notice will be required.

**Commented [MB10]:** Please ensure these times are up to date for 20-21.

**Commented [MB11]:** How do parents grant this permission? Is there a form? Are names recorded on an emergency contact/pick-up card? We recommend including more information here.

encourage parents to come into the classroom at least one time per week to pick up their child(ren). This fosters communication between parents/guardians/care-givers and teachers and allows parents to see student work.

Any child in K-5<sup>th</sup> grade going home with another family for a play date must provide a signed note to the teacher that day or earlier. In lieu of a note, the parent/guardian must notify the office.

**Any child remaining after pick up time has ended will be sent to the office. This is disruptive of staff time, so please plan accordingly. Supervision can not be guaranteed after 3:30 p.m.**

### **Attendance Policy**

Board Approved: 12/08/2020

Consistent attendance is very important for a child to develop the relationship and flow for a successful education. We take attendance very seriously.

- If your child is enrolled in the 5- day program then they are committed to attending 5 days per week.
- If your child is enrolled in the 3 -day program (K-2<sup>nd</sup> grade) then your child is committed to attending all three days each week.
- And finally, if your child is enrolled in the Home Learning Community ("HLC"), you have made a commitment to become a part of that community and abide by the agreed upon attendance requirements.

#### **Definitions**

- "*Tardy*": IA starts at 8:30 a.m. Students shall be classified as tardy if the student arrives after that time.
- "*Unexcused Absence*": Students shall have an unexcused absence if the student is absent or is tardy for more than thirty (30) minutes without a valid excuse.
- "*Truant*": Students shall be classified as truant if the student is absent from school without a valid excuse three (3) full days in one school year, or if the student is tardy or absent for more than any 30-minute period during the school day without a valid excuse on three (3) occasions in one school year, or any combination thereof. Any student who has once been reported as a truant and who is again absent from school without valid excuse one or more days, or tardy on one or more days, shall again be deemed a truant. Such students shall be reported to the Executive Director or designee.
- "*Habitual Truant*": Students 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

**Commented [MMH12]:** We recommend that the School always have documentation in writing. So if someone calls the office to make this request, this should be written down somewhere for tracking. We also recommend having these other parents sign-in/out to track who is going home with whom.

**Commented [MB13]:** A Board-approved attendance policy is strongly recommended. This appears to be IA's complete policy.

We recommend including some formatting to show the reader that this is board approved policy. Accordingly, once finalized please fill in the approval and revision dates.

As noted, above, we also recommend that the School place complete board policies within the appendix or a heading at the end of the handbook to make it easier to read and more clear.

**Commented [MB14]:** These definitions mirror the Education Code. We advise using these definitions as it makes it easier to work with the local County Office of Education and/or the local D.A. to attempt to combat truancy problems.



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": Students 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.
- "School Attendance Review Team ("SART")": The SART panel will be composed of the Director, the Assistant Director, the Accountability Coordinator and the classroom teacher. The SART panel will discuss the absence problem with the Parent/Guardian to work on solutions, develop strategies, discuss appropriate support 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 shall be required to sign a contract formalizing the agreement by the parents to improve the child's attendance or face additional administrative action. The contract 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 contract:
    - 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 District Attorney
  3. The SART panel may discuss other school placement options.
  4. Notice of action recommended by the SART will be provided in writing to the parent/guardian.

#### Excused Absences for Classroom Based Attendance

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

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

1. Personal illness.
2. Quarantine under the direction of a county or city health officer.

**Commented [MMH15]:** Does IA have access to a SARB?

Charter schools may wish to consider contacting their local County Office of Education to determine whether participation in the COE's SARB process is an option, but usually it is not an option.

**Commented [MB16]:** SART is a panel organized by the charter school pursuant to this policy. It is not something provided for in the law. School Districts or County Offices of Education utilize a School Attendance Review Board (SARB) that is defined within the Education Code. Charter schools may also (or instead) wish to consider contacting their local County Office of Education to determine whether participation in the COE's SARB process is an option, but usually it is not an option. If so, this policy can be updated with the appropriate information.

**Commented [MB17]:** Please note that per AB 1360, notice and an opportunity for a hearing are required before a student can be involuntarily removed. We provide more information about this in the "Involuntary Removal" section below.

Also, even if the School follows all legally required procedures to remove a child due to truancy or other reasons, please keep in mind that such removals may be unlawful for other reasons. For example, students received special education services under the IDEA or Section 504 cannot be removed unless a manifestation determination meeting is held by the IEP or 504 team in accordance with applicable law. Please let us know if you have any questions.

3. Medical, dental, optometric, or chiropractic appointments:
  - a. Students in grades 7-12, inclusive, may be excused from school for the purpose of obtaining confidential medical services without the consent of the student's parent or guardian.
4. Attendance at funeral services for a member of the immediate family:
  - a. Excused absence in this instance shall be limited to one (1) day if the service is conducted in California or three (3) days if the service is conducted out of state.
  - b. "Immediate family" shall be defined as parent or guardian, grandparent, spouse, son/son-in-law, daughter/daughter-in-law, brother, sister or any other relative living in the student's household.
5. Observation of a religious holiday or ceremony.
6. Participation in religious instruction or exercises as follows:
  - a. The student shall be excused for this purpose on no more than four (4) school days per month.
7. For the purposes of jury duty in the manner provided for by law.
8. 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).
9. To permit the student to spend time with an immediate family member who is an active duty member of the uniformed services, as defined in Education Code section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the Charter School.
10. For purpose of serving as a member of a precinct board for an election pursuant to Election Code section 12302.
11. Attendance at the student's naturalization ceremony to become a United States citizen.
12. Authorized parental leave for a pregnant or parenting student for up to eight (8) weeks.
13. Authorized at the discretion of a school administrator, based on the facts of the student's circumstances, are deemed to constitute a valid excuse.
14. 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

**Commented [MB18]:** Pursuant to EC §46010.1, the governing board of each school district shall, each academic year, notify pupils in grades 7 to 12, inclusive, and the parents or guardians of all pupils enrolled in the district, that school authorities **may excuse any pupil from the school for the purpose of obtaining confidential medical services without the consent of the pupil's parent or guardian.** This also mirrors Family Code §6924 and Health and Safety Code §124260, which allows for minors to unilaterally consent to medical treatment under certain circumstances.

While this provision applies to school districts, we recommend the charter school consider adopting it as a best practice to protect the health, safety, and confidentiality of students.

**Commented [MB19]:** EC 46015 (added by AB 2289 eff. 01/01/19). This law permits students who are pregnant or parenting to take 8 weeks of parental leave, which can be extended if medically necessary. Thus, we have included this section to comply with the law. If you have any specific questions about parental leave or supporting parent/pregnant students, please let us know.

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.

15. 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.
16. Appearance in court.
17. Attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization upon written request by parent and approval by the Executive Director or designee pursuant to uniform standards established by the Board.

#### Method of Verification

When students who have been absent return to school, they 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 parent/guardian, parent representative. This can be provided in person at the office or by emailing info@innovationsacademy.org.
2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. Please call 858-271-1414. 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 expected date of return; 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 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.

**Commented [MB20]:** We recommend including a parameter for the frequency or duration of an absence for this purpose.

**Commented [MB21]:** This is not a legally significant number, Accordingly, IA my revise accordingly base don its program.

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.

### Tardies

William Shakespeare says, "Better three hours too soon than a minute too late." Plan ahead and drop your child off with 5 minutes to spare and they will never be late to class. If students are chronically late to school (more than 5 tardies the family will be called into a meeting to discuss the effect of said tardies on the student, teacher, and class (per the *Process for Addressing Truancy*, below)

Teaching children the importance of scheduling and punctuality will have a positive impact on their life. Additionally, when students arrive on time they are more connected to their community throughout the day which makes for a better educational environment for all.

### Leaving School Early

Once at school, a student may not leave the gated premises during school hours without permission from the office. If a student needs to leave school during the school day, s/he must be signed out in the office by a parent or guardian.

We ask that you communicate directly with the office when your child needs to leave campus for any reason. Please do not text or call your child directly during the school day. Students are not permitted to text or call from a personal cell phone without permission from their teacher or office staff during the school day. We are happy to take a message and carry it to your child so that it doesn't disrupt the flow of learning. If signing your student out early, please contact the office and we will send for your child.

### Sick Days

Although we feel it is important that children have good attendance, we also understand that children who are ill will not be able to learn and may impact the health and well-being of peers and staff. Please take a few minutes at home to carefully check your child's health before s/he leaves for school. The following are suggested times when a child should stay home. If they come to school with any of the following conditions you may be called to pick them up:

- A report of illness during the night - fever is present (100 degrees or more)
- Complaints of nausea, upset stomach, vomiting, headache, diarrhea
- Development of a rash on face and/or body
- Severe cold, cough and/or sore throat Inflamed eye(s) with discharge

Please remember: An ill child cannot function properly in school. The spread of

**Commented [MMH22]:** As the School prepares to re-open, perhaps for fall 2020, we recommend that the School have a strong safety plan in place.

illness and disease through school can be more easily contained if sick children remain at home during the acute stage of an illness.

#### Process for Addressing Truancy

- After a student has 3 unexcused absences or tardies of over 30 minutes, the parent/guardian will receive a warning letter.
- After 5 unexcused absences and/or tardies of over 30 minutes, the Executive Director will contact the family to create a plan together for how to improve attendance.
- Should a student reach 10 unexcused absences or tardies of over 30 minutes, a meeting is scheduled with the family, Executive Director, and teacher to address this very serious issue.
- If your child has more than 15 unexcused absences or tardies of over 30 minutes in a school year, your child will be referred to a Student Success Team (SST) and the SART.

If the conditions of the SART contract 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. 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 district of residence.

#### A budgetary note about frequent absences

While a solid education and quality learning experience are the most important factors of regular attendance, the simplest form of fundraising that you can do for our community is to ensure that your child is here each day possible as funding is based on attendance, not enrollment. When children are absent from school, we miss out on their contribution to our community.

Each day that a student is absent negatively impacts our budget by about \$70.00. In order to run a school with a high-quality staff, materials and program it needs funds and a predictable budget. You can support the school by having your child in school consistently. If your child is unable to attend classes on campus regularly, due to prolonged illness, temporary disability, or other reasons, please see our independent study section below or contact the main office for further options.

#### Short Term Independent Study Contracts

If you know in advance, including the morning of, that your child will be absent from one to twenty-one school/calendar days for any reason, your child's absence

**Commented [MB23]:** With whom? Is a 2<sup>nd</sup> notification/warning letter also sent? Please let us know if we can provide you with a template letter.

**Commented [MMH24]:** See comment below regarding SARB/SART.

**Commented [MMH25]:** See section below on involuntary removal.

**Commented [MMH26]:** This is included, above.

**Commented [MMH27]:** Please confirm that this remains the ADA per student.

**Commented [MB28]:** Please let us know if you'd like our office to review your short-term independent study contract or policy. A policy is strongly recommended.

may be excused if a Contract of Independent Study is completed and signed before the student leaves. In addition to the signed contract, the student must complete and return to the front office the assigned classwork.

It is of utmost importance that families with children absent for any reason for one school day or longer, obtain an Independent Study Contract. This can be done by contacting the office and downloading the contract/student work from our website, having us email work or coming into the school office to pick up the necessary documents.

When possible, please contact the office three days prior to the anticipated absence in order for teachers to adequately prepare lessons for your child. Students are expected to complete all work assigned and turn it in to the office upon returning to school.

To review the School's complete Independent Study Policy, please request a copy at the main office.

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

When students are not in attendance on the first five (5) days of the school year, the Charter School will attempt to reach the 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, parents 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 due to an unexcused absence by the fifth day of the school year 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 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 (3<sup>rd</sup>) day of the school year 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 (5<sup>th</sup>) day of the school year will receive a phone call reiterating the content of the letter.
4. The Charter School will send the Involuntary Removal Notice to the Parent/Guardian and follow the Involuntary Removal Process described below for any students who have not attended by the sixth (6<sup>th</sup>) day, and do not have an excused absence.
5. The Involuntary Removal Process can be started immediately upon the Charter School receiving documentation of Student's enrollment and attendance at another public or private school (i.e. a CALPADS report).

**Commented [MB29]:** Revised to align with language in preceding paragraph

**Commented [MMH30]:** Please review and revise consistent to where this document is located.

**Commented [MMH31]:** This language is recommended, not required.

**Commented [MB32]:** Please let us know if we can review an existing letter or provide a template letter.

**Commented [MB33]:** Please let us know if we can provide IA with a template notice.

6. The Charter School will use the contact information provided by the parent/guardian in the registration packet.
7. Upon removal, the last known school district of residence will be notified of the student's failure to attend the Charter School and the disenrollment within thirty (30) days of the disenrollment.

**Involuntary Removal Process**

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

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

If the parent/guardian is nonresponsive to the Involuntary Removal Notice, the Student will be disenrolled as of the effective date set forth in the Involuntary Removal Notice. If 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 district of residence within thirty (30) days.

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

**Referral to Appropriate Agencies or County District Attorney**

**Commented [MB34]:** This is a required annual notice.

Notice and hearing are required by law for any involuntary removal. (EC 47605(b)(5)(J)(iii)). Per AB 1360 (EC 47605(b)(5)(J)): a student cannot be involuntarily removed without following the procedures available under this subdivision of the statute. It is unclear whether that means the Charter School must follow its expulsion hearing procedures OR provide a hearing as outlined in the statute. Thus, the Charter School could consider utilizing slightly different hearing procedures, so long as the following criteria are met:

(I) Provide timely, written notice of the charges against the student and an explanation of the student's basic rights.

(II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at 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.

**Commented [MB35]:** We can provide you with a draft Involuntary Removal Notice if needed.

**Commented [MB36]:** These are not requirements under AB 1360, but we advise taking these steps to provide due process to the student. Therefore, the charter school will need to ensure documents are translated and include a copy of the expulsion hearing procedures.



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.

**Commented [MB37]:** While this is not legally required, the charter school is encouraged to provide such references if they are available.

If a child’s attendance does not improve after a SART contract has been developed according to the procedures above, or if the parents fail to attend a required SART meeting, the Charter School shall notify the District’s 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 report 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.

**Commented [MB38]:** We recommend specifying the interim at which these reports will be required (i.e. quarterly, annually, etc.).

**Commented [MMH39]:** Recommended formatting for the end of a policy.

\*\*\*\*\*

**Commented [MB40]:** This is an annual notice. This is added pursuant to Ed. Code section 49063. It is unclear whether this is applicable to charter schools, but we suggest adding it.

- **Availability of Prospectus**

Upon request, the Charter School will make available to any parent or legal guardian, a school prospectus, which shall include the curriculum, including titles, descriptions, and instructional aims of every course offered. Please note that, pursuant to law, the Charter School may charge for the prospectus in an amount not to exceed the cost of duplication.

**Commented [MB41]:** This is a required annual notice. Existing law requires each school to make a determination of the primary language of a student when the student enrolls in the school and requires each parent or guardian of a student enrolled in a public school to receive notice of an assessment of a student’s English proficiency no later than 30 days after the start of the school year that includes, among other things, the reason for the student’s classification as an English learner, the level of English proficiency, and a description of the program for the English language development instruction. Please ensure you are providing that notice to the Parents of all English Learners. If you would like assistance in this, please let us know.

- **English Learners**

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

**Commented [MB42]:** This is a required annual notice. Per AB 2601, Ed. Code. Sections 51938 and 51939, commencing with the **2019–20 school year**, charter schools must ensure that all students in grades 7 to 12, inclusive, receive comprehensive sexual health education and HIV prevention education, as specified.

- **Sexual Health Education**

Please note, this is not a complete policy. Please confirm that the School has this policy and that it is located at the main office. If it is located elsewhere, please update the information here.



Innovations Academy offers comprehensive sexual health education to its students in middle school grades, at a minimum in 8<sup>th</sup> grade. 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:

**Commented [MB43]:** Please note that IA must provide sex education at least once in the middle school grades (7-8).

- 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 student’s 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 middle school, at a minimum in 8<sup>th</sup> grade. A parent or guardian has the right to excuse their child from the test, questionnaire, or survey through a passive consent (“opt-out”) process. Parents or guardians shall be notified in writing that this test, questionnaire, or survey is to be administered, given the opportunity to review the test, questionnaire, or survey if they wish, notified of their right to excuse their child from the test, questionnaire, or survey, and informed that in order to excuse their child they must state their request in writing to the Charter School.

A student may not attend any class in comprehensive sexual health education or HIV prevention education, or participate in any anonymous, voluntary, and confidential test, questionnaire, or survey on student health behaviors and risks, if IA 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**

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

**Commented [MB44]:** This is a required annual notice.

- **Surveys About Personal Beliefs**

**Commented [MB45]:** This is a required annual notice.

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**

All parents or guardians may request information regarding the professional qualifications of classroom teachers and/or paraprofessionals.

- **Animal Dissections**

Students at IA may perform animal dissections as part of the science curriculum. Parents/Guardians will be communicated with about animal dissections. Any student who provides their teacher with a written statement, signed by their parent/guardian, specifying the student's moral objection to dissecting or otherwise harming or destroying animals, or any parts thereof, may be excused from such activities if the teacher believes that an adequate alternative education project is possible. The alternative education project shall require a comparable time and effort investment by the student. It shall not, as a means of penalizing the student, be more arduous than the original education project. The student shall not be discriminated against based upon their moral objection to dissecting or otherwise harming or destroying animals, or any parts thereof.

**Commented [MB46]:** This is a required annual notice if IA accepts Title I funding. If you do not receive any funds under Title I, this language may be removed.

**Commented [MB47]:** This is a required annual notice. EC 32255.4 states "Each teacher teaching a course that utilizes live or dead animals or animal parts shall also inform the students of their rights pursuant to this chapter." Please be sure that if you have teachers using live or dead animals that this information is shared with students and that they are referred to this notice.

Please note that per Ed. Code section 32255.6, classes and activities, conducted as part of a program in agricultural education that provide instruction on the care, management, and evaluation of domestic animals are exempt from these requirements.

- **Fieldtrips (AKA Field Study)**

IA students participate in many field study experiences. They are a great way to reach out to the community and experience learning in a unique way. Field study can be as simple as walking around the block or more intensive such as going to the zoo, a museum or overnight camping. A general field trip permission slip was included in the online registration packet for this purpose and is also available in the front office.

**Commented [MMH48]:** We do not recommend general field trip permission slips. We recommend that a permission slip be provided and signed for each field trip.

If you prefer to opt-out of the general permission slip, IA can provide you with individual permission slips for each planned field trip. If you choose to volunteer on a field trip, please note the requirements in the volunteer section of this Family Handbook.

**Commented [MB49]:** We strongly recommend against "last minute" excursions and taking students off campus absent parent notice.

Even with a general permission form on file, IA should still be informing parents at least 24-48 hours in advance of a field trip.

### Payments for Field Trips/Field Studies

At IA, our goal each year is for all students to participate in one field study a month and many of these excursions have costs to attend. We keep our costs as low as possible by fundraising for our more expensive trips. Please let us know if the cost of a field trip is a financial hardship for your family. No student will be excluded from participating in a field study due to lack of payment. That is our responsibility as a public school.

**Commented [MB50]:** We strongly recommend a Board-approved Fundraising Policy. Please let us know if you would like to see a sample policy or have our office review an existing policy.

### Transportation

Students learn a lot about public transit by using our local public transportation

**Commented [MB51]:** Christine, does IA ever provide school sponsored busing or arrange for carpool/caravanning for field trips? If so we recommend including that here.

If school sponsored busing is utilized for field trips, a Transportation Safety Policy and annual notice is required. Please let us know if we can assist with a Policy.

resources during field trips. Buses, trains, and trolleys are great learning experiences and IA regularly utilizes these methods of transport on field study trips. Student groups are always supervised by an adult chaperone while riding public transit. If you would prefer your child to not ride public transit you may arrange alternate transportation for your child.

**Commented [MMH52]:** How does IA supervise and coordinate this transportation?

DRAFT

## STUDENT HEALTH & SAFETY

### • **School Safety Plan and Emergency Action Procedures**

There is a complete Emergency Action and Safety Plan on file in the main office. It can be viewed in the main office. IA holds one emergency drill per month.

Some emergency numbers to be aware of:

- Front Office Number: 858-271-1414
- Christine Kuglen, Director: 619-379-9275

### • **Administration of Medications**

Students may not self-administer any medications (over the counter or prescription) in class. All medications must be turned into the School office. Medication given at school must be accompanied by:

1. Physician's Authorization for Medication form detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken; AND
2. A written statement from parent/guardian indicating that they desire the School to assist the student with medication.

### • **Informed Consent and Acknowledgment for Athletic Activities**

Students at IA have the option to participate in a wide range of athletic activities

By their very nature, athletic activities can put students in situations in which serious, catastrophic, and perhaps fatal injuries may occur. The injuries could include, but are not limited to the following:

Sprains/strains	Disfigurement
Fractures	Head injuries
Cuts/abrasions	Loss of eyesight
Unconsciousness	Death
Paralysis	

Students and parents must assess the risks involved in such participation and make their choice to participate in spite of those risks. No amount of instruction, precaution or supervision will eliminate all risk of injury.

Although the School may suggest or recommend the use of certain equipment to be purchased by the students, the school does not guarantee that such equipment will be free from defects or protect the student from injury.

### • **Availability of Health Insurance**

**Commented [MB53]:** This is a required annual notice.

**Commented [MB54]:** A Board approved Safety Plan is legally required. Please let us know if you would like us to review an existing policy or provide a template policy.

Once finalized, please ensure the complete Plan is made available.

**Commented [MMH55]:** Please note that your charter states:

Our medication policy can be found in our Family Handbook (located in the Appendix O).

As such, you may want to include your complete policy within the Handbook.

**Commented [MMH56]:** It was our understanding that the School did not have an athletic program. If not, should this information be removed?

Does this school mean P.E. instead of athletics?

**Commented [MB57]:** This is a required annual notice. The School must also include information about insurance within its enrollment paperwork, please ensure this language is consistent.

Children—regardless of immigration status (foster youth, pregnant women, and legally present individuals, including those with deferred action for childhood arrivals [“DACA”] status) may be eligible for no- or low-cost Medi-Cal insurance. Medi-Cal covers immunizations, checkups, specialists, vision and dental services, and more for children and youth at no- or low-cost. Medi-Cal enrollment is available year-round.

Covered California is where legal residents of California can compare quality health plans and choose the one that works best for them. Based on income and family size, many Californians may qualify for financial assistance. Enroll during Open Enrollment or any time you experience a life-changing event, like losing your job or having a baby. You have sixty (60) days from the event to complete enrollment. Information regarding the availability of insurance is provided with enrollment forms and available at:

[http://hbex.coveredca.com/toolkit/PDFs/ALL\\_IN\\_Flyer\\_EnrollGetCareRenew\\_CC.pdf](http://hbex.coveredca.com/toolkit/PDFs/ALL_IN_Flyer_EnrollGetCareRenew_CC.pdf)

Innovations Academy shall not discriminate against a student who does not have health care coverage or use any information relating to a student’s health care coverage or interest in learning about health care coverage in any manner that would bring harm to the student or the student’s family.

- **Oral Health Assessment**

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

- **Physical Examinations and Right to Refuse**

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

Vision, Hearing/Scoliosis: Students will be screened for vision, hearing and scoliosis by a nurse contracted by the School. The Charter School will adhere to Education Code Section 49450, et seq., as applicable to the grade levels served by the school.

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

**Commented [MB58]:** This is a required annual notice. Pursuant to EC § 49452.8, “public school” students enrolled in kindergarten or first grade if not previously enrolled in kindergarten in a public school”.. must obtain this oral health assessment. Statute then requires “school districts” to file report with state (EC 49452.8(e).) We believe charter schools do not have to file that report but do need to provide the annual notice and obtain the oral health assessment information. Also, many charters agree to follow EC 49450 et seq. so need to provide annual notice based on charter language.

We have included general language here. However, the Charter School is required to specifically provide notice to covered students. Accordingly, we advise sending this information to all students governed by this section. (Kindergarten and first graders enrolling in public school for the first time). If you need a template letter and form, we can provide it to you.

**Commented [MB59]:** Please note, under Ed. Code Section 49451, parents have the right to file annually with the principal a written and signed statement refusing consent for physical examinations of their child(ren), and if such a statement is filed, the child shall be exempt from any physical examination. However, if there is a good reason to believe that the child is suffering from a recognized contagious or infectious disease, he or she 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.

This information may also be included within the School’s enrollment paperwork. Please review and ensure alignment.

**Commented [MB60]:** This is a required annual notice.

**Commented [MB61]:** This aligns with your charter petition.

- **Diabetes**

Innovations Academy 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.

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

- **Immunizations**

Pursuant to the California Health and Safety Code and the California Code of Regulations, children must have a minimum number of immunizations (shots) before they can attend school. Immunization records will be 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, IA follows and abides by the health standards set forth by the state of California. Students will not receive classroom-based instruction until all required records have been received. The immunization status of all students will be reviewed periodically. Those students who do not meet the State guidelines may be excluded from classroom-based instruction 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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**Commented [MMH62]:** This is a required annual notice. A copy of the information sheet that the School must provide is available at: <https://www.cde.ca.gov/ls/he/hn/type2diabetes.asp>

The language included in this section is sufficient for legal notice, but the School is still required to provide the information sheet that contains all the required information specified in this section to the parents/guardians of incoming 7<sup>th</sup> grade students. Alternatively, the School may place the entire information sheet in the handbook/annual notice guide to eliminate the need to provide the information sheet separately.

**Commented [MB63]:** This is a required annual notice. Annual notice is often provided by charter schools as part of the enrollment paperwork. We are happy to review your paperwork to ensure it contains the appropriate information.

Per your charter petition, all students enrolled and staff will be required to provide records documenting immunizations as is required at public schools pursuant to Health and Safety Code Section 120325-120375, and Title 17, California Code of Regulations Section 6000-6075.

We included sample language below that incorporates the legal requirements.

<b>Entering Kindergarten</b>	<p>Diphtheria, Pertussis, and Tetanus (DTaP) - Five (5) doses          Polio - Four (4) doses          Measles, Mumps, and Rubella (MMR) - Two (2) doses          Hepatitis B (Hep B) - Three (3) doses          Varicella (chickenpox) - Two (2) doses</p> <p><b>NOTE:</b> Four doses of DTaP are allowed if one was given on or after the fourth birthday. Three doses of DTaP meet the requirement if at least one dose of Tdap, DTaP, or DTP vaccine was given on or after the seventh birthday (also meets the 7th-12th grade Tdap requirement.) One or two doses of Td vaccine given on or after the seventh birthday count towards the requirement for DTaP. Three doses of Polio are allowed if one was given on or after fourth birthday. MMR doses must be given on or after first birthday. Two doses of measles, two doses of mumps, and one dose of rubella vaccine meet the requirement, separately or combined. Combination vaccines (e.g., MMRV) meet the requirements for individual component vaccines.</p>
<b>Entering 7<sup>th</sup> Grade</b>	<p>Tetanus, reduced Diphtheria, and acellular Pertussis (Tdap) - One (1) dose          Varicella (chickenpox) - Two (2) doses</p> <p><b>NOTE:</b> In order to begin 7th grade, students who had a valid personal belief exemption on file with a public or private elementary or secondary school in California before January 1, 2016 must meet all requirements for children 7-17 years old (i.e., polio, MMR, varicella and primary series for diphtheria, tetanus, and pertussis), <b>in addition to</b> the 7th grade requirements for Tdap and varicella (varicella requirement for seventh grade advancement expires after June 30, 2025). At least one dose of pertussis-containing vaccine is required on or after the 7th birthday.</p>

• **Human Trafficking Prevention**

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

In accordance with the California Healthy Youth Act, 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 front office for your convenience or you can put your request in writing and send it to . Your consent

**Commented [MB64]:** Please insert where the opt-form may be found.



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 our website for your review.

### • **Mental Health Services**

Innovations Academy 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 IA and in our community is not only critical to improving the physical and emotional safety of students, but it also helps address barriers to learning and provides support so that all students can learn problem-solving skills and achieve in school and, ultimately, in life. The following resources are available to your child:

#### Available on Campus:

- **School-based counseling services** – your child is encouraged to directly contact our counselor by coming into the Solution Center during school hours and making an appointment. Our counselor supports students by providing individual sessions, group or parent consultations whenever a student is having a difficult time due to academic stress, transition to changes in their environment, or social concerns, including isolation. Counseling services, whether provided by our school or by an outside provider, are voluntary.
- **Special education services** – if you believe your child may have a disability, you are encouraged to directly contact Lisa Smith, our special education coordinator at [LSmith@InnovationsAcademy.org](mailto:LSmith@InnovationsAcademy.org).
- **Prescription medication while on campus** – if your child requires prescription medication during school hours and you would like assistance from School staff in providing this medication to your child, please contact our health clerk in the front office at 858-271-1414.

#### 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.

### • **Pregnant and Parenting Students**

**Commented [MB65]: This is a required annual notice.** AB 1861 (Ed Code 51934) requires charter schools to provide information to students about how social media and mobile device applications are used for human trafficking for students in grades 7-12 beginning with the 2019-2020 school year. While this specific annual notice does not appear to be required, it is strongly recommended.

**Commented [MB66]:** SB 1104 (ed Code 49381) requires charter schools serving grades 6-12 to identify methods of informing parents/guardians of their students regarding human trafficking prevention and implement these methods by January 1, 2020. While this annual notice does not appear to be required, it is strongly recommended.

**Commented [MB67]:** Please ensure this information is posted on or before 1/1/2020.

**Commented [MB68]: This is a required annual notice.** Effective September 18, 2018, AB 2022 added EC section 49428 which requires a Charter School to notify students and parents or guardians of students no less than twice during the school year on how to initiate access to available student mental health services on campus or in the community, or both, as provided. EC section 49428 gives 3 methods for how to notify parents and 3 methods for how to notify students – the Charter School must use at least 2 of these methods for each. 1 of the methods to notify both the parents and students is through the annual notices provided to parents and students in the student handbook. 1 of the other methods is on the School's website. Therefore, unless the School plans to send out a separate communication to parents and students in hard copy or electronically, it must post this information on the School's website.

**Commented [MB69]:** The language of AB 2022 specifies "on campus **or** in the community, **or both**, as provided." We recommend including both on-campus and community resources, if they are available.

**Commented [MMH70]:** AB2022 does not specify what resources should be included and allows individual schools to tailor this list based upon unique on-campus and community-based options.

We have provided resources here that you may but are not required to include. **Please tailor this list as needed to your community and resources.** You are also encouraged to include information about local community/recreations/teen centers, school-based mentorship programs, etc. We also encourage you to work with your authorizer, department of mental health, county health resources, etc. to include information which would be helpful to your families.

Whenever possible, please include as much information about available **on-campus** mental health resources as possible.

**Commented [MB71]: This is a required annual notice.** Effective January 1, 2019, AB 2289 added Ed. Code sections 222.5 and 46015 which establishes certain accommodations as rights of a pregnant or parenting student. The Charter School is required to annually notify pregnant and parenting students and their parents of their rights and available educational options.

**For Middle and Elementary Schools:**



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

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

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

Christine Kuglen  
Executive Director

5454 Ruffin Rd, San Diego, CA 92123  
858-271-1414  
[christine@innovationsacademy.org](mailto:christine@innovationsacademy.org)

or

Tony Spitzberg  
Assistant Director

5454 Ruffin Rd, San Diego, CA 92123  
858-271-1414  
[Tony@innovationsacademy.org](mailto:Tony@innovationsacademy.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.

- **Suicide Prevention Policy**

Board Approved 12/12/17; 5/9/17  
Board Revised 12/8/2020

**Commented [MB72]:** This aligns with the contact listed in IA's UCP policy.

**Commented [MB73]:** This aligns with the contact listed in IA's UCP policy.

**Commented [MB74]:** Once the complete policy is finalized and Board-approved, please make available.

**Commented [MB75]:** Education Code (EC) 215 requires that Charters who serve students in grades 7-12 adopt a policy on pupil suicide prevention.

Pursuant to AB 1767, EC 215(a)(2)(A) requires Charters who serve pupils in grades K-6 to also adopt a policy on pupil suicide prevention. Policies must be age appropriate. This policy has been drafted using broad language so to apply to all grade levels; however, please ensure all material used are age-appropriate.

**Commented [MB76]:** Our understanding is that this is the current version of IA's Suicide Prevention Policy. It is also our understanding that IA used the CDE template to craft this policy.

We have noticed that your policy includes language which states that the complete policy will be included within the student handbook.

**Accordingly, we redlined your existing policy with recent legal updates and included it here.**

Once finalized, please update the Board approval and revision dates, and make available for review in the main office.

The Governing Board of Innovations Academy (“IA”) recognizes that suicide is a leading cause of death among youth and should be taken seriously. To attempt to reduce suicidal behavior and its impact on students and families, the Board of Directors has developed prevention strategies and intervention procedures.

The possibility of suicide and suicidal ideation requires vigilant attention from our school staff. An appropriate and timely response in preventing suicidal ideation, attempts, and deaths. It is also our intention to continue to create a safe and nurturing campus that minimizes suicidal ideation in students.

Recognizing that it is urgent to protect the health, safety, and welfare of its students, this policy aims to safeguard students and staff against suicide attempts, deaths and other trauma associated with suicide, including ensuring adequate supports for students, staff, and families affected by suicide attempts and loss. As it is known that the emotional wellness of students greatly impacts school attendance and educational success, this policy shall be paired with other policies that support the emotional and behavioral wellness of students.

This policy is based on research and best practices in suicide prevention, and has been adopted with the understanding that suicide prevention activities decrease suicide risk, increase help-seeking behavior, identify those at risk of suicide, and decrease suicidal behaviors. Empirical evidence refutes a common belief that talking about suicide can increase risk or “place the idea in someone’s mind.”

In an attempt to reduce suicidal behavior and its impact on students and families, the Director, Christine Kuglen and Counselor, Jennifer Kuebler shall develop strategies for suicide prevention, intervention, and postvention, and the identification of the mental health challenges frequently associated with suicidal thinking and behavior. These strategies shall include professional development for all school personnel in all job categories who regularly interact with students or are in a position to recognize the risk factors and warning signs of suicide, including substitute teachers, volunteers, expanded learning staff (after school) and other individuals in regular contact with students (Special Ed Consultants, Coaches and Enrichment Teachers)

The Director and Counselor shall develop and implement preventive strategies and intervention procedures that include the following:

### **Overall Strategic Plan for Suicide Prevention**

In compliance with Education Code 215, this policy has been developed in consultation with school-employed mental health professionals (school counselor, psychologist), Co-Director other school staff members, parents/guardians/caregivers, students, local health agencies and professionals, law enforcement, and community organizations in planning, implementing, and evaluating the school’s strategies for suicide prevention and intervention. Schools and schools must work in conjunction with local government agencies, community-based organizations, and other community supports to identify additional resources.  
(See attachments)

**Commented [MB77]:** The CDE template had a lot more introductory language about the dangers of suicide and importance of schools’ addressing it. Because it seemed more like ‘dicta’ in the policy, and in an effort to keep our policy a reasonable length, we did not include it here.

CDE lists the following resources for this section:

- The K–12 Toolkit for Mental Health Promotion and Suicide Prevention has been created to help schools comply with and implement AB 2246, the Pupil Suicide Prevention Policies. The Toolkit includes resources for schools as they promote youth mental wellness, intervene in a mental health crisis, and support members of a school community after the loss of someone to suicide.

Additional information about this Toolkit for schools can be accessed on the Heard Alliance Web site at <http://www.heardalliance.org/>.

- You can find information about a comprehensive suicide prevention toolkit for schools on the Palo Alto Unified School District Counseling Services Web page at <https://www.pausd.org/student-services/counseling-services>

To ensure the policies regarding suicide prevention are properly adopted, implemented, and updated, IA shall appoint an individual to serve as the suicide prevention point of contact (Jennifer Kuebler, Counselor). In addition, IA has identified one staff member to serve as the liaison to the IA's suicide prevention point of contact, and coordinate and help implement suicide prevention activities on their specific campus (Tony Spitzberg, Co-Director). This policy shall be reviewed and revised as indicated, at least annually in conjunction with the previously mentioned community stakeholders.

#### Resources:

The K-12 Toolkit for Mental Health Promotion and Suicide Prevention has been created to help schools comply with and implement AB 2246, the Pupil Suicide Prevention Policies. The Toolkit includes resources for schools as they promote youth mental wellness, intervene in a mental health crisis, and support members of a school community after the loss of someone to suicide.

Additional information about this Toolkit for schools can be accessed on the Heard Alliance Web site at:  
<http://www.heardalliance.org/>

You can find information about a comprehensive suicide prevention toolkit for schools on the Palo Alto Unified School District Counseling Services Web page at:  
<https://www.pausd.org/student-services/counseling-services>

#### Suicide Prevention

Messaging about suicide has an effect on suicidal thinking and behaviors. Consequently, IA along with its partners has critically reviewed and will continue to review all materials and resources used in awareness efforts to ensure they align with best practices for safe messaging about suicide.

#### Resources:

For information on public messaging on suicide prevention, see the National Action Alliance for Suicide Prevention Web site at:  
"<http://suicidepreventionmessaging.actionallianceforsuicideprevention.org/>"

For information on engaging the media regarding suicide prevention, see the Your Voice Counts Web page at: "<http://resource-center.yourvoicecounts.org/content/making-headlines-guide-engaging-media-suicide-prevention-california-0>"

For information on how to use social media for suicide prevention, see the Your Voice Counts Web page at: "<http://resource-center.yourvoicecounts.org/content/how-use-social-media>"

#### Suicide Prevention Training and Education (Staff Development)

**Commented [MB78]:** As of September 2018, EC 215 states that the governing board or must review, at minimum every 5th year, this policy and, if necessary, update the policy. While the Education Code requires that the Charter review the policy at least every 5 years, the CDE's model policy continues to recommend that the policy be reviewed at least annually. Accordingly, we have included that this policy will be reviewed at least annually.

**Commented [MMH79]:** There seem to be duplicative inclusions

**Commented [MMH80]:** Resources do not need to be included within your policy. This is optional. This may also be included at the end of the policy if you would like.

**Commented [MB81]:** EC 215 states that the suicide prevention policy must include materials approved for training. It does not further specify how often or what such training must look like. The language included here is from CDE's model policy, with our advice as to how the School may proceed. However, this section can be revised to be consistent with the School's practices and resources.

CDE's Model Policy lists the following Resources:

- Youth Mental Health First Aid (YMHFA) teaches a 5-step action plan to offer initial help to young people showing signs of a mental illness or in a crisis, and connect them with the appropriate professional, peer, social, or self-help care. YMHFA is an 8-hour interactive training for youth-serving adults without a mental health background. See the Mental Health First Aid Web page at <https://www.mentalhealthfirstaid.org/cs/take-a-course/course-types/youth/>
- Free YMHFA Training is available on the CDE Mental Health Web page at <http://www.cde.ca.gov/ls/cg/mh/projectcalwell.asp>
- Question, Persuade, and Refer (QPR) is a gatekeeper training that can be taught online. Just as people trained in cardiopulmonary resuscitation (CPR) and the Heimlich Maneuver help save thousands of lives each year, people trained in QPR learn how to recognize the warning signs of a suicide crisis and how to question, persuade, and refer someone to help. See the QPR Web site at <http://www.qprinstitute.com/>
- SafeTALK is a half-day alertness training that prepares anyone over the age of fifteen, regardless of prior experience or training, to become a suicide-alert helper. See the LivingWorks Web page at <https://www.livingworks.net/programs/safetalk/>
- Applied Suicide Intervention Skills Training (ASIST) is a two-day interactive workshop in suicide first aid. ASIST teaches participants to recognize when someone may have thoughts of suicide and work with them to create a plan that will support their immediate safety. See the LivingWorks Web page at <https://www.livingworks.net/programs/asist/>
- Kognito At-Risk is an evidence-based series of three online interactive professional development modules designed for use by individuals, schools, districts, and statewide agencies. It includes tools and templates to ensure that the program is easy to disseminate and measures success at the elementary, middle, and high school levels.

**Commented [MB82]:** Per AB 1767, this policy must address any training on suicide awareness and prevention that will be provided to teachers of pupils in all of the grades served by the local educational agency.

IA has carefully reviewed available staff training to ensure it promotes the mental health model of suicide prevention and does not encourage the use of the stress model to explain suicide.

Training shall be provided for all school staff members and other adults on campus (including substitutes and intermittent staff, volunteers, interns, tutors, and coaches).

Training includes the following:

1. At least annually, all staff shall receive training on the risk factors and warning signs of suicide, suicide prevention, intervention, referral, and postvention.
2. All suicide prevention trainings shall be offered under the direction of school-employed mental health professionals (e.g., school counselors, psychologists, or social workers) who have received advanced training specific to suicide and may benefit from collaboration with one or more county and/or community mental health agencies. Staff training can be adjusted year-to-year based on previous professional development activities and emerging best practices.
3. At a minimum, all staff shall participate in training on the core components of suicide prevention (identification of suicide risk factors and warning signs, prevention, intervention, referral, and postvention) at the beginning of their employment. Previously employed staff members shall attend a minimum of one-hour general suicide prevention training (See attached). Core components of the general suicide prevention training shall include:
  - a. Suicide risk factors, warning signs, and protective factors;
  - b. How to talk with a student about thoughts of suicide;
  - c. How to respond appropriately to the youth who has suicidal thoughts. Such responses shall include constant supervision of any student judged to be at risk for suicide and an immediate referral for a suicide risk assessment;
  - d. Emphasis on immediately referring (same day) any student who is identified to be at risk of suicide for assessment while staying under constant monitoring by a staff member;
  - e. Emphasis on reducing stigma associated with mental illness and that early prevention and intervention can drastically reduce the risk of suicide; and
  - f. Reviewing the data annually to look for any patterns or trends of the prevalence or occurrence of suicide ideation, attempts, or death. Data from the California School Climate, Health, and Learning Survey (Cal-SCHLS) should also be analyzed to identify school climate deficits and drive program development. See the Cal-SCHLS Web site at: <http://cal-schls.wested.org/>

4. In addition to initial orientations to the core components of suicide prevention, ongoing annual staff professional development for all staff should include the following components:
- a. The impact of traumatic stress on emotional and mental health;
  - b. Common misconceptions about suicide;
  - c. School and community suicide prevention resources;
  - d. Appropriate messaging about suicide (correct terminology, safe messaging guidelines);
  - e. The factors associated with suicide (risk factors, warning signs, protective factors);
  - f. How to identify youth who may be at risk of suicide;
  - g. Appropriate ways to interact with a youth who is demonstrating emotional distress or is suicidal. Specifically, how to talk with a student about their thoughts of suicide and (based on school guidelines) how to respond to such thinking; how to talk with a student about thoughts of suicide and appropriately respond and provide support based on school guidelines;
  - h. School-approved procedures for responding to suicide risk (including multi-tiered systems of support and referrals). Such procedures should emphasize that the suicidal student should be constantly supervised until a suicide risk assessment is completed;
  - i. School-approved procedures for responding to the aftermath of suicidal behavior (suicidal behavior postvention);
  - j. Responding after a suicide occurs (suicide postvention);
  - k. Resources regarding youth suicide prevention;
  - l. Emphasis on stigma reduction and the fact that early prevention and intervention can drastically reduce the risk of suicide; and
  - m. Emphasis that any student who is identified to be at risk of suicide is to be immediately referred (same day) for assessment while being constantly monitored by a staff member.

5. The professional development also shall include additional information regarding groups of students judged by the school, and available research, to be at elevated risk for suicide. These groups include, but are not limited to, the following:
  - a. Youth affected by suicide;
  - b. Youth with a history of suicide ideation or attempts;
  - c. Youth with disabilities, mental illness, or substance abuse disorders;
  - d. Lesbian, gay, bisexual, transgender, or questioning youth;
  - e. Youth experiencing homelessness or in out-of-home settings, such as foster care;
  - f. Youth who have suffered traumatic experiences; and

Resources:

Youth Mental Health First Aid (“YMHFA”) teaches a 5-step action plan to offer initial help to young people showing signs of a mental illness or in a crisis, and connect them with the appropriate professional, peer, social, or self-help care. YMHFA is an 8-hour interactive training for youth-serving adults without a mental health background. See the Mental Health First Aid Web page at: <https://www.mentalhealthfirstaid.org/cs/take-a-course/course-types/youth/>

Free YMHFA Training is available on the CDE Mental Health Web page at: <http://www.cde.ca.gov/ls/cg/mh/projectcalwell.asp>

Question, Persuade, and Refer (QPR) is a gatekeeper training that can be taught online. Just as people trained in cardiopulmonary resuscitation (CPR) and the Heimlich Maneuver help save thousands of lives each year, people trained in QPR learn how to recognize the warning signs of a suicide crisis and how to question, persuade, and refer someone to help. See the QPR Web site at: <http://www.qprinstitute.com/>

SafeTALK is a half-day alertness training that prepares anyone over the age of fifteen, regardless of prior experience or training, to become a suicide-alert helper. See the LivingWorks Web page at: <https://www.livingworks.net/programs/safetalk/>

Applied Suicide Intervention Skills Training (ASIST) is a two-day interactive workshop in suicide first aid. ASIST teaches participants to recognize when someone may have thoughts of suicide and work with them to create a plan that will support their immediate safety. See the LivingWorks Web page at: <https://www.livingworks.net/programs/asist/>

Kognito At-Risk is an evidence-based series of three online interactive professional development modules designed for use by individuals, schools, districts, and statewide

agencies. It includes tools and templates to ensure that the program is easy to disseminate and measures success at the elementary, middle, and high school levels. See the Kognito Web page at:  
<https://www.kognito.com/products/pk12/>

### **Employee Qualifications and Scope of Services**

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

### **Specialized Staff Training (Assessment)**

Additional professional development in suicide risk assessment and crisis intervention shall be provided to mental health professionals (school counselors, psychologists, social workers, and nurses) employed by IA.

#### **Resource:**

Assessing and Managing Suicide Risk (“AMSR”) is a one-day training workshop for behavioral health professionals based on the latest research and designed to help participants provide safer suicide care. See the Suicide Prevention Resource Center Web page at: <http://www.sprc.org/training-events/amsr>

### **Parents, Guardians, and Caregivers Participation and Education**

1. To the extent possible, parents/guardians/caregivers should be included in all suicide prevention efforts. At a minimum, IA shall share this Policy with parents/guardians/caregivers by notifying them where a complete copy of the Policy is available.
2. This suicide prevention policy shall be prominently displayed on the IA Web page and included in the Family Handbook.
3. Parents/guardians/caregivers should be invited to provide input on the development and implementation of this policy.
4. All parents/guardians/caregivers may have access to suicide prevention training that addresses the following:
  - a. Suicide risk factors, warning signs, and protective factors;
  - b. How to talk with a student about thoughts of suicide; and

**Commented [MB83]:** This language is not legally required. Accordingly, we have included permissive language. This section may be omitted if so desired by the School.

CDE includes the following Resource:

Parents as Partners: A Suicide Prevention Guide for Parents is a booklet that contains useful information for parents/guardians/caregivers who are concerned that their children may be at risk for suicide. It is available from Suicide Awareness Voices of Education (SAVE). See the SAVE Web page at <https://www.save.org/product/parents-as-partners/>

**Commented [MB84]:** Pursuant to AB 34, commencing with the 2020–21 academic year, each LEA must ensure that its suicide prevention policy is “readily accessible in a prominent location on the local educational agency’s existing internet website in a manner that is easily accessible to parents or guardians and pupils.”



- c. How to respond appropriately to the student who has suicidal thoughts. Such responses shall include constant supervision of any student judged to be at risk for suicide and referral for an immediate suicide risk assessment.

Resource:

Parents as Partners: A Suicide Prevention Guide for Parents is a booklet that contains useful information for parents/guardians/caregivers who are concerned that their children may be at risk for suicide. It is available from Suicide Awareness Voices of Education (SAVE). See the SAVE Web page at:  
<https://www.save.org/product/parents-as-partners/>

**Student Participation and Education**

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

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

IA's instructional curriculum may include information about suicide prevention, as appropriate or needed. If suicide prevention is included in the Charter School's instructional curriculum, it shall consider the grade level and age of the students and be delivered and discussed in a manner that is sensitive to the needs of young students. Under the supervision of an appropriately trained individual acting within the scope of her/his credential or license, students shall:

IA has carefully reviewed available student curricula to ensure it promotes the mental health model of suicide prevention and does not encourage the use of the stress model to explain suicide.

Under the supervision of school-employed mental health professionals, and following consultation with county and community mental health agencies, students shall\*\*:

1. Receive developmentally appropriate, student-centered education about the warning signs of mental health challenges and emotional distress;
2. Receive developmentally appropriate guidance regarding the school's suicide prevention, intervention, and referral procedures.
3. The content of the education shall include:

**Commented [MB85]:** This language is not legally required. Accordingly, we have included permissive language. However, it may be helpful to provide such student education. This section may be omitted if so desired by the School.

CDE lists the following resources for messaging:  
Resources:

- For information on public messaging on suicide prevention, see the National Action Alliance for Suicide Prevention Web site at <http://suicidpreventionmessaging.actionallianceforsuicideprevention.org/>

- For information on engaging the media regarding suicide prevention, see the Your Voice Counts Web page at <http://resource-center.yourvoicecounts.org/content/making-headlines-guide-engaging-media-suicide-prevention-california-0>

For information on how to use social media for suicide prevention, see the Your Voice Counts Web page at <http://resource-center.yourvoicecounts.org/content/how-use-social-media>

**Commented [MB86]:** Language recommended by CDE if the School incorporates student education.

**Commented [MB87]:** This section revised to provide flexibility in the adult who instructs students. CDE lists the following resources for student education:

- More Than Sad is school-ready and evidence-based training material, listed on the national Suicide Prevention Resource Center's best practices list, specifically designed for teen-level suicide prevention. See the American Foundation for Suicide Prevention Web page at <https://afsp.org/our-work/education/more-than-sad/>

- Break Free from Depression (BFFD) is a 4-module curriculum focused on increasing awareness about adolescent depression and designed for use in high school classrooms. See the Boston Children's Hospital Web page at <http://www.childrenshospital.org/breakfree>

- Coping and Support Training (CAST) is an evidence-based life-skills training and social support program to help at-risk youth. See the Reconnecting Youth Inc. Web page at <http://www.reconnectingyouth.com/programs/cast/>

- Students Mobilizing Awareness and Reducing Tragedies (SMART) is a program comprised of student-led groups in high schools designed to give students the freedom to implement a suicide prevention on their campus that best fits their school's needs. See the SAVE Web page at <https://www.save.org/what-we-do/education/smart-schools-program-2/>

- Linking Education and Awareness for Depression and Suicide (LEADS) for Youth is a school-based suicide prevention curriculum designed for high schools and educators that links depression awareness and secondary suicide prevention. LEADS for Youth is an informative and interactive opportunity for students and teachers to increase knowledge and awareness of depression and suicide. See the SAVE Web page at <https://www.save.org/what-we-do/education/leads-for-youth-program/>



- a. Coping strategies for dealing with stress and trauma;
- b. How to recognize behaviors (warning signs) and life issues (risk factors) associated with suicide and mental health issues in oneself and others;
- c. Help-seeking strategies for oneself and others, including how to engage school-based and community resources and refer peers for help;
- d. Emphasis on reducing the stigma associated with mental illness and the fact that early prevention and intervention can drastically reduce the risk of suicide.

Student-focused suicide prevention education can be incorporated into classroom curricula (e.g., health classes, freshman orientation classes, science, and physical education).

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

Resources:

More Than Sad is school-ready and evidence-based training material, listed on the national Suicide Prevention Resource Center's best practices list, specifically designed for teen-level suicide prevention. See the American Foundation for Suicide Prevention Web page at: <https://afsp.org/our-work/education/more-than-sad/>

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### **Intervention, Assessment, Referral**

Two IA staff members (Jennifer Kuebler, Counselor and Tony Spitzberg, Co-Director) who have received advanced training in suicide intervention are designated as the primary and secondary suicide prevention liaisons.

Whenever a staff member suspects or has knowledge of a student's suicidal intentions, they shall promptly notify the primary designated suicide prevention liaison. If this primary suicide prevention liaison is unavailable, the staff shall promptly notify the secondary suicide prevention liaison.

Under normal circumstances, the primary and/or secondary liaisons shall notify the Executive Director, another school administrator, school psychologist or school counselor, if different from the primary and secondary contact persons. The names, titles, and contact information of multi-disciplinary crisis team members shall be distributed to all students, staff, parents/guardians/caregivers and be prominently available on school web sites.

The Executive Director, another school administrator, school counselor, school psychologist, social worker, or nurse shall then notify, if appropriate and in the best interest of the student, the student's parents/guardians/caregivers as soon as possible and shall refer the student to mental health resources in the school or community. Determination of notification to parents/guardians/caregivers should follow a formal initial assessment to ensure that the student is not endangered by parental notification.

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

Whenever a staff member suspects or has knowledge of a student's suicidal intentions, they shall promptly notify the primary or secondary suicide prevention liaisons.

Students experiencing suicidal ideation shall not be left unsupervised.

A referral process should be prominently disseminated to all staff members, so they know how to respond to a crisis and are knowledgeable about the school and community-based resources.

The Superintendent or Designee shall establish crisis intervention procedures to ensure student safety and appropriate communications if a suicide occurs or an attempt is made by a student or adult on campus or at a school-sponsored activity.

### **Parents, Guardians, and Caregivers**

A referral process should be prominently disseminated to all parents/guardians/caregivers, so they know how to respond to a crisis and are knowledgeable about the school and community-based resources.

### **Students**

Students shall be encouraged to notify a staff member when they are experiencing emotional distress or suicidal ideation, or when they suspect or have knowledge of another student's emotional distress, suicidal ideation, or attempt. (LEA to include crisis intervention procedures, including counseling and other support systems).

### **Parental Notification and Involvement**

IA shall identify a process to ensure continuing care for the student identified to be at risk of suicide. The following steps should be followed to ensure continuity of care:

1. After a referral is made for a student, school staff shall verify with the parent/guardian/caregiver that follow-up treatment has been accessed. Parents/guardians/caregivers will be required to provide documentation of care for the student.
2. If parents/guardians/caregivers refuse or neglect to access treatment for a student who has been identified to be at-risk for suicide or in emotion
3. Receive developmentally appropriate, student-centered education about the warning signs of mental health challenges and emotional distress;
4. Receive developmentally appropriate guidance regarding the school's suicide prevention, intervention, and referral procedures. The content of the education shall include:
  - a. Coping strategies for dealing with stress and trauma;
  - b. How to recognize behaviors (warning signs) and life issues (risk factors) associated with suicide and mental health issues in oneself and others;
  - c. Help-seeking strategies for oneself and others, including how to engage school-based and community resources and refer peers for help;
  - d. Emphasis on reducing the stigma associated with mental illness and the fact that early prevention and intervention can drastically reduce the risk of suicide.
  - e. Student-focused suicide prevention education can be incorporated into classroom curricula (e.g., health classes, orientation classes, science, and physical education).

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

### Resources:

More Than Sad is school-ready and evidence-based training material, listed on the national Suicide Prevention Resource Center's best practices list, specifically designed for teen-level suicide prevention. See the American Foundation for Suicide Prevention Web page <https://afsp.org/our-work/education/more-than-sad/>

Break Free from Depression ("BFFD") is a 4-module curriculum focused on increasing awareness about adolescent depression and designed for use in high school classrooms. See the Boston Children's Hospital Web page <http://www.childrenshospital.org/breakfree>

Coping and Support Training (CAST) is an evidence-based life-skills training and social support program to help at-risk youth. See the Reconnecting Youth Inc. Web page <http://www.reconnectingyouth.com/programs/cast/>

Students Mobilizing Awareness and Reducing Tragedies ("SMART") is a program comprised of student-led groups in high schools designed to give students the freedom to implement a suicide prevention on their campus that best fits that distress, the suicide point of contact (or other appropriate school staff member) will meet with the parents/guardians/caregivers to identify barriers to treatment (e.g., cultural stigma, financial issues) and work to rectify the situation and build understanding of the importance of care. If follow-up care for the student is still not provided, school staff should consider contacting Child Protective Services (CPS) to report neglect of the youth. (858-694-5141).

### **Action Plan for In-School Suicide Attempts**

When a suicide attempt or threat is reported on campus or at a school-related activity, the suicide prevention liaison shall, at a minimum:

1. Ensure the student's physical safety by one or more of the following, as appropriate:
  - a. Remain calm, remember the student is overwhelmed, confused, and emotionally distressed;
  - b. Move all other students out of the immediate area;
  - c. Immediately contact the administrator or suicide prevention liaison;
  - d. Call 911 and give them as much information about any suicide note, medications taken, and access to weapons, if applicable;
  - e. If needed, provide medical first aid until a medical professional is available;
  - f. Parents/guardians/caregivers should be contacted as soon as possible;
  - g. Do not send the student away or leave them alone, even if they need to go to the restroom;

- h. Listen and prompt the student to talk;
  - i. Review options and resources of people who can help;
  - j. Be comfortable with moments of silence as you and the student will need time to process the situation;
  - k. Provide comfort to the student;
  - l. Promise privacy and help, and be respectful, but do not promise confidentiality;
  - m. Student should only be released to parents/guardians/caregivers or to a person who is qualified and trained to provide help.
2. Document the incident in writing as soon as feasible.
  3. Follow up with the parent/guardian and student in a timely manner to provide referrals to appropriate services as needed and coordinate and consult with the county mental health plan if a referral is made for mental health or related services on behalf of a student who is a Medi-Cal beneficiary.
  4. After a referral is made, IA shall verify with the parent/guardian that the follow up treatment has been accessed. Parents/guardians will be required to provide documentation of care for the student. If parents/guardians refuse or neglect to access treatment for a student who has been identified to be at risk for suicide or in emotional distress, the suicide prevention liaisons shall meet with the parent to identify barriers to treatment (e.g., cultural stigma, financial issues) and work to rectify the situation and build understanding of care. If follow up care is still not provided, IA may contact Child Protective Services.
  5. Provide access to counselors or other appropriate personnel to listen to and support students and staff who are directly or indirectly involved with the incident at IA.
  6. Provide an opportunity for all who respond to the incident to debrief, evaluate the effectiveness of the strategies used, and make recommendations for future actions.

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

### **Action Plan for Out-of-School Suicide Attempts**

**Commented [MB88]:** Per AB 1767, this is required to be included in the policy for K-6 students.

**Commented [MB89]:** This language is recommended by CDE. It is unclear whether a public school can require parents to take any particular action. We advise against refusing to reintegrate the student for the parent's failure to get additional treatment. However, these other steps outlined by CDE may be useful to ensure a safe campus.

CDE provides the following Resource:

The School Reentry for a Student Who Has Attempted Suicide or Made Serious Suicidal Threats is a guide that will assist in school reentry for students after an attempted suicide. See the Mental Health Recovery Services Resource Web page at [http://www.mhrsonline.org/resources/suicide%5Cattempted\\_suicide\\_resources\\_for\\_schools-9/](http://www.mhrsonline.org/resources/suicide%5Cattempted_suicide_resources_for_schools-9/).

**Commented [MB90]:** The CDE template requires the school to establish crisis intervention procedures to ensure student safety if a suicide occurs or is attempted on campus. The school site safety plan is something the School is required to have, and to have been developed with local law enforcement, so this is an appropriate procedure to follow.

If a suicide occurs or is attempted by a student of the IA campus and unrelated to school activities, the Executive Director or designee shall take the following steps to support the student:

1. Contact the parents/guardians/caregivers and offer support to the family;
2. Discuss with the family how they would like the school to respond to the attempt while minimizing widespread rumors among teachers, staff, and students;
3. Obtain permission from the parents/guardians/caregivers to share information to ensure the facts regarding the crisis is correct;
4. Designate a staff member to handle media requests;
5. Provide care and determine appropriate support to affected students;
6. Offer to the student and parents/guardians/caregivers steps for re-integration to school. Re-integration may include obtaining a written release from the parent/guardian to speak with any health care providers; conferring with the student and parent/guardian about any specific requests on how to handle the situation; informing the student's teachers about possible days of absences; allowing accommodations for make-up work (being understanding that missed assignments may add stress to the student); appropriate staff maintaining ongoing contact with the student to monitor the student's actions and mood; and working with the parent/guardian to involve the student in an aftercare plan.

### **Supporting Students after a Mental Health Crisis**

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

It is crucial that careful steps are taken to help provide the mental health support for the student and to monitor their actions for any signs of suicide. The following steps should be implemented after the crisis has happened:

1. Treat every threat with seriousness and approach with a calm manner; make the student a priority;
2. Listen actively and non-judgmental to the student. Let the student express his or her feelings;
3. Acknowledge the feelings and do not argue with the student;

**Commented [MB91]:** This language is recommended by CDE. It is unclear whether a public school can require parents to take any particular action. We advise against refusing to reintegrate the student for the parent's failure to get additional treatment. However, these other steps outlined by CDE may be useful to ensure a safe campus.

CDE provides the following resource:  
The School Reentry for a Student Who Has Attempted Suicide or Made Serious Suicidal Threats is a guide that will assist in school re-entry for students after an attempted suicide. See the Mental Health Recovery Services Resource Web page at [http://www.mhrsonline.org/resources/suicide%5Cattempted\\_suicide\\_resources\\_for\\_schools-9/](http://www.mhrsonline.org/resources/suicide%5Cattempted_suicide_resources_for_schools-9/)

4. Offer hope and let the student know they are safe and that help is provided. Do not promise confidentiality or cause stress;
5. Explain calmly and get the student to a trained professional, guidance counselor, or designated staff to further support the student;
6. Keep close contact with the parents/guardians/caregivers and mental health professionals working with the student.

### **Re-Entry to School After a Suicide Attempt**

A student who threatened or attempted suicide is at a higher risk for suicide in the months following the crisis. Having a streamlined and well planned re-entry process ensures the safety and wellbeing of students who have previously attempted suicide and reduces the risk of another attempt. An appropriate re-entry process is an important component of suicide prevention. Involving students in planning for their return to school provides them with a sense of control, personal responsibility, and empowerment.

The following steps shall be implemented upon re-entry:

1. Obtain a written release of information signed by parents/guardians/caregivers and providers;
2. Confer with student and parents/guardians/caregivers about any specific requests on how to handle the situation;
3. Inform the student's teachers about possible days of absences;
4. Allow accommodations for student to make up work (be understanding that missed assignments may add stress to student);
5. Mental health professionals or trusted staff members should maintain ongoing contact to monitor student's actions and mood;
6. Work with parents/guardians/caregivers to involve the student in an aftercare plan.

#### **Resource:**

The School Reentry for a Student Who Has Attempted Suicide or Made Serious Suicidal Threats is a guide that will assist in school re-entry for students after an attempted suicide. See the Mental Health Recovery Services Resource Web page [http://www.mhrsonline.org/resources/suicide%5Cattempted\\_suicide\\_resources\\_for\\_school\\_s-9/](http://www.mhrsonline.org/resources/suicide%5Cattempted_suicide_resources_for_school_s-9/)

### **Responding After a Suicide Death (Postvention)**

A death by suicide in the school community (whether by a student or staff member) can have devastating consequences on students and staff. Therefore, it is vital that we are prepared ahead of time in the event of such a tragedy. Christine Kuglen, Director and Jennifer Kuebler, Counselor for IA shall ensure that the school has an action plan for responding to a suicide death as part of the general Crisis Response Plan. The Suicide Death Response Action Plan (Suicide Postvention Response Plan) needs to incorporate both immediate and long-term steps and objectives.

The suicide prevention liaison shall:

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



13. Consider funeral arrangements for family and school community;
14. Respond to memorial requests in respectful and non-harmful manner; responses should be handed in a thoughtful way and their impact on other students should be considered;
15. If needed, identify **media spokesperson** skilled to cover story without the use of explicit, graphic, or dramatic content (go to the Reporting on Suicide.Org Web site at: <http://www.reportingonsuicide> or [www.reportingonsuicide.org](http://www.reportingonsuicide.org)). Research has proven that sensationalized media coverage can lead to contagious suicidal behaviors.
16. Include long-term suicide postvention responses:
  - a. Consider important dates (i.e., anniversary of death, deceased birthday, graduation, or other significant event) and how these will be addressed
  - b. Support siblings, close friends, teachers, and/or students of deceased
  - c. Consider long-term memorials and how they may impact students who are emotionally vulnerable and at risk of suicide

**Commented [MB92]:** There are specific Education Code provisions regarding the monitoring of social media. Accordingly, we advise against this section as written in the CDE model policy.

Resources:

After a Suicide: A Toolkit for School is a comprehensive guide that will assist schools on what to do if a suicide death takes place in the school community. See the Suicide Prevention Resource Center Web page at: <http://www.sprc.org/comprehensive-approach/postvention>

Help & Hope for Survivors of Suicide Loss is a guide to help those during the bereavement process and who were greatly affected by the death of a suicide. See the Suicide Prevention Resource Center Web page at: <http://www.sprc.org/resources-programs/help-hope-survivors-suicide-loss>

For additional information on suicide prevention, intervention, and postvention, see the Mental Health Recovery Services Model Protocol Web page at: [http://www.mhrsonline.org/resources/suicide%5Cattempted\\_suicide\\_resources\\_for\\_schools-9/](http://www.mhrsonline.org/resources/suicide%5Cattempted_suicide_resources_for_schools-9/)

Information on school climate and school safety is available on the CDE Safe Schools Planning Web page at: <http://www.cde.ca.gov/ls/ss/vp/safeschlplanning.asp>

Additional resources regarding student mental health needs can be found in the SSPI letter Responding to Student Mental Health Needs in School Safety Planning at: <http://www.cde.ca.gov/nr/el/le/yr14ltr0212.asp>.

**Student Identification Cards**

**Commented [MB93]:** This section begins on July 1, 2019 and is only legally required for those schools that issue pupil identification cards. Accordingly, please omit if you do not issue pupil identification cards.

EC 215 states that as of January 1, 2019, if the Charter has a supply of unissued student identification cards that do not comply with this section, the Charter can issue those cards until they run out.

As of 2/15/19, the number for the National Suicide Prevention Lifeline is 1-800-273-8255; the number for the Crisis Text Line can be accessed by texting HOME to 741741.

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

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**Commented [MB94]:** This is required beginning on October 1, 2020, but we recommend including it on any newly printed identification cards. EC 215.5(c) allows schools who have a supply of identification cards without this information to continue using noncompliant cards until the supply is depleted.

The National Domestic Violence Hotline number is 1-800-799-7233

**Commented [MB95]:** EC 215.5 does not require these numbers to be printed on the identification cards. Accordingly, you may omit this from the policy. However, we recommend including these numbers on the cards to provide students with access to multiple sources.

**Commented [MMH96]:** We have included this in the Board notes, above.

**Commented [MMH97]:** Recommended formatting for the end of a policy.

## OTHER STUDENT SERVICES, POLICIES, & PROCEDURES

- **Education of Foster and Mobile Youth**

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

1. "Foster youth" refers to any child who has been removed from their home pursuant Welfare and Institutions Code section 309 and/or is the subject of a petition filed under Welfare and Institutions Code section 300 or 602. This includes children who are the subject of cases in dependency court and juvenile justice court.
2. "Former juvenile court school pupils" refers to a student who, upon completion of the student's second year of high school, transfers from a juvenile court school to the Charter School.
3. "Child of a military family" refers to a student who resides in the household of an active duty military member.
4. "Currently Migratory Child" refers to a child who, within the last 12-months, has moved with a parent, guardian, or other person having custody to the Charter School from another Local Educational Agency ("LEA"), either within California or from another state, in order that the child or a member of the child's immediate family might secure temporary or seasonal employment in an agricultural or fishing activity, and whose parents or guardians have been informed of the child's eligibility for migrant education services. "Currently Migratory Child" includes a child who, without the parent/guardian, has continued to migrate annually to secure temporary or seasonal employment in an agricultural or fishing activity.
5. "Pupil participating in a newcomer program" means a pupil who is participating in a program designed to meet the academic and transitional needs of newly arrived immigrant pupils that has as a primary objective the development of English language proficiency.

Within this notice, foster youth, former juvenile court school pupils, a child of a military family, a currently migratory child, and a pupil participating in the newcomer program 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."

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

Christine Kuglen  
[INSERT TITLE] Director  
[INSERT ADDRESS AND CONTACT INFO] 5454 Ruffin Rd. SD 92123  
christine@innovationsacademy.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.

**Commented [MB98]:** This is a required annual notice. Education Code section 51225.2 was amended in 2018 and is effective 1/1/19. This notice complies with the new notice requirements for foster and highly mobile youth. Please note that this is not a full and complete board policy.

**Commented [MB99]:** This may not apply to IA since you are not a high school, however, we recommend leaving in this language.

**Commented [MB100]:** Please ensure that the name and contact information included is consistent with the School's complete Policy.

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

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

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

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

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

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

**Commented [MB101]:** In general Charter schools are not required to hold a spot for foster youth that voluntarily withdraw. EC 47605(d)(3). However, in general **charter schools are required to re-enroll a foster/juvenile court student and child of a military family under certain circumstances if the charter school is the student's "school of origin" and the parent/rights holder believes it is in their best interest**

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

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

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

**Commented [MB102]:** I recommend leaving this reference for all schools (even non-high schools) as it aligns with the Education Code provisions and those provisions do not exclude schools other than high school. Also, leaving this included seems to align with the intent of this statute.

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 (5) business days. The Charter School shall compile the complete educational record of the pupil, 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 pupil's special education records including assessments, IEPs, and/or 504 plans. All requests for student records will be shared with the Foster and Mobile Youth Liaison, who shall be aware of the specific educational record keeping needs of Foster and Mobile Youth.

**Commented [MB103]:** Please be aware of this timeline, as this is faster than the standard 5 business day timeline.

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

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

**Commented [MB104]:** We updated this complete policy, located within this handbook.

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

**Commented [MB105]:** Please ensure this aligns with the name of your complete foster youth policy.

**Commented [MB106]:** Please confirm that the School has this policy and that it is located at the main office.

- **Education of Homeless Children and Youth**

**Commented [MMH107]:** This is a required annual notice. Please note that this is not a full and complete board policy.

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

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

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

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

Christine Kuglen  
Director  
5454 Ruffin Rd. SD 92123  
christine@innovationsacademy.org

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

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

manner and form understandable to the parents and guardians of homeless youth and unaccompanied youth.

6. Enrollment/admissions disputes are mediated in accordance with law, the Charter School's charter, and Board policy.
7. Parents/guardians and any unaccompanied youth are fully informed of all transportation services, as applicable.
8. Charter School personnel providing services receive professional development and other support.
9. The Charter School Liaison collaborates with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths.
10. Unaccompanied youth are enrolled in school; have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth; and are informed of their status as independent students under section 480 of the Higher Education Act of 1965 and that the youths may obtain assistance from the Charter School Liaison to receive verification of such status for the purposes of the Free Application for Federal Student Aid described in section 483 of the Act.

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

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

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

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.

**Commented [MB108]:** Please confirm that the School has this policy and that it is located at the main office.

• **Visitors and Volunteers**

Visitation

The safety of all children is of utmost importance. Our gates are locked at 8:30 a.m. each morning. At that time the only way on campus is through the front office. Immediately upon entering campus, all visitors, including volunteers, are required to sign in with the school office. The Executive Director, or designee, may refuse to register a visitor or volunteer if it is believed that the presence of the visitor or volunteer would cause a threat of disruption or physical injury to teachers, other employees, or students. All visitors are asked to comply with current mandated and recommended health and safety protocols. Visitors (including volunteers) who demonstrate signs of a contagious disease (e.g. fever, coughing) may be denied registration. When recommended or requested by the Department of Public Health, visitors will be required to wear personal protective equipment, such as masks, and practice social distancing. IA reserves the right to implement additional measures for the protection of its school community, such as requiring forehead temperature checks before entry to the same extent being utilized for students and employees.

If the visitor is a government officer/official (including but not limited to local law enforcement officers, immigration enforcement officers, social workers, district attorneys, or U.S. attorneys) the officer/official will also be asked to produce any documentation that authorizes school access.

**Commented [MB109]:** In light of COVID measures, some schools have requested language about implementing protective measures in the event of the current or future health crisis. This language is optional.

**Commented [MB110]:** This has always been best practices, but it is now also recommended by AG following passage of AB 699.

Volunteers

Volunteerism by parents is encouraged but not mandatory. We love volunteers at IA because they contribute so much time and energy to the students and staff! If you would like to volunteer, please see the below requirements for each level of involvement. For levels 2, 3 or 4, volunteers must complete and turn in the listed documents to the front office. Volunteers will receive an IA Volunteer Card indicating the volunteer categories that are allowed. If the requirements have not been met, then a parent will not be allowed to volunteer for that category. There are four categories of volunteers, each with different requirements:

- 1) Visitors or guests who enter the school for a one-day visit. This **excludes** whole school events such as Exhibition Nights, the school dance, etc.

Requirements:

- Sign in at the front office.

- 2) Volunteers with regular group exposure who have little or no direct unsupervised exposure or contact with children, and volunteers with classroom exposure who work with children and are supervised by school staff.

Requirements:



- Sign in at the front office.
- Present a tuberculosis clearance card (good for 4 years)
- Receive background clearance, including being checked by office staff against the California Department of Justice, Sexual Offender (Megan’s Law) website ([www.meganslaw.ca.gov](http://www.meganslaw.ca.gov)).

3) Field Trip Drivers: Volunteers who drive on field trips but do not spend the night.

Requirements:

- Sign in at the front office.
- File a copy of your automobile insurance in the front office.
- File a copy of your driver’s license in the front office.
- Receive background clearance, including being checked by office staff against the California Department of Justice, Sexual Offender (Megan’s Law) website ([www.meganslaw.ca.gov](http://www.meganslaw.ca.gov)).

4) Volunteers who work with students unsupervised or who assist on overnight field trips.

Requirements:

- Sign in at the front office.
- Present a tuberculosis clearance card (good for 4 years).
- Present a fingerprint clearance from the SD County Office of Education.
- Receive background clearance, including being checked by office staff against the California Department of Justice, Sexual Offender (Megan’s Law) website ([www.meganslaw.ca.gov](http://www.meganslaw.ca.gov)).

A complete copy of the *Visitor and Volunteer Policy* is available for review in the main office and on the school website.

• **Parent and Family Engagement Policy**

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

• **School Breakfast Program**

IA participates in the National School Breakfast Program. Applications for free or reduced-price meals are included in the first day packets to all families and can also be obtained on the Charter School website and in the main office. All families are

**Commented [MB111]:** A Board approved policy is strongly recommended. Please let us know if you would like us to review an existing policy or provide a template policy.

Once finalized, please ensure the complete policy is made available.

**Commented [MB112]:** This is a required annual notice. A Board approved policy is legally required if IA accepts Title I funds. Please let us know if you would like us to review an existing policy or provide a template policy.

Once finalized, please ensure the complete policy is made available.

**Commented [MB113]:** This is a required annual notice. Once this section is finalized, please make the corresponding changes to the “Meals Info” section of your website.

**Commented [MB114]:** Please ensure these are posted.

encouraged to complete the application form in order to include as many eligible students as possible. Completed application forms can be returned to the main office. The Charter School will provide each student who meets federal eligibility criteria by offering one nutritionally adequate cold breakfast each day. Students may buy breakfast for \$5.00 if they do not qualify for free or reduced breakfast. Eligible students may receive meals free of charge or at the reduced-price rate of 30 cents for breakfast. Eligibility for free or reduced-price meals is not influenced by immigration or citizenship status. Please also contact the main office with any questions.

### • **School Lunch & Snacks**

IA is committed to sustainable practices that will contribute to long term maintenance of our school site, city, and planet. The reuse of materials is a sustainable practice. We request that each child and staff member have a plate, cup (non-glass), fork and spoon in their classroom to be used for class parties and hot lunch on campus. Additionally, we are asking parents to send lunch items in reusable containers.

IA does not participate in the National School Lunch Program. However, pursuant to California Law, the Charter School will provide each student who meets federal eligibility criteria for free and reduced-price meals with at least one free or reduced-price, nutritionally adequate meal per school day, currently breakfast. Applications for free or reduced-price meals are included in the first day packets to all families and can also be obtained in the main office. All families are encouraged to complete the application form in order to include as many eligible students as possible. Completed application forms can be returned to the main office.

If your student is not eligible and you need help finding ways to make affordable lunches at home please feel free to ask. We're happy to help with suggestions and resources.

Lunch Options: Bring a cold lunch or leftovers as we have microwaves on campus.

#### Snacks:

Please send your child to school with nutritionally sound snacks (and lots of them, your children will be hungry throughout the school day). No energy drinks, soda, or junk food. If a child is seen with such items, it will be removed by the supervising adult. We suggest fruits, vegetables, nuts, whole grain breads, cheeses, etc. Once again, keep in mind that our goal is to have zero trash generated on campus from snacks and lunch so please pack accordingly.

### • **Fundraising**

At IA, each year we create a fundraising plan to give clarity and direction to the necessary fundraising that we must do. The funds bring resources to our program. If you have strong opinions, skills and/or ideas in this area, please volunteer for our Fundraising Committee.

**Commented [MB115]:** Once this section is finalized, please make the corresponding changes to the "Meals Info" section of your website.

**Commented [MB116]:** How are these washed afterwards? Do you have sinks in each classroom? Is each student responsible for washing their own dishes?

**Commented [MB117]:** This language may be revised since IA doesn't use the NSLP applications to determine eligibility for FRPM.

**Commented [MB118]:** We strongly recommend a Board-approved Fundraising Policy.

We do a variety of fundraising activities:

**Student:** Fundraising is a great way for students to learn about budgeting, resources, and planning. Furthermore, it makes our students accountable for the activities that they want to do. An example of a fundraising event is a student-organized bake sale or car wash.

**Passive/Ongoing Fundraisers:** These fundraisers require little effort once established. Money comes to IA throughout the school year. Examples are Gift card purchases, Jamba Juice sales, Amazon Smile Program, debit or credit card registration at several locations. Please see our website for links to all of our ongoing fundraisers.

**Active Fundraising:** Several active fundraisers that may occur during the school year are Scholastic Book Fair and a School Dance

There are many other ways to help generate funds that support our students. Helping create a strong network is important. All IA community members can contribute by helping to organize, bringing supplies or goods for a fundraiser, donating monetarily, and/or helping us find grants or philanthropic organizations to partner with. One resource that many people don't tap into is their own place of employment. Many companies do matching grants/contributions for fundraising/donations. Find out about yours!

**Education Innovators Program:** We have the goal of creating an Education Innovators Sponsorship Program. This program would enroll 100 sponsors each donating \$1,000.00 each year for three (3) consecutive years. With \$100,000.00 collected each year, we will deposit half of the funds into a reserve account and the other half will be used to support the continuing development of a strong educational program and innovative use of technology. If you are interested in organizing this program, please see the director.

Please note that participating in fundraising activities or donating to a fundraiser is optional. No student will be penalized for failure to participate.

• **Dress Code**

IA believes that socially responsible behavior is crucial to improving and maintaining a climate of respect. Dress and grooming should not interfere with the educational process. School clothing should be neat, clean, maintain adequate coverage, and be appropriate for school activities. Clothing that promotes alcohol, drugs, tobacco, or other controlled substances, or uses suggestive, vulgar, obscene, or profane language and/or images is prohibited.

Footwear: Please wear or bring to school closed-toe athletic shoes for outdoor activities during P.E. The scheduling of P.E. can be unpredictable and classes often play active outdoor games. Please plan accordingly

• **Cell Phone and other Electronic Communication Device Policy**

We at IA powerfully create our lives through self-expression, compassionate connection, and purposeful learning. This is the first sentence of our mission statement and we recognize that it is also the reason why families have entrusted us with their children. We believe that the authentic, face-to-face, compassionate communication that ties not only teachers and students, but students to each other, must take place in the absence of cell phones and other communication devices (such as communication watches).

No "smart" device that connects to the internet (cell phones, watches, ipads, computers) will be allowed on campus at any time, unless:

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

Pagers and cell phones that call and text ONLY (flip phones) may be brought to school. Each of these devices must be inspected at the front office and by the classroom teacher and approved prior to a student carrying said device.

Any student found with a "smart" device (one that connects to the internet) will have it immediately taken away and parent/guardian will be required to come to a scheduled meeting with the school counselor, Director, and Assistant Director. The device will be returned to the parent/guardian at that meeting.

Parents who need to contact their children during the school day should leave a message at the front desk. Students are allowed to come to the office to make a phone call during

**Commented [MB119]:** We strongly recommend a Board-approved Dress Code Policy.

**Commented [MMH120]:** This complies with AB 272 (2019) regarding smart phones and EC 48901.7.

**Commented [AT121]:** Internal Note: AB 272 - EC 48901.7(b)(1). This new EC provision does not require a state of emergency to be declared, it just states that smartphone possession or use cannot be limited in the case of an emergency or in response to a perceived threat of danger.

**Commented [MB122]:** This contradicts the above paragraph. A flip-flop is a permitted communication device that a student is allowed to carry on campus.

We recommend deleting this language in order to reconcile the contradiction.

class time only with the permission of the teacher, and at breaks and lunch as well as before and after school.

### • **Student Use of Technology Policy**

IA offers students access to technologies that may include internet access, electronic mail, and equipment, such as Chromebooks, computers, tablets, or other multimedia hardware. The technological resources provided by IA must be used in a safe, responsible, and proper manner in support of the instructional program and for the advancement of student learning.

#### Chromebook Care Agreement

IA assigns individual Chromebooks to students in grades 2- 8 for instructional use throughout the school day. Students agree to follow their classroom expectations governing the use and care of their individual Chromebooks to prevent loss or damage. Normal wear of student equipment is expected and IA repairs Chromebooks as needed.

If IA staff determines that a Chromebook is willfully damaged by a student as a result of an intentional act, neglect, or abuse or because that student did not follow the acceptable use policies, below, or those established by his or her class, the student's parents understand and agree that they are responsible for the cost of repair or replacement of the Chromebook.

IA expects that students take appropriate care of their Chromebook by observing the following:

- Students transport their Chromebooks using both hands so as to avoid accidentally dropping them.
- Students store their Chromebooks carefully so the Chromebooks are not susceptible to damage (stored in the designated space in the classroom).
- Students type with care so that keys remain intact on keyboards.
- Students keep screens from bending back so as not to cause pressure damage to hinges or screens.
- Students keep their Chromebooks with them when Chromebooks are in use.
- Students keep their Chromebooks free of permanent marks and/or stickers.
- Students keep food and liquid away from their Chromebooks.
- Students plug in and remove headphones carefully so as not to damage headphone inputs or break off headphone jacks.
- Students ensure that when they use their Chromebook adapters, the cords do not pose trip hazards and are not exposed to damage.

Please communicate with your child the importance and value of handling and using his or her Chromebook with care.

**Commented [MMH123]:** If the School accepts e-rate funding under the Children's Internet Protection Act, additional information may need to be included.

**Commented [MMH124]:** We have also included a section, below, on lost or replacement materials.

**Commented [MB125]:** We recommend deleting this language to not confuse an agreement to proper chromebook care with the broader Acceptable Use Agreement that we recommend IA adopt. Such an agreement addresses expectation of privacy, inappropriate use, as well as equipment care. Please let us know if we can provide you with this sample Acceptable Use Agreement.

Approximate replacement costs: screen - \$110.00 / keyboard - \$60.00 / power adapter - \$20.00 / Chromebook - \$350.00

**Commented [MMH126]:** Please confirm that these costs remain correct.

## **Internet Safety/Network Use Guidelines**

Please read the following carefully. This will give you information about the privileges and responsibilities of using the Internet and IA networks as part of your student's educational experience.

IA's network provides access to the internet. The internet is an electronic highway connecting thousands of computers all over the world.

Students will have access to:

- Information and news from a variety of sources and research institutions.
- Public domain and shareware software of all types.
- Discussion groups on a wide variety of topics.
- Many university libraries, the Library of Congress, and more!

### Safety

IA has taken reasonable precautions to restrict access to "harmful matter" and to materials that do not support approved educational objectives. However, on a public network it is impossible to control all materials. "Harmful matter" means matter that, taken as a whole by the average person applying contemporary statewide standards, describes in a patently offensive way material which lacks serious literary, artistic, political, or scientific value for minors (Penal Code section 313).

**Commented [MMH127]:** Confirmed.

The teacher/staff will choose resources on the internet that are appropriate for classroom instruction and/or research for the needs, maturity, and ability of their students.

While IA is able to exercise reasonable control over content created and purchased by the Charter School, it has limited control over content accessed via the internet and no filtering system is 100% effective. Neither the Charter School nor its staff shall be responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes, misuse or negligence.

### Acceptable Use

The purpose of schools having access to the internet is to support research and education, access to unique resources, and the opportunity for collaborative work. The use of IA networks must be in support of education and research and consistent with the educational objectives of IA. Innovations Academy takes no responsibility for the accuracy or quality of information from Internet sources.

### Prohibited Use

Transmission of any material in violation of any federal or state law is prohibited. This includes, but is not limited to, the distribution of:

- Any information which violates or infringes upon the rights of any other person.
- Any defamatory, inappropriate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or illegal material.
- Advertisements, solicitations, commercial ventures, or political lobbying.
- Any information that encourages the use of controlled substances or the use of the system for the purpose of inciting crime.
- Any material that violates copyright laws.

Any vandalism, unauthorized access, "hacking," or tampering with hardware or software, including introducing "viruses" or pirated software, is strictly prohibited (Penal Code section 502).

Behaviors that constitute cyberbullying are strictly prohibited. Please see the Title IX, Harassment, Intimidations, Discrimination, and Bullying Policy within this Family Handbook for more information about cyberbullying.

Students who engage in inappropriate network use may be subject to discipline, up to and including suspension and/or expulsion, in accordance with IA policies and procedures.

### Privileges

The use of IA networks and the internet is a privilege, not a right, and inappropriate use will result in a cancellation of those privileges. The administration, teachers, and/or staff may request the site system administrator or IA security administrator to deny, revoke, or suspend specific user access.

### Netiquette (Network Etiquette)

The use of IA networks requires adherence to rules of network etiquette.

These include, but are not limited to, the following:

- Be polite. Do not send abusive messages to anyone.
- Use appropriate language. In all messages, do not swear or use vulgarities or any other inappropriate language.
- Anything pertaining to illegal activities is strictly forbidden. (Note: E-mail is not guaranteed to be private. People who operate the system do have access to all mail. Messages relating to, or in support of, illegal activities must be

**Commented [MMH128]:** Confirmed. This provides general information about computer crimes.

**Commented [MB129]:** This information is already discussed under "Privileges" below.

**Commented [MB130]:** This sentence is not clear.

- reported to appropriate authorities.)
- Maintain privacy. Do not reveal the personal address or phone numbers of yourself or other persons. Before publishing a student’s picture, name, or work on the Internet, the school must have on file a parent release form authorizing publication.
  - Respect copyrights. All communications and information accessible via the network should be assumed to be the property of the author and should not be reused without his/her permission.
  - Do not disrupt the network. Do not use the network in a way that would disrupt the use of the network by others.

### Security

Security on any computer system is a high priority, especially when the system involves many users.

If you are aware of a security problem on IA networks, please notify School administration either in person, in writing, phone, or via the network. **Do not demonstrate the problem to other users.**

Any user identified as a security risk or having a history of problems with other computer systems may be denied access to IA networks and the internet.

### Vandalism

Vandalism will result in cancellation of privileges. This includes, but is not limited to, the uploading or creation of computer viruses and damaging any hardware owned by IA.

Before a student is assigned a Chromebook or permitted to access any other technology on campus, including internet, they must sign the IA Acceptable Use Agreement.

### • **Lost or Damaged School Property**

If a student willfully damages the Charter School’s property or the personal property of a Charter School employee, or fails to return a textbook, library book, computer/tablet or other Charter School property that has been loaned to the student, the student’s parents/guardians are liable for all damages caused by the student’s misconduct not to exceed ten thousand dollars (\$10,000), adjusted annually for inflation. After notifying the student’s parent or guardian in writing of the student’s alleged misconduct and affording the student due process, 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 damages 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.

**Commented [MB131]:** This sentence is not clear.

**Commented [MB132]:** We included this sample language based on Ed. Code section 48904 as many clients include a provision in their handbooks regarding lost or damaged school property. This is not a legally required annual notice.

In order to withhold grades/transcripts/diplomas from a student and the student’s parent/guardian due to debts, the School must adopt a policy allowing this practice, provide the parents with advance written notice and provide the student with due process and a voluntary work program in lieu of paying debts. See Ed. Code section 48904. Further, Education Code section 48904 only authorizes this practice for debts that are due to *willfully* lost or damaged school property; it doesn’t specifically authorize this process for other types of debts such as meal or field trip fees, etc. or the withholding of records other than transcripts/grades/diploma.

However, please note that while the School may withhold grades/transcripts/diplomas from a student and parent until debts are cleared if it follows the aforementioned process, transcripts/grades and records may not be withheld from the school to which a student seeks to enroll due to the student’s debts. See Ed. Code section 49068(b), which states, “If a student transfers from one public school to another or to a private school, or transfers from a private school to a public school within the state, the student’s permanent record or a copy of it shall be transferred by the former public school or private school no later than 10 schooldays following the date the request is received from the public school or private school where the student intends to enroll.” (Emphasis added.) As this provision relates to “public schools,” charter schools are likely bound by these requirements.



## • **Positive Discipline Policy and Procedures**

Positive Discipline is a program based on the work of Adler and Dreikurs. The program, by Jane Nelsen, is designed to teach young people to become responsible, respectful and resourceful members of their community. It teaches important life skills in a manner that is deeply respectful and encouraging for both children and adults. Positive Discipline is the basis for IA's discipline plan.

We know that students do better socially and academically when they believe that they are an integral part of their community, when they feel that others care for them and when they feel their contributions are valued. IA staff invests a lot of time and planning to create such an atmosphere. We expect students to work with us to create the optimal learning environment.

### **School Discipline**

Opportunities to learn come from making mistakes. By addressing mistakes we can move towards the path of resolution. We use positive discipline to help children become competent conflict resolvers.

As relationships with students are important to us, we work hard to make consequences for misbehavior respectful and constructive rather than punitive. This supports us in being decisive and action oriented in discipline measures. For more information about why Innovations Academy discipline policy works, consider reading one of the following resources:

- Positive Discipline by Jane Nelsen
- Solving Thorny Behavior Problems by Caltha Crowe

### **Student Expectations**

In order for the classroom and campus to be a safe and engaging learning environment, students are expected to:

- Be willing to actively engage in academic learning activities. This includes trying things when they are difficult and following directions at all times.
- Actively participate in conflict resolution, seeking to understand another's point of view and ultimately resolve the issue, which may include an action apology/make up action, creating an acceptable plan and consistently taking action that will achieve the goal of resolution.
- Create an acceptable plan to resolve problems at school. All students involved in conflict must create an acceptable plan to resolve the issue and demonstrate consistent action, which will achieve resolution.

If a student is not willing to engage in any of the above, they will be removed from class and possibly sent home and a parent meeting will be scheduled to discuss.

## Incidents Compromising Safety and a Productive Learning Environment

When student behavior compromises learning or negatively impacts the community in any way, the following actions may be utilized:

Taking a break in the classroom, taking a break outside of the classroom, generating a written plan for behavior change, visiting the Solution Center to generate a plan, completing work outside of the classroom, working independently in an alternative classroom, making a contribution in a lower grade classroom, parent notification, creating a home-to-school checklist for desired behavior

changes, a day of reflection, suspension and or expulsion.

When it is ascertained by staff that the student's behavior is of a significant nature or is an ongoing disruption, the student and/or parents may be asked to participate in individual or family counseling with the IASC (Innovations Academy Solution Center) counselor to address the behavioral challenges.

Parents are contacted when a child commits an enumerated offense per IA's Suspension & Expulsion Policy, or engages in repeated minor infractions. Any incidence compromising safety or a productive learning environment is evaluated for a 'reflection day' or suspension with a possible recommendation for expulsion. The governing board handles the expulsion process. For more on this process, see the Suspension/Expulsion Policy.

At Innovations Academy ("IA") we pride ourselves in our Character Development program that includes children in the conflict resolution process. Most incidents at school will be handled inside the classroom, counseling center or office through peer to peer conflict resolution, teacher to student discussion and problem solving or through the class council conflict resolution procedure. However, when a situation reaches the level of needing intervention from the Executive Director, an evaluation is made as to if a suspension or expulsion is recommended. This section, below, is designed to inform all parents of suspension/expulsion procedures and due process.

### • **Suspension & Expulsion Policy**

Board Approved: 11/2013  
Board Revised: 12/8/2020

Suspension and Expulsion Policy and Procedures have been established in order to promote learning and protect the safety and wellbeing of all students at IA. 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

**Commented [MB133]:** Christine, our understanding is that this is no longer a practice at Innovations. Accordingly, we recommend deleting.

**Commented [MMH134]:** Your charter states:

This Policy and its Procedures is printed and distributed as part of the Innovations Academy Family Handbook and will clearly describe discipline expectations.

As such, we recommend that the full policy be included within the Handbook.

**Commented [MB135]:** We updated this policy to comply with new laws, but we also included some other updates. Once your Board approves this revised Policy, all updates will be effective even though they may not align with the S&E policy within the school's Charter.

Thus, before IA adopts these revisions, IA needs to discuss the proposed revisions to this policy with the authorizer to ensure the authorizer will not require IA to obtain a material revision to the charter to make these changes.

Please let us know if you have any questions.

surrounding suspensions, expulsions, and involuntary removals, and, as necessary, modification of the lists of offenses for which students are subject to suspension or expulsion.

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/guardians are notified in writing upon enrollment of all discipline and involuntary removal policies and procedures. The notice shall state that this policy and its procedures are available upon request at the Executive 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 mandates 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 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 or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder, and shall inform the student, the student's parent/guardian, or educational rights holder of the basis for which the student is being involuntarily removed and the student's parent, guardian, or educational rights holder's right to request a hearing to challenge the involuntary removal. If a student's parent, guardian, or educational rights holder requests a hearing, the Charter School shall utilize the same hearing procedures

**Commented [MB136]:** Please note this obligation to include this policy within the Charter School's Handbook. Please ensure that the title included matches the title of the Charter School's handbook (ie: Family Handbook, Family & Student Handbook, etc.)

**Commented [MMH137]:** Language required by AB 1360, EC 47605(b)(5)(J)(iii). Please let us know if the Charter School has any questions regarding this process.

**Commented [MMH138]:** Please revise to state the title of the appropriate administrator and please revise to state the correct location of the policy. Please revise to reflect the appropriate title accordingly and ensure any such revisions are made throughout the Policy.

specified below for expulsions, before the effective date of the action to involuntarily remove the student. 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 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).

**Commented [MB139]:** Language required by AB 1360, EC 47605(b)(5)(J)(iii).

## **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. Enumerated Offenses**

1. Discretionary Suspension Offenses: Students may be suspended when it is determined the student:
  - a) Caused, attempted to cause, or threatened to cause physical injury to another person.
  - b) Willfully used force or violence upon the person of another, except self-defense.
  - c) Unlawfully possessed, used, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
  - d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
  - e) Committed or attempted to commit robbery or extortion.
  - f) Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases.
  - g) Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.

**Commented [MB140]:** This Policy reflects the discretionary and mandatory suspension and expulsion offenses in alignment with the current laws and Ed. Code. Note that since the School is not wholly bound by the Ed. Code, the Charter School may revise these enumerated offenses, but they must align with the Policy as set forth under the current charter and with any charter renewal. Please review and let us know if the Charter School has any questions and/or would like to make any revisions.

**Commented [MB141]:** Sale of controlled substances was moved to a non-discretionary suspension offense.

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

q) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this policy, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This provision shall apply to students in any of grades 4 to 8, inclusive.

**Commented [MB142]:** Please note that the Ed Code lists grades "4-12." However, we understand that IA only serves students up to grade 8, so we adjusted this accordingly.

r) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in Education Code Section 233(e). This provision shall apply to students in any of grades 4 to 8, inclusive.

**Commented [MB143]:** See comment above.

s) Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading the rights of either school personnel or volunteers and/or student(s) by creating an intimidating or hostile educational environment. This provision shall apply to students in any of grades 4 to 8, inclusive.

t) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.

1) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:

- i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of their age, or for a person of their age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
- ii. Causing a reasonable student to experience a substantially detrimental effect on their physical or mental health.
- iii. Causing a reasonable student to experience substantial interference with their academic performance.
- iv. Causing a reasonable student to experience substantial interference with their ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.

2) "Electronic Act" means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device,

computer, or pager, of a communication, including, but not limited to, any of the following:

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

serious bodily injury shall be subject to discipline pursuant to subdivision (1)(a)-(b).

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

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

- a) Possessed, sold, or otherwise furnished any firearm, explosive, or other destructive device unless, in the case of possession of any device of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Executive 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 or committed a sexual battery as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289 of former Section 288a of the Penal Code or committed a sexual battery as defined in Penal Code Section 243.4

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

- a) Caused, attempted to cause, or threatened to cause physical injury to another person.
- b) Willfully used force or violence upon the person of another, except self-defense.
- c) Unlawfully possessed, used, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e) Committed or attempted to commit robbery or extortion.



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

execution of the threat, and thereby causes that person reasonably to be in sustained fear for their own safety or for their immediate family's safety, or for the protection of school property, which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or their immediate family.

- q) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this policy, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This provision shall apply to students in any of grades 4 to 12, inclusive.
- r) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This provision shall apply to students in any of grades 4 to 8, inclusive.
- s) Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading the rights of either school personnel or volunteers and/or student(s) by creating an intimidating or hostile educational environment. This provision shall apply to students in any of grades 4 to 12, inclusive.
- t) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
  - 1) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
    - i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of their age, or for a person of their age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
    - ii. Causing a reasonable student to experience a substantially detrimental effect on their physical or mental health.
    - iii. Causing a reasonable student to experience substantial interference with their academic performance.

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

3) Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

- u) A student who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a student who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (3)(a)-(b).
- v) Possessed, sold, or otherwise furnished any knife or other dangerous object of no reasonable use to the student unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Executive Director or designee's concurrence.

4. Non-Discretionary Expellable 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 Executive 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 or committed a sexual battery as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289 of former Section 288a of the Penal Code or committed a sexual battery as defined in Penal Code Section 243.4.

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

The Charter School will use the following definitions:

- The term "knife" means (A) any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing; (B) a weapon with a blade fitted primarily for stabbing; (C) a weapon with a blade longer than 3½ inches; (D) a

**Commented [MB144]:** This language incorporates the grounds for expulsion which mandate a recommendation for expulsion for school districts. In 2018, AB 1747 required charter schools to update their health and safety procedures in their charters to include a safety plan which covers the topics listed in Section 32282(a)(2)(A-H), one of these topics includes "policies" pursuant to Education Code Section 48915(d) which is a cross-reference to the acts which would lead to a mandatory recommendation for expulsion for school districts. One could argue that we could address this "topic" but not incorporate all of the mandatory list applied to school districts. However, if the school does not feel strongly one way or the other, we would recommend utilizing the same list as school districts to avoid criticism.

folding knife with a blade that locks into place; or (E) a razor with an unguarded blade.

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

### C. Suspension Procedure

Suspensions shall be initiated according to the following procedures:

#### 1. Conference

Suspension shall be preceded, if possible, by a conference conducted by the 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. No penalties may 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, an administrator or designee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension and the date of return following suspension. This notice shall state the specific offense(s) committed by the student as well as the date the student may return to school following the suspension. In addition, the notice may also state the time when the student may

**Commented [MB145]:** The following procedures are suggested best practices and aligned with current law and the Ed. Code. These procedures should align with the procedures under the Charter School’s current charter and handbook. Please let us know if there are any questions.

**Commented [MB146]:** Language required by AB 1360, EC 47605(b)(5)(J)(iii).  
AB 1505 changed this to 47605(c)

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

### 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 or representative 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 or the student's parent/guardian, unless the student and the student's parent/guardian fail to attend the conference.

This determination will be made by the 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.

## D. Authority to Expel

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

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

**Commented [MB147]:** Pursuant to AB 1360, EC 47605(b)(5)(J)(i), a charter school may follow the procedures below for suspensions of 10 days or fewer. Accordingly, this language may be revised to read:

Suspensions, when not including a recommendation for expulsion, shall not exceed ten (10) consecutive school days per suspension.

Please note that pursuant to the new laws under AB 1360, charter schools may allow for suspensions of 10 days or fewer. If the Charter School would like to exercise this option and allow for longer suspensions, please let us know, as we will need to revise some of the language in this section.

However, please note that the suspensions of up to 10 days is only applicable to charter schools and not other public schools. As such, it is uncertain how districts may respond to charter schools extending suspensions beyond 5 days.

**Commented [MB148]:** Pursuant to AB 982, which added EC §§ 48913.5 and 47606.2 to provide homework for suspended pupils and specifically required this language to be included within a charter school's suspension and expulsion policy pursuant to EC § 47606.2.

**Commented [MB149]:** Language required by AB 1360, EC 47605(b)(5)(J)(iii).

Internal Note: This change goes into effect 7/1/20.

final determination.

### **E. Expulsion Procedures**

Students recommended for expulsion are entitled to a hearing to determine whether the student should be expelled. Unless postponed for good cause, the hearing shall be held within thirty (30) school days after the 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.

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

The Charter School may, upon a finding of good cause, determine that the disclosure of either the identity of the witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations that shall be examined only by the Charter School or the hearing officer. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the 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) calendar 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 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 notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

### **G. Record of Hearing**

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

### **H. Presentation of Evidence**

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

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

### **I. Expulsion Decision**

The decision of the Administrative Panel shall be in the form of written findings of fact and a written recommendation to the Board of Directors, which will make a final determination regarding the expulsion. The Board 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 determine to suspend the enforcement of the expulsion order for a period of not more than one (1) calendar year from the date of the expulsion hearing and return the student to the student's previous educational program under a probationary status and rehabilitation plan to be determined by the Board. During the period of the suspension of the expulsion order, the student is deemed to be on probationary status. The Board of Directors may revoke the suspension of an expulsion

**Commented [MB150]:** This is an optional provision that allows the Board to order an expulsion with suspended enforcement in accordance with EC § 48917. Please contact our office to further discuss this provision and whether the Charter School would like to include this option or not.

order under this section if the student commits any of the enumerated offenses listed above or violates any of the Charter School's rules and regulations governing student conduct. If the Board revokes the suspension of an expulsion order, the student may be expelled under the terms of the original expulsion order. The Board of Directors shall apply the criteria for suspending the enforcement of the expulsion order equally to all students, including individuals with exceptional needs as defined in Education Code Section 56026. The Board of Directors shall further comply with the provisions set forth under Education Code Section 48917, except as otherwise expressly set forth herein.

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

The 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.

**Commented [MB151]:** Pursuant to EC § 47605(e)(3), the Charter School must also notify the student's district of residence (if different than the chartering authority) that the student has been expelled (i.e., student's name and offenses) within 30 days of the expulsion. Please contact our office for assistance with preparing such a notice and/or if the Charter School has any questions.

#### **K. 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.

#### **L. 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.

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

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

#### **N. Rehabilitation Plans**

Students who are expelled from 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.

## O. Readmission or Admission of Previously Expelled Student

The decision to readmit a student after the end of the student's expulsion term or to admit a previously expelled student from another school district or charter school who has not been readmitted/admitted to another school or school district after the end of the student's expulsion term, shall be in the sole discretion of the Board of Directors following a meeting with the Executive Director or designee and the student and student's parent/guardian or representative to determine whether the student has successfully completed the rehabilitation plan and to determine whether the student poses a threat to others or will be disruptive to the school environment. The 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.

## P. Notice to Teachers

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

## Q. Involuntary Removal for Truancy

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

In accordance with Education Code Section 51747 and the Charter School's Board policy on independent study for Home Learning Community students, if monthly calendars of learning and/or one representative work sample from each subject during a 40 day period are not turned in, an evaluation is held by the HLC teacher team in conjunction with the director to determine whether it is in the best interest of the student to remain in independent study. If it is determined that it is not in the student's best interest to remain in independent study, the Charter School may involuntarily remove the student after the Charter School follows the requirements of the Missed Assignment Policy and only after providing notice and an opportunity for a parent, guardian, educational rights holder to request a hearing prior to any involuntary removal as forth herein. Students who are involuntarily removed for truancy shall be given a rehabilitation plan and shall be subject to the readmission procedures set forth herein.

## R. Special Procedures for the Consideration of Suspension and Expulsion or

**Commented [MB152]:** Client Note: Language required by AB 1360, EC 47605(b)(5)(J)(iii).

**Commented [MB153]:** Please note that this is very controversial for most chartering authorities and should be discussed before incorporating. Moreover, this typically would go in the Charter School's attendance policy, but we wanted to include it as it aligns with the involuntary removal provisions discussed above. Please review and let us know if there are any questions. Again, we may want to move this section to the Charter School's attendance policy depending on how the Charter School would like to proceed.

**Commented [MB154]:** Please indicate the person/entity who will hold this evaluation.

## Involuntary Removal of Students with Disabilities

### 1. Notification of District/SELPA

The Charter School shall immediately notify the District/SELPA and coordinate the procedures in this policy with the District/SELPA of the discipline of any student with a disability or student that the Charter School or the District/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 parents to determine:

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

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

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

- a. Conduct a functional behavioral assessment and implement a behavioral intervention plan for such child, provided that the Charter School had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;

**Commented [MB155]:** Language required by AB 1360, EC 47605(b)(5)(J)(iii).

**Commented [MB156]:** Please confirm whether the Charter School must also notify the chartering authority of any such incident. Typically, the Charter School would notify its SELPA and then the District of Residence if the Student is removed and/or expelled. Please modify accordingly.

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

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

#### 6. Interim Alternative Educational Setting

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

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

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

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

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

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

If the Charter School had no basis for knowledge of the student's disability, it shall

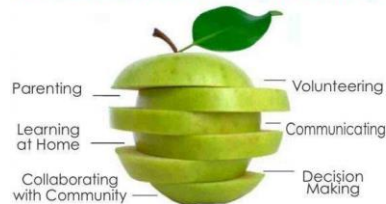
proceed with the proposed discipline. The Charter School shall conduct an expedited evaluation if requested by the parents; however, the student shall remain in the education placement determined by the Charter School pending the results of the evaluation.

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

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DRAFT

### The Six Slices of Parental Involvement



#### • **Parent Responsibility**

“Responsibility for our children’s education must begin at home” - President Obama

As a parent of a student attending IA, it has been your choice to place your child in a school with a specific design and mission. It is your job to understand the School’s mission statement. By choosing IA as the school of choice for your child(ren), you also choose to be an active participant of IA’s academic community. This means developing an understanding of the School’s learning philosophies, policies, and goals. It also means actively pursuing an understanding of the School’s curriculum, and supporting your child(ren)’s learning at home.

It is important to understand that IA follows a progressive teaching model that is very different than traditional public schools. This aspect of IA brings with it the inherent challenges of learning a new paradigm. These challenges may occur as:

- Feeling confused about the learning process
- Misunderstanding an aspect of the philosophy
- Worrying about the progress of learning

When any of the above feelings happen, it is the parent’s responsibility to talk with a teacher or administrator who will support the parent in getting their needs met for information and understanding.

The following are aspects of the program that may be new and/or different and which parents may need to communicate about.

IA:

- Does not have a traditional report card
- Holds student led conferences in which a student is present with



the parent

- Students call staff by their first names
- Students contribute to decisions about their learning
- Does not give meaningless homework
- Implements POLs (presentations of learning) to assess a student's progress.
- Uses project based and inquiry based learning experiences as a central part of the academic program
- Does not focus on test taking, benchmark testing, or test scores
- Has a relationship based discipline plan which is not a one size fits all approach

All parents are members of the IA academic community and play a vital role by showing support and participating in school activities as much as possible.

Some great ways to participate are:

- Chaperone a field trip
- Read to your children or do an outside activity
- Foster friendships between IA students by creating play opportunities outside of school
- Contribute to a fundraising event (bake sales, IA Education Conservators, etc.)
- Attend Exhibition Nights
- Provide large quantities of unstructured time for your child(ren)
- Be a Reading Buddy in a classroom
- Participate in the Parent Connection (our parent association)

If you'd like to help with any classroom or school wide event, please speak with your teacher or the Parent Association president who will gladly get you started.

#### • **Getting Needed Information**

We often hear from parents about the need to be connected and how challenging that can be. The first step is to learn what is going on in the classroom and at school. Another component is communication between home and school. This section will explain some ways to get the information and communication you want with IA:

- Innovations Academy has its own **website:** [www.innovationsacademy.org](http://www.innovationsacademy.org). On this website you will find updates, information about our philosophy, links to our classroom digital portfolios, calendar, Family Handbooks, Charter, etc.

- **Class Info** All IA teachers use ParentSquare to communicate with families. Parents can access student portfolios via SeeSaw.
- **Sunday Blast:** On Sunday evenings a ParentSquare communication will go out to all of our parents with activity updates and information for the upcoming week.
- **Exhibition Nights:** During the 2020-21 school year we will have Exhibition Nights on the following dates: December 17th and March 25th. We expect 100% attendance by parents as all students will be presenting work they have completed. If you can't make it, please communicate with us ahead of time. We consider Exhibitions to be as important as report cards.
- **Student Led Conferences ("SLC"):** During SLCs, students take the lead to facilitate a conference with their teacher(s) and parent(s). The outcome of the conference is that students share their learning in various subject areas and set academic, personal and social goals.
- **Presentations of Learning ("POL"):** A presentation of learning is an opportunity for a student to speak about specific areas of their own learning in an authentic, reflective way. The act of speaking about who you are, your strengths and challenges is an important part of our program. Please make every attempt to attend your child's presentation of learning.
- **Come In!** We are here every school day (and hopefully we'll see you at pick up or at a Coffee Connection). Please come in and say hi and let us know if you have any questions. If we can't address them on the spot then we can schedule time with you.
- **Coffee Connection:** Current and new IA parents have the opportunity to meet with the Director and get questions answered. It's also a great place to connect with other IA families and have fun while developing a deeper understanding of IA philosophy. Check the website calendar for scheduled Coffee Connections.

Commented [MMH157]: Please confirm.

Please let us know if you have any ideas that can improve our methods of communication. Thank you.

- **Email Communication Policy**

IA recognizes that electronic mail (email) can be a valuable communication tool, when it is used judiciously and in accordance with privacy laws and the school internet ethics code. To help us implement School email policy, IA faculty and staff members are provided with school e-mail accounts to improve the efficiency and effectiveness of communication both within the school and with the parent/guardian community. Faculty and staff are required to use their school email for all communications with parents.

In the interest of ensuring that email is a positive influence on our learning community of committed parents/guardians, teachers, students, and friends, we are instituting these e-mail guidelines for parent-teacher communication.

- Keep the email short, no more than 1-2 brief paragraphs is a good rule, and request to schedule a time to meet or to speak via telephone
- Respect teacher planning time by sending email only when necessary
- Keep the content appropriate and specific
- Please keep all contacts professional. Jokes, amusing or special stories, chain letters, or commercial solicitations are inappropriate

Your child's academic progress, learning expectations, or behavioral issues are best addressed through a telephone conversation or by scheduling a personal conference with your child's teacher.

Remember that your child's teacher oversees 25 students. Before sending an email to your teacher, please ask yourself:

- Can I get the answer on the class or school website?
- Was the information sent in the teacher's weekly email?
- Can I ask my child to find out tomorrow?
- Can it wait?

### **Nondiscrimination Statement**

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

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

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

Commented [MMH158]: This is a required annual notice.

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). Charter School also prohibits sexual harassment, including cyber sexual bullying, and harassment based upon pregnancy, childbirth or related medical conditions, race, religion, religious affiliation, creed, color, immigration status, gender, gender identity, gender expression, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal, state, local law, ordinance or regulation. Charter School does not condone or tolerate harassment of any type, including discrimination, intimidation, or bullying, including cyber sexual bullying, by any employee, independent contractor or other person with which 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. 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:

Christine Kuglen  
Executive Director  
10380 Spring Canyon Rd, San Diego, CA 92131  
858-271-1414  
[christine@innovationsacademy.org](mailto:christine@innovationsacademy.org)

or

Tony Spitzberg  
Assistant Director  
10380 Spring Canyon Rd, San Diego, CA 92131  
858-271-1414  
[Tony@innovationsacademy.org](mailto:Tony@innovationsacademy.org)

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

**Commented [MB159]:** These policies generally include the suspension/expulsion policy, attendance policy with involuntary removal language, and/or an independent study policy. If you are missing any of these policies or involuntary removal language, please let us know and we can assist in providing some sample language.

**Commented [MB160]:** The CDE Complaint Notice and Form must also be posted on the School's website per EC 47605(d)(4)(D).

**Commented [MB161]:** This aligns with the contact listed in IA's UCP policy.

**Commented [MB162]:** This aligns with the contact listed in IA's UCP policy.

## • **Title IX, Harassment, Intimidation, Discrimination, And Bullying Policy**

Board Approved:

Board Revised: 12/8/2020

Discrimination, sexual harassment, harassment, intimidation, and bullying are all disruptive behaviors, which interfere with students' ability to learn, negatively affect student engagement, diminish school safety, and contribute to a hostile school environment. As such, Innovations Academy ("IA" or the "Charter School") prohibits any acts of discrimination, sexual harassment, harassment, intimidation, and bullying altogether. This policy is inclusive of instances that occur on any area of the school campus, at school-sponsored events and activities, regardless of location, through school-owned technology, and through other electronic means.

As used in this policy, discrimination, sexual harassment, harassment, intimidation, and bullying are described as the intentional conduct, including verbal, physical, written communication or cyber-bullying, including cyber sexual bullying, based on the actual or perceived characteristics of mental or physical disability, sex (including pregnancy 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 historically associated with race, including, but not limited to, hair texture and protective hairstyles such as braids, locks, and twist), religion (including agnosticism and atheism), religious affiliation, medical condition, genetic information, marital status, age or association with a person or group with one or more of these actual or perceived characteristics or based on any other characteristic protected under applicable state or federal law or local ordinance. Hereafter, such actions are referred to as "misconduct prohibited by this Policy."

To the extent possible, the Charter School will make reasonable efforts to prevent students from being discriminated against, harassed, intimidated, and/or bullied, and will take action to investigate, respond, address and report on such behaviors in a timely manner. IA 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 IA does business, or any other individual, student, or volunteer. This Policy applies to all employees, students, or volunteer actions and relationships, regardless of position or gender. IA 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. IA 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"):**

Christine Kuglen

Executive Director

5454 Ruffin Rd, San Diego, CA 92123

858-271-1414

**Commented [MB163]:** Per AB 34 and 543, this policy 1) must be posted in a prominent and readily accessible location on the School's website; 2) should be included in the School's "regular policy statement"; 3) shall be provided as part of any orientation program conducted for new and continuing pupils at the beginning of each quarter, semester, or summer session, as applicable; 4) shall be provided for each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or at the time that there is a new employee hired; 5) and shall appear in any publication of the institution that sets forth the comprehensive rules, regulations, procedures, and standards of conduct for the institution (i.e. student handbook); and 6) shall be displayed in a prominent location in the main administrative building or other area of the campus or schoolsite where other similar notices/policies are posted.

Please note that in addition to this policy, the School is legally required to have Title IX language on the School's website in compliance with Education Code section 221.61 including a link to the CDE's Title IX information, the definition of discrimination and harassment based on sex as described in Section 230, and the rights set forth in Section 221.8. We can provide you with some sample language if desired.

Further, charter school serving pupils in any of grades 9 through 12, inclusive, shall create a poster that notifies pupils of the applicable sexual harassment policy. The language in the poster shall be age appropriate and culturally relevant. The poster shall be displayed in English and any primary language spoken by 15 percent or more of the pupils enrolled at the schoolsite as determined pursuant to EC Section 48985. The poster shall be no smaller than 8.5 by 11 inches and use at least 12-point font. The poster shall be prominently and conspicuously displayed in each bathroom and locker room at the schoolsite. The poster shall display, at a minimum, all of the following:

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

Please do not hesitate to reach out with additional questions regarding posting requirements.

**Commented [MB164]:** Per AB 34 and 543, the school's **complete** Title IX/Harassment, Intimidation, Discrimination, and Bullying Policy must be included within this Handbook. We included our updated template policy here. If you would like us to review and update an existing policy, please let us know. Otherwise, we recommend adopting this language.

After the policy is finalized and Board-approved, please ensure that a copy is also made available in the main office after the policy is finalized and Board-approved.

**Commented [MB165]:** This aligns with the Title IX contact listed on IA's website.

## **Definitions**

### **Prohibited Unlawful Harassment**

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

### **Prohibited Unlawful Harassment under Title IX**

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

IA 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.

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

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

Sexual harassment may include, but is not limited to:

- Physical assaults of a sexual nature, such as:
  - Rape, sexual battery, molestation or attempts to commit these assaults.

- Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another’s body, or poking another’s body.
- Unwanted sexual advances, propositions or other sexual comments, such as:
  - Sexually oriented gestures, notices, remarks, jokes, or comments about a person’s sexuality or sexual experience.
  - Preferential treatment or promises of preferential treatment to an individual for submitting to sexual conduct, including soliciting or attempting to solicit any individual to engage in sexual activity for compensation or reward or deferential treatment for rejecting sexual conduct.
  - Subjecting or threats of subjecting a student or employee to unwelcome sexual attention or conduct or intentionally making the student’s or employee’s performance more difficult because of the student’s or 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.

### **Prohibited Bullying**

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

1. Placing a reasonable student <sup>1</sup> or students in fear of harm to that student’s or those students’ person or property.
2. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
3. Causing a reasonable student to experience a substantial interference with his or her academic performance.

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<sup>1</sup> “Reasonable student” is defined as a student, including, but not limited to, an exceptional needs student, who exercises care, skill and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

4. Causing a reasonable student to experience a substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by IA.

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

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

1. A message, text, sound, video, or image.
2. A post on a social network Internet Web site including, but not limited to:
  - a. Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in the definition of "bullying," above.
  - b. Creating a credible impersonation of another actual 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.
  - c. Creating a false profile for the purpose of having one or more of the effects listed in the definition of "bullying," above. "False profile" means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.
3. An act of "Cyber sexual bullying" including, but not limited to:
  - a. The dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a 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 definition of "bullying," above. A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
  - b. "Cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
4. Notwithstanding the definitions of "bullying" and "electronic act" above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

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



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

## **Bullying and Cyberbullying Prevention Procedures**

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

### **1. Cyberbullying Prevention Procedures**

IA advises students:

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

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

### **2. Education**

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

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

IA'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.

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

### **3. Professional Development**

**Commented [MB166]:** This section has been added pursuant to Education Code section 234.4 (AB 2291), which requires LEAs including charter schools to adopt, on or before December 31, 2019, "procedures for preventing acts of bullying, including cyberbullying."

The law doesn't specify the exact bullying prevention procedures that must be adopted by schools. However, since the law requires schools to provide the CDE's bullying module to its staff who interact with students, the bullying prevention procedures developed by the School should be consistent with those outlined in the CDE's online bullying module, which include education and professional development components.

To develop these procedures, we used the CDE's bullying module and [Stopbullying.gov-Bullying Training Prevention Center's bullying module](https://www.stopbullying.gov/bullying/prevention/training-center/index.html), which is also recommended by the CDE and available at:

<https://www.stopbullying.gov/prevention/training-center/index.html>

Please let us know if these proposed procedures do not work for the School logistically or if they are inconsistent with the procedures the School plans to implement. We can work with the School to further tailor the procedures to align with the School's program.

**Commented [MB167]:** Please ensure the School's technology use policies align with the cyberbullying prevention procedures adopted by the School as part of this policy. If the School doesn't have a technology use policy, we can provide the School with a starting place draft for this policy upon request. These cyberbullying prevention procedures were developed from the CDE's bullying module.

**Commented [MB168]:** We recommend that the School have a technology policy and an acceptable use agreement. If you would like a sample policy, please let us know.

**Commented [MB169]:** Teaching students about the difference between appropriate and inappropriate behaviors, how to advocate for themselves and others, and when to go to an adult for help are listed as recommended bullying prevention procedures in the CDE's bullying module. Please ensure the School's bullying prevention education aligns with the procedures adopted by the School in this Policy.

**Commented [MB170]:** The CDE recommends bullying prevention procedures be placed within the parent/student handbook, school safety plan, and the bullying prevention policy.

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

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

- Physical cuts or injuries
- Lost or broken personal items
- Fear of going to school/practice/games
- Loss of interest in school, activities, or friends
- Trouble sleeping or eating
- Anxious/sick/nervous behavior or distracted appearance
- Self-destructiveness or displays of odd behavior
- Decreased self-esteem

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

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

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

## **Grievance Procedures**

### **1. Scope of Grievance Procedures**

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

- a. Are written and signed;
- b. Filed by an individual who alleges that that individual has personally suffered unlawful discrimination, harassment, intimidation or bullying, or by one who believes any specific class of individuals has been subjected to discrimination, harassment, intimidation or bullying prohibited by this part, or by a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying; and
- c. Submitted to the IA 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, IA will utilize the following grievance procedures in addition to its UCP when applicable.

**Commented [MB171]:** This is required per Ed. Code section 32283.5 (effective 1/1/19). The CDE’s bullying module and online training module are currently located here:

<https://www.cde.ca.gov/ls/ss/se/bullyres.asp>

**Commented [MB172]:** If the complainant is unable to put the complaint in writing, due to conditions such as a disability or illiteracy, the School must assist the complainant in the filing of the complaint.

## 2. Reporting

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

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

Christine Kuglen  
Executive Director  
10380 Spring Canyon Rd, San Diego, CA 92131  
858-271-1414  
[christine@innovationsacademy.org](mailto:christine@innovationsacademy.org)

**Commented [MB173]:** This aligns with the Title IX contact listed on IA's website.

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. IA 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.

**Commented [MB174]:** For a complaint of discrimination, bullying, harassment, discrimination or intimidation to fall under the UCP, it must be a written complaint. However, all reports of harassment/discrimination/bullying must be investigated even if they are oral or outside the UCP timelines, and appropriate action must be taken when necessary according to the results of the investigation.

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

**Commented [MB175]:** We believe this to be the title of the School's preferred administrative designee. Please revise as needed and if changes are made, please make these changes throughout the Policy.

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

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

### 3. Supportive Measures

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

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

### 4. Investigation and Response

Upon receipt of a report of misconduct prohibited by this Policy from a student, staff member, parent, volunteer, visitor or affiliate of IA, the Coordinator (or administrative designee) will promptly initiate an investigation. In most cases, a thorough investigation will take no more than twenty-five (25) school days. If the Coordinator (or administrative designee) determines that an investigation will take longer than twenty-five (25) school days and needs to be delayed or extended due to good cause, the Coordinator (or administrative designee) will inform the complainant of the reasons for the delay or extension and provide an approximate date when the investigation will be complete.

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

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:

**Commented [MB176]:** the training of these individuals must include training on the definition of sexual harassment in § 106.30, the scope of the recipient's education program or activity, how to conduct an investigation and grievance process including appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

The School also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence and decision-makers are trained on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

**Commented [MB177]:** If a complaint is against the Coordinator, that complaint must be investigated/resolved by another administrator who holds a position above the Coordinator or by a member of the Board.

**Commented [MB178]:** EC 234.1 does not include a specific timeline for the investigation but requires that this policy include a timeline and the timeline should be reasonable. We have included a suggested timeline of 25 school days (or about 5 weeks unless over a break) or less, but have left flexibility in the event the investigation will take longer. Note that under the UCP, for complaints alleging discrimination, harassment, intimidation or bullying against a group based on protected characteristics or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, a written response including specific elements must be provided to the complainant within 60 days from the receipt of the complaint.

- 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 IA prohibits an individual from knowingly making false statements or knowingly submitting false information during the grievance process.
- **Emergency Removal**
  - IA 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 IA's policies.
  - IA may remove a respondent from IA's education program or activity on an emergency basis, in accordance with IA's policies, provided that IA 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, IA may offer a voluntary informal resolution process, such as mediation, to the parties at any time prior to reaching a determination regarding responsibility. If IA 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.
  - IA 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. IA shall ensure that all decision-makers and investigators do not have a conflict of interest or bias for or against complainants or respondents.
  - In most cases, a thorough investigation will take no more than twenty-five (25) school days. If the investigator determines that an investigation will take

**Commented [MB179]:** If, in the course of an investigation, the School decides to investigate allegations about the complainant or respondent that are not included in this notice, the School must provide notice of the additional allegations to the parties whose identities are known.

**Commented [MB180]:** Regardless of any determination on whether to remove a student or employee on an emergency basis, the School still must follow the grievance process required for formal complaints of sexual harassment before imposing any disciplinary sanctions or other actions that are not supportive measures (e.g., terminations or expulsions) against a respondent. Emergency removal is not a substitute for reaching a determination as to a respondent's responsibility for the sexual harassment allegations; rather, emergency removal is for the purpose of addressing imminent threats posed to any person's physical health or safety, which might arise out of the sexual harassment allegations. Emergency removals allow schools to address emergency situations, whether or not a grievance process is underway, provided that the school first undertakes an individualized safety and risk analysis and provides the respondent notice and opportunity to challenge the removal decision.

longer than twenty-five (25) school days and needs to be delayed or extended due to good cause, the investigator will inform the complainant and any respondents in writing of the reasons for the delay or extension and provide an approximate date when the investigation will be complete.

- The parties will be provided with an equal opportunity to present witnesses, to inspect and review any evidence obtained that is directly related to the allegations raised, and to have an advisor present during any investigative meeting or interview.
- The parties will not be prohibited from discussing the allegations under investigation or to gather and present relevant evidence.
- A party whose participation is invited or expected at an investigative meeting or interview will receive written notice of the date, time, location, participants, and purpose of the meeting or interview with sufficient time for the party to prepare to participate.
- Prior to completion of the investigative report, IA 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 investigation reveals that the alleged harassment did not occur in IA 's educational program in the United States or would not constitute sexual harassment even if proved, the formal complaint with regard to that conduct must be dismissed. However, such a dismissal does not preclude action under another applicable IA policy.
  - IA 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 IA; or
    - The specific circumstances prevent IA from gathering evidence sufficient to reach a decision on the formal complaint or the allegations therein.
  - If a formal complaint of sexual harassment or any of the claims therein are dismissed, IA 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.
  - IA 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 IA 's code of conduct to the facts;
    - The decision and rationale for each allegation;

- Any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the complainant; and
- The procedures and permissible bases for appeals.

### 5. Consequences

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

### 6. Right of Appeal

Should the reporting individual find IA 's resolution unsatisfactory, the reporting individual may, within five (5) business days of notice of IA 's decision or resolution, submit a written appeal to the **President of the IA Board**, who will review the investigation and render a final decision.

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

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

### 7. Recordkeeping

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

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

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

\*\*\*\*\*

**Commented [MB181]:** The School may change this reference to an administrator at the School who is in a position above the person making the initial decision as long as it is not the same person as the Coordinator or the investigator. The School could also use the Board to make the appeal decision, which may ultimately delay the process, but anyone on the Board who participated in the investigation or initial decision or who serves as the Coordinator would need to recuse themselves.

**Commented [MB182]:** the School must make these training materials publicly available on its website or, if it does not have a website, make them available for inspection by the general public upon request.





# Innovations Academy

Powerfully creating our lives through self-expression, compassionate connection and purposeful learning

5454 Ruffin Rd. San Diego, CA 92123 (858)271-1414

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

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

Date of Alleged Incident(s): \_\_\_\_\_

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

List any witnesses that were present: \_\_\_\_\_

Where did the incident(s) occur? \_\_\_\_\_

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

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

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

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

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

### **To be completed by the Charter School:**

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

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



## • Professional Boundaries: Staff/Student Interaction Policy

Board Approved: 12/8/2020

Innovations Academy ("IA") recognizes its responsibility to make and enforce all rules and regulations governing student and employee behavior to bring about the safest and most learning-conducive environment possible.

### Corporal Punishment

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

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

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

- A. Examples of PERMITTED actions (NOT corporal punishment)
  - 1. Stopping a student from fighting with another student;
  - 2. Preventing a pupil from committing an act of vandalism;
  - 3. Defending yourself from physical injury or assault by a student;
  - 4. Forcing a pupil to give up a weapon or dangerous object;
  - 5. Requiring an athletic team to participate in strenuous physical training activities designed to strengthen or condition team members or improve their coordination, agility, or physical skills;
  - 6. Engaging in group calisthenics, team drills, or other physical education or voluntary recreational activities.
- B. Examples of PROHIBITED actions (corporal punishment)
  - 1. Hitting, shoving, pushing, or physically restraining a student as a means of control;
  - 2. Making unruly students do push-ups, run laps, or perform other physical acts that cause pain or discomfort as a form of punishment;
  - 3. Paddling, swatting, slapping, grabbing, pinching, kicking, or otherwise causing physical pain.

### Acceptable and Unacceptable Staff/Student Behavior

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

Although this policy gives specific, clear direction, it is each staff member's obligation to avoid situations that could prompt suspicion by parents, students, colleagues, or school leaders. One viable standard that can be quickly applied, when you are unsure if certain

**Commented [MB183]:** Per EC 44050, Commencing July 1, 2018, a Charter School is required to provide a written copy of its section on employee interactions with students in its code of conduct to the parent or guardian of each enrolled student at the beginning of each school year. The School may satisfy this requirement by including the section on employee interactions with students in its student handbook or annual notice packet. The School is also required to post its policy on employee interactions with students on its website.

We included sample language here; in the event IA has an existing policy, you may replace our language with it. Please let us know if you would like us to review your existing policy.

conduct is acceptable, is to ask yourself, "Would I be engaged in this conduct if my family or colleagues were standing next to me?"

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

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

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

#### Duty to Report Suspected Misconduct

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

#### Examples of Specific Behaviors

The following examples are not an exhaustive list:

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

- (a) Giving gifts to an individual student that are of a personal and intimate nature.
- (b) Kissing of any kind.
- (c) Any type of unnecessary physical contact with a student in a private situation.
- (d) Intentionally being alone with a student away from the school.
- (e) Making or participating in sexually inappropriate comments.
- (f) Sexual jokes.
- (g) Seeking emotional involvement with a student for your benefit.
- (h) Listening to or telling stories that are sexually oriented.
- (i) Discussing inappropriate personal troubles or intimate issues with a student in an attempt to gain their support and understanding.
- (j) Becoming involved with a student so that a reasonable person may suspect inappropriate behavior.

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

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

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

Cautionary Staff/Student Behaviors

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

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

Acceptable and Recommended Staff/Student Behaviors

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

## • **Uniform Complaint Policy & Procedures**

Board Approved: 10/2018  
Board Revised: 12/8/2020

Innovations Academy ("IA") complies with applicable federal and state laws and regulations. IA is the local agency primarily responsible for compliance with federal and state laws and regulations governing educational programs. Pursuant to this policy, persons responsible for compliance and/or conducting investigations shall be knowledgeable about the laws and programs, which they are assigned to investigate.

### Scope

Not all complaints fall under the scope of this Policy.

- Many concerns can be made in accordance with the **General Complaint Policy**, including complaints regarding classroom assignments, common core, grades, classroom requirements, hiring and evaluation of staff, drop off and pick up procedures, homework policies and practices, provision of core curricula subjects, student advancement and retention, student discipline, student records, the Bagley- Keene Open Meeting Act, the Brown Act, and other general education and school requirements that do not otherwise fall under the purview of this Policy. A complete copy of this Policy is included within this Family Handbook.
- Concerns may also be raised under the School's **Title IX, Harassment, Intimidation, Discrimination, and Bullying Policy**. A complete copy of this Policy is included within this Family Handbook.

The following complaints are referred to other agencies for resolution and not subject to the Uniform Complaint Policy:

- Allegations of child abuse are referred to County Departments of Social Services, Protective Services Divisions, or appropriate law enforcement agency.
- Employment complaints are sent to the California Department of Fair Employment and Housing.
- Allegations of fraud are referred to the responsible Division Director at the California Department of Education ("CDE").

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

1. Complaints of unlawful discrimination, harassment, intimidation or bullying against any protected group on the basis of 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, pregnancy, 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 IA program or activity.

Commented [MMH184]: Annual notice. It appears that the School has included its complete policy, as such, we have updated to ensure legal compliance.

2. Complaints of violations of state or federal law and regulations governing the following programs:
  - Accommodations for Pregnant, Parenting or Lactating Students;
  - Adult Education;
  - Career Technical and Technical Education;
  - Career Technical and Technical Training;
  - Child Care and Development Programs;
  - Consolidated Categorical Aid;
  - Education of Students in Foster Care, Students who are Homeless, former Juvenile Court Students now enrolled in a public school, Migratory Children and Children of Military Families;
  - Every Student Succeeds Act;
  - Migrant Education Programs;
  - Regional Occupational Centers and Programs; and/or
  - School Safety Plans.
  
3. Complaints alleging that a student enrolled in a public school was required to pay a pupil fee for participation in an educational activity as those terms are defined below.
  - a. "Educational activity" means an activity offered by the charter school that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities.
  - b. "Pupil fee" means a fee, deposit or other charge imposed on students, or a student's parents/guardians, in violation of Education Code section 49011 and Section 5 of Article IX of the California Constitution, which require educational activities to be provided free of charge to all students without regard to their families' ability or willingness to pay fees or request special waivers, as provided for in *Hartzell v. Connell* (1984) 35 Cal.3d 899. A pupil fee includes, but is not limited to, all of the following:
    - i. A fee charged to a student as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory or is for credit.
    - ii. A security deposit, or other payment, that a student is required to make to obtain a lock, locker, book, class apparatus, musical instrument, uniform or other materials or equipment.
    - iii. A purchase that a student is required to make to obtain materials, supplies, equipment or uniforms associated with an educational activity.
  - c. A pupil fees complaint and complaints regarding local control and accountability plans ("LCAP") only, may be filed anonymously (without an identifying signature), if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with Education Code sections 52060 - 52077, including an allegation of a violation of

Education Code sections 47606.5 or 47607.3, as referenced in Education Code section 52075, regarding local control and accountability plans.

- d. If IA finds merit in a pupil fees complaint, or the California Department of Education ("CDE") finds merit in an appeal, IA shall provide a remedy to all affected students, parents/guardians that, where applicable, includes reasonable efforts by IA to ensure full reimbursement to all affected students and parents/guardians, subject to procedures established through regulations adopted by the state board.
  - e. Nothing in this Policy shall be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or IA and other entities from providing student prizes or other recognition for voluntarily participating in fundraising activities.
4. Complaints alleging noncompliance with the requirements governing the Local Control Funding Formula ("LCFF"), or Local Control and Accountability Plans ("LCAP") under Sections 47606.5 and 47607.3 of the Education Code, as applicable. If IA adopts a School Plan for Student Achievement in addition to its LCAP, complaints of noncompliance with the requirements of the School Plan for Student Achievement under Education Code sections 64000, 64001, 65000, and 65001 shall also fall under this Policy.
  5. 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.
  6. 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.

Moreover, IA acknowledges and respects every individual's right to privacy. Unlawful discrimination, harassment, intimidation or bullying complaints shall be investigated in a manner that protects (to the greatest extent reasonably possible) the confidentiality of the parties and the integrity of the process. IA cannot guarantee anonymity of the complainant. This includes keeping the identity of the complainant confidential. However, IA will attempt to do so as appropriate. IA may find it necessary to disclose information regarding the complaint/complainant to the extent necessary to carry out the investigation or proceedings, as determined by the Director or designee on a case-by-case basis.

IA prohibits any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of unlawful discrimination, harassment, intimidation or bullying. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

#### Compliance Officers

**Commented [MB185]:** Although these complaints do not fall under the UCP, under 5 CCR § 15583, the School must investigate and prepare a written report on these complaints in compliance with the UCP requirements.

**Commented [MB186]:** CDE considers this in the same family of programs as Homeless/Foster/Military/Migrant. See above in list of Programs.

The Board of Directors designates the following compliance officer(s) to receive and investigate complaints and to ensure Innovations Academy's compliance with law:

Christine Kuglen  
Executive Director  
10380 Spring Canyon Rd, San Diego, CA 92131  
858-271-1414  
[christine@innovationsacademy.org](mailto:christine@innovationsacademy.org)

**Commented [MB187]:** This aligns with the contact listed in IA's UCP policy.

or

Tony Spitzberg  
Assistant Director  
10380 Spring Canyon Rd, San Diego, CA 92131  
858-271-1414  
[Tony@innovationsacademy.org](mailto:Tony@innovationsacademy.org)

**Commented [MB188]:** This aligns with the contact listed in IA's UCP policy.

IA shall ensure that the staff persons responsible for conducting investigations relating to this Uniform Complaint Policy shall be knowledgeable about the laws and programs for which they are responsible. The compliance officer may have access to legal counsel as determined by the Executive Director or designee.

Should a complaint be filed against the Director or Assistant Director, the compliance officer for that case shall be the Parent Representative on the Board of Directors or his/her designee.

#### Notifications

The Executive Director or designee shall annually provide written notification of this Policy to employees, students, parents and/or guardians, school officials and other interested parties by publishing notification on the website and in the Family Handbook. A copy is available upon request free of charge.

**Commented [MMH189]:** Please note this website requirement.

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

The annual notice shall include the following:

1. A list of the types of complaints that fall under the scope of the UCP and the state and federal provisions that govern complaints regarding child nutrition programs and special education programs.
2. A statement clearly identifying any California State preschool programs that IA is operating as exempt from licensing pursuant to Health and Safety Code section 1596.792(o) and corresponding Title 5 health and safety regulations, and any California State preschool programs that IA is operating pursuant to Title 22 licensing requirements.
3. A statement that IA is primarily responsible for compliance with federal and state laws and regulations.

4. A statement that a pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.
5. A statement identifying the responsible staff member, position, or unit designated to receive complaints.
6. A statement that if a UCP complaint is filed directly with the CDE and the CDE determines that it merits direct intervention, the CDE shall complete an investigation and provide a written decision to the complainant within sixty (60) calendar days of receipt of the complaint, unless the parties have agreed to extend the timeline or the CDE documents exceptional circumstances and informs the complainant.
7. A statement that the complainant has a right to appeal an IA decision to the CDE by filing a written appeal within thirty (30) calendar days of the date of IA's decision, except if IA has used its UCP to address a complaint that is not subject to the UCP requirements.
8. A statement that a complainant who appeals IA's decision on a UCP complaint to the CDE shall receive a written appeal decision within sixty (60) calendar days of the CDE's receipt of the appeal, unless extended by written agreement with the complainant or the CDE documents exceptional circumstances and informs the complainant.
9. A statement that if IA finds merit in a UCP complaint, or the CDE finds merit in an appeal, IA shall take corrective actions consistent with the requirements of existing law that will provide a remedy to the affected student and/or parent/guardian as applicable.
10. A statement advising the complainant of any civil law remedies that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable, and of the appeal pursuant to Education Code § 262.3.
11. A statement that copies of the local educational agency complaint procedures shall be available free of charge.

Commented [MB190]: 60 calendar days per EC 33315.

Commented [MB191]: 30 calendar days per 5 CCR 4632(a).

Commented [MB192]: 60 calendar days per EC 33315.

### Procedures

The following procedures shall be used to address complaints that allege that IA has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint.

- **Step 1: Filing of Complaint subsequent related actions**

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

Any individual, including a person's duly authorized representative or an interested third party, public agency, or organization alleging noncompliance by IA or unlawful discrimination, harassment, intimidation or bullying pursuant to this Policy may file a written complaint using the complaint form.



A complaint alleging unlawful discrimination, harassment, intimidation or bullying shall be initiated no later than six (6) months from the date when the alleged unlawful discrimination, harassment, intimidation or bullying occurred, or six (6) months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination, harassment, intimidation or bullying, unless the time for filing is extended by the Executive Director or designee, upon written request by the complainant setting forth the reasons for the extension. Such extension by the Executive Director or designee shall be made in writing. The period for filing may be extended by the Executive Director or designee for good cause for a period not to exceed ninety (90) calendar days following the expiration of the six-month time period. The Executive Director shall respond immediately upon a receipt of a request for extension

A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination, harassment, intimidation or bullying or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination, harassment, intimidation or bullying.

All other complaints under this Policy shall be filed not later than one (1) year from the date the alleged violation occurred. For complaints relating to the LCAP, the date of the alleged violation is the date on which the IA Board of Directors approved the LCAP or the annual update was adopted by IA.

The complaint shall be presented to the Compliance Officer, who shall maintain a log of complaints received, providing each with a code number and date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, IA staff shall assist him/her in the filing of the complaint.

Complaints filed pursuant to this Policy must be in writing and signed. A signature may be handwritten, typed (including in an email) or electronically generated. Only complaints regarding pupil fees or LCAP compliance may be filed anonymously as set forth in this Policy. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, IA staff shall assist the complainant in the filing of the complaint.

- **Step 2: Resolution Meeting**

Within five (5) business days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of engaging in a Resolution Meeting with the IA school counselor serving as mediator. If the complainant agrees to a Resolution Meeting, the compliance officer shall make arrangements for the same.

**Commented [MB193]:** This is not a timeline set forth in the law/regulation, but it seems reasonable.

Before initiating the Resolution Meeting of an unlawful discrimination, harassment, intimidation or bullying complaint, the compliance officer shall ensure that all parties agree to make the counselor a party to related confidential information.

If the Resolution Meeting does not resolve the problem, the compliance officer shall proceed with his/her investigation of the complaint.

The use of a Resolution Meeting shall not extend IA's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

- **Step 3: Investigation of Complaint**

Within five (5) business days of receiving the complaint, the compliance officer is encouraged to informally discuss with the complainant the possibility of using mediation.

This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally. If the complainant agrees to mediation, the compliance officer shall make arrangements for this process.

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

A complainant's refusal to provide IA's compliance officer with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation.

IA's refusal to provide the compliance officer with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

- **Step 4: Final Written Response**

Unless extended by written agreement with the complainant, the compliance officer shall issue to the complainant a written report of IA's investigation and Decision within sixty (60) calendar days of receipt of the complaint.

IA's decision shall be written in English and in the language of the complainant whenever feasible or as required by law.

The decision shall include:

1. The findings of fact based on evidence gathered
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition
5. Corrective actions, if any are warranted
6. Notice of the complainant's right to appeal the decision within thirty (30) calendar days to the CDE, except when IA has used its UCP to address complaints that are not subject to the UCP requirements.
7. Procedures to be followed for initiating such an appeal
8. For unlawful discrimination, harassment, intimidation or bullying complaints arising under state law, notice that the complainant must wait until sixty (60) days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies

Commented [MB194]: 30 calendar days per 5 CCR 4632(a); 5 CCR 4631(a)

If an employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the employee was informed of IA's expectations. The report shall not give any further information as to the nature of the disciplinary action.

#### Appeals to the CDE

If dissatisfied with IA's Decision, the complainant may appeal in writing to the CDE within thirty (30) calendar days of receiving the Decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of IA's Decision. When appealing to the CDE, the complainant must specify and explain the basis for the appeal, including at least one of the following:

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

Upon notification by the CDE that the complainant has appealed IA's decision, the Director or designee shall forward the following documents to the CDE:

1. A copy of the original complaint.
2. A copy of the decision.
3. A summary of the nature and extent of the investigation conducted, if not covered by the decision.
4. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by all parties and gathered by the investigator.
5. A report of any action taken to resolve the complaint.
6. A copy of IA's complaint procedures.
7. Other relevant information requested by the CDE.

If the CDE determines the appeal raises issues not contained in the local complaint, the CDE will refer those new issues back to IA for resolution as a new complaint. If the CDE notifies IA that its Decision failed to address an allegation raised by the complaint and subject to the UCP process, IA will investigate and address such allegation(s) in accordance

Commented [MB195]: 30 calendar days per 5 CCR 4632(a).

with the UCP requirements and provide the CDE and the appellant with an amended Decision addressing such allegation(s) within twenty (20) calendar days of the CDE's notification. The amended Decision will inform the appellant of the right to separately appeal the amended Decision with respect to the complaint allegation(s) not addressed in the original Decision.

Commented [MB196]: 20 calendar days per 5 CCR 4632(f)

Within thirty (30) calendar days of the date of the CDE's appeal Decision pursuant to 5 C.C.R. section 4633(f)(2) or (3), either party may request reconsideration by the State Superintendent of Public Instruction ("SSPI") or the SSPI's designee. The request for reconsideration shall specify and explain the reason(s) for contesting the findings of fact, conclusions of law, or corrective actions in the CDE's appeal Decision. The SSPI will not consider any information not previously submitted to the CDE by a party during the appeal unless such information was unknown to the party at the time of the appeal and, with due diligence, could not have become known to the party. Pending the SSPI's response to a request for reconsideration, the CDE appeal Decision remains in effect and enforceable, unless stayed by a court.

The CDE may directly intervene in the complaint without waiting for action by IA when one of the conditions listed in Title 5, California Code of Regulations section 4650 exists, including cases in which IA has not taken action within sixty (60) days of the date the complaint was filed with IA.

Commented [MB197]: Citation confirmed.

#### Civil Law Remedies

A complainant may pursue available civil law remedies outside of these 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) 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 IA has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint.

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1. Please give facts about the complaint. Provide details such as the names of those involved, dates, whether witnesses were present, etc., that may be helpful to the complaint investigator.

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2. Have you discussed your complaint or brought your complaint to any IA staff members? If you have, to whom did you take the complaint, and what was the result?

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3. Please provide copies of any written documents that may be relevant or supportive of your complaint. I have attached supporting documents.  Yes  
 No

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

Mail complaint and any relevant documents to:

Christine Kuglen, Director or  
Tony Spitzberg, Assistant  
Director

Innovations Academy  
10380 Spring Canyon  
Rd. San Diego, CA  
92131

**PLEASE KEEP A COPY OF YOUR COMPLETED FORM FOR YOUR RECORDS.**

• **General Complaint Policy**

Board Approved: 10/2018  
Board Revised: 12/08/2020

The Innovations Academy ("IA") Board has approved this policy to be used for parents = when something is working or not working for at IA. This is our name for our Adult Effective Communication Complaint Policy. It is what we believe works best to truly address issues and solve them.

Modeling is essential in the learning process. If we want our children to learn how to communicate effectively it is of utmost importance that we model what this looks like. Here is a chart of specific actions that will support our children to learn effective communication.

Instead of:	Do:
Complaining about something that happened	Speak with the teacher or staff about your concern
Shutting down because you feel left out of some communication	Speak to the teacher about how to get all class info
Believing something someone tells you (aka participate in rumors)	Go to the source and get the information yourself
Sharing a frustration about the school, the teacher or the parent association with another parent or on social media	Speak directly with the director, the teacher or the Parent Association president
Harboring frustration, anger or hurt about something your child told you happened at school	Approach the teacher or Executive Director to inquire about the situation

Feedback is an essential part of communication that is very valuable to us as a community. If there is something you like, let us know (we can publish it in our gratitude book)! If there is something you do not understand, are confused by, or do not like, also let us know. Going directly to the source generally gives clarity and understanding.

The only way to get your needs met is to let us know what your needs are. If you have a complaint, frustration, question, concern, excitement or

**Commented [MB199]:** A Board-approved General Complaint Policy is strongly recommended. This appears to be IA's complete policy. Accordingly, once finalized please fill in the approval and revision dates.

appreciation, please communicate with us. There are many ways to communicate: talk in person, write an email, send a note, or make a phone call. We want our families to get their questions answered. We want to be in communication with you. We need you to tell us when you need that to happen. All of your positive and negative feedback helps us improve our program and understand the needs of so many families.

Though giving feedback sounds good on paper it can truly be the most difficult thing you will do. Actually approaching a person when you have negative feelings is a huge challenge. Expect to feel uneasy and let the person with which you need to speak know you need their time. You can start with, "I'm confused; I'm hurt; I'm happy; or I'm excited; when I see (hear, notice...)\_\_\_\_\_.

Understand that we would rather have the information so that we can improve than to have rumors and negative information, like poison, spread through the internet, school or community grapevine.

If you have a concern, here are the appropriate steps to take:

1. Start at the source:

- a. If you have a concern with something in the classroom, speak to the teacher.
- b. If you have a concern with something in the front office, speak with the Executive Director.
- c. If you have a concern with an IEP, speak with the Education Specialist/Case Manager.
- d. If you have a concern about the educational program, speak with the Executive Director.
- e. If you have a concern about an issue with another student, speak with the teacher, the Assistant Director or the Executive Director.

2. If you have completed step one and feel the concern is persisting, email the teacher (or other staff member) and copy the director. A meeting will be set up with all parties involved.

3. If you have completed step one and two and the concern is persisting, set up a private meeting with the director.

4. If you have completed steps one, two, and three and do not feel that your concern has been fully addressed, email the Executive Director and copy the Innovations Academy Board of Directors ([board@innovationsacademy.org](mailto:board@innovationsacademy.org)).



5. If you have communicated thoroughly using steps one through four and do not feel that the concern has been fully addressed, please get in touch with the IA Board of Directors in one of the following ways:

- a. Write a letter to the I.A. Board and send it to our school address, or
- b. Email our board at [Board@InnovationsAcademy.org](mailto:Board@InnovationsAcademy.org), or
- c. Attend a board meeting and present during community comments.

We have provided the form on the next page for providing feedback to the School.

#### GENERAL ASSURANCES

1. Confidentiality: All complainants shall be notified that information obtained from the complainants, and thereafter gathered during the investigation, shall be maintained in a manner as confidential as possible, but in some circumstances absolute confidentiality cannot be guaranteed.
2. Non-Retaliation: All complainants shall be advised that complainants shall be protected against retaliation as a result of the filing of any complaints or participation in any complaint process.
3. Resolution: The Board, Executive Director, or designee will investigate complaints appropriately under the circumstances, and if necessary, take appropriate remedial measures to ensure effective resolution of any complaint.

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**General Complaint Form**  
To be turned into the front office

Name/Anonymous: \_\_\_\_\_

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

If you would like to provide feedback, we'd love to hear it. Please take your time and turn it in to the main office. We understand that giving negative feedback is challenging and we commit to address your issue when it is brought to our attention. We invite your information and need it in order to improve. Both children and adults are encouraged to use this form. Please use as much factual detail as possible (e.g. specific statements; what, if any, physical contact was involved; any verbal statements; what did you do to avoid the situation, etc.)

Date of Alleged Incident(s): \_\_\_\_\_

Name of Person(s) this complaint is about (if known and applicable):  
\_\_\_\_\_

List any witnesses that were present: \_\_\_\_\_

Where did the incident(s) occur? \_\_\_\_\_

Summary of my issue/observation (Attach additional pages, if needed):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- I would like to (check all that apply):
- To talk to a particular staff member (name: \_\_\_\_\_)
  - To meet with the Executive Director
  - To call a conference for my family with another family at IA.
  - Receipt of this form to be acknowledged
  - To thank the parties involved who are \_\_\_\_\_
  - To express my appreciation for \_\_\_\_\_
  - Other: \_\_\_\_\_

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. Employees providing false information in this regard could result in disciplinary action up to and including termination.

• **Special Education /Students with Disabilities**

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

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

• **Section 504**

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

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

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

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

Parents or eligible students who wish to ask the Charter School to amend a record

**Commented [MB200]:** This is a required annual notice.

A Board approved policy is legally required. Please let us know if you would like us to review an existing policy or provided a template policy.

Once finalized, please ensure the complete policy is made available.

**Commented [MB201]:** There are annual child find notice requirements under the IDEA and EC section 56301. If the Charter School is an independent LEA for purposes of special education (meaning you belong to a SELPA), then check with the SELPA for the notice language. If Charter School is a school of its authorizer for purposes of special education, check with the authorizer if there is specific language other than what has been included that the charter school should use.

**Commented [MMH202]:** This is a required annual notice.

**Commented [MB203]:** A Board approved policy is legally required. Please let us know if you would like us to review an existing policy or provided a template policy.

Once finalized, please ensure the complete policy is made available.

**Commented [MB204]:** This is a required annual notice. Please note the School must effectively notify parents or eligible students with disabilities and those who have a primary or home language other than English.

**Commented [MB205]:** Please ensure this timeline aligns with the School's complete policy.

should write 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.

**Commented [MB206]:** Ensure the Charter School has such procedures in place.

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

1. Charter School officials who have a legitimate educational interest as defined by 34 C.F.R. Part 99;
2. Other schools to which a student seeks or intends to enroll so long as the disclosure is for purposes related to the student's enrollment or transfer. When a student transfers schools, the Charter School will mail the original or a copy of a student's cumulative file to the receiving district or private school within ten (10) school days following the date the request is received from the public school or private school where the student intends to enroll. Charter School will make a reasonable attempt to notify the parent or eligible student of the request for records at his/her last known address, unless the disclosure is initiated by the parent or eligible student. Additionally, 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 hearing;
3. Certain government officials listed in 20 U.S.C. § 1232g(b)(1) in order to carry out lawful functions;
4. Appropriate parties in connection with a student's application for, or receipt of, financial aid if it is necessary to determine eligibility, amount of aid, conditions for aid or enforcing the terms and conditions of the aid;
5. Organizations conducting certain studies for the Charter School in accordance with 20 U.S.C. § 1232g(b)(1)(F);
6. Accrediting organizations in order to carry out their accrediting functions;
7. Parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1986;
8. Individuals or entities, in compliance with a judicial order or lawfully issued subpoena. Subject to the exceptions found in 34 C.F.R. § 99.31(a)(9)(i), reasonable effort must be made to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek a protective order;
9. Persons who need to know in cases of health and safety emergencies;
10. State and local authorities, within a juvenile justice system, pursuant to specific State law;
11. A foster family agency with jurisdiction over a currently enrolled or former student, a short-term residential treatment program staff responsible for the education or case management of a student, and a caregiver (regardless of whether the caregiver has been appointed as the student's educational rights holder) who has direct responsibility for the care of the student, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource

family, may access the current or most recent records of grades, transcripts, attendance, discipline, and online communication on platforms established by Charter School for student and parents, and any individualized education program ("IEP") or Section 504 plan that may have been developed or maintained by Charter School; and/or

12. A victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceedings conducted by Charter School with respect to that alleged crime or offense. Charter School discloses the final results of the disciplinary proceeding regardless of whether Charter School concluded a violation was committed.

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

Christine Kuglen  
Executive Director  
10380 Spring Canyon Rd, San Diego, CA 92131  
858-271-1414  
christine@innovationsacademy.org

A copy of the complete *Educational Records & Student Information Policy* is available upon request at the main office.

**Commented [MB207]:** These are additional suggestions of what can be considered directory information. This list can be modified as appropriate for the School. Please ensure this aligns with the School's complete Policy.

**Commented [MB208]:** A Board approved policy is legally required. Please let us know if you would like us to review an existing policy or provided a template policy.

Once finalized, please ensure the complete policy is made available.

• **Resources for Parents**

Classes/Workshops/Presentations: The following are resources for parenting/discipline classes as well as Special Education workshops that we've found to be beneficial for all of our students:

Learning Development Services – Established in 1970 as an educational, psychological, and neuropsychological center for children, adolescents, families and adults. They offer a full range of diagnostic, educational, and clinical services. They offer many free lectures on Special Needs children, ADD, and other topics. <http://learningdevelopmentservices.com/>

Positive Discipline is for parents and teachers who are looking for skills that do not include punishment or rewards to encourage their children to think for themselves, feel capable, become more responsible, and have a greater respect for themselves and others. <https://www.positivediscipline.com/>

Assessments: Below is a list of information regarding outside assessments that we feel comfortable recommending to all students. The below assessments are free of charge.

**Center for Behavioral Teratology** - This SDSU Research Group gives a **free** cognitive screening to children ages 5 – 17 years of age. They can be reached at 6363 Alvarado Court, Suite 100/200, San Diego, CA 92120, or by phone at (619) 594-1228, or by email at [cbt@projects.sdsu.edu](mailto:cbt@projects.sdsu.edu).

**The Learning Convergence** - The Learning Convergence provides a free reading screening for children of all ages. They can be reached at 3511 Camino del Rio South, Ste. 301, San Diego, CA 92108. Or at their website <http://thelearningconvergence.com/> or by phone at 619-640-6835.

• **Staff Directory**

This information may also be found on the IA website:

<u>Staff</u>	<u>Role</u>	<u>Phone</u>	<u>Email</u>
Christine Kuglen	Executive Director	858-271-1414 619-379-9275*	<a href="mailto:Christine@InnovationsAcademy.org">Christine@InnovationsAcademy.org</a>
Tony Spitzberg	Assistant Director	858-271-1414	<a href="mailto:Tony@innovationsacademy.org">Tony@innovationsacademy.org</a>

Commented [MMH209]: Please ensure that this remains up to date.

Laila Garcia	Records and Nursing	858-271-1414	<a href="mailto:Laila@InnovationsAcademy.org">Laila@InnovationsAcademy.org</a>
Tami Hermann	Attendance	858-271-1414	<a href="mailto:Info@InnovationsAcademy.org">Info@InnovationsAcademy.org</a>
Jennifer Kuebler	Solution Center Counselor	858-271-1414	<a href="mailto:Jenniferasc@Innovationsacademy.org">Jenniferasc@Innovationsacademy.org</a>
Collene Gaugh	Special Education	858-271-1414	<a href="mailto:Collene@InnovationsAcademy.org">Collene@InnovationsAcademy.org</a>
Lisa Smith	Special Education	858-271-1414	<a href="mailto:LSmith@InnovationsAcademy.org">LSmith@InnovationsAcademy.org</a>
Clara Urbalejo	K teacher	Leave a message at the front office	<a href="mailto:Clara@InnovationsAcademy.org">Clara@InnovationsAcademy.org</a>
Cassidy Platt	K Teacher	Leave a message at the front office	<a href="mailto:Gabriela@InnovationsAcademy.org">Gabriela@InnovationsAcademy.org</a>
Lexi Quesada	1st Grade Teacher	Leave a message at the front office	<a href="mailto:Lauren@InnovationsAcademy.org">Lauren@InnovationsAcademy.org</a>
Christine Devine	1st Grade Teacher	Leave a message at the front office	<a href="mailto:CDevine@InnovationsAcademy.org">CDevine@InnovationsAcademy.org</a>
Emily Luscomb	2 <sup>nd</sup> Grade Teacher	Leave a message at the front office	<a href="mailto:Emily@InnovationsAcademy.org">Emily@InnovationsAcademy.org</a>
Sydney Smith	2 <sup>nd</sup> Grade Teacher	Leave a message at the front office	<a href="mailto:Sydney@InnovationsAcademy.org">Sydney@InnovationsAcademy.org</a>
Emma Hayes	3 <sup>rd</sup> Grade Teacher	Leave a message at the front office	<a href="mailto:Emma@InnovationsAcademy.org">Emma@InnovationsAcademy.org</a>
Grace Shin	3 <sup>rd</sup> Grade Teacher	Leave a message at the front office	<a href="mailto:Grace@innovationsacademy.org">Grace@innovationsacademy.org</a>



Emily Mayer	4th grade teacher	Leave a message at the front office	<a href="mailto:EmilyM@innovationsacademy.org">EmilyM@innovationsacademy.org</a>
Tori Oleskowicz	4 <sup>th</sup> grade teacher	Leave a message at the front office	<a href="mailto:Tori@innovationsacademy.org">Tori@innovationsacademy.org</a>
Keely Moore	5 <sup>th</sup> grade teacher	Leave a message at the front office	<a href="mailto:Keely@innovationsacademy.org">Keely@innovationsacademy.org</a>
Stephanie Rivera	5 <sup>th</sup> grade teacher	Leave a message at the front office	<a href="mailto:Steph@innovationsacademy.org">Steph@innovationsacademy.org</a>
Antonio Deloera	6 <sup>th</sup> grade teacher	Leave a message at the front office	<a href="mailto:Antonio@innovationsacademy.org">Antonio@innovationsacademy.org</a>
Gabriela Badillo	6 <sup>th</sup> grade teacher	Leave a message at the front office	<a href="mailto:Gabriela@innovationsacademy.org">Gabriela@innovationsacademy.org</a>
Devon Woodruff Tony Spitzberg Joe Bandini	7 <sup>th</sup> grade teacher	Leave a message at the front office	<a href="mailto:Devon@innovationsacademy.org">Devon@innovationsacademy.org</a> <a href="mailto:Tony@innovationsacademy.org">Tony@innovationsacademy.org</a> <a href="mailto:Joe@innovationsacademy.org">Joe@innovationsacademy.org</a>
Nora Bowman	8 <sup>th</sup> grade teacher	Leave a message at the front office	<a href="mailto:Nora@innovationsacademy.org">Nora@innovationsacademy.org</a>
Jennifer Mercer	HLC 5-8 grade teacher	Leave a message at the front office	<a href="mailto:Jennifer@innovationsacademy.org">Jennifer@innovationsacademy.org</a>
Jill Keltner	HLC 2-4 grade teacher	Leave a message at the front office	<a href="mailto:Jill@innovationsacademy.org">Jill@innovationsacademy.org</a>
Teresa Draguicevich	HLC K-1 teacher	Leave a message at the front office	<a href="mailto:TeresaD@innovationsacademy.org">TeresaD@innovationsacademy.org</a>

Natasha Starbuck-Smith	Performing Arts	Leave a message at the front office	<a href="mailto:Natasha@innovationsacademy.org">Natasha@innovationsacademy.org</a>
Patrick Murphy O'Connor	Spanish Teacher	Leave a message at the front office	<a href="mailto:Patrick@innovationsacademy.org">Patrick@innovationsacademy.org</a>
Mary Zanotelli	Environmental Science	Leave a message at the front office	<a href="mailto:Mary@innovationsacademy.org">Mary@innovationsacademy.org</a>
Rich Curry	PE Teacher	Leave a message at the front office	<a href="mailto:rich@innovationsacademy.org">rich@innovationsacademy.org</a>

DRAFT

DRAFT

**Commented [MMH210]:** As noted, above, you may want to have a section here on complete Board policies.

# Innovations Academy

Powerfully creating our lives through self-expression,  
compassionate connection and  
purposeful learning



## Employee Handbook 2020-21 School Year

~~40380 Spring Canyon 5454 Ruffin Rd.~~  
San Diego, CA 921~~2334~~  
InnovationsAcademy.org

**ACKNOWLEDGMENT OF RECEIPT OF EMPLOYEE HANDBOOK**

PLEASE READ THE EMPLOYEE HANDBOOK AND SUBMIT A SIGNED COPY OF THIS STATEMENT TO THE DIRECTOR.

EMPLOYEE NAME: \_\_\_\_\_

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

I understand that the statements contained in the Handbook are guidelines for employees concerning some of the School's policies and benefits, and are not intended to create any contractual or other legal obligations or to alter the at-will nature of my employment with the School. In the event I do have an employment contract which expressly alters the at-will relationship, I agree to the foregoing except with reference to an at-will employment status.

I understand that except for employment at-will status, any and all policies or practices can be changed at any time by the School.

I understand that other than the Board of the School, no person has authority to enter into any agreement, express or implied, for employment for any specific period of time, or to make any agreement for employment other than at-will; only the Board has the authority to make any such agreement and then only in writing signed by the Board President.

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Please sign/date, tear out, and return to the School, and retain this Handbook for your reference.**

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## INTRODUCTION TO HANDBOOK

This Handbook is designed to help employees get acquainted with Innovations Academy (hereinafter referred to as “Innovations Academy” or the “School”). It explains some of our philosophies and beliefs, and describes some of our employment guidelines in general terms. Although this Handbook is not intended to be an exclusive or comprehensive policies and procedures manual, we hope that it will serve as a useful reference document for employees throughout their employment at the School. Employees should understand, however, that this Handbook is not intended to be a contract (express or implied), nor is it intended to otherwise create any legally enforceable obligations on the part of the School or its employees. In no way does the Handbook replace any official plan documents (e.g., health insurance, retirement plan, etc.) or insurance contracts, which will govern in all cases. This Handbook supersedes and replaces all previous personnel policies, practices, and guidelines.

Due to the fact that the School is a growing and changing organization, it reserves full discretion to add to, modify, or delete provisions of this Handbook, or the policies and procedures on which they may be based, at any time without advance notice. Innovations Academy also reserves the right to interpret any of the provisions set forth in this Handbook in any manner it deems appropriate.

No individual other than the Board of Directors has the authority to enter into any employment or other agreement that modifies School policy. Any such modification *must* be in writing.

This Handbook is the property of the School, and it is intended for personal use and reference by employees of the School. Circulation of this Handbook outside of the School requires the prior written approval of the Director.

Employees must sign the acknowledgment form at the beginning of this Handbook, tear it out, and return it to the Director. This will provide the School with a record that each employee has received this Handbook.

Chistine Kuglen (Director)  
Christine@InnovationsAcademy.org  
Cell phone: (619) 379-9275

Tony Spitzberg (Asst. Director)  
Tony@innovationsacademy.org  
Cell phone: (858) 232-2307

Office hours:

Monday - Friday: 8:00am to 4:30pm  
Saturday: Closed  
Sunday: Closed



## CONDITIONS OF EMPLOYMENT

### Equal Employment Opportunity Is Our Policy

Innovations Academy is an equal opportunity employer. It is the policy of the School to afford equal employment and advancement opportunity to all qualified individuals without regard to:

- Race (including traits historically associated with race, such as hair texture and hairstyle, including but not limited to braids, locks, and twists);
- Color;
- Gender (including gender identity, gender expression, and transgender identity, whether or not the employee is transitioning or has transitioned);
- Sex (including pregnancy, childbirth, breastfeeding, and medical conditions related to such);
- Religious creed (including religious dress and grooming practices);
- Marital/registered domestic partner status;
- Age (forty (40) and over);
- National origin or ancestry (including native language spoken and possession of a driver's license issued to persons unable to prove their presence in the U.S. is authorized by federal law);
- Physical or mental disability (including HIV and AIDS);
- Medical condition (including cancer and genetic characteristics);
- Taking of a leave of absence pursuant to the Family Medical Leave Act ("FMLA"), Pregnancy Disability Leave ("PDL") law, Americans with Disabilities Act ("ADA"), California Family Rights Act ("CFRA"), the Fair Employment and Housing Act ("FEHA"), or laws related to domestic violence, sexual assault and stalking;
- Genetic information;
- Sexual orientation;
- Military and veteran status; or
- Any other consideration made unlawful by federal, state, or local laws.

**Commented [SC2]:** This policy in general is fully updated to reflect all of the categories between federal and state law of protected classes, including the most recent update to CA law which expanded the definition of race as a protected class.

This policy extends to all job applicants and employees and to all aspects of the employment relationship, including the hiring of new employees and the training, transfer, promotion, discipline, termination, compensation and benefits of existing employees.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, the School will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result.

Any applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact a School representative with day-to-day personnel responsibilities and request such an accommodation. The individual with the disability should specify what accommodation he or she needs to perform the job, or if unknown, what job duties the disability impairs. Innovations Academy will then conduct an investigation to identify the

barriers that interfere with the equal opportunity of the applicant or employee to perform the job. Innovations Academy will identify possible accommodations, if any, that will help eliminate the limitation. If the accommodation is reasonable and will not impose an undue hardship, the School will make the accommodation.

### **Employment At-Will**

Except if stated expressly otherwise by employment contract, it is the policy of the School that all employees are considered “at-will” employees of the School. Accordingly, either the School or the employee can terminate this relationship at any time, for any reason, with or without cause, and with or without advance notice.

Nothing contained in this Handbook, employment applications, School memoranda or other materials provided to employees in connection with their employment shall require the School to have “cause” to terminate an employee or otherwise restrict the School’s right to release an employee from their at-will employment with the School. Statements of specific grounds for termination set forth in this Handbook or elsewhere are not all-inclusive and are not intended to restrict the School’s right to terminate at-will. No School representative, other than the Board of Directors or its designee, is authorized to modify this policy for any employee or to make any representations to employees or applicants concerning the terms or conditions of employment with the School that are not consistent with the School’s policy regarding “at-will” employment.

This policy shall not be modified by any statements contained in this Handbook or employee applications, School memoranda, or any other materials provided to employees in connection with their employment. Further, none of those documents whether singly or combined, or any employment practices, shall create an express or implied contract of employment for a definite period, nor an express or implied contract concerning any terms or conditions of employment.

### **Career Opportunities**

It is the School’s desire to see each and every employee achieve their highest potential through the mission of the School. Innovations Academy will do its best to provide opportunities to employees and offer training, education, and guidance whenever possible. Employees are encouraged to stay in communication with the Director regarding opportunities for professional development.

### **Child Abuse and Neglect Reporting**

California Penal Code section 11166 requires any child care custodian who has knowledge of, or observes, a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse to report the known or suspected instance of child abuse to a child protective agency immediately, or as soon as practically possible, by telephone and to prepare and send a written report thereof within thirty-six (36) hours of receiving the information concerning the incident.

Innovations Academy will provide annual training on the mandated reporting requirements, using the online training module provided by the State Department of Social Services, to employees who are mandated reporters. Mandated reporter training will also be provided to employees hired during the course of the school year. This training will include information that failure to report an incident of known or reasonably suspected child abuse or neglect, as required by Penal Code section 11166, is a misdemeanor punishable by up to six (6) months confinement in a county jail, or by a fine of one-thousand dollars (\$1,000), or by both that imprisonment and fine.

All employees required to receive mandated reporter training must provide proof of completing the training within the first six (6) weeks of each school year or within the first six (6) weeks of that employee's employment.

By acknowledging receipt of this Handbook, employees acknowledge they are child care custodians and are certifying that they have knowledge of California Penal Code section 11166 and will comply with its provisions.

### **Criminal Background Checks**

As required by law, all individuals working or volunteering at the School will be required to submit to a criminal background investigation. No condition or activity will be permitted that may compromise the School's commitment to the safety and the well-being of students taking precedence over all other considerations. Conditions that preclude working at the School include conviction of a controlled substance or sex offense, or a serious or violent felony. Additionally, should an employee, during his/her employment with the School, be charged or convicted of any offense, the employee must immediately report the charge or conviction to the Director.

**Commented [SC3]:** Although the School should be receiving subsequent arrest notifications, the School can also place an affirmative duty on employees to self-report any time they are charged with a crime. That way, if an employee fails to do so, this could be a separate ground for disciplinary action (aside from whether the School has its own evidence against the employee related to the criminal charges).

### **Tuberculosis Testing**

All employees of the School must submit written proof from a physician of a risk assessment examination for tuberculosis (TB) within the last sixty (60) days. If TB risk factors are identified, a physician must conduct an examination to determine whether the employee is free of infectious TB. The examination for TB consists of an approved TB test, which, if positive, will be followed by an x-ray of the lungs, or in the absence of skin testing, an x-ray of the lungs. All employees will be required to undergo TB risk assessments and, if risk factors are found, the examination at least once every four (4) years. Volunteers may be required to undergo a TB examination as necessary. The TB risk assessment and, if indicated, the examination is a condition of initial employment with the School and the cost of the exam will be borne by the applicant.

Food handlers may be required to have annual TB exams. Documentation of employee and volunteer compliance with TB risk assessments and examinations will be kept on file in the office. This requirement also includes contract food handlers, substitute teachers, and student teachers serving under the supervision of an educator. Any entity providing student services to the School will be contractually required to ensure that all contract workers have had TB testing that shows them to be free of active TB prior to conducting work with School students.

## Immigration Compliance

Innovations Academy will comply with applicable immigration law, including the Immigration Reform and Control Act of 1986 and the Immigration Act of 1990. As a condition of employment, every individual must provide satisfactory evidence of his or her identity and legal authority to work in the United States. However, Innovations Academy will not check the employment authorization status of current employees or applicants who were not offered positions with the School unless required to do so by law.

The School shall not discharge an employee or in any manner discriminate, retaliate, or take any adverse action (*e.g.*, threatening to report the suspected citizenship or immigration status of an employee or a member of the employee's family) against any employee or applicant for employment because the employee or applicant exercised a right protected under applicable law. Further, the School shall not discriminate against any individual because he or she holds or presents a driver's license issued per Vehicle Code § 12801.9 to persons who have not established their federally-authorized presence in the United States. Finally, in compliance with the Immigrant Worker Protection Act, the School shall not allow a federal immigration enforcement agent to enter any nonpublic areas of the School without a judicial warrant, or voluntarily give consent to an agent to access, review or obtain employee records without a subpoena or judicial warrant.

## Professional Boundaries: Staff/Student Interaction Policy

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

### Corporal Punishment

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

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

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

- A. Examples of PERMITTED actions (NOT corporal punishment)
  1. Stopping a student from fighting with another student;
  2. Preventing a pupil from committing an act of vandalism;
  3. Defending yourself from physical injury or assault by a student;

**Commented [SC4]:** Please be advised that there is currently a temporary injunction in place via a federal court proceeding which prohibits the enforcement of this language. Nevertheless, we anticipate the law will go into full effect following resolution of this case. If this issue comes up, we would advise the School to immediately contact legal counsel for guidance on compliance.

**Commented [SC5]:** Please remember that this and any other staff/student interactions policies must be posted on the school's website and distributed to parents at the start of each school year and upon enrollment per Education Code sect. 44050.

4. Forcing a pupil to give up a weapon or dangerous object;
5. Requiring an athletic team to participate in strenuous physical training activities designed to strengthen or condition team members or improve their coordination, agility, or physical skills;
6. Engaging in group calisthenics, team drills, or other physical education or voluntary recreational activities.

B. Examples of PROHIBITED actions (corporal punishment)

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

Acceptable and Unacceptable Staff/Student Behavior

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

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

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

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

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

### Duty to Report Suspected Misconduct

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

### Examples of Specific Behaviors

The following examples are not an exhaustive list:

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

- (a) Giving gifts to an individual student that are of a personal and intimate nature.
- (b) Kissing of any kind.
- (c) Any type of unnecessary physical contact with a student in a private situation.
- (d) Intentionally being alone with a student away from the school.
- (e) Making or participating in sexually inappropriate comments.
- (f) Sexual jokes.
- (g) Seeking emotional involvement with a student for your benefit.
- (h) Listening to or telling stories that are sexually oriented.
- (i) Discussing inappropriate personal troubles or intimate issues with a student in an attempt to gain their support and understanding.
- (j) Becoming involved with a student so that a reasonable person may suspect inappropriate behavior.

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

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

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

#### Cautionary Staff/Student Behaviors

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

- (a) Remarks about the physical attributes or development of anyone.
- (b) Excessive attention toward a particular student.

- (c) Sending emails, text messages or letters to students if the content is not about school activities.

#### Acceptable and Recommended Staff/Student Behaviors

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

#### **Policy Prohibiting Unlawful Harassment, Discrimination, and Retaliation**

Innovations Academy is committed to providing a work and educational atmosphere that is free of unlawful harassment, discrimination, and retaliation. Innovations Academy's policy prohibits unlawful harassment, discrimination, and retaliation based upon: race (including traits historically associated with race, such as hair texture and hairstyle, including but not limited to braids, locks, and twists); color; gender (including gender identity, gender expression, and transgender identity, whether or not the employee is transitioning or has transitioned); sex (including pregnancy, childbirth, breastfeeding, and related medical conditions); religious creed (including religious dress and grooming practices); marital/registered domestic partner status; age (forty (40) and over); national origin or ancestry (including native language spoken and possession of a driver's license issued to persons unable to prove their presence in the U.S. is

authorized by federal law); physical or mental disability (including HIV and AIDS); medical condition (including cancer and genetic characteristics); taking a leave of absence authorized by law; genetic information; sexual orientation; military and veteran status; or any other consideration made unlawful by federal, state, or local laws.

Employees, volunteers, unpaid interns, individuals in apprenticeship programs, and independent contractors shall not be harassed, or discriminated or retaliated against, based upon the characteristics noted above.

Innovations Academy does not condone and will not tolerate unlawful harassment, discrimination, or retaliation on the part of any employee (including supervisors and managers) or third party (including independent contractors or other person with which the School does business). Supervisors and managers are to report any complaints of unlawful harassment to the Director or designee.

When Innovations Academy receives allegations of unlawful harassment, discrimination, or retaliation, the Board (if a complaint is about the Director) or the Director or designee will conduct a fair, timely and thorough investigation that provides all parties an appropriate process and reaches reasonable conclusions based on the evidence collected. The investigation will be handled in as confidential a manner as possible, although complete confidentiality cannot be guaranteed. Complainants and witnesses shall not be subject to retaliation for making complaints in good faith or participating in an investigation. Innovations Academy is committed to remediating any instances where investigation findings demonstrate unlawful harassment, discrimination, or retaliation has occurred.

#### Prohibited Unlawful Harassment

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

#### Prohibited Unlawful Sexual Harassment

Innovations Academy is committed to providing a workplace free of sexual harassment and considers such harassment to be a major offense, which may result in disciplinary action, up to, and including dismissal, of the offending employee.

Sexual harassment consists of sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature, regardless of whether or not the conduct is motivated by sexual desire, when: (1) submission to the conduct is either made explicitly or implicitly a term or condition of an individual's employment; (2) an employment decision is based upon an individual's acceptance or rejection of that conduct; and/or (3) that conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.



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

All supervisors of staff will receive two (2) hours of sexual harassment prevention training within six (6) months of hire or their assumption of a supervisory position and every two (2) years thereafter. All other employees will receive one (1) hour of sexual harassment prevention training within (6) months of hire and every two (2) years thereafter. Such training will address all legally required topics, including information about the negative effects that abusive conduct has on both the victim of the conduct and others in the workplace, as well as methods to prevent abusive conduct undertaken with malice a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct includes but is not limited to repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. Supervisors shall also be trained on how to appropriately respond when the supervisor becomes aware that an employee is the target of unlawful harassment. Other staff will receive sexual harassment prevention training as required by law.

**Commented [SC6]:** Please note that a new law effective January 1, 2019 required nearly all California employers to provide sexual harassment prevention training to all employees, not just supervisory employees by January 1, 2020. However, that new law was amended again more recently to extend the January 1 deadline. Specifically, now by January 1, 2021, employers with at least 5 employees must provide one hour of sexual harassment prevention training to nonsupervisory employees and two hours of such training to supervisors.

Each employee has the responsibility to maintain a workplace free from any form of sexual harassment. Consequently, should any individual, in particular those with supervisory responsibilities, become aware of any conduct that may constitute sexual harassment or other prohibited behavior, immediate action should be taken to address such conduct. Any employee who believes they have been sexually harassed or has witnessed sexual harassment is encouraged to immediately report such harassment to the Director. See **Appendix A** for the "Harassment/Discrimination/Retaliation Complaint Form." See **Appendix B** for the general "Internal Complaint Form."

Sexual harassment may include, but is not limited to:

- Physical assaults of a sexual nature, such as:
  - Rape, sexual battery, molestation or attempts to commit these assaults and
  - 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 employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward or disparate treatment for rejecting sexual conduct.

- Subjecting or threats of subjecting an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee’s job more difficult because of the employee’s sex.
- Sexual or discriminatory displays or publications anywhere at the workplace by employees, 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 to work or possessing any such material to read, display or view at work;
  - Reading publicly or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic; and
  - Displaying signs or other materials purporting to segregate an employee by sex in an area of the workplace (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. Moreover, please note that while in most situations a personal relationship is a private matter, these relationships are not appropriate in a professional setting, particularly where one of the parties has management or supervisory responsibilities. As such, consensual relationships in the workplace may violate Innovations Academy policy.

**Whistleblower Policy**

Innovations Academy requires its directors, officers, employees, and volunteers to observe high standards of ethics in the conduct of their duties and responsibilities within the School. As representatives of the School, such individuals must practice honesty and integrity in fulfilling all responsibilities and must comply with all applicable laws and regulations. The purpose of this policy is to create an ethical and open work environment, to ensure that the School has a governance and accountability structure that supports its mission, and to encourage and enable directors, officers, employees, and volunteers of the School to raise serious concerns about the occurrence of illegal or unethical actions within the School before turning to outside parties for resolution.

All directors, officers, employees, and volunteers of the School have a responsibility to report any action or suspected action taken within the School that is illegal, unethical or violates any adopted policy of the School, or local rule or regulation. Anyone reporting a violation must act in good faith, without malice to the School or any individual at the School and have reasonable grounds for believing that the information shared in the report indicates that a violation has occurred. A person who makes a report does not have to prove that a violation has occurred. However, any report which the reporter has made maliciously or any report which the reporter

has good reason to believe is false will be viewed as a serious disciplinary offense. No one who in good faith reports a violation, or who, in good faith, cooperates in the investigation of a violation shall suffer harassment, retaliation, or adverse employment action. Further, no one who in good faith discloses, who may disclose, or who the School believes disclosed or may disclose, information regarding alleged violations to a person with authority over the employee or another employee who had responsibility for investigating, discovering or correcting the purported violation shall suffer harassment, retaliation, or adverse employment action.

### **Drug and Alcohol Free Workplace**

Innovations Academy is committed to providing a drug and alcohol free workplace and to promoting safety in the workplace, employee health and well-being, stakeholder confidence and a work environment that is conducive to attaining high work standards. The use of drugs and alcohol by employees, whether on or off the job, jeopardizes these goals, since it adversely affects health and safety, security, productivity, and public confidence and trust. Drug or alcohol use in the workplace or during the performance of job duties is extremely harmful to employees and to other Innovations Academy stakeholders.

The bringing to the workplace, possession or use of intoxicating beverages or drugs on any School premises or during the performance of work duties is prohibited and will result in disciplinary action up to and including termination.

### **Drug and Alcohol Testing**

Innovations Academy does not tolerate the use of alcohol or nonprescription drugs on company premises or during work hours at any other employment location as required by Innovations Academy. The School may require employees to submit to alcohol or drug testing whenever the School reasonably suspects the employee is under the influence of drugs or alcohol. If an employee is suspected of working while under the influence of illegal drugs and/or alcohol, the School may contact emergency services and the employee may be suspended and required to submit to a drug and/or alcohol test or otherwise sent home.

Suspension shall be without pay until the results of the test are obtained by Innovations Academy. If the results are negative, the employee will be reinstated and compensated for normal hours of work missed as a result of the suspension. Positive test results may result in termination of employment.

Employees who are found to have been under the influence of drugs or alcohol while working may be disciplined or dismissed. The School may consider any alcohol or drug test results in any disciplinary or termination proceedings, or any other factors indicating the employee may be under the influence of intoxicating substance (e.g., the employee's possession of substances, behavior, appearance, smell, etc.). The School may also report any suspicions or findings to any administrative or law enforcement agencies as required by law. All employees and prospective employees are hereby notified that test results may be used in arbitration, administrative hearings and court cases arising as a result of the employee's drug testing. Results will be sent to federal agencies as required by federal law. In all other instances every reasonable effort will be made

~~by Innovations Academy to protect the confidentiality of the information.~~

### **Confidential Information**

All information relating to students, personal information, schools attended, addresses, contact numbers and progress information is confidential in nature, and may not be shared with or distributed to unauthorized parties. All records concerning special education pupils shall be kept strictly confidential and maintained in separate files. Failure to maintain confidentiality may result in disciplinary action, up to and including release from at-will employment.

### **Conflict of Interest**

All employees must avoid situations involving actual or potential conflicts of interest. An employee involved in any relationships or situations which may constitute a conflict of interest should immediately and fully disclose the relevant circumstances to the Director, or the Board of Directors, for a determination about whether a potential or actual conflict exists. If an actual or potential conflict is determined, the School may take whatever corrective action appears appropriate according to the circumstances. Failure to disclose facts shall constitute grounds for disciplinary action.

### **Familial Employment**

Innovations Academy ~~does~~ allows “family members” (e.g., spouse, parent, child, sibling, uncle/aunt, niece/nephew, cousin, or romantic partner) ~~and relatives~~ of employees to be considered for employment, provided they are qualified for the position and no other conflict of interest exists. No employee may be permitted to make hiring, termination, promotion, evaluation, or pay-related decisions regarding a family member. Hiring decisions will be the exclusive responsibility of the Director. Family relationships between employees/applicants must be self-reported by the employees or applicants to the Director. Any employee in violation of this policy may have their position reassigned, or they may be disciplined or dismissed.

### **No Smoking**

The Innovations Academy facility is a no smoking facility.

**Commented [SC7]:** Please note that the requirements for drug and alcohol testing of employees are complex. Typically, before testing for reasonable suspicion can be required, the employer must show that it meets several requirements, including that the supervisor with the reasonable suspicion is trained in recognizing the symptoms of drug and alcohol intoxication, among other things. I recommend the School consult with legal counsel prior to determining that reasonable suspicion of intoxication exists.

# THE WORKPLACE

## Employment Expectations

### Teacher Assistants

Teacher Assistants at Innovations Academy work with a specific teacher and class. Teacher Assistants are expected to be punctual and practice kind and firm interactions with students. Teacher Assistants are expected to ask questions and seek understanding about philosophies and tasks that are not clear.

### Teachers

Teachers are expected to know and follow the employment expectations set in their job description and in the School's policies and this Employee Handbook. All teachers are expected to seek help for any area of the expectations that are unclear or challenging during any point in the year. Expectations will be reviewed by staff during staff development.

### Part-Time Employment

Innovations Academy does offer part-time employment positions. Direct all questions regarding part-time positions to the Director.

**Commented [SC8]:** Please confirm whether this is still accurate.

### Work Schedule

The work schedule for Teacher Assistants is 8:30 a.m. to 3:00 p.m. Monday through Friday. Unless otherwise agreed upon by staff and administration, all staff are expected to be on campus or at their assigned work stations during their regular work hours. Due to budget constraints, hourly employees are not permitted to work overtime or extra hours beyond their regular assignments. are not permitted.

At Innovations Academy our students may participate in overnight School field trips. Teacher Assistants are not required to attend have the OPTION to attend overnight field trips. See below for compensation information.

**Commented [SC9]:** Please note that hourly employees generally cannot be used as volunteers to perform tasks that are otherwise paid work for employees, such as student supervision during a field trip as it may create claims (or suspicions) of unpaid work/overtime, or missed rest and meal breaks.

The work hours for teachers are from 8:15 a.m. to 3:30 p.m. Monday through Friday. Additionally, each teacher must arrange for afternoon and evening will choose one day per week that they will stay late for parent meetings at least one (1) day per week, and as needed to accommodate the schedules needs of working parents. Teachers must also attend a All school functions in person or remote as scheduled and consistent with the work year calendar will be attended as well (such as but not limited to: Exhibition Nights, Student Conferences, fundraisers, Parent Information Sessions etc.) and staff meetings scheduled during the week. Unless otherwise agreed upon by staff and the administration, all staff are expected to be on campus or at their assigned work location during these work hours.

The work schedule for most teacher assistants is Monday through Friday, 8:30 a.m.-3:00 p.m.. All other part-time staff work on a schedule determined by contract.

**Commented [SC10]:** This appears to conflict with the work scheduled for teachers provided above. Please also refer to the section above that states IA does not employ part-time staff.

### **Staff Meetings:**

Staff Meetings, grade level meetings and team meetings generally take place on Mondays from 1:00-3:30 pm. Unless otherwise agreed upon, all staff are expected to be present on-site or remote, as assigned. It is the responsibility of each staff member to know their meeting schedules and to be an active participant in the ongoing development of a creative and supportive work environment.

### **Meal and Rest Periods**

Non-exempt employees working at least five (5) hours are provided with a thirty (30) minute meal period, to be taken approximately in the middle of the workday but by no later than the end of the 5<sup>th</sup> hour of work. An employee may waive this meal period if the day's work will be completed in no more than six (6) hours, provided the employee and Innovations Academy mutually consent to the waiver in writing.

Non-exempt employees are also provided with a ten (10) minute rest period for every four (4) hours worked which should be scheduled towards the middle of the four (4) hour work period as practicable. Employees are prohibited from combining meal and rest period time.

An employee's supervisor must be aware of and approve scheduled meal and rest periods. Employees must immediately inform their supervisor if they are prevented from taking their meal and/or rest periods. Employees are expected to observe assigned working hours and the time allowed for meal and rest periods.

### **Food and Beverage:**

**Commented [CHP11]:** Fix in ToC so consistent.

Without exception, food and beverage is strictly prohibited within immediate proximity of any computers, servers and related hardware. All rules regarding food and drinks for students will also apply for all adults.

### **Lactation Accommodation**

Innovations Academy accommodates lactating employees by providing a reasonable amount of break time to any employee who desires to express breast milk for an infant child. The break time shall, if possible, run concurrently with any break time already provided to the employee. Any break time provided to express breast milk that does not run concurrently with break time already provided to the non-exempt employee shall be unpaid.

Innovations Academy will make reasonable efforts to provide employees who need a lactation accommodation with the use of a room or other private location that is located close to the employee's work area. Such room/location shall not be a bathroom, and shall have electricity. Employees shall also be given access to a sink with running water and a refrigerator. Employees

with private offices will be required to use their offices to express breast milk. Employees who desire lactation accommodations should contact their supervisor to request accommodations.

**Commented [SC12]:** Please note California law now requires that an employer provide a location for lactation accommodation other than a bathroom, the location must be private (shielded from view and free from intrusion), and must have electricity. Although this should not be a problem for any school, employees must also be given access to a sink with running water and a fridge to store their milk. These are fairly significant changes since previously, California required the location to be something other than a toilet stall.

### **Attendance and Tardiness**

All employees, whether exempt or non-exempt, are expected to arrive at work consistently and on time. Absenteeism and tardiness negatively affects the School's ability to implement its educational program and disrupts consistency in students' learning.

If it is necessary to be absent or late, employees are expected to call or text the Director as soon as possible on her cell phone ((619) 379-9275) but no later than by 9:00 pm the night before the start of the workday. If an employee is absent from work longer than one (1) day, he or she is expected to keep the Director sufficiently informed of the situation.

As noted in the section of this Handbook concerning prohibited conduct, excessive or unexcused absences or tardiness may result in disciplinary action up to and including release from at-will employment with the School. Absence for more than three (3) consecutive days without notifying the Director will be considered a voluntary resignation from employment.

### **Time Cards/Records**

By law, Innovations Academy is obligated to keep accurate records of the time worked by non-exempt employees. Such employees shall keep be required to utilize the School's time card system.

Non-exempt employees must accurately clock in and out of their shifts as this is the only way the payroll department knows how many hours each employee has worked and how much each employee is owed. The time card indicates when the employee arrived and when the employee departed. All non-exempt employees must clock in and out for arrival and departure, along with lunch and for absences like doctor or dentist appointments. All employees are required to keep the office advised of their departures from and returns to the school premises during the workday.

Non-exempt employees are solely responsible for ensuring accurate information on their time cards and remembering to record time worked. If an employee forgets to mark their time card or makes an error on the time card, the employee must contact the Director to make the correction and such correction must be initialed by both the employee and the Director.

Non-exempt employees are prohibited from performing off-the-clock work, including but not limited to checking emails before/after work hours, performing work in the morning before logging in, and running School errands after logging out.

No one may record hours worked on another's worksheet. Any employee who violates any aspect of this policy may be subject to disciplinary action, up to and including release from at-will employment with the School.

## Use of Email, Voicemail and Internet Access

Innovations Academy will permit employees to use its email, voicemail systems and Internet access subject to the following:

1. Minimal personal use as long as it does not interfere with timely job performance and is consistent with law and appropriate protocols.
2. The email system and Internet access is not to be used in any way that may be disruptive, offensive to others, or harmful to morale. For example, sexually explicit images, ethnic slurs, racial epithets, or anything else that may be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, religious beliefs or political beliefs may not be displayed or transmitted.
3. Employees should not attempt to gain access to another employee's personal file or email or voicemail messages without the latter's express permission.
4. School staff will not enter an employee's personal email files or voicemail unless there is a business need to do so. Innovations Academy retains a copy of all passwords; passwords unknown to the School may not be used. System security features, including passwords and delete functions, do not neutralize the School's ability to access any message at any time. Employees must be aware that the possibility of such access always exists.
5. Employees should not use personal devices or email accounts for School-related communications. Such communications should only take place using School-issued devices and via the employee's email account, [and may be subject to public review under California Public Records Act request laws](#).
6. Teacher Assistants are not to communicate electronically or via phone with parents or students. "School to home" messages should be sent from the teacher's [School](#) email. If a teacher assistant wishes to communicate about an incident with a parent, they will communicate with the teacher who will initiate and supervise the communication.
7. All exempt teachers are expected to check their email accounts and respond to all parent and Director emails on a daily (24 hour) basis.

**Commented [SC13]:** A fairly recent CA case held that School-related communications taking place via private devices/accounts can nevertheless be considered public under the California Public Records Act. As a result, we include this language to discourage employees from conducting School-related business via private/personal accounts or devices.

### Guidelines for Parent Communications

Innovations Academy faculty and staff using email to correspond with parents are required to adhere to the following guidelines:

- Staff must use a school provided email account for all parent communications.
- All official emails must be retained for a period of two (2) years.



- Email must never be used to discuss contentious, emotional or highly confidential issues. These issues must be dealt with face-to-face or via telephone and followed up with the employee maintaining written notes of the interaction.
- Email messages to parents should be consistent with professional practices for other correspondence. This includes grammar, format and salutation.
- Emails using Innovations Academy I.A. email addresses may not be confidential from the School. ~~Email messages may be requested by the public under the Right to Know Law and may, unless exempt under the law, be open to public inspection.~~
- Emails should be short and directional in nature and only include facts.
- Care should be given when using student names. Refer to students by first name, initials or 'your son/daughter' depending on the content. Do not discuss non-related students.
- All emails sent to groups of parents will be sent as "blind copies" so that parents do not have access to each other's email addresses without permission.
- The School maintains email accounts for staff to facilitate parent/teacher communication and internal staff communication. The Director reserves the right to block or filter email messages to staff that are not directly related to School business or to the School's I.A.'s mission.
- Teacher assistants will not correspond with parents via email, text or phone. All parent communication is the responsibility of the teacher.

Commented [SC14]: This is stated above under #5.

#### Acceptable Use of E-mail for Parent Communication

Email should be used:

- for general information such as: class activities, curriculum, assignments, tests, deadlines and special events.
- To arrange for a meeting/phone call regarding a student issue including a general description of the issue e.g. "I would like to arrange a meeting to discuss your daughter's attendance."
- To follow up on an issue that has previously been discussed on the phone or in person.

#### Unacceptable use of Email for Parent Communication

Email should never contain:

- any discussion related to other students.
- personal information about other students.
- specifics about a sensitive student issue which was not initiated by the parent or had not previously been discussed with the parent. (e.g. "I am concerned that your daughter failed the last test and was not at school again.")
- any discussion related to other staff.
- any sensitive student information that would normally be discussed face to face or by phone (e.g. "I am concerned that your daughter may have a learning disability").

### **Computers and Related Equipment:**

Innovations Academy provides employees access to computers, printers and other equipment on an as-needed basis, to perform their job requirements.

Employees are required to maintain their assigned computers and related equipment in good working order. If any ~~of your~~ equipment needs service, repair or maintenance, employee's must notify the staff director immediately. Employees shall not use School systems to knowingly violate any city, state or federal laws. School equipment shall not be used to store or display images depicting violence, sexually explicit material or racially offensive material. Software installed on School computers must be properly licensed and installed at the direction of the Administration.

School property, such as laser printers, copiers, computers, projectors, cameras, doc cams, iPads, Chromebooks, laptops and all other tools, are to be used for Innovations Academy purposes only. Inappropriate use of School property may result in appropriate disciplinary action, up to and including termination.

### **Internet:**

Innovations Academy ~~may will~~ comply with any lawful subpoena, court order, or other reasonable requests from law enforcement to review School records of internet activities of any employee on a School network or device. While accessing the internet on a School device or accessing a School network, employees should be fully aware that there can be no reasonable expectation of privacy in their use of School devices and programs, and such records may be subject to disclosure of the global reach of the media.

Employees are required to maintain a high level of dignity in their use of work-related technology and be mindful that they represent Innovations Academy to the world at large while online.

### **Office Supplies, Postage ~~and~~ & School Accounts:**

Innovations Academy postage, postage systems, shipping accounts and accounts with various vendors and suppliers are to be used for School purposes only. Improper use of these items may result in appropriate disciplinary action, up to and including termination.

### **Conservation and Recycling:**

Conserving energy and resources is a priority at Innovations Academy. Employees are required to conserve power and water in all reasonable ways. Recycling containers are provided throughout the facility for collection. Containers are marked for various materials. Employees must be mindful ~~Please be certain~~ to separate all recyclables and put them into the appropriate containers. Staff should also ~~Please~~ keep ~~your~~ classroom doors closed when the air conditioning is on.

### **Personal Business**

Innovations Academy's facilities for handling mail and telephone calls are designed to accommodate School business. Employees should have personal mail directed to their home address and limit personal telephone calls to an absolute minimum. Personal calls should not be made outside the immediate dialing area. Do not use School material, time or equipment for personal projects.

### **Personal Property**

Innovations Academy is not responsible for personal property of employees in facilities, vehicles or parking areas.

### **Social Media**

If an employee decides to post information on the Internet (i.e., personal blog, Facebook, Instagram, Twitter, etc.) that discusses any aspect of his/her workplace activities, the following restrictions apply:

- School equipment, including School computers and electronics systems, may not be used for these purposes;
- Student and employee confidentiality policies must be strictly followed;
- Employees must make clear that the views expressed in their blogs are their own and not those of the School;
- Employees may not use the School's logos, trademarks and/or copyrighted material and are not authorized to speak on the School's behalf;
- Employees are not authorized to publish any confidential or proprietary information maintained by the School;
- Employees are prohibited from making discriminatory, defamatory, libelous or slanderous comments when discussing the School, the employee's supervisors, co-workers and competitors;
- Employees must comply with all School policies, including, but not limited to, rules against unlawful harassment and retaliation.

The School reserves the right to take disciplinary action against any employee whose social media postings violate this or other School policies.

### **Personal Appearance/Standards of Dress**

Innovations Academy employees serve as role models to the School's students. All employees should therefore maintain professional standards of dress and grooming. Just as overall attitude and instructional competency contribute to a productive learning environment, so do appropriate dress and grooming.

Employees are encouraged to wear clothing that will add dignity to the educational profession, will present an image consistent with their job responsibilities, and will not interfere with the learning process. Accordingly, all employees shall adhere to the following standards of dress:

- 1) Clothing and jewelry must be safe and appropriate to the educational environment. All clothing must be clean and in good repair. Slits or tears in pants or other articles of clothing are not permitted except for modest slits in women's dresses or skirts that are no higher than three (3) inches above the knee.
- 2) Head coverings, including hats of any kind, except those worn for religious or safety reasons, are not to be worn inside school buildings including assemblies, classrooms, labs and offices. Hats may be worn outside for sun protection. All hats are to be removed upon entering school buildings. For exceptions to this policy, prior approval must be granted by the Director.
- 3) Slacks and shorts are to be worn on the waist with no portion of an undergarment showing. Jeans are not permitted. Shorts should be modest in length and should be no higher than three (3) inches above the knee.
- 4) Skirts and dresses should be no higher than three (3) inches above the knee.
- 5) All tops must be appropriate to the work environment, and should be clean, neat, and provide proper coverage.
- 6) For safety purposes, earrings must not dangle more than one (1) inch below the ear.
- 7) Clothing or jewelry with logos that depict and/or promote gangs, drugs, alcohol, tobacco, sex, violence, illegal activities, profanity, or obscenity are not permitted.
- 8) Appropriate shoes must be worn at all times.

#### Overnight Field Trips:

~~Innovations Academy participates in overnight field trips. Teacher Assistant attendance is optional for overnight stays. If you elect to participate in overnight field trips, you will be paid 10 hours per day, 8 hours at regular pay and 2 hours of overtime pay. You are off duty after the 10 hours.~~

Commented [SC15]: Please see my comment above.

#### **Classroom Conditions:**

It is the responsibility of each teacher, teacher assistant, and student to maintain the cleanliness and order in room AND the surrounding area outside the classroom door and around the picnic table including all items left behind by students, the class microwave, old lunch materials etc. Teachers are encouraged to create a class structure in which students will actively participate in the upkeep of their classrooms. It is important that teacher assistants reinforce and hold themselves and the students accountable for the structure instituted by the teacher.

## **Parking:**

Innovations Academy employees are required to park in the employee parking area. All other parking is reserved for families and visitors.

## **Health and Safety Policy**

Innovations Academy is committed to providing and maintaining a healthy and safe work environment for all employees.

Employees are required to know and comply with the School's General Safety Rules and to follow safe and healthy work practices at all times. Employees are required to report immediately to the Director any potential health or safety hazards, and all injuries or accidents.

In compliance with Proposition 65, the School will inform employees of any known exposure to a chemical known to cause cancer or reproductive toxicity.

## **Personal Safety:**

At Innovations Academy, the safety of our employees is a top priority. The School will make every effort possible to ensure the safest working environment possible. Employees who ~~If you~~ have suggestions or concerns should discuss them with the Director. Any employee who observes or experiences a dangerous work condition must ~~If you feel you are in danger performing your job duties,~~ stop working and report the hazard immediately.

## **Security Protocols**

Innovations Academy has developed guidelines to help maintain a secure workplace. Be aware of unknown persons loitering in parking areas, walkways, entrances and exits and service areas. Report any suspicious persons or activities to the Director. Employee desk or office should be secured at the end of the day. When an employee is called away from his or her work area for an extended length of time, valuable or personal articles should not be left around a work station that may be accessible. The security of facilities as well as the welfare of employees depends upon the alertness and sensitivity of every individual to potential security risks. Employees should immediately notify the Director when keys are missing or if security access codes or passes have been breached.

## **Occupational Safety**

Innovations Academy is committed to the safety of its employees, vendors, contractors and the public and to providing a clear safety goal for management.

The prevention of accidents is the responsibility of every School supervisor. It is also the duty of all employees to accept and promote the established safety regulations and procedures. Every effort will be made to provide adequate safety training. If an employee is ever in doubt how to

perform a job or task safely, assistance should be requested. Unsafe conditions must be reported immediately.

It is the policy of the School that accident prevention shall be considered of primary importance in all phases of operation and administration. Innovations Academy's management is required to provide safe and healthy working conditions for all employees and to establish and require the use of safe practices at all times.

Failure to comply with or enforce School safety and health rules, practices and procedures could result in disciplinary action up to and including possible termination.

### **Accident/Incident Reporting**

It is the duty of every employee to immediately or as soon as is practical report any accident or injury occurring during work or on School premises so that arrangements can be made for medical or first aid treatment, as well as for investigation and follow-up purposes.

### **Reporting Fires and Emergencies**

It is the duty of every employee to know how to report fires and other emergencies quickly and accurately. Employees should report any such emergency by calling management. In addition, all employees should know the local emergency numbers such as 911.

## EMPLOYEE WAGES AND HEALTH BENEFITS

### Compensation:

Innovations Academy employs both hourly and salaried employees. ~~The~~An employee's rate of pay or salary ~~Hourly rates are~~is stated in the employee's employment agreement signed upon hiring.

#### ~~Wage and Salary Disclosure:~~

~~Compensation programs are confidential between the employee and Innovations Academy. Disclosure of wages or compensation to any third party or other employee is prohibited and could be grounds for termination.~~

### Payroll Withholdings

As required by law, the School shall withhold Federal Income Tax, State Income Tax, Social Security (FICA) and State Disability Insurance from each employee's pay as follows:

1. Federal Income Tax Withholding: The amount varies with the number of exemptions the employee claims and the gross pay amount.
2. State Income Tax Withholding: The same factors which apply to federal withholdings apply to state withholdings.
3. Social Security (FICA): The Federal Insurance Contribution Act requires that a certain percentage of employee earnings be deducted and forwarded to the federal government, together with an equal amount contributed by the School.
4. State Disability Insurance (SDI): This state fund is used to provide benefits to those out of work because of illness or disability.

Every deduction from an employee's paycheck is explained on the check voucher. If an employee does not understand the deductions, he or she should ask the Director to explain them.

Employees may change the number of withholding allowances claimed for Federal Income Tax purposes at any time by filling out a new W-4 form and submitting it to the Director. The office maintains a supply of these forms.

All Federal, State, and Social Security taxes will be automatically deducted from paychecks. Federal Withholding Tax deduction is determined by the employee's W-4 form. The W-4 form should be completed upon hire and it is the employee's responsibility to report any changes in filing status to the Director and to fill out a new W-4 form.

At the end of the calendar year, a "withholding statement" (W-2) will be prepared and forwarded to each employee for use in connection with preparation of income tax returns. The W-2 shows Social Security information, taxes withheld and total wages.

**Commented [SC16]:** Please note that employees have a protected legal right to discuss their wages and job terms. Such a prohibition as stated here would be unlawful.

## Overtime Pay

Whether an employee is exempt from or subject to overtime pay will be determined on a case-by-case basis and will be indicated in the employee's job description. Generally, teachers and administrators are exempt. Non-exempt employees may be required to work beyond the regularly scheduled workday or workweek as necessary. Only actual hours worked in a given workday or workweek can apply in calculating overtime for non-exempt employees. Innovations Academy will attempt to distribute overtime evenly and accommodate individual schedules. All overtime work must be previously authorized by the Director. Innovations Academy provides compensation for all overtime hours worked by non-exempt employees in accordance with state and federal law as follows:

For employees subject to overtime, all hours worked in excess of eight (8) hours in one workday or forty (40) hours in one workweek shall be treated as overtime. Compensation for hours in excess of forty (40) for the workweek or in excess of eight (8) and not more than twelve (12) for the workday, and for the first eight (8) hours on the seventh consecutive day in one workweek, shall be paid at a rate of one and one-half times the employee's regular rate of pay. Compensation for hours in excess of twelve (12) in one workday and an excess of eight (8) on the seventh consecutive workday of the workweek shall be paid at double the regular rate of pay.

Exempt employees may have to work hours beyond their normal schedules as work demands require. No overtime compensation will be paid to these exempt employees.

## Paydays

Employees are paid bi-monthly. Paydays are the 10<sup>th</sup> and the 25<sup>th</sup> of the month. In the event the payday falls on a weekend, paychecks will be distributed the Friday prior. Employees are encouraged to enroll in automatic [direct](#) deposit. Paychecks shall be distributed or deposited according to this section.

## Reimbursement of Expenses:

[Employees may be reimbursed for actual and necessary work expenses that are pre-approved by the Director, Assistant Director or Office Manager](#)~~INSERT, e.g., Donna's title~~. [To be eligible for a reimbursement, the employee must submit a reimbursement request form, the receipt or documentation of the expense \(where applicable\), and submit the request within one \(1\) week of incurring the expense. Expenses to be reimbursed by Innovations Academy must be approved in writing prior to expenditure. To receive reimbursement, you must furnish two items: receipts for all expenses \(other than per diem or mileage\) and a properly completed expense form \(available from Donna\).](#)

~~We appreciate your approved expenditures on behalf of~~ Innovations Academy ~~and~~ will make every effort to [process the reimbursement you](#) in a ~~most~~ timely fashion.

[If appropriate, employees may seek](#) ~~If you require~~ an advance [on for](#) expenses [from the](#)



[Director \[TITLE\] or Office Manager, see Donna.](#)

### **Wage Attachments and Garnishments**

Under normal circumstances, the School will not assist creditors in the collection of personal debts from its employees. However, creditors may resort to certain legal procedures such as garnishments, levies or judgments that require the School, by law, to withhold part of an employee's earnings in their favor.

Employees are strongly encouraged to avoid such wage attachments and garnishments. If the School is presented a second garnishment request concerning an employee, the Director will discuss the situation with the employee.

### **Life Insurance Policies:**

Innovations Academy does not offer life insurance policies to employees at this time.

### **401(k) Plan:**

Innovations Academy does not offer a 401(k) plan at this time. [The School does](#) offer participation in an employee-~~funded~~ ~~initiated~~ 403(b) [retirement account, as described below.](#)

### **403(b) Tax Sheltered Annuity**

Innovations Academy encourages employees to plan for retirement. [The School has established a 403\(b\) savings plan for eligible employees which may](#) ~~programs~~ offer ~~the employees~~ advantages for retirement as well as tax savings. [Employees should c](#)~~o~~n~~ta~~ct the Director for details and information regarding [enrollment in the plan and](#) ~~retirement~~ payroll deductions.

### **IRA's—Individual Retirement Accounts:**

~~Innovations Academy encourages employees to plan for retirement. The School also offers an Individual Retirement Account ("IRA") savings~~ [plan for eligible employees which may](#) ~~programs~~ offer ~~the employees~~ advantages for retirement as well as tax savings at the time of purchase. [Employees should c](#)~~o~~n~~ta~~ct the Director for details and information regarding [enrollment in the plan and](#) automatic payroll deductions.

### **Medical Benefits**

#### Eligibility

An employee is eligible for medical coverage if he or she is a regular employee working for the School at least thirty (30) hours per week.

Employees who go from part-time to full-time employment become eligible for full benefits on the first day of the month following the effective date of the change.

### When Coverage Starts

Employee coverage will begin on the first day of employment or if hired mid-month it will start on the first day of the next month. An enrollment form must be submitted to the Director as soon as possible. This form serves as a request for coverage, and authorizes any payroll deductions necessary to pay for coverage.

### **COBRA Benefits**

When coverage under the School's medical and/or dental plans ends, employees or their dependents can continue coverage for eighteen (18) or thirty-six (36) months, depending upon the reason benefits ended. To continue coverage, an employee must pay the full cost of coverage – the employee contribution and the School's previous contribution plus a possible administrative charge.

Medical coverage for an employee, his/her spouse, and eligible dependent children can continue for up to eighteen (18) months if coverage ends because:

- Employment ends, voluntarily or involuntarily, for any reason other than gross misconduct; or
- Hours of employment are reduced below the amount required to be considered a full-time employee or part-time, making an employee ineligible for the plan.

This eighteen (18) month period may be extended an additional eleven (11) months in cases of disability subject to certain requirements. This eighteen (18) month period may also be extended an additional eighteen (18) months if other events (such as a divorce or death) occur subject to certain requirements.

An employee's spouse and eligible dependents can continue their health coverage for up to thirty-six (36) months if coverage ends because:

- The employee dies while covered by the plan;
- The employee and his/her spouse become divorced or legally separated;
- The employee becomes eligible for Medicare coverage, but his/her spouse has not yet reached age sixty-five (65); or
- The employee's dependent child reaches an age which makes him or her ineligible for coverage under the plan.

Rights similar to those described above may apply to retirees, spouses and dependents if the employer commences a bankruptcy proceeding and those individuals lose coverage.

Innovations Academy will notify employees or their dependents if coverage ends due to termination or a reduction in work hours. If an employee becomes eligible for Medicare, divorced or legally separated, dies, or when a dependent child no longer meets the eligibility requirements, the employee or a family member are responsible for notifying the School within thirty (30) days of the event. Innovations Academy will then notify the employee or his/her dependents of the employee's rights.

Health coverage continuation must be elected within sixty (60) days after receiving notice of the end of coverage, or within sixty (60) days after the event causing the loss, whichever is later.

There are certain circumstances under which coverage will end automatically. This happens if:

- Premiums for continued coverage are not paid within thirty (30) days of the due date;
- The employee (or his/her spouse or child) become covered under another group health plan which does not contain any exclusion or limitation with respect to any pre-existing condition the employee (or the employee's spouse or child, as applicable) may have;
- Innovations Academy stops providing group health benefits;
- The employee (or the employee's spouse or child) become entitled to Medicare; or
- The employee extended coverage for up to twenty-nine (29) months due to disability and there has been a final determination that the employee is no longer disabled.

## **PERSONNEL EVALUATION AND RECORD KEEPING**

### **Employee Reviews and Evaluations**

Each employee will receive periodic performance reviews conducted by the Director. Performance evaluations will be conducted annually. The frequency of performance evaluations may vary depending upon length of service, job position, past performance, changes in job duties, or recurring performance problems.

Performance evaluations may review factors such as the quality and quantity of the work performed, knowledge of the job, initiative, work attitude, and attitude toward others. The performance evaluations are intended to make employees aware of their progress, areas for improvement, and objectives or goals for future work performance. Favorable performance evaluations do not guarantee increases in salary or promotions. Salary increases and promotions are solely within the discretion of the School and depend upon many factors in addition to performance. After the review, an employee will be required to sign the evaluation report simply to acknowledge that it has been presented to them, that they have discussed it with the Director, and that they are aware of its contents.

Newly hired employees may have their performance goals reviewed by the Director within the first ninety (90) days of employment.

Salary and potential for advancement will be based largely upon job performance. On a periodic basis, the Director will review employee job performance with an employee in order to establish goals for future performance and to discuss current performance. Innovations Academy's evaluation system will in no way alter the at-will employment relationship.

### **Personnel Files and Record Keeping Protocols**

At the time of employment, a personnel file is established for each employee. It is each employee's responsibility to keep the Director advised of changes that should be reflected in their personnel file. Such changes include: change in address, telephone number, marital status, number of dependents and person(s) to notify in case of emergency. Prompt notification of these changes is essential and will enable the School to contact an employee should the change affect their other records.

Employees have the right to inspect documents in their personnel file, as provided by law, in the presence of a School representative, at a mutually convenient time. Employees also have the right to obtain a copy of their personnel file as provided by law. Employees may add comments to any disputed item in the file. Innovations Academy will restrict disclosure of personnel files to authorized individuals within the School. A request for information contained in the personnel file must be directed to the Director. Only the Director or designee is authorized to release information about current or former employees. Disclosure of information to outside sources will be limited. However, the School will cooperate with requests from authorized law enforcement or local, state or federal agencies conducting official investigations or as otherwise legally required.

Credible complaints of substantiated investigations into or discipline for egregious misconduct will not be expunged from an employee's personnel file unless the complaint is heard by an arbitrator, administrative law judge, or the Board and the complaint is deemed to be false, not credible, unsubstantiated or a determination was made that discipline was not warranted.

## **HOLIDAYS, VACATIONS AND LEAVES**

### **Holidays**

Innovations Academy calendar reflects any and all holidays observed by the School. The following holidays are generally observed by public entities, including public schools:

- New Year's Day
- Martin Luther King Jr. Birthday
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving
- Friday after Thanksgiving
- Day before Christmas
- Christmas Day

Other days during the school year, such as days during the School's calendared breaks, shall not be paid time for non-exempt employees in active status. Recognized religious holidays may be taken off by an employee whose religion requires observance of the particular day. Employees must request the day off in advance by written notice to the Director. The employee will be paid if the religious holiday is taken as an earned paid leave day (i.e. vacation, personal necessity day, etc., as applicable). The employee will not be paid if the religious holiday is taken as a personal leave of absence day. Employees on any leave of absence do not earn holiday pay.

### **Vacation**

Innovations Academy does not offer vacation leave or Paid Time Off. Instead, employees must utilize other calendared breaks and time off provided during the work year for rest and rejuvenation, and paid sick leave for absences related to injury or illness, or other qualifying reasons.

### **Unpaid Leave of Absence**

Innovations Academy recognizes that special situations may arise where an employee must leave his or her job temporarily. At its discretion, the School may grant employees leaves of absence. Any unpaid leave of absence must be approved in advance by the School.

Many factors are considered when determining an employees eligibility for an unpaid leave of absence, including job performance, years of service, and the ability of the School to provide an unpaid leave. When granted, the maximum allowable length of an unpaid leave of absence is thirty (30) days per calendar year.

The granting of a leave of absence always presumes the employee will return to active work by a designated date or within a specific period.

During a Family and Medical Leave Act, California Family Rights Act leave, and/or Pregnancy Disability Leave, the employee's medical and dental benefits will remain in force, provided the employee pays the appropriate premiums. Otherwise, benefits are terminated the month any other type of leave begins. If an employee fails to return from a leave and is subsequently terminated, the employee is entitled to all earned but unused vacation pay, provided that the vacation pay was earned prior to the commencement of leave. No vacation time is accrued during any type of unpaid leave of absence.

### **Sick Leave**

To help prevent loss of earnings that may be caused by accident or illness, or by other emergencies, the School offers paid sick leave to its employees. Sick leave may be taken to receive preventive care (including annual physicals or flu shots) or to diagnose, treat, or care for an existing health condition. Employees may also use sick leave to assist a family member (i.e., children, parents, spouses/domestic partners, grandparents, grandchildren, or siblings) who must receive preventative care or a diagnosis, treatment, or care for an existing health condition. Employees may also take paid sick leave to receive medical care or other assistance to address instances of domestic violence, sexual assault, or stalking. Employees may also use paid sick leave for any public health emergency that results in the closure of the employee's worksite, childcare provider, or child's school.

Paid sick leave is available to all School employees who work at least two (2) hours in one or more calendar weeks from the commencement of employment. All eligible employees shall accrue one (1) hour of paid sick leave for every thirty (30) hours worked.

Employees cannot use paid sick leave until the ninetieth (90th) calendar day following the employee's start date. Sick leave must be taken by eligible employees in increments of two (2) hours. Accrued sick leave carries over from year to year for a maximum accrual of eighty (80) hours of paid sick leave.

The School does not pay employees in lieu of unused sick leave and unused sick leave is not paid out at the end of employment. Employees who are rehired by the School within one (1) year of separation will have their accrued, unused leave reinstated. No additional paid sick leave accrues while the employee is at the maximum accrual cap.

**Commented [SC17]:** While the School policy states paid sick leave will be reinstated if the employee is rehired within 6 months, California law requires a 1 year reinstatement period.

If an employee is absent longer than three (3) days due to illness, medical evidence of their illness and/or medical certification of their fitness to return to work satisfactory to the School may be required. The School will not tolerate abuse or misuse of the sick leave privilege. If the School suspects abuse of sick leave, the School may require a medical certification from an employee verifying the employee's absence.

Once an employee has exhausted sick leave, the employee may continue on an unpaid medical leave depending upon the facts and circumstances of the employee's basis for leave beyond

accrued sick leave. Employee requests for unpaid medical leave must be approved in advance by the School.

### Short-Term Disability Leave

Innovations Academy offers short-term disability leave benefits to eligible employees for extended illness or injury when the employee is deemed unable to perform their job duties for more than five (5) consecutive scheduled workdays and when the employee has exhausted all accrued, unused paid sick leave. Short-term disability leave benefits are earned at a rate of one (1) day of paid leave for every two (2) completed calendar months worked. Eligible employees can earn up to six (6) days of short-term disability leave per full year worked. Unused short-term disability leave may not be carried to the next year. At the end of employment with Innovations Academy, employees will not be paid for unused short-term disability leave days.

Employees must notify the Director in advance when you planning to use short-term disability leave for scheduled medical procedures or pregnancy related disability. Innovations Academy reserves the right to verify any employees eligibility for the leave via medical or other certification, inability to perform job duties through consultation of medical experts selected by Innovations Academy

### Family Care and Medical Leave

This policy explains how the School complies with the federal Family and Medical Leave Act (“FMLA”) and the California Family Rights Act (“CFRA”), both of which require the School to permit each eligible employee to take up to twelve (12) workweeks (or twenty-six (26) workweeks where indicated) of FMLA leave in any twelve (12) month period for the purposes enumerated below. For purposes of this policy, all leave taken under FMLA or CFRA will be referred to as “FMLA leave.”

- Employee Eligibility Criteria

To be eligible for FMLA leave, the employee must have been employed by the School for a total of at least twelve (12) months, worked at least 1,250 hours during the twelve (12) month period immediately preceding commencement of the FMLA leave, and work at a location where the School has at least fifty (50) employees within seventy-five (75) miles, (except for purposes of baby-bonding where the threshold is twenty (20) employees).

- Events That May Entitle an Employee To FMLA Leave

The twelve (12) week (or twenty-six (26) workweeks where indicated) FMLA allowance includes any time taken (with or without pay) for any of the following reasons:

1. To care for the employee’s newborn child or a child placed with the employee for adoption or foster care. Leaves for this purpose must conclude twelve (12) months after the birth, adoption, or placement. If both parents are employed by

**Commented [SC18]:** CA law was revised fairly recently to make it easier for employees to be eligible for baby-bonding leave. Previously, they must have worked at a site where the School employed at least 50 employees. Now, the threshold is 20 employees. This may not change eligibility at the School if the School already employed at least 50 employees at its campus but the policy must be updated to reflect current law.



the School, they will be entitled to a combined total of twelve (12) weeks of leave for this purpose.

2. Because of the employee's own serious health condition (including a serious health condition resulting from an on-the-job illness or injury) that makes the employee unable to perform any one or more of the essential functions of his or her job (other than a disability caused by pregnancy, childbirth, or related medical conditions, which is covered by the School's separate pregnancy disability policy).
  - a. A "serious health condition" is an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or a child, parent, or spouse of the employee that involves either inpatient care or continuing treatment, including, but not limited to, treatment for substance abuse.
  - b. "Inpatient care" means a stay in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity. A person is considered an "inpatient" when a health care facility formally admits him/her to the facility with the expectation that he/she will remain at least overnight and occupy a bed, even if it later develops that such person can be discharged or transferred to another facility and does not actually remain overnight.
  - c. "Incapacity" means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.
  - d. "Continuing treatment" means ongoing medical treatment or supervision by a health care provider.
3. To care for a spouse, domestic partner, child, or parent with a serious health condition or military service-related injury. When an employee is providing care to a spouse, son, daughter, parent, or next of kin who is a covered Armed Forces servicemember with a serious injury or illness, the employee may take a maximum of twenty-six (26) weeks of FMLA leave in a single twelve (12) month period to provide said care.
4. For any "qualifying exigency" because the employee is the spouse, son, daughter, or parent of an individual on active military duty, or an individual notified of an impending call or order to active duty, in the Armed Forces.

- Amount of FMLA Leave Which May Be Taken

1. FMLA leave can be taken in one (1) or more periods, but may not exceed twelve (12) workweeks total for any purpose in any twelve (12) month period, as

described below, for any one, or combination of the above-described situations. “Twelve workweeks” means the equivalent of twelve (12) of the employee’s normally scheduled workweeks. For a full-time employee who works five (5) eight-hour days per week, “twelve workweeks” means sixty (60) working and/or paid eight (8) hour days.

2. In addition to the twelve (12) workweeks of FMLA leave that may be taken, an employee who is the spouse, son, daughter, parent, or next of kin of a covered Armed Forces servicemember shall also be entitled to a total of twenty-six (26) workweeks of FMLA leave during a twelve (12) month period to care for the servicemember.
3. The “twelve month period” in which twelve (12) weeks of FMLA leave may be taken is the twelve (12) month period immediately preceding the commencement of any FMLA leave.
4. If a holiday falls within a week taken as FMLA leave, the week is nevertheless counted as a week of FMLA leave. If, however, the School’s business activity has temporarily ceased for some reason and employees are generally not expected to report for work for one or more weeks, such as the Winter Break, Spring Break, or Summer Vacation, the days the School’s activities have ceased do not count against the employee’s FMLA leave entitlement. Similarly, if an employee uses FMLA leave in increments of less than one (1) week, the fact that a holiday may occur within a week in which an employee partially takes leave does not count against the employee’s leave entitlement unless the employee was otherwise scheduled and expected to work during the holiday.

- Pay during FMLA Leave

1. An employee on FMLA leave because of his/her own serious health condition must use all accrued paid sick leave at the beginning of any otherwise unpaid FMLA leave period. If an employee is receiving a partial wage replacement benefit during the FMLA leave, the School and the employee may agree to have School-provided paid leave, such as vacation or sick time, supplement the partial wage replacement benefit unless otherwise prohibited by law.
2. An employee on FMLA leave for child care or to care for a spouse, domestic partner, parent, or child with a serious health condition may use any or all accrued sick leave at the beginning of any otherwise unpaid FMLA leave.
3. If an employee has exhausted his/her sick leave, leave taken under FMLA shall be unpaid leave.
4. The receipt of sick leave pay or State Disability Insurance benefits will not extend the length of the FMLA leave. Sick pay accrues during any period of unpaid FMLA leave only until the end of the month in which unpaid leave began.

- **Health Benefits**

The provisions of the School's various employee benefit plans govern continuing eligibility during FMLA leave, and these provisions may change from time to time. The health benefits of employees on FMLA leave will be paid by the School during the leave at the same level and under the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period. When a request for FMLA leave is granted, the School will give the employee written confirmation of the arrangements made for the payment of insurance premiums during the leave period.

If an employee is required to pay premiums for any part of his/her group health coverage, the School will provide the employee with advance written notice of the terms and conditions under which premium payments must be made.

Innovations Academy may recover the health benefit costs paid on behalf of an employee during his/her FMLA leave if:

1. The employee fails to return from leave after the period of leave to which the employee is entitled has expired. An employee is deemed to have "failed to return from leave" if he/she works less than thirty (30) days after returning from FMLA leave; and
2. The employee's failure to return from leave is for a reason other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to FMLA leave, or other circumstances beyond the control of the employee.

- **Seniority**

An employee on FMLA leave remains an employee and the leave will not constitute a break in service. An employee who returns from FMLA leave will return with the same seniority he/she had when the leave commenced.

- **Medical Certifications**

1. An employee requesting FMLA leave because of his/her own or a relative's serious health condition must provide medical certification from the appropriate health care provider on a form supplied by the School. Absent extenuating circumstances, failure to provide the required certification in a timely manner (within fifteen (15) days of the School's request for certification) may result in denial of the leave request until such certification is provided.
2. The School will notify the employee in writing if the certification is incomplete or insufficient, and will advise the employee what additional information is necessary in order to make the certification complete and sufficient. The School

may contact the employee's health care provider to authenticate a certification as needed.

3. If the School has reason to doubt the medical certification supporting a leave because of the employee's own serious health condition, the School may request a second opinion by a health care provider of its choice (paid for by the School). If the second opinion differs from the first one, the School will pay for a third, mutually agreeable, health care provider to provide a final and binding opinion.
4. Recertifications are required if leave is sought after expiration of the time estimated by the health care provider. Failure to submit required recertifications can result in termination of the leave.

- Procedures for Requesting and Scheduling FMLA Leave

1. An employee should request FMLA leave by completing a Request for Leave form and submitting it to the Director. An employee asking for a Request for Leave form will be given a copy of the School's then-current FMLA leave policy.
2. Employees should provide not less than thirty (30) days' notice for foreseeable childbirth, placement, or any planned medical treatment for the employee or his/her spouse, domestic partner, child, or parent. Failure to provide such notice is grounds for denial of a leave request, except if the need for FMLA leave was an emergency or was otherwise unforeseeable.
3. Where possible, employees must make a reasonable effort to schedule foreseeable planned medical treatments so as not to unduly disrupt the School's operations.
4. If FMLA leave is taken because of the employee's own serious health condition or the serious health condition of the employee's spouse, domestic partner, parent or child, the leave may be taken intermittently or on a reduced leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition.
5. If FMLA leave is taken because of the birth of the employee's child or the placement of a child with the employee for adoption or foster care, the minimum duration of leave is two (2) weeks, except that the School will grant a request for FMLA leave for this purpose of at least one day but less than two (2) weeks' duration on any two (2) occasions.
6. If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment for the employee or a family member, the employee may be transferred temporarily to an available alternative position for which he or she is qualified that has equivalent pay and benefits and that better accommodates recurring periods of leave than the employee's regular position.

7. The School will respond to an FMLA leave request no later than five (5) business days of receiving the request. If an FMLA leave request is granted, the School will notify the employee in writing that the leave will be counted against the employee's FMLA leave entitlement. This notice will explain the employee's obligations and the consequences of failing to satisfy them.

- Return to Work

1. Upon timely return at the expiration of the FMLA leave period, an employee (other than a "key" employee whose reinstatement would cause serious and grievous injury to the School's operations) is entitled to the same or a comparable position with the same or similar duties and virtually identical pay, benefits, and other terms and conditions of employment unless the same position and any comparable position(s) have ceased to exist because of legitimate business reasons unrelated to the employee's FMLA leave.
2. When a request for FMLA leave is granted to an employee (other than a "key" employee), the School will give the employee a written guarantee of reinstatement at the termination of the leave (with the limitations explained above).
3. Before an employee will be permitted to return from FMLA leave taken because of his/her own serious health condition, the employee must obtain a certification from his/her health care provider that he/she is able to resume work.
4. If an employee can return to work with limitations, the School will evaluate those limitations and, if possible, will accommodate the employee as required by law. If accommodation cannot be made, the employee will be medically separated from the School.

- Limitations on Reinstatement

1. Innovations Academy may refuse to reinstate a "key" employee if the refusal is necessary to prevent substantial and grievous injury to the School's operations. A "key" employee is an exempt salaried employee who is among the highest paid 10% of the School's employees within seventy-five (75) miles of the employee's worksite.
2. A "key" employee will be advised in writing at the time of a request for, or if earlier, at the time of commencement of, FMLA leave, that he/she qualifies as a "key" employee and the potential consequences with respect to reinstatement and maintenance of health benefits if the School determines that substantial and grievous injury to the School's operations will result if the employee is reinstated from FMLA leave. At the time it determines that refusal is necessary, the School will notify the "key" employee in writing (by certified mail) of its intent to refuse reinstatement and will explain the basis for finding that the employee's

reinstatement would cause the School to suffer substantial and grievous injury. If the School realizes after the leave has commenced that refusal of reinstatement is necessary, it will give the employee at least ten (10) days to return to work following the notice of its intent to refuse reinstatement.

- **Employment during Leave**

No employee, including employees on FMLA leave, may accept employment with any other employer without the School's written permission. An employee who accepts such employment without the School's written permission will be deemed to have resigned from employment at the School.

### **Pregnancy Disability Leave**

This policy explains how the School complies with the California Pregnancy Disability Act, which requires the School to give each female employee an unpaid leave of absence of up to four (4) months per pregnancy, as needed, for the period(s) of time a woman is actually disabled by pregnancy, childbirth, or related medical conditions.

- **Employee Eligibility Criteria**

To be eligible for pregnancy disability leave, the employee must be disabled by pregnancy, childbirth, or a related medical condition and must provide appropriate medical certification concerning the disability.

- **Events That May Entitle an Employee to Pregnancy Disability Leave**

The four (4) -month pregnancy disability leave allowance includes any time taken (with or without pay) for any of the following reasons:

1. The employee is unable to work at all or is unable to perform any one or more of the essential functions of her job without undue risk to herself, the successful completion of her pregnancy, or to other persons because of pregnancy or childbirth, or because of any medically recognized physical or mental condition that is related to pregnancy or childbirth (including severe morning sickness); or
2. The employee needs to take time off for prenatal care.

- **Duration of Pregnancy Disability Leave**

Pregnancy disability leave may be taken in one or more periods, but not to exceed four months total. "Four months" means the number of days the employee would normally work within four months. For a full-time employee who works five (5) eight (8) hour days per week, four (4) months means 693 hours of leave (40 hours per week times 17 1/3 weeks).

For employees who work more or less than forty (40) hours per week, or who work on variable work schedules, the number of working days that constitutes four (4) months is calculated on a pro rata or proportional basis. For example, for an employee who works twenty (20) hours per week, “four months” means 346.5 hours of leave entitlement (20 hours per week times 17 1/3 weeks). For an employee who normally works forty-eight (48) hours per week, “four months” means 832 hours of leave entitlement (48 hours per week times 17 1/3 weeks).

At the end or depletion of an employee’s pregnancy disability leave, an employee who has a physical or mental disability (which may or may not be due to pregnancy, childbirth, or related medical conditions) may be entitled to reasonable accommodation. Entitlement to additional leave must be determined on a case-by case basis, taking into account a number of considerations such as whether an extended leave is likely to be effective in allowing the employee to return to work at the end of the leave, with or without further reasonable accommodation, and whether or not additional leave would create an undue hardship for the School. The School is not required to provide an indefinite leave of absence as a reasonable accommodation.

- Pay during Pregnancy Disability Leave

1. An employee on pregnancy disability leave must use all accrued paid sick leave and may use any or all accrued vacation time at the beginning of any otherwise unpaid leave period.
2. The receipt of vacation pay, sick leave pay, or state disability insurance benefits, will not extend the length of pregnancy disability leave.
3. Vacation and sick pay accrues during any period of unpaid pregnancy disability leave only until the end of the month in which the unpaid leave began.

- Health Benefits

Innovations Academy shall provide continued health insurance coverage while an employee is on pregnancy disability leave consistent with applicable law. The continuation of health benefits is for a maximum of four (4) months in a twelve (12)-month period. Innovations Academy can recover premiums that it already paid on behalf of an employee if both of the following conditions are met:

1. The employee fails to return from leave after the designated leave period expires.
2. The employee’s failure to return from leave is for a reason other than the following:
  - The employee is taking leave under the California Family Rights Act.

- There is a continuation, recurrence or onset of a health condition that entitles the employee to pregnancy disability leave.
- There is a non-pregnancy related medical condition requiring further leave.
- Any other circumstance beyond the control of the employee.

- Seniority

An employee on pregnancy disability leave remains an employee of the School and a leave will not constitute a break in service. When an employee returns from pregnancy disability leave, she will return with the same seniority she had when the leave commenced.

- Medical Certifications

1. An employee requesting a pregnancy disability leave must provide medical certification from her healthcare provider on a form supplied by the School. Failure to provide the required certification in a timely manner (within fifteen (15) days of the leave request) may result in a denial of the leave request until such certification is provided.
2. Recertifications are required if leave is sought after expiration of the time estimated by the healthcare provider. Failure to submit required recertifications can result in termination of the leave.

- Requesting and Scheduling Pregnancy Disability Leave

1. An employee should request pregnancy disability leave by completing a Request for Leave form and submitting it to the Director. An employee asking for a Request for Leave form will be referred to the School's then current pregnancy disability leave policy.
2. Employee should provide not less than thirty (30) days' notice or as soon as is practicable, if the need for the leave is foreseeable. Failure to provide such notice is grounds for denial of the leave request, except if the need for pregnancy disability leave was an emergency and was otherwise unforeseeable.
3. Where possible, employees must make a reasonable effort to schedule foreseeable planned medical treatments so as not to unduly disrupt the School's operations.
4. Pregnancy disability leave may be taken intermittently or on a reduced leave schedule when medically advisable, as determined by the employee's healthcare provider.



5. If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment, the employee may be transferred temporarily to an available alternative position for which he or she is qualified that has equivalent pay and benefits that better accommodates recurring periods of leave than the employee's regular position.
6. The School will respond to a pregnancy disability leave request within ten (10) days of receiving the request. If a pregnancy disability leave request is granted, the School will notify the employee in writing and leave will be counted against the employee's pregnancy disability leave entitlement. This notice will explain the employee's obligations and the consequences of failing to satisfy them.

- Return to Work

1. Upon timely return at the expiration of the pregnancy disability leave period, an employee is entitled to the same position unless the employee would not otherwise have been employed in the same position at the time reinstatement is requested. If the employee is not reinstated to the same position, she must be reinstated to a comparable position unless one of the following is applicable:

- a. The employer would not have offered a comparable position to the employee if she would have been continuously at work during the pregnancy disability leave.
- b. There is no comparable position available, to which the employee is either qualified or entitled, on the employee's scheduled date of reinstatement or within sixty (60) calendar days thereafter. The School will take reasonable steps to provide notice to the employee if and when comparable positions become available during the sixty (60) day period.

A "comparable" position is a position that involves the same or similar duties and responsibilities and is virtually identical to the employee's original position in terms of pay, benefits, and working conditions.

2. When a request for pregnancy disability leave is granted to an employee, the School will give the employee a written guarantee of reinstatement at the end of the leave (with the limitations explained above).
3. In accordance with Innovations Academy policy, before an employee will be permitted to return from a pregnancy disability leave of three (3) days or more, the employee must obtain a certification from her healthcare provider that she is able to resume work.
4. If the employee can return to work with limitations, the School will evaluate those limitations and, if possible, will accommodate the employee as required by law.

If accommodation cannot be made, the employee will be medically separated from the School.

- Employment during Leave

No employee, including employees on pregnancy disability leave, may accept employment with any other employer without the School's written permission. An employee who accepts such employment without written permission will be deemed to have resigned from employment.

### **Industrial Injury Leave (Workers' Compensation)**

Innovations Academy, in accordance with State law, provides insurance coverage for employees in case of work-related injuries. The workers' compensation benefits provided to injured employees may include:

- Medical care;
- Cash benefits, tax-free to replace lost wages; and
- Vocational rehabilitation to help qualified injured employees return to suitable employment.

To ensure employees receive any worker's compensation benefits to which they may be entitled, employees will need to:

- Immediately report any work-related injury to the Director;
- Seek medical treatment and follow-up care if required;
- Complete a written Employee's Claim Form (DWC Form 1) and return it to the Director; and
- Provide the School with a certification from a health care provider regarding the need for workers' compensation disability leave as well as the employee's eventual ability to return to work from the leave.

It is the School's policy that when there is a job-related injury, the first priority is to ensure that the injured employee receives appropriate medical attention. Innovations Academy, with the help of its insurance carrier has selected medical centers to meet this need. Each medical center was selected for its ability to meet anticipated needs with high quality medical service and a location that is convenient to the School's operation.

- If an employee is injured on the job, he/she is to go or be taken to the approved medical center for treatment. If injuries are such that they require the use of emergency medical systems ("EMS") such as an ambulance, the choice by the EMS personnel for the most

appropriate medical center or hospital for treatment will be recognized as an approved center.

- All accidents and injuries must be reported to the Director and to the individual responsible for reporting to the School's insurance carrier. Failure by an employee to report a work-related injury by the end of his/her shift could result in loss of insurance coverage for the employee. An employee may choose to be treated by his/her personal physician at his/her own expense, but he/she is still required to go to the School's approved medical center for evaluation. All job-related injuries must be reported to the appropriate State Workers' Compensation Bureau and the insurance carrier.
- When there is a job-related injury that results in lost time, the employee must have a medical release from the School's approved medical facility before returning to work.
- Any time there is a job-related injury, the School's policy requires drug/alcohol testing along with any medical treatment provided to the employee.

#### **Military and Military Spousal Leave of Absence**

Innovations Academy shall grant a military leave of absence to any employee who must be absent from work due to service in the uniformed services in accordance with the Uniformed Services Employment and Re-Employment Rights Act of 1994 ("USERRA"). All employees requesting military leave must provide advance written notice of the need for such leave, unless prevented from doing so by military necessity or if providing notice would be impossible or unreasonable.

If military leave is for thirty (30) or fewer days, the School shall continue the employee's health benefits. For service of more than thirty (30) days, employee shall be permitted to continue their health benefits at their option through COBRA. Employees are entitled to use accrued vacation or paid time off as wage replacement during time served, provided such vacation/paid time off accrued prior to the leave.

Except for employees serving in the National Guard, Innovations Academy will reinstate those employees returning from military leave to their same position or one of comparable seniority, status, and pay if they have a certificate of satisfactory completion of service and apply within ninety (90) days after release from active duty or within such extended period, if any, as required by law. For those employees serving in the National Guard, if he or she left a full-time position, the employee must apply for reemployment within forty (40) days of being released from active duty, and if he or she left part-time employment, the employee must apply for reemployment within five (5) days of being released from active duty.

An employee who was absent from work while fulfilling his or her covered service obligation under the USERRA or California law shall be credited, upon his or her return to the School, with the hours of service that would have been performed but for the period of absence from work due to or necessitated by USERRA-covered service. Exceptions to this policy will occur wherever necessary to comply with applicable laws.

Innovations Academy shall grant up to ten (10) days of unpaid leave to employees who work more than twenty (20) hours per week and who are spouses of deployed military servicemen and servicewomen. The leave may be taken when the military spouse is on leave from deployment during a time of military conflict. To be eligible for leave, an employee must provide the School with (1) notice of intention to take military spousal leave within two (2) business days of receiving official notice that the employee's military spouse will be on leave from deployment, and (2) documentation certifying that the employee's military spouse will be on leave from deployment during the time that the employee requests leave.

### **Bereavement Leave**

Exempt employees are entitled to a leave of up to three (3) days without loss of pay due to a death in the immediate family (parent, spouse, son/daughter, sister/brother, parents-in-law, son/daughter-in-law, grandparents, grandchild). Bereavement pay will not be used in computing overtime pay. Any scheduled days off (including weekends, holidays and vacations) falling during the absence will be counted as both bereavement leave and scheduled days off. Additional unpaid time off may also be granted at the discretion of the School.

### **Jury Duty or Witness Leave**

For all exempt employees, the School will provide paid time off if an employee is called to serve on a jury provided the employee performs some work during the workweek and continues to perform work duties as assigned. For all non-exempt employees, the School provides unpaid time off if an employee is called to serve on a jury.

**Commented [SC19]:** While the prior IA Employee Handbook mentions that jury duty leave is unpaid for all employees, please note that if the employee is exempt and performed any work during the workweek, the School must pay the exempt employee for the entire week.

IA cannot make deductions from an exempt employee's salary for absences caused by jury duty or attendance as a witness. But it can make deductions from an exempt employee's pay if the employee performs no work at all in the workweek.

### **Voting Time Off**

If an employee does not have sufficient time outside of working hours to vote in an official state-sanctioned election, the employee may take off enough working time to vote. Such time off shall be taken at the beginning or the end of the regular working shift, whichever allows for more free time and the time taken off shall be combined with the voting time available outside of working hours to a maximum of two (2) hours combined. Under these circumstances, an employee will be allowed a maximum of two (2) hours of time off during an election day without loss of pay. When possible, an employee requesting time off to vote shall give the Director at least two (2) days notice.

### **School Appearance and Activities Leave**

As required by law, Innovations Academy will permit an employee who is a parent or guardian (including a stepparent, foster parent, or grandparent) of school children, from kindergarten through grade twelve (12), or a child enrolled with a licensed child care provider, up to forty (40) hours of unpaid time off per school year (up to eight (8) hours in any calendar month of the school year) to participate in activities of a child's school or child care. If more than one (1) parent or guardian is an employee of Innovations Academy, the employee that first provides the

leave request will be given the requested time off. Where necessary, additional time off will also be permitted where the school requires the employee(s) appearance.

The employee requesting school leave must provide reasonable advanced notice of the planned absence. The employee must use accrued but unused paid leave (e.g., vacation or sick leave) to be paid during the absence.

When requesting time off for school activities, the employee must provide verification of participation in an activity as soon as practicable. When requesting time off for a required appearance, the employee(s) must provide a copy of the notice from the child's school requesting the presence of the employee.

### **Paid Parental Leave**

IA shall provide up to eight (8) weeks of Paid Parental Leave to all regular, full-time, ~~and~~ salaried employees following the birth of an employee's child, or the placement of a child with an employee in connection with adoption or foster care. Temporary, substitute, part-time, and hourly employees, as well as interns, are not eligible for Paid Parental Leave.

The purpose of Paid Parental Leave is to provide ~~all~~ eligible employees with the opportunity to bond with their child following the child's birth, adoption or foster care placement. This policy runs concurrently with Family Medical Leave Act (FMLA), Pregnancy Disability Leave (PDL) and California Family Rights Act (CFRA).

Paid Parental Leave must be taken within twelve (12) weeks of the child's birth, adoption, or placement in foster care with the employee, or within twelve (12) weeks of the employee recovering from the disability caused by child birth. Paid Parental Leave is available every twelve (12) months and may not be used or extended beyond ~~the~~ twelve (12) week period, if used at all. It does not accumulate or roll over from year to year. Paid Parental Leave must be taken in one (1) continuous period. Absent extenuating circumstances as determined by IA, the School requires a minimum of thirty (30) days' notice for requests to take Paid Parental Leave.

In cases of multiple births, adoptions or placements (e.g. the birth of twins or adoption of siblings), the eight (8) week amount of Paid Parental Leave does not increase. Similarly, if both parents of the child are employed by the School, the parents, collectively, shall only be entitled to eight (8) weeks of Paid Parental Leave and may elect to distribute that time between them as appropriate.

If a holiday occurs while an employee is on Paid Parental Leave, the holiday will be charged to holiday pay (if applicable to the employee) and will not extend the total Paid Parental Leave entitlement.

Upon termination of employment, any unused Paid Parental Leave will not be paid out to an employee.

IA reserves the right to interpret, change, alter, and/or discontinue this policy.

**Commented [SC20]:** This appears to state that paid parental leave is available to full-time exempt employees but not full-time nonexempt employees. While they are technically in different classifications and can be treated differently, as both groups are full-time regular employees, this may lead to complaints or challenges for unfairness or inequitable treatment. It may appear more consistent and fair to extended it to all full-time regular employees.

**Commented [SC21]:** Please remember that a person may be disabled by pregnancy for several weeks after delivery and legally cannot bond with a child for baby-bonding purposes until the period of disability has ended.

**Commented [SC22]:** Is this a one-time grant or is it available every year through multiple new children?

### **Bone Marrow and Organ Donor Leave**

As required by law, eligible employees who require time off to donate bone marrow to another person may receive up to five (5) workdays off in a 12-month period. Eligible employees who require time off to donate an organ to another person may receive up to sixty (60) workdays off in a twelve (12) month period.

To be eligible for bone marrow or organ donation leave (“Donor Leave”), the employee must have been employed by the School for at least ninety (90) days immediately preceding the Donor Leave.

An employee requesting Donor Leave must provide written verification to the School that he or she is a donor and that there is a medical necessity for the donation of the organ or bone marrow.

Up to five (5) days of leave for bone marrow donation, and up to thirty (30) days of leave for organ donation, may be paid provided the employee first uses five (5) days of accrued paid leave for bone marrow donation and two (2) weeks of accrued paid leave for organ donation. If the employee has an insufficient number of paid leave days available, the leave will otherwise be paid.

Employees returning from Donor Leave will be reinstated to the position held before the leave began, or to a position with equivalent status, benefits, pay and other terms and conditions of employment. The School may refuse to reinstate an employee if the reason is unrelated to taking a Donor Leave. A Donor Leave is not permitted to be taken concurrently with an FMLA/CFRA Leave.

### **Victims of Abuse Leave**

Innovations Academy provides reasonable and necessary unpaid leave and other reasonable accommodations to employees who are victims of domestic violence, sexual assault, or stalking. Such leave may be taken to attend legal proceedings or to obtain or attempt to obtain any relief necessary, including a restraining order, to ensure the employee’s own health, safety or welfare, or that of the employee’s child or children. Employees may also request unpaid leave for the following purposes:

- Seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.
- Obtain services from a domestic violence shelter, program, or rape crisis center.
- Obtain psychological counseling for the domestic violence, sexual assault, or stalking.
- Participate in safety planning, such as relocation, to protect against future domestic violence, sexual assault, or stalking.

To request leave under this policy, an employee should provide Innovations Academy with as much advance notice as practicable under the circumstances. If advance notice is not possible, the employee requesting leave under this policy should provide Innovations Academy one (1) of

**Commented [SC23]:** This policy was updated by recent changes to CA law which make it less burdensome for employees to take donor leave. Employees are now allowed up to 60 days off total, with 30 days of the leaving being paid. This is an increase from 30 days of paid leave only.

**Commented [SC24]:** This is an entirely new policy now required by CA law.

the following certifications upon returning back to work:

1. A police report indicating that the employee was a victim of domestic violence, sexual assault, or stalking.
2. A court order protecting the employee from the perpetrator or other evidence from the court or prosecuting attorney that the employee appeared in court.
3. Documentation from a licensed medical professional, domestic violence or sexual assault counselor, licensed health care provider, or counselor showing that the employee's absence was due to treatment for injuries or abuse from domestic violence, sexual assault, or stalking.

Employees requesting leave under this policy may choose to use accrued paid leave. In addition, Innovations Academy will provide reasonable accommodations to employees who are victims of domestic violence, sexual assault or stalking for the employees' safety while at work. To request an accommodation under this policy, an employee should contact the Director.

#### **Returning From Leave of Absence**

Employees cannot return from a medical leave of absence without first providing a sufficient doctor's return to work authorization.

When business considerations require, the job of an employee on leave may be filled by a temporary or regular replacement. An employee should give the Director thirty (30) days' notice before returning from leave. Whenever the School is notified of an employee's intent to return from a leave, the School will attempt to place the employee in his former position or in a comparable position with regard to salary and other terms and conditions for which the employee is qualified. However, re-employment cannot always be guaranteed. If employees need further information regarding Leaves of Absence, they should be sure to consult the Director.

## **DISCIPLINE AND TERMINATION OF EMPLOYMENT**

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### **Rules of Conduct**

The following conduct is prohibited and will not be tolerated by the School. This list of prohibited conduct is illustrative only and applies to all employees of the School; other types of conduct that threaten security, personal safety, employee welfare and the School's operations also may be prohibited. Further, the specification of this list of conduct in no way alters the at-will employment relationship as to at-will employees of the School. If an employee is working under a contract with the School which grants procedural rights prior to termination, the procedural terms in the contract shall apply.

1. Insubordination - refusing to perform a task or duty assigned or act in accordance with instructions provided by an employee's manager or proper authority.
2. Inefficiency - including deliberate restriction of output, carelessness or unnecessary wastes of time or material, neglect of job, duties or responsibilities.
3. Unauthorized soliciting, collecting of contributions, distribution of literature, written or printed matter is strictly prohibited on School property by non-employees and by employees. This rule does not cover periods of time when employees are off their jobs, such as lunch periods and break times. However, employees properly off their jobs are prohibited from such activity with other employees who are performing their work tasks.
4. Damaging, defacing, unauthorized removal, destruction or theft of another employee's property or of School property.
5. Fighting or instigating a fight on School premises.
6. Violations of the drug and alcohol policy.
7. Using or possessing firearms, weapons or explosives of any kind on School premises.
8. Gambling on School premises.
9. Tampering with or falsifying any report or record including, but not limited to, personnel, absentee, sickness or production reports or records, specifically including applications for employment and time cards.
10. Recording the clock card, when applicable, of another employee or permitting or arranging for another employee to record the clock card.
11. Use of profane, abusive or threatening language in conversations with other employees and/or intimidating or interfering with other employees.
12. Conducting personal business during business hours and/or unauthorized use of telephone lines for personal calls.
13. Excessive absenteeism or tardiness excused or unexcused.
14. Posting any notices on School premises without prior written approval of management, unless posting is on a School bulletin board designated for employee postings.
15. Immoral or indecent conduct.
16. Conviction of a criminal act.
17. Engaging in sabotage or espionage (industrial or otherwise)
18. Violations of the sexual harassment policy.



19. Failure to report a job-related accident to the employee's manager or failure to take or follow prescribed tests, procedures or treatment.
20. Sleeping during work hours.
21. Release of confidential information without authorization.
22. Any other conduct detrimental to other employees or the School's interests or its efficient operations.
23. Refusal to speak to supervisors or other employees.
24. Dishonesty.
25. Failure to possess or maintain the credential/certificate required of the position.

For employees who possess an employment contract which provides for other than at-will employment, the procedures and process for termination during the contract shall be specified in the contract.

### **Off-Duty Conduct**

While the School does not seek to interfere with the off-duty and personal conduct of its employees, certain types of off-duty conduct may interfere with the School's legitimate business interests. For this reason, employees are expected to conduct their personal affairs in a manner that does not adversely affect the School or its own integrity, reputation, or credibility. Illegal or immoral off-duty conduct by an employee that adversely affects the School's legitimate business interests or the employee's ability to perform his or her work will not be tolerated.

While employed by the School, employees are expected to devote their energies to their jobs with the School. For this reason, second jobs are strongly discouraged. The following types of additional employment elsewhere are strictly prohibited:

- Additional employment that conflicts with an employee's work schedule, duties, and responsibilities at our School.
- Additional employment that creates a conflict of interest or is incompatible with the employee's position with our School.
- Additional employment that impairs or has a detrimental effect on the employee's work performance with our School.
- Additional employment that requires the employee to conduct work or related activities on the School's property during the employer's working hours or using our School's facilities and/or equipment; and
- Additional employment that directly or indirectly competes with the business or the interests of our School.

Employees who wish to engage in additional employment that may create a real or apparent conflict of interest must submit a written request to the School explaining the details of the additional employment. If the additional employment is authorized, the School assumes no

responsibility for it. Innovations Academy shall not provide workers' compensation coverage or any other benefit for injuries occurring from or arising out of additional employment. Authorization to engage in additional employment can be revoked at any time.

### **Termination of Employment**

Should it become necessary for an employee to terminate their at-will employment with the School, employees should notify the Director regarding their intention as far in advance as possible. At least two (2) weeks' notice is expected whenever possible.

When an employee terminates their at-will employment, they will be entitled to all earned but unused vacation pay. If an employee is participating in the medical and/or dental plan, they will be provided information on their rights under COBRA.

## **INTERNAL COMPLAINT REVIEW**

The purpose of the “Internal Complaint Review Policy” is to afford all employees of the School the opportunity to seek internal resolution of their work-related concerns. All employees have free access to the Director or Board of Directors to express their work-related concerns.

Specific complaints of unlawful harassment, discrimination, and retaliation are addressed under the School’s “Policy Prohibiting Unlawful Harassment, Discrimination, and Retaliation.”

### **Internal Complaints**

(Complaints by Employees Against Employees)

This section of the policy is for use when a School employee raises a complaint or concern about a co-worker.

If reasonably possible, internal complaints should be resolved at the lowest possible level, including attempts to discuss/resolve concerns with the immediate supervisor. However, in the event an informal resolution may not be achieved or is not appropriate, the following steps will be followed by the Director or designee:

1. The complainant will bring the matter to the attention of the Director as soon as possible after attempts to resolve the complaint with the immediate supervisor have failed or if not appropriate; and
2. The complainant will reduce his or her complaint to writing, indicating all known and relevant facts. The Director or designee will then investigate the facts and provide a solution or explanation;
3. If the complaint is about the Director, the complainant may file his or her complaint in a signed writing to the President of the School’s Board of Directors, who will then confer with the Board and may conduct a fact-finding or authorize a third party investigator on behalf of the Board. The Board President or investigator will report his or her findings to the Board for review and action, if necessary.

This policy cannot guarantee that every problem will be resolved to the employee’s satisfaction. However, the School values each employee’s ability to express concerns and the need for resolution without fear of adverse consequence to employment.

### **Policy for Complaints Against Employees**

(Complaints by Third Parties Against Employees)

This section of the policy is for use when a non-employee raises a complaint or concern about a School employee.

If complaints cannot be resolved informally, complainants may file a written complaint with the office of the Director or Board President (if the complaint concerns the Director) as soon as

possible after the events that give rise to the complainant's concerns. The written complaint should set forth in detail the factual basis for the complaint.

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

1. The Director or designee shall use his or her best efforts to talk with the parties identified in the complaint and to ascertain the facts relating to the complaint.
2. In the event that the Director (or designee) finds that a complaint against an employee is valid, the Director (or designee) may take appropriate disciplinary action against the employee. As appropriate, the Director (or designee) may also simply counsel/reprimand employees as to their conduct without initiating formal disciplinary measures.
3. The Director's (or designee's) decision relating to the complaint shall be final unless it is appealed to the Board of Directors. The decision of the Board shall be final.

#### **General Requirements**

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

## AMENDMENT TO EMPLOYEE HANDBOOK

This Employee Handbook contains the employment policies and practices of the School in effect at the time of publication.

Innovations Academy reserves the right to amend, delete or otherwise modify this Handbook at any time provided that such modifications are in writing and duly approved by the employer.

Any written changes to the Handbook will be distributed to all employees. No oral statements can in any way alter the provisions of this Handbook.

### APPENDIX A

#### HARASSMENT/DISCRIMINATION/RETALIATION COMPLAINT FORM

*It is the policy of the School that all of its employees be free from harassment, discrimination, and retaliation. This form is provided for you to report what you believe to be harassment, discrimination, or retaliation so that the School may investigate and take appropriate disciplinary or other action when the facts show that there has been harassment, discrimination, or retaliation.*

*If you are an employee of the School, you may file this form with the Director or Board President.*

*Please review the School's policies concerning harassment, discrimination, and retaliation for a definition of such unlawful conduct and a description of the types of conduct that are considered unlawful.*

*Innovations Academy will undertake every effort to handle the investigation of your complaint in a confidential manner. In that regard, the School will disclose the contents of your complaint only to those persons having a need to know. For example, to conduct its investigation, the School will need to disclose portions of your factual allegations to potential witnesses, including anyone you have identified as having knowledge of the facts on which you are basing your complaint, as well as the alleged offender.*

*In signing this form below, you authorize the School to disclose to others the information you have provided herein, and information you may provide in the future. Please note that the more detailed information you provide, the more likely it is that the School will be able to address your complaint to your satisfaction.*

*Charges of harassment, discrimination, and retaliation are taken very seriously by the School both because of the harm caused by such unlawful conduct, and because of the potential sanctions that may be taken against the offender. It is therefore very important that you report the facts as accurately and completely as possible and that you cooperate fully with the person or persons designated to investigate your complaint.*

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

Date of Alleged Incident(s): \_\_\_\_\_

Name of Person(s) you believe harassed, or discriminated or retaliated against, you or someone else: \_\_\_\_\_

List any witnesses that were present: \_\_\_\_\_

Where did the incident(s) occur? \_\_\_\_\_

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

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I acknowledge that I have read and that I understand the above statements. I hereby authorize the School to disclose the information I have provided as it finds necessary in pursuing its investigation.

I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief.

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

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

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

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

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

**APPENDIX B**  
**INTERNAL COMPLAINT FORM**

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

Date of Alleged Incident(s): \_\_\_\_\_

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

List any witnesses that were present: \_\_\_\_\_

Where did the incident(s) occur? \_\_\_\_\_

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

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

I hereby authorize the 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 providing false information in this regard could result in disciplinary action up to and including termination.

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

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

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

To be completed by School:

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

# Comprehensive School Safety Plan

**2020-21  
School Year**

**School:** Innovations Academy  
**CDS Code:** 37683380118083  
**District:** Innovations Academy  
**Address:** 5454 Ruffin Rd.  
San Diego, CA 92123

**Date of Adoption:**

**Date of Update:**

**Date of Review:**

- with Staff
- with Law Enforcement
- with Fire Authority

**Approved by:**

Name	Title	Signature	Date



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## **Comprehensive School Safety Plan Purpose**

Effective January 1, 2019, Assembly Bill 1747 (Rodriguez), School Safety Plans, became law. This bill requires that during the writing and development of the comprehensive school safety plan (CSSP), the school site council or safety committee consult with a fire department and other first responder entities in addition to currently required entities. It requires the CSSP and any updates made to the plan to be shared with the law enforcement agency, the fire department, and the other first responder entities.

The California Education Code (sections 32280-32288) outlines the requirements of all schools operating any kindergarten and any grades 1 to 12, inclusive, to write and develop a school safety plan relevant to the needs and resources of that particular school.

In 2004, the Legislature and Governor recast and renumbered the Comprehensive School Safety Plan provisions in SB 719 and AB 115. It is the intent of the Legislature in enacting the provisions to support California public schools as they develop their mandated comprehensive safety plans that are the result of a systematic planning process, that include strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on school campuses.

The historical requirement of the Comprehensive School Safety Plan was presented in Senate Bill 187, which was approved by the Governor and chaptered in 1997. This legislation contained a sunset clause that stated that this legislation would remain in effect only until January 1, 2000. Senate Bill 334 was approved and chaptered in 1999 and perpetuated this legislation under the requirement of the initial legislation.

Comprehensive School Safety Plans are required under SB 719 & AB 115 and contains the following elements:

Assessment of school crime committed on school campuses and at school-related functions

- Child abuse reporting procedures
- Disaster procedures
- Suspension and expulsion policies
- Procedures to notify teachers of dangerous pupils
- Discrimination and harassment policies
- School wide dress code policies
- Procedures for safe ingress and egress
- Policies enacted to maintain a safe and orderly environment
- Rules and procedures on school discipline
- Hate crime reporting procedures

The Comprehensive School Safety Plan will be reviewed and updated by March 1st every year. In July of every year, the school will report on the status of its school safety plan including a description of its key elements in the annual school accountability report card.

A copy of the Comprehensive School Safety Plan is available for review at the front office, 5454 Ruffin Rd., San Diego, Ca. 92123.

## **Safety Plan Vision**

**(A) Child Abuse Reporting Procedures (EC 35294.2 [a] [2]; PC 11166)**

All staff members are mandated reporters and are required, by law, to report all known or suspected cases of child abuse or neglect. It is not the job of the mandated reporter to determine whether the allegations are valid. If child abuse or neglect is reasonably suspected or if a pupil shares information with a mandated reporter leading him/her to believe abuse or neglect has taken place, the report must be made. No supervisor or administrator can impede or inhibit a report or subject the reporting person to any sanction.

To make a report, an employee must contact Child Protective Services. This legal obligation is not satisfied by making a report of the incident to a supervisor or to the school.

First, the mandated reporter will complete form SS8572 which can be found here ([http://ag.ca.gov/childabuse/pdf/ss\\_8572.pdf](http://ag.ca.gov/childabuse/pdf/ss_8572.pdf)) The report should be made before the close of the day over the telephone and must be followed up in writing. If a report cannot be made immediately over the telephone, then an initial report may be made via e-mail or fax. A report should also be made at the same time with the school director and/or school counselor.

Per Assembly Bill 1432 (D-Gatto), all employees of Innovations Academy will be trained on what they need to know in order to identify and report suspected cases of child abuse and neglect. For this purpose, all employees are required to take the online California Child Abuse Mandated Reporter Training (<http://educators.mandatedreporterca.com/>). Proof of completion of the course must be given to office staff prior to the commencement of the school year or if an employee starts midyear by the end of the first week of employment.

Rights to Confidentiality and Immunity  
Mandated reporters are required to give their names when making a report. However, the reporter’s identity is kept confidential. Reports of suspected child abuse are also confidential. Mandated reporters have immunity from state criminal or civil liability for reporting as required. This is true even if the mandated reporter acquired the knowledge, or suspicion of the abuse or neglect, outside his/her professional capacity or scope of employment.

Consequences of Failing to Report  
Staff should be aware that a person who fails to make a required report is guilty of a misdemeanor punishable by up to six months in jail and/or up to a \$1,000 fine (California Penal Code Section 11166[c]).

After the Report is Made  
Child Protective Services is required to investigate all reports. Cases may also be investigated by Child Welfare Services when allegations involve abuse or neglect within families.

**(B) Disaster Procedures (EC 35295-35297; GC 8607 and 3100)**

**Disaster Plan (See Appendix C-F)**

**Emergency Disaster Kit**

This site maintains 1 kit. The kit(s) are located: SPED office, room 200.

The Emergency Disaster Kit stores necessary resources for a site incident command. This kit should not be confused with the Emergency Response Box, which is carried out of the site to a Public Safety Incident Command Post. School personnel should use the items contained within the kit to manage their incident command. The following equipment and supplies are stored inside the Emergency Disaster Kit:

- Handheld Air Horns – recommend a minimum of five (Site Incident Commander & Chiefs)
- Bull Horn – recommend a minimum of one
- Batteries – recommend a minimum of two sets for bull horn, flashlights, emergency radios and walkie talkies
- Flashlights – recommend one per Site Incident Command Team member (17) (Search & Rescue Team and First Aid and Medical Team requirements listed separately in Section Five)
- Emergency radio (for Site Commander)
- Walkie Talkies – recommend a minimum of six (Site Incident Commander & Chiefs)
- Duct Tape – recommend a minimum of two rolls used for marking blank vests.
- Rosters - recommend a minimum of one set per room sorted by alphabet
- Steno Pads (5x7) – recommend one per Site Incident Command Team member (17)

- Pencils & Pens - recommend one each per Site Incident Command Team member (34)
- Copies of Forms – (See Section Five for all Forms)
- Chalk - recommend twenty-five sticks, red in color
- 3x5 Cards – recommend one hundred
- Department or Classroom Placards
- Medical Team Supplies – see Section Five - Form #4
- Search and Rescue Team Supplies – see Section Five - Form #11
- Vests for Key Personnel – recommend a total of 17 for Site Incident Command Team members (Search & Rescue Team and First Aid & Medical Team requirements listed separately in Section Five)

The Emergency Disaster Kit and its contents are the responsibility of the Site Incident Commander. The Site Incident Commander will conduct annual inspections of the kits in October of each year and maintains the responsibility to inspect and replace non-operating equipment and supplies each year.

#### Emergency Response Boxes

This site maintains 1 Emergency Response Box for the Site Incident Command Team.

The Emergency Response Box is located in the Main Office near: Director's Office.

The Emergency Response Box is a file folder type box. The box is clearly labeled and contains vital information needed by the Site Incident Command Team. The following information is stored inside the box:

- Current copy of the Site Emergency Response Plan which should include site evacuation procedures, including staging locations. Also included should be an aerial photo including all new structures, electric, gas, water cable, telephone, intrusion and fire alarm shutoffs, classroom numbers, gate openings for vehicles/pedestrians and all fire hydrants that have been added to accommodate these new structures.
- Current map of site or school layout. Map must show all buildings, classroom numbers, and evacuation routes.
- Most current blueprint (architectural drawings).
- Current roster of students and staff assigned to the site, as well as issues pertaining to special needs students. These rosters will be in alphabetical order for staff and students. Student roster must be in alphabetical order, divided by grade level and have emergency contact/release information.
- A list of the site's staff skills including language translation, specialized training, and emergency equipment carried in vehicles.
- If available, current student photos on CD-ROM or most recent yearbook.
- Telephone numbers listed in numerical order for each classroom/building.

Maintenance of the Emergency Response Box and its contents is the responsibility of the Site Incident Commander. The responsibility to inspect and replace information belongs to the Site Commander.

#### Persons with Disabilities

In emergencies, persons with disabilities may need special assistance in evacuating to the designated location. Each Site Incident Commander is responsible for pre-identification of persons with disabilities who may need assistance and assigning staff to assist them. Persons with disabilities or other staff who may need special assistance in an evacuation situation are responsible for ensuring that their Department Head is aware of their needs for assistance.

Because of the volume of foot traffic that can be expected through stairways and corridors in a building during an evacuation, there must be an area of rescue assistance established aside from the main flow of foot traffic. Such an area must be clearly marked so disabled individuals know where to go for refuge in a critical time. Proper signage for this area is "Area of Rescue Assistance." Evacuation maps will articulate this information.

#### Return to Facility

The Site Incident Commander, in consultation with the Public Safety Incident Commander if necessary, will determine when individuals can return to the facility. In the event that staff or students must be released early, the Site Incident Commander must request approval from the Office of the Director. School Police Services should be advised of this information.

#### Site Shelter-In-Place Procedure

Shelter-In-Place generally occurs when evacuating the site is more dangerous than taking shelter inside a building. This generally occurs during natural disasters, severe weather conditions, or health hazards. The following procedure applies to this site. Additional information pertaining to Shelter-in-Place is available in Innovations Academy Emergency Procedures (confidential).

#### Notification

The Site Incident Commander is responsible to notify the Site Incident Command Team when a Shelter-In-Place is necessary. School Police Services, in coordination with the Site Incident Commander is responsible for activating the Shelter-In-Place notification procedures for site-level personnel.

If the primary emergency notification system fails to activate, the secondary notification method will be handheld air horns found in the Emergency Disaster Kit.

#### Activation & Deactivation

Quickly direct students and staff inside to the nearest room; do a verbal and visual sweep as you get everyone inside. Shut all doors and windows leading into the room, including interior doors. Doors may be opened for late arrivals if the exterior environment is safe. Take student attendance and report missing or extra students or adults to the office by radio, telephone or e-mail. For environmental emergencies, immediately shut off the air conditioning/heating system, try to seal air vents and gaps under doors and around windows. Monitor your local radio, T.V. or e-mail for updates. Remain in Shelter-in-Place until the "All Clear" notification is given.

#### Return to Facility

The Site Incident Commander, in consultation with the Public Safety Incident Commander if necessary, will determine when individuals can return to the facility. In the event that staff or students must be released early, the Site Incident Commander must request approval from the Director. School Police Services should be advised of this information.

#### Site Lockdown Procedure

A lockdown is the act of confining students and personnel in a secured location until an emergency or threat (e.g., police activity) is over. You may be required to lockdown your room or facility when a dangerous person or situation is present on or near the site. Additional information pertaining to Lockdown is available in Innovations Academy Emergency Procedures (confidential).

#### Notification

The Site Incident Commander is responsible to notify the Site Incident Command Team when a lockdown is necessary. School Police Services, in coordination with the Site Incident Commander is responsible for activating the Lockdown notification procedures for site-level personnel.

If the primary emergency notification system fails to activate, the secondary notification method will be handheld air horns found in the Emergency Disaster Kit.

#### Activation & Deactivation

Quickly gather students and personnel to the nearest room; do a verbal and visual sweep as you gather everyone inside. Lock all doors and windows, including any interior doors. Close all window coverings to prevent anyone from seeing inside your room. Keep away from doors and windows, be quiet. Take attendance and quietly radio, telephone, or e-mail information pertaining to missing or extra students or adults to the office. If safe to do so, monitor e-mail for updates. If you hear gunfire or if someone tries to enter your room, have everyone "Duck, Cover, and Hold" under desks. Do not open doors or windows. Remain in lockdown until the "All Clear" notification is given.

#### Return to Facility

The Site Incident Commander, in consultation with the Public Safety Incident Commander if necessary, will determine when individuals can return to the facility. In the event that staff or students must be released early, the Site Incident Commander must request approval from the Office of the Superintendent. School Police Services should be advised of this information.

#### **Public Agency Use of School Buildings for Emergency Shelters**

During an emergency, if Innovations Academy is selected as an emergency shelter, all staff and parents/caregivers/guardians will be notified and informed as to procedures.

#### **(C) School Suspension, Expulsion and Mandatory Expulsion Guidelines**

##### Suspension/Expulsion Procedures

At Innovations Academy we pride ourselves in our Character Development program that includes children in the conflict resolution process. Most incidents at school will be handled inside the classroom through peer to peer conflict resolution, teacher to student discussion and problem solving or through the class council conflict resolution procedure. However, when a situation reaches the level of needing intervention from the Director, an evaluation is made as to if a suspension or expulsion is recommended. This section is designed to inform all parents of suspension/expulsion procedures and due process.

Innovations Academy staff shall enforce disciplinary rules and procedures fairly and consistently among all students. Discipline includes but is not limited to advising and counseling students, conferring with parents/guardians, detention during and after school hours, use of alternative educational environments, suspension and expulsion.

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of or willfully causing the infliction of physical pain on a student. For purposes of the policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to school property. 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 Innovations Academy has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities in Education Act ("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 regular education students except when federal and state law mandates additional or different procedures.

Innovations Academy will follow Section 504, the IDEA, and all applicable federal and state laws including but not limited to the California Education Code, when imposing any form of discipline on a student identified as an individual with disabilities or for whom Innovations Academy 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. Within ten school days, the school will assemble an IEP team to make a manifestation determination as to whether the disciplinary behavior was the result of the student's disability. Should the student remain on suspension for an extended period, the school will work with the district to provide an interim alternative educational setting. Innovations Academy shall notify the District of the suspension of any student identified under the IDEIA (or for whom there may be a basis of knowledge of the same) or as a student with a disability under Section 504 and would grant the District approval rights prior to the expulsion of any such student as well.

#### 1. 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 Innovations Academy or at any other school or an Innovations Academy sponsored event at any time including but not limited to: a) while on school grounds; b) while going to or coming from school; c) during the lunch period, whether on or off the school campus; d) during, going to, or coming from a school- sponsored activity.

## 2. Enumerated Offenses

Students may be suspended or expelled for any of the following acts when it is determined the pupil:

a. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force of violence upon the person of another, except self-defense.

b. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Director or designee's concurrence.

c. Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind.

d. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 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.

g. Stole or attempted to steal school property or private property.

h. Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel.

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 11014.5.

k. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.

l. Knowingly received stolen school property or private property.

m. 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.

n. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4.

o. 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.

p. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

q. Engaged in or attempted to engage in hazing of another.

- r. Aiding or abetting as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person.
- s. Made terrorist threats against school officials and/or school property.
- t. Committed sexual harassment.
- u. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence.
- v. Intentionally harassed, threatened or intimidated 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 student rights by creating an intimidating or hostile educational environment. Threatened or attempted to cause harm to a teacher or other staff member.

Alternatives to suspension or expulsion will first be attempted with students who are truant, tardy, or otherwise absent from assigned school activities.

Whether a student is given suspension or expulsion will be determined by prior record, intent and severity and determined by the Director. A recommendation for expulsion will be taken to the Board for approval prior to the expulsion being levied.

### 3. Suspension shall be initiated according to the following procedures:

#### a. Who May Suspend

Only the Director (Principal) or the Director's designee may suspend a student.

#### b. Conference

Suspension shall be preceded, if possible, by a conference conducted by the Director or the Director's designee with the student and his or her parent and, whenever practical, the teacher, supervisor or school employee who referred the student to the Director. The conference may be omitted if the 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 school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference.

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

This conference shall be held within two school days, unless the pupil waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization.

No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with school officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference.

#### c. Notice to Parents/Guardians

At the time of the suspension, an administrator or designee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension and the date of return following suspension. This notice shall state the specific offense committed by the student. In addition, the notice may also state the date and time when the student may return to school. If 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.

#### d. Suspension Time Limits/Recommendation for Placement/Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension.



Upon a recommendation of placement/expulsion by the Director or Director's designee, the pupil and the pupil's guardian or representative will be invited to a conference to determine if the suspension for the pupil should be extended pending an expulsion hearing. This determination will be made by the Director or designee upon either of the following determinations: 1) the pupil's presence will be disruptive to the education process; or 2) the pupil poses a threat or danger to others. Upon either determination, the pupil's suspension will be extended pending the results of an expulsion hearing.

#### 4. Authority to Expel

A student may be expelled either by the Innovations Academy Board following a hearing before it or by the Board upon the recommendation of an Administrative Panel to be assigned by the Board as needed. The Administrative Panel should consist of at least three members who are certificated and neither a teacher of the pupil or a Board member of the School's governing board. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense.

#### 5. Expulsion Procedures

Only the Director or the Director's designee may recommend expulsion of a student or refer a student for an expulsion hearing. 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 school days after the Director or designee determines that the Pupil has committed an expellable offense.

In the event an administrative panel hears the case, it will make a recommendation to the Board for a final decision whether to expel. The hearing shall be held in closed session unless the pupil makes a written request for a public hearing three days prior to the hearing.

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

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

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

Innovations Academy 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 which shall be examined only by the school or the hearing officer. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the pupil.

- a. The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of his/her right to (a) receive five days notice of his/her scheduled testimony,

(b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she testifies, which may include a parent, guardian, or legal counsel, and (c) elect to have the hearing closed while testifying.

b. Innovations Academy must also provide the victim a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.

c. At the discretion of the person or panel conducting the hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which he or she may leave the hearing room.

d. The person conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.

e. The person conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.

f. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the person presiding over the hearing from removing a support person whom the presiding person finds is disrupting the hearing. The person conducting the hearing may permit any one of the support persons for the complaining witness to accompany him or her to the witness stand.

g. If one or both of the support persons is also a witness, Innovations Academy must present evidence that the witness' presence is both desired by the witness and will be helpful to the School. The person presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising his or her discretion to remove a person from the hearing whom he or she believes is prompting, swaying, or influencing the witness.

h. 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.

i. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in the public at the request of the pupil being expelled, the complaining witness shall have the right to have his/her testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are 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.

j. Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the person conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstance can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

## 7. 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.

## 8. 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 and sworn declarations may be admitted as testimony from witnesses of whom the Board, Panel or designee determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

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

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

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

Independent study is an alternative to classroom instruction. Students who are excluded from classroom instruction in a school district—who have been suspended or expelled—are thereby excluded from independent study as well. No ADA credit may be claimed for either classroom attendance or independent study by suspended/expelled students during the duration of their suspensions/expulsions. Students whose expulsions are being held in abeyance pursuant to Education Code Section 48917 and who have been referred to specified settings in lieu of expulsion, pursuant to that section may generate ADA credit through independent study only if they are also given at least one classroom instruction option.

#### 9. Written Notice to Expel

The Director or designee following a decision of the Innovations Academy Charter School Board to expel shall send written notice of the decision to expel, including the Board's adopted findings of fact, to the student or parent/guardian. This notice shall also include the following:

- a. Notice of the specific offense committed by the student
- 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 school.

The Director or designee shall send a copy of the written notice of the decision to expel to the District. This notice shall include the following:

- a) The student's name
- b) The specific expellable offense committed by the student

Additionally, in accordance with Education Code Section 47605(d)(3), upon expulsion of any student, Innovations Academy shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of

the cumulative record of the pupil, including a transcript of grades or report card and health information.

#### 10. Disciplinary Records

Innovations Academy shall maintain records of all student suspensions and expulsions at the school. Such records shall be made available to the District upon request.

#### 11. No Right to Appeal

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

#### 12. Expelled Pupils/Alternative Education

Pupils who are expelled shall be responsible for seeking alternative education programs including, but not limited to, programs within the County or their school district of residence.

#### 13. Rehabilitation Plans

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

#### 14. Readmission

The decision to readmit a pupil or to admit a previously expelled pupil from another school district or charter school shall be in the sole discretion of the Innovations Academy Board following a meeting with the Director and the pupil and guardian or representative to determine whether the pupil has successfully completed the rehabilitation plan and to determine whether the pupil poses a threat to others or will be disruptive to the school environment. The Director shall make a recommendation to the Innovations Academy Board following the meeting regarding his or her determination.

The pupil's readmission is also contingent upon the Innovations Academy's capacity at the time the student seeks readmission.

### **(D) Procedures to Notify Teachers of Dangerous Pupils (EC 49079)**

#### **(E) Sexual Harassment Policies (EC 212.6 [b])**

It is the objective of Innovations Academy to provide a working environment free from discrimination and conduct commonly referred to as sexual harassment.

The E.E.O.C. (Equal Employment Opportunity Commission) has provided a broad definition of sexual harassment. It is general in nature and may not always be clear when evaluating everyday situations.

“Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when

submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.”

Sexual harassment refers to behavior inappropriate in the workplace because it is offensive, unwelcome behavior which would not occur but for the gender of the offended person. Both sexual harassment, and accusations of sexual harassment, are disrupting to the work environment.

If you or a co-worker experience what you believe to be sexual harassment or accusations of sexual harassment, report it promptly to the Director. Innovations Academy will investigate any employee, regardless of job position when such allegations are made. Based on available information, Innovations Academy will take appropriate action and communicate on a need-to-know basis. Appropriate disciplinary action, up to and including termination will be taken against any individual for sexual harassment charges determined to be valid.

**(F) School-wide Dress Code Relating to Gang-Related Apparel (EC 35183)**

Innovations Academy believes that socially responsible behavior is crucial to improving and maintaining a climate of respect. Dress and grooming should not interfere with the educational process. School clothing should be neat, clean, maintain adequate coverage, be appropriate for school activities, and follow standards of common decency (no profanity, nondiscriminatory, sexually explicit clothing, etc.).

Footwear: Please wear or bring to school closed-toe athletic shoes for outdoor activities during P.E. The scheduling of P.E. can be unpredictable and classes often play active outdoor games. Please plan accordingly.

**(G) Procedure for Safe Ingress and Egress of Pupils, Parents, and Staff to and from School (EC 35294.2)**

Drop off in the morning begins a maximum of 15 minutes before start time (8:30 a.m.). Children must enter the school campus through the main gate. Once on campus all students are to remain on site. The gates are closed and locked at 8:45. All students arriving after 8:45 must sign in at the front office.

Pick up for Kindergarten starts at 2:15 on Tuesday-Friday. Parents/Guardians/Caregivers will meet their child at the classroom. In order to pick up a student, written permission needs to be given to our front office. The front office will communicate with teachers regarding permissions for pick up.

Pick up begins for 1st-8th at 3:15 dismissal for a 15 minute duration (until 3:30 p.m. T-Fri). Parents have the responsibility and authority to decide how their child is picked up. If a parent chooses for their child to walk home or walk across the street or walk to the parking lot or park, they must communicate this with their child. If a parent wishes for the teacher to be aware of the plan, the must communicate this with the teacher. We encourage parents to come into the classroom at least one time per week to pick up their child(ren). This fosters communication between parents/care-givers and teachers and allows parents to see student work.

Any child, K-5, going home with another family for a play date must have a signed note to be given to their teacher that day or earlier or their guardian(s) must have notified the office. Ride coordination can take up quite a bit of time, please be respectful that teachers have tasks ahead of them after school gets out.

Any child remaining after pick up time has ended will be sent to the office. This is disruptive of staff time, so please plan accordingly. Supervision can not be guaranteed after 3:45 p.m.

**Entrances and Exits**

The Director and Assistant Director will develop procedures so that students, staff, parents, and community members can enter and exit the building in a safe and orderly way, and that the building is secure from unauthorized entry during non-school hours as follows:

Training staff to lock and maintain the security of the school building and grounds when not in session (e.g. not propping doors that are not being regularly used, locking up in the evening, etc.).

Posting signs that visitors sign in at the main office.

Establishing a culture in which any adults without a visitor label and any children not enrolled at the school are escorted immediately to the main office.

Creating a dismissal plan and student pick-up plan to ensure the safety of all students.

Staff is responsible for releasing students to parents, legal guardians or other persons designated by parents or legal guardians, unless formally modified by a court order served to the school. In the event that employees are uncertain of the propriety of releasing a student, they should locate or contact the Director before releasing the student.

**Parent Responsibilities**

Parents are responsible for ensuring the safe arrival/dismissal of their child to/ from school. This includes but is not limited to:

Ensuring that Innovations Academy has the necessary paperwork for anyone picking up the child from school.

Having the parent call in or bring a signed note if the child is to go home with a friend.

Following seatbelt laws at all times.

Students biking, rollerblading, skateboarding, etc. to school must wear an appropriate helmet.

Students taking public transportation must know which route to take as well as how to walk to school from the drop off location.

#### Visitors Policy

Innovations Academy encourages interested members of the community to visit our school. To avoid potential disruptions to learning, to provide visitors with the information they need, and for the safety of students and staff, ALL visitors should register immediately upon entering the school building.

Visitors shall sign in at the beginning of their visit, receive a visitor label, and sign out at the end of their visit. Students from other schools as well as students who have ended their school day are not to be on campus unless accompanied by parents/guardians or with the permission of the site administrator.

In registering as a visitor, the sign-in form will include spaces for the following information:

Name;

His/her purpose for entering school grounds;

Destination within the school

Time in and out

At his/her discretion, the Director, office manager or designee may also request

proof of identity

address

occupation and company affiliation

age (if less than 21); and any other information consistent with the law.

Parents and guardians visiting during the school day for any purpose other than picking up at or dropping off a child at the beginning or end of the school day as

part of the normal school day schedule should also be requested to sign into the visitor log or a special log for parents. This applies to parents and guardians who are picking up a student early (e.g. for a medical reason) or dropping off a student late (e.g. tardy), as well as parents and guardians who are on campus to volunteer in their child's classroom.

However, formal visitor registration is at the discretion of the school Director or designee. VIP Visitors accompanied by any Innovations Academy management team member may be requested to register as a visitor at the discretion of the accompanying Innovations Academy management team member.

The Director or designee may refuse to register any visitor if he or she reasonably concludes that the visitor's/outsider's presence would disrupt the school, students or employees, would result in damage to property, or would result in the distribution or use of a controlled substance.

The Director or designee may request that a visitor/outsider who has failed to register, or whose registration privileges have been denied or revoked, to promptly leave school grounds. If necessary, the Director or designee may call the local police to enforce the departure of the visitor/outsider. When a visitor/ outsider is directed to leave, the Director or designee shall inform the visitor/ outsider that if he or she reenters the school within seven (7) days, he or she will be guilty of a misdemeanor and subject to a fine and/or imprisonment.

All schools will inform parents annually about the school's policies regarding visitors/outside, and remind parents that to maximize safety and security they should also register when visiting the school.

This visitor/outside policy is subject to the further terms and conditions contained in Innovations Academy's Registered Sex Offender Policy, set forth below.

**(I) School Discipline Rules and Consequences (EC 35291 and EC 35291.5)**

**Innovations Academy Student Conduct Code**

**Conduct Code Procedures**

see 2020-21 Family Handbook for information about Positive Discipline implementation at Innovations Academy

**Safety Plan Appendices**



## Emergency Contact Numbers

### Utilities, Responders and Communication Resources

Type	Vendor	Number	Comments
Emergency Services	all emergencies	911	
Law Enforcement/Fire/Paramedic	Police Department	619-221-8985	
Law Enforcement/Fire/Paramedic	Fire Department	619-533-4430	
Emergency Services	Poison Control	800-222-1222	
Other	Child Protective Services	858-694-5141	
Law Enforcement/Fire/Paramedic	SDUSD School Police	619-291-7678	
Other	School Director, Christine	619-379-9275	
Other	School Assistant Director, Tony	858-232-2307	

**Safety Plan Review, Evaluation and Amendment Procedures**

<b>Activity Description</b> (i.e. review steps, meetings conducted, approvals, etc)	<b>Date and Time</b>	<b>Attached Document</b> (description and location)

## **Types of Emergencies & Specific Procedures**

### **Aircraft Crash**

Warning of a failing or fallen aircraft is usually by sight, sound or fire. If an aircraft falls near the school, the following actions will be taken:

- The site administrator will determine which emergency actions should be implemented. When necessary, teachers will take immediate action to ensure the safety of students if the site administrator is unable to direct emergency action.
- Students and staff must be kept at a safe distance from the aircraft, as it may explode. Move crosswind or stay up wind to avoid fumes.
- Call 911

Notify Director.

### **Animal Disturbance**

If a rabid or vicious animal is at or in the vicinity of the school, the Animal Control Center should be notified immediately. Teachers shall be notified Shelter In Place. Students outside of the building will be quietly and cautiously sent into the nearest building and secured in a room behind closed doors.

Notify the Director.

### **Armed Assault on Campus**

School Comprehensive School Safety Plans should include courses of action that will describe how students and staff can most effectively respond to an active shooter situation to minimize the loss of life, and teach and train on these practices, as deemed appropriate by the school.

Law enforcement officers may not be present when a shooting begins. The first law enforcement officers on the scene may arrive after the shooting has ended. Making sure the staff knows how to respond and instruct their students can help prevent and reduce the loss of life.

No single response fits all active shooter situations; however, making sure each individual knows his or her options for response and can react decisively will save valuable time. Depicting scenarios and considering response options in advance will assist individuals and groups in quickly selecting their best course of action.

Understandably, this is a sensitive topic. There is no single answer for what to do, but a survival mindset can increase the odds of surviving. As appropriate for your community, it may be valuable to schedule a time for an open conversation regarding this topic. Though some parents or personnel may find the conversation uncomfortable, they may also find it reassuring to know that, as a whole, their school is thinking about how best to deal with this situation.

During an active shooter situation, the natural human reaction, even if you are highly trained, is to be startled, feel fear and anxiety, and even experience initial disbelief and denial. You can expect to hear noise from alarms, gunfire and explosions, and people shouting and screaming. Training provides the means to regain your composure, recall at least some of what you have learned, and commit to action. There are three basic options: run, hide, or fight. You can run away from the shooter, seek a secure place where you can hide and/or deny the shooter access, or incapacitate the shooter to survive and protect others from harm.

As the situation develops, it is possible that students and staff will need to use more than one option. During an active shooter situation, staff will rarely have all of the information they need to make a fully informed decision about which option is best. While they should follow the plan and any instructions given during an incident, often they will have to rely on their own judgment to decide which option will best protect lives.

Respond Immediately

It is not uncommon for people confronted with a threat to first deny the possible danger rather than respond. An investigation by the National Institute of Standards and Technology (2005) into the collapse of the World Trade Center towers on September 11, 2001, found that people close to the floors impacted waited longer to start evacuating than those on unaffected floors.<sup>21</sup> Similarly, during the Virginia Tech shooting, individuals on campus responded to the shooting with varying degrees of urgency.<sup>22</sup> These studies highlight this delayed response or denial. For example, some people report hearing firecrackers when in fact they heard gunfire.

Train staff to overcome denial and to respond immediately, including fulfilling their responsibilities for individuals in their charge. For example, train staff to recognize the sounds of danger, act, and forcefully communicate the danger and necessary action (e.g., "Gun! Get out!") to those in their charge. In addition, those closest to the public address or other communications system, or otherwise able to alert others, should communicate the danger and necessary action. Repetition in training and preparedness shortens the time it takes to orient, observe, and act.

Upon recognizing the danger, as soon as it is safe to do so, staff or others must alert responders by contacting 911 with as clear and accurate information as possible.

#### Run

If it is safe to do so for yourself and those in your care, the first course of action that should be taken is to run out of the building and far away until you are in a safe location.

Students and staff should be trained to

- Leave personal belongings behind;
- Visualize possible escape routes, including physically accessible routes for students and staff with disabilities as well as

persons with access and functional needs;

- Avoid escalators and elevators;
- Take others with them, but not to stay behind because others will not go; Call 911 when safe to do so; and
- Let a responsible adult know where they are.

#### Hide

If running is not a safe option, hide in as safe a place as possible.

Students and staff should be trained to hide in a location where the walls might be thicker and have fewer windows. In addition:

- Lock the doors;
- Barricade the doors with heavy furniture;
- Close and lock windows and close blinds or cover windows;
- Turn off lights;
- Silence all electronic devices;
- Remain silent;
- Hide along the wall closest to the exit but out of the view from the hallway (allowing for an ambush of the shooter and for

possible escape if the shooter enters the room);

- Use strategies to silently communicate with first responders if possible, for example, in rooms with exterior windows make

signs to silently signal law enforcement officers and emergency responders to indicate the status of the room's occupants;

and

- Remain in place until given an all clear by identifiable law enforcement officers.

## Fight

If neither running nor hiding is a safe option, as a last resort when confronted by the shooter, adults in immediate danger should consider trying to disrupt or incapacitate the shooter by using aggressive force and items in their environment, such as fire extinguishers, and chairs. In a study of 41 active shooter events that ended before law enforcement officers arrived, the potential victims stopped the attacker themselves in 16 instances. In 13 of those cases they physically subdued the attacker.<sup>23</sup> While talking to staff about confronting a shooter may be daunting and upsetting for some, they should know that they may be able to successfully take action to save lives. To be clear, confronting an active shooter should never be a requirement in any school employee's job description; how each staff member chooses to respond if directly confronted by an active shooter is up to him or her. Further, the possibility of an active shooter situation is not justification for the presence of firearms on campus in the hands of any personnel other than law enforcement officers.

## LOCKDOWN & SHELTER IN PLACE PROCEDURES

### STEP 1 - GET INSIDE

Direct all students and staff to go to the nearest room if caught outside.

### STEP 2 - LOCK ALL DOORS

Teachers and staff must lock all doors leading into the classroom or office including interior doors that connect to other rooms.

Close all window coverings.

### STEP 3 - DUCK & COVER

Stay away from windows and doors.

Instruct students to lie down on the floor.

### STEP 4 - REMAIN QUIET

Instruct students not to talk in order to avoid bringing attention to your room.

### STEP 5 - WAIT

Instruct students to stay in position until an evacuation has been announced.

### STEP 6 - EVACUATE

Go To your designated safety area

### STEP 7 - RETURN TO CLASS

Receive notification to return to class

Escort students back to class.

## **Biological or Chemical Release**

Warning of a chemical accident is usually received from fire and/or police departments or from emergency services officials when such accident occurs sufficiently near a school to be a threat to the safety of students and staff. An overturned tanker, a broken fuel line, and an accident in a commercial establishment that uses chemicals are all potential hazards. Whether the accident occurs at the school or off the school grounds, the site administrator shall determine if there is need to EVACUATE or to SHELTER-IN-PLACE. This decision will be made in coordination with offsite emergency respondents. If it is necessary to evacuate the area, move crosswind, never directly with or against the wind which may be carrying fumes. Get upwind as quickly as possible.

## **Earthquake**

Although the probability of an earthquake occurring is lower than most other emergency types, the potential for injuries and damage from one is high. It is essential that students and staff remain aware of the following basic actions:

If an earthquake or other situation warrants, drop to the floor, take protective position under desks or furniture with backs to windows and hands covering head and face. Stay in position until directed to evacuate or take other protective action.

If outside, move away from buildings and trees and take protective position. When situation permits, proceed to the designated assembly point. Standby: Alert students in your area to stand by for further information. Make whatever assessment of the situation is possible. Render emergency first aid as required.

If inside, stay inside during ground shaking. In classrooms or offices, move away from windows, shelves and heavy objects or furniture that may fall. Take cover under a safe table, desk or counter. At the teacher's command, students should take the DROP position.

If a "shelter" (table, desk, etc.) is not available, move to an inside wall or corner, turn away from windows, kneel alongside wall, and bend head close to knees, with elbows firmly behind neck protecting face.

If notebooks or jackets are handy, hold these overhead for added protection from flying glass and ceilings debris. Remain in sheltered position for at least 60 seconds or until directed to move by an adult.

If in halls, on stairways, or other areas where no cover is available, students must follow the directions of the nearest teacher or school employee.

If in the library, immediately move away from windows and bookshelves and take appropriate cover. In the science lab or shops, all burners should be extinguished (if possible) before taking cover. Stay clear of hazardous chemicals that may spill.

The duration of ground shaking depends on a number of factors, including the severity of the earthquake. Advise students to anticipate shorter or longer episodes of ground shaking during actual earthquakes and their aftershocks.

### **EARTHQUAKE HAZARDS COMMONLY FOUND IN SCHOOL BUILDINGS:**

- Glass that shatters or flies around
- Objects stored above head-level on shelves, walls, and ceilings (such as unused projectors, books, science equipment, boxes)
- Objects that block movement to safe places (books on floors, tipped desks and bookcases)
- Cabinets without latches
- Objects stored on wheels
- Open shelving without a lip or restraining wire
- Free standing cabinets
- Blocked exits
- Objects in hallways that block movement (glass, tables, locker contents)

### **SETTLING DOWN AFTER THE FIRST SHOCK:**

After the first shock, teachers will evacuate the classrooms, being alert to the possibility of aftershocks.

When leaving the classroom, teachers should make every effort to take with them the roll book and emergency supplies.

Announce that no student is to return to the room unless directed to do so.

Teachers will take classes to pre-arranged places on the campus.

Teachers and students will remain in designated areas until re-entry to the building has been approved or they are directed to move elsewhere.

School will remain open indefinitely until every student has been released to parents or to an authorized person.

Do not light any fires after the earthquake because of possible gas leaks.

If possible, notify utility companies of any break or suspected breaks in service.

The Incident Commander should procure the advice of the Director of Maintenance and Operations regarding the safety of the buildings.

The Incident Commander should keep the superintendent informed of conditions at the school.

#### Earthquake Emergency Procedure

##### STEP 1 - FEEL THE SHAKE OR HEAR A PA ANNOUNCEMENT

Inform students: "An earthquake drill has begun. It's time to drop, cover and hold on."

##### STEP 2 - DROP, COVER, & HOLD ON

1st - Drop to your knees and get under a sturdy desk or table.

2nd - Clasp hands behind neck and make body as small as possible

3rd - Cover face and ears with arms

##### STEP 3 - EVACUATE BUILDING

1st - Listen for evacuation announcement

2nd - Evacuate building SILENTLY by the route illustrated on the map to designated safety area

3rd - Line up and remain SILENT at designated safety area

4th - Take attendance and identify absent or unaccounted for students

##### STEP 4 - RETURN TO CLASS

Receive notification to return to class

Escort students back to class.

#### **Explosion or Risk Of Explosion**

The DROP command is to be given immediately in the event of an explosion at the school or within a school building.

If the explosion occurs within the building or threatens the building, the teacher will then implement the school evacuation plan. Assemble at the designated assembly area.

Sound the fire alarm and proceed as above for a fire.

Notify the Director.

## **Fire on School Grounds**

### **Fire Drills**

1. The assistant director shall notify staff as to the schedule for fire drills. Fire drills will take place at least four times every school year. (Education Code 32001)
2. Whenever a fire drill is held, all students, teachers and other employees shall be directed to leave the building. (5 CCR 550)
3. Teachers shall ascertain that no student remains in the building.
4. Teachers shall be prepared to select alternate exits and shall direct their classes to these exits whenever the designated escape route is blocked.
5. The assistant director or designee shall keep a record of each fire drill conducted.

### **Fires**

When a fire is discovered in any part of the school, the following actions shall be taken:

1. The assistant director or designee shall sound fire signals, unless the school and/or building is equipped with an automatic fire detection and alarm system. (Education Code 32001)
2. The assistant director or designee shall call 911.
3. All persons shall be directed to leave the building and shall proceed outside to designated assembly areas.
4. Staff shall give students clear direction and supervision and help maintain a calm and orderly response.
5. In outside assembly areas, teachers shall take roll, report missing students, and provide assistance to any injured students.
6. In outside assembly areas, the principal, designee and/or each department head shall account for their staff, report missing staff, and provide assistance to any injured staff.
7. If the fire is extensive, students shall be taken to an alternate location for protective custody until parents/guardians can pick them up or until they can be safely transported to their homes.

### **FIRE EVACUATION PROCEDURES**

**STEP 1 - HEAR FIRE ALARM / PA ANNOUNCEMENT / SMELL SMOKE OR FEEL HEAT**

**STEP 2 - EVACUATE BUILDING**

- 1st - Line up to evacuate building
- 2nd - Evacuate building by designated map route
- 3rd - Line up in the location designated on map
- 4th - Take attendance and identify absent or unaccounted for students

**STEP 3 RETURN TO CLASS**

Receive notification to return to class and escort your students back to your classroom.

**NOTE: STUDENTS WHO ARE OUTSIDE OF THE CLASSROOM MUST FOLLOW THE ADULT THEY ARE WITH OR JOIN THE CLASS THEY ARE NEAREST AND NOTIFY THAT TEACHER OF THEIR PRESENCE (I.E. THEY ARE IN THE BATHROOM)**





## **Suspension & Expulsion Policy**

Board Approved: 11/2013  
Board Revised:

Suspension and Expulsion Policy and Procedures have been established in order to promote learning and protect the safety and wellbeing of all students at IA. In creating this policy, the Charter School has reviewed Education Code Section 48900 *et seq.* which describe the offenses for which students at non-charter schools may be suspended or expelled and the procedures governing those suspensions and expulsions in order to establish its list of offenses and procedures for suspensions, expulsions and involuntary removal. The language that follows is largely consistent with the language of 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 or expulsion.

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 Family 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/guardians are notified in writing upon enrollment of all discipline and involuntary removal policies and procedures. The notice shall state that this policy and its procedures are available upon request in the main 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

**Commented [MMH1]:** Your charter states:

This Policy and its Procedures is printed and distributed as part of the Innovations Academy Family Handbook and will clearly describe discipline expectations.

As such, we recommend that the full policy be included within the Handbook.

**Commented [MB2]:** Please note this obligation to include this policy within the Charter School's Handbook. Please ensure that the title included matches the title of the Charter School's handbook (ie: Family Handbook, Family & Student Handbook, etc.)

**Commented [MMH3]:** Language required by AB 1360, EC 47605(b)(5)(J)(iii). Please let us know if the Charter School has any questions regarding this process.

subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to general education students except when federal and state law mandates additional or different procedures. The Charter School will follow all applicable federal and state laws including but not limited to the 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 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 or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder, and shall inform the student, the student's parent/guardian, or educational rights holder of the basis for which the student is being involuntarily removed and the student's parent, guardian, or educational rights holder's right to request a hearing to challenge the involuntary removal. If a student's parent, guardian, or educational rights holder 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, 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 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).

**Commented [MB4]:** Language required by AB 1360, EC 47605(b)(5)(J)(iii).

## **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. Enumerated Offenses**

1. Discretionary Suspension Offenses: Students may be suspended when it is determined the student:
  - a) Caused, attempted to cause, or threatened to cause physical injury to another person.

**Commented [MB5]:** This Policy reflects the discretionary and mandatory suspension and expulsion offenses in alignment with the current laws and Ed. Code. Note that since the School is not wholly bound by the Ed. Code, the Charter School may revise these enumerated offenses, but they must align with the Policy as set forth under the current charter and with any charter renewal. Please review and let us know if the Charter School has any questions and/or would like to make any revisions.

- b) Willfully used force or violence upon the person of another, except self-defense.
- c) Unlawfully possessed, used, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases.
- g) Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.
- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of a student's own prescription products by a student.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.
- l) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- m) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose

**Commented [MB6]:** Sale of controlled substances was moved to a non-discretionary suspension offense.

of preventing that student from being a witness and/or retaliating against that student for being a witness.

- n) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- o) Engaged in, or attempted to engage in, hazing. For the purposes of this policy, "hazing" means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. For purposes of this policy, "hazing" does not include athletic events or school-sanctioned events.
- p) Made terroristic threats against school officials and/or school property, which includes but is not limited to, electronic files and databases. For purposes of this policy, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for their own safety or for their immediate family's safety, or for the protection of school property, which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or their immediate family.
- q) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this policy, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This provision shall apply to students in any of grades 4 to 8, inclusive.
- r) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in Education Code Section 233(e). This provision shall apply to students in any of grades 4 to 8, inclusive.
- s) Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students to the extent of having the actual and reasonably expected effect of materially

**Commented [MB7]:** Please note that the Ed Code lists grades "4-12." However, we understand that IA only serves students up to grade 8, so we adjusted this accordingly.

**Commented [MB8]:** See comment above.

disrupting class work, creating substantial disorder and invading the rights of either school personnel or volunteers and/or student(s) by creating an intimidating or hostile educational environment. This provision shall apply to students in any of grades 4 to 8, inclusive.

- t) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
- 1) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
- i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of their age, or for a person of their age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
  - ii. Causing a reasonable student to experience a substantially detrimental effect on their physical or mental health.
  - iii. Causing a reasonable student to experience substantial interference with their academic performance.
  - iv. Causing a reasonable student to experience substantial interference with their ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
- 2) "Electronic Act" means the creation or transmission originated on or off the school-site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
- i. A message, text, sound, video, or image.
  - ii. A post on a social network Internet Web site including, but not limited to:
    - (a) Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
    - (b) Creating a credible impersonation of another actual student for the purpose of having one or more of the

effects listed in subparagraph (1) above. "Credible impersonation" means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.

(c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. "False profile" means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.

iii. An act of cyber sexual bullying.

(a) For purposes of this policy, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.

(b) For purposes of this policy, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

3) Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

u) A student who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a student who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1)(a)-(b).

v) Possessed, sold, or otherwise furnished any knife or other dangerous object of no reasonable use to the student unless, in the case of possession of any object of this type, the student had obtained written

permission to possess the item from a certificated school employee, with the Executive Director or designee's concurrence.

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

- g) Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.
- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of a student's own prescription products by a student.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.
- l) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- m) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- n) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- o) Engaged in, or attempted to engage in, hazing. For the purposes of this policy, "hazing" means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. For purposes of this policy, "hazing" does not include athletic events or school-sanctioned events.
- p) Made terroristic threats against school officials and/or school property, which includes but is not limited to, electronic files and databases. For purposes of this policy, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as



a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for their own safety or for their immediate family's safety, or for the protection of school property, which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or their immediate family.

- q) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this policy, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This provision shall apply to students in any of grades 4 to 12, inclusive.
- r) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This provision shall apply to students in any of grades 4 to 8, inclusive.
- s) Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading the rights of either school personnel or volunteers and/or student(s) by creating an intimidating or hostile educational environment. This provision shall apply to students in any of grades 4 to 12, inclusive.
- t) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
  - 1) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
    - i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of their age, or for a person of their age with exceptional needs) or students in fear of harm to that student's or those students' person or property.

- ii. Causing a reasonable student to experience a substantially detrimental effect on their physical or mental health.
  - iii. Causing a reasonable student to experience substantial interference with their academic performance.
  - iv. Causing a reasonable student to experience substantial interference with their ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
- 2) "Electronic Act" means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
- i. A message, text, sound, video, or image.
  - ii. A post on a social network Internet Web site including, but not limited to:
    - (a) Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
    - (b) Creating a credible impersonation of another actual student for the purpose of having one or more of the effects listed in subparagraph (1) above. "Credible impersonation" means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.
    - (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. "False profile" means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.
  - iii. An act of cyber sexual bullying.
    - (a) For purposes of this policy, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student or to school personnel by means of an electronic act that has or can be reasonably

predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.

(b) For purposes of this policy, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

3) Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

u) A student who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a student who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (3)(a)-(b).

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

4. Non-Discretionary Expellable 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 Executive 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.

**Commented [MB9]:** This language incorporates the grounds for expulsion which mandate a recommendation for expulsion for school districts. In 2018, AB 1747 required charter schools to update their health and safety procedures in their charters to include a safety plan which covers the topics listed in Section 32282(a)(2)(A-H), one of these topics includes "policies" pursuant to Education Code Section 48915(d) which is a cross-reference to the acts which would lead to a mandatory recommendation for expulsion for school districts. One could argue that we could address this "topic" but not incorporate all of the mandatory list applied to school districts. However, if the school does not feel strongly one way or the other, we would recommend utilizing the same list as school districts to avoid criticism.

- d) Committed or attempted to commit a sexual assault or committed a sexual battery as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289 of former Section 288a of the Penal Code or committed a sexual battery as defined in Penal Code Section 243.4.

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

The Charter School will use the following definitions:

- The term "knife" means (A) any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing; (B) a weapon with a blade fitted primarily for stabbing; (C) a weapon with a blade longer than 3½ inches; (D) a folding knife with a blade that locks into place; or (E) a razor with an unguarded blade.
- The term "firearm" means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.
- The term "destructive device" means any explosive, incendiary, or poison gas, including but not limited to: (A) bomb; (B) grenade; (C) rocket having a propellant charge of more than four ounces; (D) missile having an explosive or incendiary charge of more than one-quarter ounce; (E) mine; or (F) device similar to any of the devices described in the preceding clauses.

### C. Suspension Procedure

Suspensions shall be initiated according to the following procedures:

#### 1. Conference

Suspension shall be preceded, if possible, by a conference conducted by the 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

**Commented [MB10]:** The following procedures are suggested best practices and aligned with current law and the Ed. Code. These procedures align with the procedures under the Charter School's current charter and handbook. Please let us know if there are any questions.

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. No penalties may 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.

**Commented [MB11]:** Language required by AB 1360, EC 47605(b)(5)(J)(iii).

AB 1505 changed this to 47605(c)

## 2. Notice to Parents/Guardians

At the time of the suspension, an administrator or designee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension and the date of return following suspension. This notice shall state the specific offense(s) committed by the student as well as the date the student may return to school following the suspension. In addition, the notice may also state the time when the student may return to school. If 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 or representative 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 or the student's parent/guardian, unless the student and the student's parent/guardian fail to attend the conference.

**Commented [MB12]:** Pursuant to AB 1360, EC 47605(b)(5)(J)(i), a charter school may follow the procedures below for suspensions of 10 days or fewer. Accordingly, this language may be revised to read:

Suspensions, when not including a recommendation for expulsion, shall not exceed ten (10) consecutive school days per suspension.

Please note that pursuant to the new laws under AB 1360, charter schools may allow for suspensions of 10 days or fewer. If the Charter School would like to exercise this option and allow for longer suspensions, please let us know, as we will need to revise some of the language in this section.

However, please note that the suspensions of up to 10 days is only applicable to charter schools and not other public schools. As such, it is uncertain how districts may respond to charter schools extending suspensions beyond 5 days.

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

**Commented [MB13]:** Pursuant to AB 982, which added EC §§ 48913.5 and 47606.2 to provide homework for suspended pupils and specifically required this language to be included within a charter school's suspension and expulsion policy pursuant to EC § 47606.2.

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

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

#### **D. Authority to Expel**

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

**Commented [MB14]:** Language required by AB 1360, EC 47605(b)(5)(J)(iii).

Internal Note: This change goes into effect 7/1/20.

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

#### **E. Expulsion Procedures**

Students recommended for expulsion are entitled to a hearing to determine whether the student should be expelled. Unless postponed for good cause, the hearing shall be held within thirty (30) school days after the 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.

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

The Charter School may, upon a finding of good cause, determine that the disclosure of either the identity of the witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations that shall be examined only by the Charter School or the hearing officer. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the 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) calendar 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 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 notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

### **G. Record of Hearing**

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

### **H. Presentation of Evidence**

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

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

### **I. Expulsion Decision**

The decision of the Administrative Panel shall be in the form of written findings of fact and a written recommendation to the Board of Directors, which will make a final determination regarding the expulsion. The Board 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 determine to suspend the enforcement of the expulsion order for a period of not more than one (1) calendar year from the date of the expulsion hearing and return the student to the student's previous

educational program under a probationary status and rehabilitation plan to be determined by the Board. During the period of the suspension of the expulsion order, the student is deemed to be on probationary status. The Board of Directors may revoke the suspension of an expulsion order under this section if the student commits any of the enumerated offenses listed above or violates any of the Charter School's rules and regulations governing student conduct. If the Board revokes the suspension of an expulsion order, the student may be expelled under the terms of the original expulsion order. The Board of Directors shall apply the criteria for suspending the enforcement of the expulsion order equally to all students, including individuals with exceptional needs as defined in Education Code Section 56026. The Board of Directors shall further comply with the provisions set forth under Education Code Section 48917, except as otherwise expressly set forth herein.

**Commented [MB15]:** This is an optional provision that allows the Board to order an expulsion with suspended enforcement in accordance with EC § 48917. Please contact our office to further discuss this provision and whether the Charter School would like to include this option or not.

#### **J. 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.

**Commented [MB16]:** Pursuant to EC § 47605(e)(3), the Charter School must also notify the student's district of residence (if different than the chartering authority) that the student has been expelled (i.e., student's name and offenses) within 30 days of the expulsion. Please contact our office for assistance with preparing such a notice and/or if the Charter School has any questions.

#### **K. 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.

#### **L. 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.

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

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

## **N. Rehabilitation Plans**

Students who are expelled from 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.

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

The decision to readmit a student after the end of the student's expulsion term or to admit a previously expelled student from another school district or charter school who has not been readmitted/admitted to another school or school district after the end of the student's expulsion term, shall be in the sole discretion of the Board of Directors following a meeting with the Executive Director or designee and the student and student's parent/guardian or representative to determine whether the student has successfully completed the rehabilitation plan and to determine whether the student poses a threat to others or will be disruptive to the school environment. The 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.

## **P. Notice to Teachers**

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

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

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

In accordance with Education Code Section 51747 and the Charter School's Board

**Commented [MB17]:** Client Note: Language required by AB 1360, EC 47605(b)(5)(J)(iii).

**Commented [MB18]:** Please note that this is very controversial for most chartering authorities and should be discussed before incorporating. Moreover, this typically would go in the Charter School's attendance policy, but we wanted to include it as it aligns with the involuntary removal provisions discussed above. Please review and let us know if there are any questions. Again, we may want to move this section to the Charter School's attendance policy depending on how the Charter School would like to proceed.

policy on independent study for Home Learning Community students, if monthly calendars of learning and/or one representative work sample from each subject during a 40 day period are not turned in, an evaluation is held by the HLC teacher team in conjunction with the director to determine whether it is in the best interest of the student to remain in independent study. If it is determined that it is not in the student's best interest to remain in independent study, the Charter School may involuntarily remove the student after the Charter School follows the requirements of the Missed Assignment Policy and only after providing notice and an opportunity for a parent, guardian, educational rights holder to request a hearing prior to any involuntary removal as forth herein. Students who are involuntarily removed for truancy shall be given a rehabilitation plan and shall be subject to the readmission procedures set forth herein.

**Commented [MB19]:** Please indicate the person/entity who will hold this evaluation.

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

**Commented [MB20]:** Language required by AB 1360, EC 47605(b)(5)(J)(iii).

##### 1. Notification of District/SELPA

The Charter School shall immediately notify the District/SELPA and coordinate the procedures in this policy with the District/SELPA of the discipline of any student with a disability or student that the Charter School or the District/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 parents to determine:

- a. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or

- b. If the conduct in question was the direct result of the local educational agency's failure to implement the IEP/504 Plan.

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

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

- a. Conduct a functional behavioral assessment and implement a behavioral intervention plan for such child, provided that the Charter School had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;
- b. If a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and
- c. Return the child to the placement from which the child was removed, unless the parent/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 Executive Director or designee may remove a student to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability in cases where a student:

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

#### 6. Interim Alternative Educational Setting

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

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

A student who has not been identified as an individual with disabilities pursuant to IDEA and who has violated the Charter School's disciplinary

procedures may assert the procedural safeguards granted under this administrative regulation only if the Charter School had knowledge that the student was disabled before the behavior occurred.

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

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

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

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

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



# Innovations Academy

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

Board Approved: INSERT  
Board Revised: 12/8/2020

Discrimination, sexual harassment, harassment, intimidation, and bullying are all disruptive behaviors, which interfere with students' ability to learn, negatively affect student engagement, diminish school safety, and contribute to a hostile school environment. As such, Innovations Academy ("IA" or the "Charter School") prohibits any acts of discrimination, sexual harassment, harassment, intimidation, and bullying altogether. This policy is inclusive of instances that occur on any area of the school campus, at school-sponsored events and activities, regardless of location, through school-owned technology, and through other electronic means.

As used in this policy, discrimination, sexual harassment, harassment, intimidation, and bullying are described as the intentional conduct, including verbal, physical, written communication or cyber-bullying, including cyber sexual bullying, based on the actual or perceived characteristics of mental or physical disability, sex (including pregnancy 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 historically associated with race, including, but not limited to, hair texture and protective hairstyles such as braids, locks, and twist), religion (including agnosticism and atheism), religious affiliation, medical condition, genetic information, marital status, age or association with a person or group with one or more of these actual or perceived characteristics or based on any other characteristic protected under applicable state or federal law or local ordinance. Hereafter, such actions are referred to as "misconduct prohibited by this Policy."

To the extent possible, the Charter School will make reasonable efforts to prevent students from being discriminated against, harassed, intimidated, and/or bullied, and will take action to investigate, respond, address and report on such behaviors in a timely manner. IA 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 IA does business, or any other individual, student, or volunteer. This Policy applies to all employees, students, or volunteer actions and relationships, regardless of position or gender. IA 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. IA 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.

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**Commented [MB1]:** Per AB 34 and 543, this policy 1) must be posted in a prominent and readily accessible location on the School's website; 2) should be included in the School's "regular policy statement"; 3) shall be provided as part of any orientation program conducted for new and continuing pupils at the beginning of each quarter, semester, or summer session, as applicable; 4) shall be provided for each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or at the time that there is a new employee hired; 5) and shall appear in any publication of the institution that sets forth the comprehensive rules, regulations, procedures, and standards of conduct for the institution (i.e. student handbook); and 6) shall be displayed in a prominent location in the main administrative building or other area of the campus or schoolsite where other similar notices/policies are posted.

Please note that in addition to this policy, the School is legally required to have Title IX language on the School's website in compliance with Education Code section 221.61 including a link to the CDE's Title IX information, the definition of discrimination and harassment based on sex as described in Section 230, and the rights set forth in Section 221.8. We can provide you with some sample language if desired.

Further, charter school serving pupils in any of grades 9 through 12, inclusive, shall create a poster that notifies pupils of the applicable sexual harassment policy. The language in the poster shall be age appropriate and culturally ...

**Commented [MB2]:** Per AB 34 and 543, the school's **complete** Title IX/Harassment, Intimidation, Discrimination, and Bullying Policy must be included within this Handbook. If you would like us to review and update an existing policy, please let us know. Otherwise, we recommend adopting this language.

After the policy is finalized and Board-approved, please ensure that a copy is also made available in the main office after the policy is finalized a ...



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

Christine Kuglen  
Executive Director  
5454 Ruffin Rd, San Diego, CA 92123  
858-271-1414  
[christine@innovationsacademy.org](mailto:christine@innovationsacademy.org)

**Commented [MB3]:** This aligns with the Title IX contact listed on IA’s website.

**Definitions**

**Prohibited Unlawful Harassment**

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

**Prohibited Unlawful Harassment under Title IX**

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

IA 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.

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

any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

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

Sexual harassment may include, but is not limited to:

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

### **Prohibited Bullying**

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

1. Placing a reasonable student<sup>1</sup> or students in fear of harm to that student's or those students' person or property.
2. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
3. Causing a reasonable student to experience a substantial interference with his or her academic performance.
4. Causing a reasonable student to experience a substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by IA.

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

**Electronic act** means the creation and transmission originated on or off the 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:

1. A message, text, sound, video, or image.
2. A post on a social network Internet Web site including, but not limited to:
  - a. Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in the definition of "bullying," above.
  - b. Creating a credible impersonation of another actual 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.
  - c. Creating a false profile for the purpose of having one or more of the effects listed in the definition of "bullying," above. "False profile"

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<sup>1</sup> "Reasonable student" is defined as a student, including, but not limited to, an exceptional needs student, who exercises care, skill and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

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.

3. An act of "Cyber sexual bullying" including, but not limited to:
  - a. The dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a 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 definition of "bullying," above. A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
  - b. "Cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
4. Notwithstanding the definitions of "bullying" and "electronic act" above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

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

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

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

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

#### **1. Cyberbullying Prevention Procedures**

IA advises students:

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

**Commented [MB4]:** This section has been added pursuant to Education Code section 234.4 (AB 2291), which requires LEAs including charter schools to adopt, on or before December 31, 2019, "procedures for preventing acts of bullying, including cyberbullying."

The law doesn't specify the exact bullying prevention procedures that must be adopted by schools. However, since the law requires schools to provide the CDE's bullying module to its staff who interact with students, the bullying prevention procedures developed by the School should be consistent with those outlined in the CDE's online bullying module, which include education and professional development components.

To develop these procedures, we used the CDE's bullying module and Stopbullying.gov-Bullying Training Prevention Center's bullying module, which is also recommended by the CDE and available at:

<https://www.stopbullying.gov/prevention/training-center/index.html>

Please let us know if these proposed procedures do not work for the School logistically or if they are inconsistent with the procedures the School plans to implement. We can work with the School to further tailor the procedures to align with the School's program.

**Commented [MB5]:** Please ensure the School's technology use policies align with the cyberbullying prevention procedures adopted by the School as part of this policy. If the School doesn't have a technology use policy, we can provide the School with a starting place draft for this policy upon request. These cyber-bullying prevention procedures were developed from the CDE's bullying module.

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

**Commented [MB6]:** We recommend that the School have a technology policy and an acceptable use agreement. If you would like a sample policy, please let us know.

## 2. Education

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

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

IA'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.

**Commented [MB7]:** Teaching students about the difference between appropriate and inappropriate behaviors, how to advocate for themselves and others, and when to go to an adult for help are listed as recommended bullying prevention procedures in the CDE's bullying module. Please ensure the School's bullying prevention education aligns with the procedures adopted by the School in this Policy.

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

## 3. Professional Development

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

**Commented [MB8]:** The CDE recommends bullying prevention procedures be placed within the parent/student handbook, school safety plan, and the bullying prevention policy.

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

- Physical cuts or injuries
- Lost or broken personal items
- Fear of going to school/practice/games
- Loss of interest in school, activities, or friends
- Trouble sleeping or eating
- Anxious/sick/nervous behavior or distracted appearance
- Self-destructiveness or displays of odd behavior

**Commented [MB9]:** This is required per Ed. Code section 32283.5 (effective 1/1/19). The CDE's bullying module and online training module are currently located here:

<https://www.cde.ca.gov/ls/ss/se/bullyres.asp>

- Decreased self-esteem

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

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

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

## **Grievance Procedures**

### **1. Scope of Grievance Procedures**

IA 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 that individual has personally suffered unlawful discrimination, harassment, intimidation or bullying, or by one who believes any specific class of individuals has been subjected to discrimination, harassment, intimidation or bullying prohibited by this part, or by a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying; and
- Submitted to the IA 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.

**Commented [MB10]:** If the complainant is unable to put the complaint in writing, due to conditions such as a disability or illiteracy, the School must assist the complainant in the filing of the complaint.

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, IA will utilize the following grievance procedures in addition to its UCP when applicable.

### **2. Reporting**

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

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

Christine Kuglen  
Executive Director

10380 Spring Canyon Rd, San Diego, CA 92131-5454 Ruffin Rd. San Diego, CA 92123

858-271-1414

[christine@innovationsacademy.org](mailto:christine@innovationsacademy.org)

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. IA will investigate and respond to all oral and written reports of misconduct prohibited by this Policy in a manner that is not deliberately indifferent. Reports may be made anonymously, but formal disciplinary action cannot be based solely on an anonymous report.

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

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

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

**Commented [MB11]:** This aligns with the Title IX contact listed on IA's website.

**Commented [MB12]:** For a complaint of discrimination, bullying, harassment, discrimination or intimidation to fall under the UCP, it must be a written complaint. However, all reports of harassment/discrimination/bullying must be investigated even if they are oral or outside the UCP timelines, and appropriate action must be taken when necessary according to the results of the investigation.

**Commented [MB13]:** We believe this to be the title of the School's preferred administrative designee. Please revise as needed and if changes are made, please make these changes throughout the Policy.

**Commented [MB14]:** the training of these individuals must include training on the definition of sexual harassment in § 106.30, the scope of the recipient's education program or activity, how to conduct an investigation and grievance process including appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

The School also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence and decision-makers are trained on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

### 3. Supportive Measures

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

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

### 4. Investigation and Response

Upon receipt of a report of misconduct prohibited by this Policy from a student, staff member, parent, volunteer, visitor or affiliate of IA, the Coordinator (or administrative designee) will promptly initiate an investigation. In most cases, a thorough investigation will take no more than twenty-five (25) school days. If the Coordinator (or administrative designee) determines that an investigation will take longer than twenty-five (25) school days and needs to be delayed or extended due to good cause, the Coordinator (or administrative designee) will inform the complainant of the reasons for the delay or extension and provide an approximate date when the investigation will be complete.

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

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

**Commented [MB15]:** If a complaint is against the Coordinator, that complaint must be investigated/resolved by another administrator who holds a position above the Coordinator or by a member of the Board.

**Commented [MB16]:** EC 234.1 does not include a specific timeline for the investigation but requires that this policy include a timeline and the timeline should be reasonable. We have included a suggested timeline of 25 school days (or about 5 weeks unless over a break) or less, but have left flexibility in the event the investigation will take longer. Note that under the UCP, for complaints alleging discrimination, harassment, intimidation or bullying against a group based on protected characteristics or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, a written response including specific elements must be provided to the complainant within 60 days from the receipt of the complaint.



- 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 IA prohibits an individual from knowingly making false statements or knowingly submitting false information during the grievance process.

**Commented [MB17]:** If, in the course of an investigation, the School decides to investigate allegations about the complainant or respondent that are not included in this notice, the School must provide notice of the additional allegations to the parties whose identities are known.

- Emergency Removal

- IA 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 IA's policies.
- IA may remove a respondent from IA's education program or activity on an emergency basis, in accordance with IA's policies, provided that IA 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.

**Commented [MB18]:** Regardless of any determination on whether to remove a student or employee on an emergency basis, the School still must follow the grievance process required for formal complaints of sexual harassment before imposing any disciplinary sanctions or other actions that are not supportive measures (e.g., terminations or expulsions) against a respondent. Emergency removal is not a substitute for reaching a determination as to a respondent's responsibility for the sexual harassment allegations; rather, emergency removal is for the purpose of addressing imminent threats posed to any person's physical health or safety, which might arise out of the sexual harassment allegations. Emergency removals allow schools to address emergency situations, whether or not a grievance process is underway, provided that the school first undertakes an individualized safety and risk analysis and provides the respondent notice and opportunity to challenge the removal decision.

- Informal Resolution

- If a formal complaint of sexual harassment is filed, IA may offer a voluntary informal resolution process, such as mediation, to the parties at any time prior to reaching a determination regarding responsibility. If IA 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.
  - IA 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. IA shall ensure that all decision-makers and investigators do not have a conflict of interest or bias for or against complainants or respondents.
  - In most cases, a thorough investigation will take no more than twenty-five (25) school days. If the investigator determines that an investigation will take longer than twenty-five (25) school days and needs to be delayed or extended due to good cause, the investigator will inform the complainant and any respondents in writing of the reasons for the delay or extension and provide an approximate date when the investigation will be complete.
  - The parties will be provided with an equal opportunity to present witnesses, to inspect and review any evidence obtained that is directly related to the allegations raised, and to have an advisor present during any investigative meeting or interview.
  - The parties will not be prohibited from discussing the allegations under investigation or to gather and present relevant evidence.
  - A party whose participation is invited or expected at an investigative meeting or interview will receive written notice of the date, time, location, participants, and purpose of the meeting or interview with sufficient time for the party to prepare to participate.
  - Prior to completion of the investigative report, IA 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 investigation reveals that the alleged harassment did not occur in IA's educational program in the United States or would not constitute sexual harassment even if proved, the formal complaint with regard to that conduct must be dismissed. However, such a dismissal does not preclude action under another applicable IA policy.
  - IA 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 IA; or

- The specific circumstances prevent IA from gathering evidence sufficient to reach a decision on the formal complaint or the allegations therein.
  - If a formal complaint of sexual harassment or any of the claims therein are dismissed, IA 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.
  - IA 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 IA's code of conduct to the facts;
    - The decision and rationale for each allegation;
    - Any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the complainant; and
    - The procedures and permissible bases for appeals.

## 5. Consequences

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

## 6. Right of Appeal

Should the reporting individual find IA's resolution unsatisfactory, the reporting individual may, within five (5) business days of notice of IA's decision or resolution, submit a written appeal to the **President of the IA - Board**, who will review the investigation and render a final decision.

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

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

**Commented [MB19]:** The School may change this reference to an administrator at the School who is in a position above the person making the initial decision as long as it is not the same person as the Coordinator or the investigator. The School could also use the Board to make the appeal decision, which may ultimately delay the process, but anyone on the Board who participated in the investigation or initial decision or who serves as the Coordinator would need to recuse themselves.

rationale for the result; and provide the written decision simultaneously to both parties.

## 7. Recordkeeping

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

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

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

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**Commented [MB20]:** the School must make these training materials publicly available on its website or, if it does not have a website, make them available for inspection by the general public upon request.



# Innovations Academy

Powerfully creating our lives through self-expression, compassionate connection and purposeful learning

5454 Ruffin Rd. San Diego, CA 92123 (858)271-1414

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

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

Date of Alleged Incident(s): \_\_\_\_\_

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

List any witnesses that were present: \_\_\_\_\_

Where did the incident(s) occur? \_\_\_\_\_

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

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**I hereby authorize IA to disclose the information I have provided as it finds necessary**

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

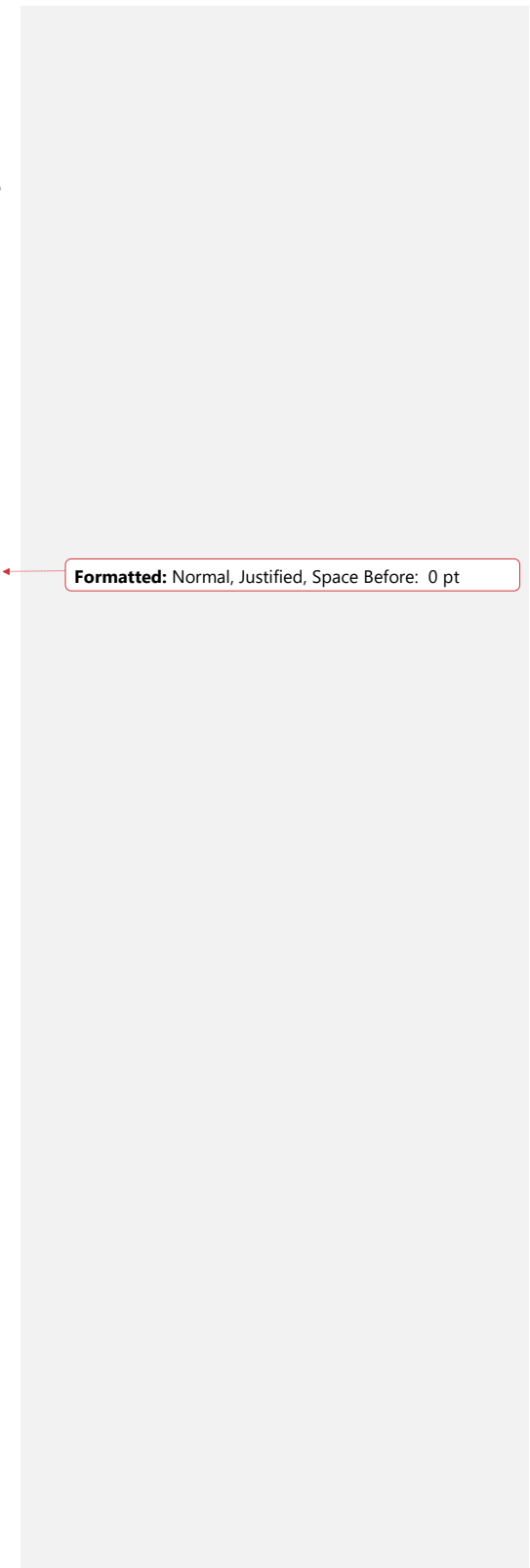
\_\_\_\_\_  
Signature of Complainant      —Date: \_\_\_\_\_

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

**To be completed by the Charter School:**

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

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



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# Innovations Academy

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

Board Approved: 12/8/2020

Innovations Academy ("IA") recognizes its responsibility to make and enforce all rules and regulations governing student and employee behavior to bring about the safest and most learning-conducive environment possible.

### Corporal Punishment

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

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

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

- A. Examples of PERMITTED actions (NOT corporal punishment)
  - 1. Stopping a student from fighting with another student;
  - 2. Preventing a pupil from committing an act of vandalism;
  - 3. Defending yourself from physical injury or assault by a student;
  - 4. Forcing a pupil to give up a weapon or dangerous object;
  - 5. Requiring an athletic team to participate in strenuous physical training activities designed to strengthen or condition team members or improve their coordination, agility, or physical skills;
  - 6. Engaging in group calisthenics, team drills, or other physical education or voluntary recreational activities.
  
- B. Examples of PROHIBITED actions (corporal punishment)
  - 1. Hitting, shoving, pushing, or physically restraining a student as a means of control;
  - 2. Making unruly students do push-ups, run laps, or perform other physical acts that cause pain or discomfort as a form of punishment;
  - 3. Paddling, swatting, slapping, grabbing, pinching, kicking, or otherwise causing physical pain.

### Acceptable and Unacceptable Staff/Student Behavior

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

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

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

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

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

#### Duty to Report Suspected Misconduct

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

#### Examples of Specific Behaviors

The following examples are not an exhaustive list:

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

- (a) Giving gifts to an individual student that are of a personal and intimate nature.
- (b) Kissing of any kind.



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

Unacceptable Staff/Student Behaviors without Parent and Supervisor Permission

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

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

Cautionary Staff/Student Behaviors

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

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

Acceptable and Recommended Staff/Student Behaviors

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

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



## **Attendance Policy**

Board Approved:

Consistent attendance is very important for a child to develop the relationship and flow for a successful education. We take attendance very seriously.

- If your child is enrolled in the 5- day program then they are committed to attending 5 days per week.
- If your child is enrolled in the 3 -day program (K-2<sup>nd</sup> grade) then your child is committed to attending all three days each week.
- And finally, if your child is enrolled in the Home Learning Community ("HLC"), you have made a commitment to become a part of that community and abide by the agreed upon attendance requirements.

### Definitions

- "*Tardy*": IA starts at 8:30 a.m. Students shall be classified as tardy if the student arrives after that time.
- "*Unexcused Absence*": Students shall have an unexcused absence if the student is absent or is tardy for more than thirty (30) minutes without a valid excuse.
- "*Truant*": Students shall be classified as truant if the student is absent from school without a valid excuse three (3) full days in one school year, or if the student is tardy or absent for more than any 30-minute period during the school day without a valid excuse on three (3) occasions in one school year, or any combination thereof. Any student who has once been reported as a truant and who is again absent from school without valid excuse one or more days, or tardy on one or more days, shall again be deemed a truant. Such students shall be reported to the Executive Director or designee.
- "*Habitual Truant*": Students 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*": Students 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.

- *"School Attendance Review Team ("SART")"*: The SART panel will be composed of the Director, the Assistant Director, the Accountability Coordinator and the classroom teacher. The SART panel will discuss the absence problem with the Parent/Guardian to work on solutions, develop strategies, discuss appropriate support 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 shall be required to sign a contract formalizing the agreement by the parents to improve the child's attendance or face additional administrative action. The contract 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 contract:
    - 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 District Attorney
  3. The SART panel may discuss other school placement options.
  4. Notice of action recommended by the SART will be provided in writing to the parent/guardian.

#### Excused Absences for Classroom Based Attendance

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

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

1. Personal illness.
2. Quarantine under the direction of a county or city health officer.
3. Medical, dental, optometric, or chiropractic appointments:

- a. Students in grades 7-12, inclusive, may be excused from school for the purpose of obtaining confidential medical services without the consent of the student's parent or guardian.
4. Attendance at funeral services for a member of the immediate family:
  - a. Excused absence in this instance shall be limited to one (1) day if the service is conducted in California or three (3) days if the service is conducted out of state.
  - b. "Immediate family" shall be defined as parent or guardian, grandparent, spouse, son/son-in-law, daughter/daughter-in-law, brother, sister or any other relative living in the student's household.
5. Observation of a religious holiday or ceremony.
6. Participation in religious instruction or exercises as follows:
  - a. The student shall be excused for this purpose on no more than four (4) school days per month.
7. For the purposes of jury duty in the manner provided for by law.
8. 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).
9. To permit the student to spend time with an immediate family member who is an active duty member of the uniformed services, as defined in Education Code section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the Charter School.
10. For purpose of serving as a member of a precinct board for an election pursuant to Election Code section 12302.
11. Attendance at the student's naturalization ceremony to become a United States citizen.
12. Authorized parental leave for a pregnant or parenting student for up to eight (8) weeks.
13. Authorized at the discretion of a school administrator, based on the facts of the student's circumstances, are deemed to constitute a valid excuse.
14. 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.

15. 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.
16. Appearance in court.
17. Attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization upon written request by parent and approval by the Executive Director or designee pursuant to uniform standards established by the Board.

#### Method of Verification

When students who have been absent return to school, they 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 parent/guardian, parent representative. This can be provided in person at the office or by emailing [info@innovationsacademy.org](mailto:info@innovationsacademy.org).
2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. Please call 858-271-1414. 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 expected date of return; 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 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.

### Tardies

William Shakespeare says, "Better three hours too soon than a minute too late." Plan ahead and drop your child off with 5 minutes to spare and they will never be late to class. If students are chronically late to school (more than 5 tardies the family will be called into a meeting to discuss the effect of said tardies on the student, teacher, and class (per the *Process for Addressing Truancy*, below)

Teaching children the importance of scheduling and punctuality will have a positive impact on their life. Additionally, when students arrive on time they are more connected to their community throughout the day which makes for a better educational environment for all.

### Leaving School Early

Once at school, a student may not leave the gated premises during school hours without permission from the office. If a student needs to leave school during the school day, s/he must be signed out in the office by a parent or guardian.

We ask that you communicate directly with the office when your child needs to leave campus for any reason. Please do not text or call your child directly during the school day. Students are not permitted to text or call from a personal cell phone without permission from their teacher or office staff during the school day. We are happy to take a message and carry it to your child so that it doesn't disrupt the flow of learning. If signing your student out early, please contact the office and we will send for your child.

### Sick Days

Although we feel it is important that children have good attendance, we also understand that children who are ill will not be able to learn and may impact the health and well-being of peers and staff. Please take a few

minutes at home to carefully check your child's health before s/he leaves for school. The following are suggested times when a child should stay home. If they come to school with any of the following conditions you may be called to pick them up:

- A report of illness during the night - fever is present (100 degrees or more)
- Complaints of nausea, upset stomach, vomiting, headache, diarrhea
- Development of a rash on face and/or body
- Severe cold, cough and/or sore throat  
Inflamed eye(s) with discharge

Please remember: An ill child cannot function properly in school. The spread of illness and disease through school can be more easily contained if sick children remain at home during the acute stage of an illness.

#### Process for Addressing Truancy

- After a student has 3 unexcused absences or tardies of over 30 minutes, the parent/guardian will receive a warning letter.
- After 5 unexcused absences and/or tardies of over 30 minutes, the Executive Director will contact the family to create a plan together for how to improve attendance.
- Should a student reach 10 unexcused absences or tardies of over 30 minutes, a meeting is scheduled with the family, Executive Director, and teacher to address this very serious issue.
- If your child has more than 15 unexcused absences or tardies of over 30 minutes in a school year, your child will be referred to a Student Success Team (SST) and the SART. .

If the conditions of the SART contract 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. 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 district of residence.

#### A budgetary note about frequent absences

While a solid education and quality learning experience are the most important factors of regular attendance, the simplest form of fundraising that you can do for our community is to ensure that your child is here each day possible as funding is based on attendance, not enrollment. When children are absent from school, we miss out on their contribution to our community.

Each day that a student is absent negatively impacts our budget by about



\$70.00. In order to run a school with a high-quality staff, materials and program it needs funds and a predictable budget. You can support the school by having your child in school consistently. If your child is unable to attend classes on campus regularly, due to prolonged illness, temporary disability, or other reasons, please see our independent study section below or contact the main office for further options.

### Short Term Independent Study Contracts

If you know in advance, including the morning of, that your child will be absent from one to twenty-one school/calendar days for any reason, your child's absence may be excused if a Contract of Independent Study is completed and signed before the student leaves. In addition to the signed contract, the student must complete and return to the front office the assigned classwork.

It is of utmost importance that families with children absent for any reason for one school day or longer, obtain an Independent Study Contract. This can be done by contacting the office and downloading the contract/student work from our website, having us email work or coming into the school office to pick up the necessary documents.

When possible, please contact the office three days prior to the anticipated absence in order for teachers to adequately prepare lessons for your child. Students are expected to complete all work assigned and turn it in to the office upon returning to school.

To review the School's complete Independent Study Policy, please request a copy at the main office.

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

When students are not in attendance on the first five (5) days of the school year, the Charter School will attempt to reach the 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, parents 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 due to an unexcused absence by the fifth day of the school year 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 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 (3<sup>rd</sup>) day of the school year 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 (5<sup>th</sup>) day of the school year will receive a phone call reiterating the content of the letter.
4. The Charter School will send the Involuntary Removal Notice to the Parent/Guardian and follow the Involuntary Removal Process described below for any students who have not attended by the sixth (6<sup>th</sup>) day, and do not have an excused absence.
5. The Involuntary Removal Process can be started immediately upon the Charter School receiving documentation of Student's enrollment and attendance at another public or private school (i.e. a CALPADS report).
6. The Charter School will use the contact information provided by the parent/guardian in the registration packet.
7. Upon removal, the last known school district of residence will be notified of the student's failure to attend the Charter School and the disenrollment within thirty (30) days of the disenrollment.

#### Involuntary Removal Process

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

Upon parent/guardian request for a hearing, the Charter School will provide notice of hearing consistent with its expulsion hearing process, through which the student has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the student has the right to bring legal counsel or an advocate. The notice of hearing shall be in the native

language of the student or the student's parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder and shall include a copy of the Charter School's expulsion hearing process.

If the parent/guardian is nonresponsive to the Involuntary Removal Notice, the Student will be disenrolled as of the effective date set forth in the Involuntary Removal Notice. If 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 district of residence within thirty (30) days.

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

#### 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 child's attendance does not improve after a SART contract has been developed according to the procedures above, or if the parents fail to attend a required SART meeting, the Charter School shall notify the District's 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 report 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.



## **Uniform Complaint Policy & Procedures**

Board Approved: 10/2018  
Board Revised:

Innovations Academy ("IA") complies with applicable federal and state laws and regulations. IA is the local agency primarily responsible for compliance with federal and state laws and regulations governing educational programs. Pursuant to this policy, persons responsible for compliance and/or conducting investigations shall be knowledgeable about the laws and programs, which they are assigned to investigate.

### Scope

Not all complaints fall under the scope of this Policy.

- Many concerns can be made in accordance with the **General Complaint Policy**, including complaints regarding classroom assignments, common core, grades, classroom requirements, hiring and evaluation of staff, drop off and pick up procedures, homework policies and practices, provision of core curricula subjects, student advancement and retention, student discipline, student records, the Bagley- Keene Open Meeting Act, the Brown Act, and other general education and school requirements that do not otherwise fall under the purview of this Policy. A complete copy of this Policy is included within this Family Handbook.
- Concerns may also be raised under the School's **Title IX, Harassment, Intimidation, Discrimination, and Bullying Policy**. A complete copy of this Policy is included within this Family Handbook.

The following complaints are referred to other agencies for resolution and not subject to the Uniform Complaint Policy:

- Allegations of child abuse are referred to County Departments of Social Services, Protective Services Divisions, or appropriate law enforcement agency.
- Employment complaints are sent to the California Department of Fair Employment and Housing.
- Allegations of fraud are referred to the responsible Division Director at the California Department of Education ("CDE").

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

1. Complaints of unlawful discrimination, harassment, intimidation or bullying against any protected group on the basis of 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, pregnancy, sex, or sexual orientation, or on the basis of a person's association with a person or group with

**Commented [MMH1]:** Annual notice. It appears that the School has included its complete policy, as such, we have updated to ensure legal compliance.

one or more of these actual or perceived characteristics in any IA program or activity.

2. Complaints of violations of state or federal law and regulations governing the following programs:
  - Accommodations for Pregnant, Parenting or Lactating Students;
  - Adult Education;
  - Career Technical and Technical Education;
  - Career Technical and Technical Training;
  - Child Care and Development Programs;
  - Consolidated Categorical Aid;
  - Education of Students in Foster Care, Students who are Homeless, former Juvenile Court Students now enrolled in a public school, Migratory Children and Children of Military Families;
  - Every Student Succeeds Act;
  - Migrant Education Programs;
  - Regional Occupational Centers and Programs; and/or
  - School Safety Plans.
  
3. Complaints alleging that a student enrolled in a public school was required to pay a pupil fee for participation in an educational activity as those terms are defined below.
  - a. "Educational activity" means an activity offered by the charter school that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities.
  
  - b. "Pupil fee" means a fee, deposit or other charge imposed on students, or a student's parents/guardians, in violation of Education Code section 49011 and Section 5 of Article IX of the California Constitution, which require educational activities to be provided free of charge to all students without regard to their families' ability or willingness to pay fees or request special waivers, as provided for in *Hartzell v. Connell* (1984) 35 Cal.3d 899. A pupil fee includes, but is not limited to, all of the following:
    - i. A fee charged to a student as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory or is for credit.
  
    - ii. A security deposit, or other payment, that a student is required to make to obtain a lock, locker, book, class apparatus, musical instrument, uniform or other materials or equipment.
  
    - iii. A purchase that a student is required to make to obtain materials, supplies, equipment or uniforms associated with an educational activity.
  
  - c. A pupil fees complaint and complaints regarding local control and accountability plans ("LCAP") only, may be filed anonymously (without an identifying signature), if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with Education Code sections 52060 - 52077, including an allegation of a violation of Education Code sections 47606.5 or 47607.3, as referenced in Education Code section 52075, regarding local control and accountability plans.

- d. If IA finds merit in a pupil fees complaint, or the California Department of Education ("CDE") finds merit in an appeal, IA shall provide a remedy to all affected students, parents/guardians that, where applicable, includes reasonable efforts by IA to ensure full reimbursement to all affected students and parents/guardians, subject to procedures established through regulations adopted by the state board.
  - e. Nothing in this Policy shall be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or IA and other entities from providing student prizes or other recognition for voluntarily participating in fundraising activities.
4. Complaints alleging noncompliance with the requirements governing the Local Control Funding Formula ("LCFF"), or Local Control and Accountability Plans ("LCAP") under Sections 47606.5 and 47607.3 of the Education Code, as applicable. If IA adopts a School Plan for Student Achievement in addition to its LCAP, complaints of noncompliance with the requirements of the School Plan for Student Achievement under Education Code sections 64000, 64001, 65000, and 65001 shall also fall under this Policy.
  5. 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.
  6. 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.

Moreover, IA acknowledges and respects every individual's right to privacy. Unlawful discrimination, harassment, intimidation or bullying complaints shall be investigated in a manner that protects (to the greatest extent reasonably possible) the confidentiality of the parties and the integrity of the process. IA cannot guarantee anonymity of the complainant. This includes keeping the identity of the complainant confidential. However, IA will attempt to do so as appropriate. IA may find it necessary to disclose information regarding the complaint/complainant to the extent necessary to carry out the investigation or proceedings, as determined by the Director or designee on a case-by-case basis.

IA prohibits any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of unlawful discrimination, harassment, intimidation or bullying. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

Compliance Officers

The Board of Directors designates the following compliance officer(s) to receive and investigate complaints and to ensure Innovations Academy's compliance with law:

Christine Kuglen

**Commented [MB2]:** Although these complaints do not fall under the UCP, under 5 CCR § 15583, the School must investigate and prepare a written report on these complaints in compliance with the UCP requirements.

**Commented [MB3]:** CDE considers this in the same family of programs as Homeless/Foster/Military/Migrant. See above in list of Programs.

Executive Director  
10380 Spring Canyon Rd, San Diego, CA 92131  
858-271-1414  
[christine@innovationsacademy.org](mailto:christine@innovationsacademy.org)

**Commented [MB4]:** This aligns with the contact listed in IA's UCP policy.

or

Tony Spitzberg  
Assistant Director  
10380 Spring Canyon Rd, San Diego, CA 92131  
858-271-1414  
[Tony@innovationsacademy.org](mailto:Tony@innovationsacademy.org)

**Commented [MB5]:** This aligns with the contact listed in IA's UCP policy.

IA shall ensure that the staff persons responsible for conducting investigations relating to this Uniform Complaint Policy shall be knowledgeable about the laws and programs for which they are responsible. The compliance officer may have access to legal counsel as determined by the Executive Director or designee.

Should a complaint be filed against the Director or Assistant Director, the compliance officer for that case shall be the Parent Representative on the Board of Directors or his/her designee.

#### Notifications

The Executive Director or designee shall annually provide written notification of this Policy to employees, students, parents and/or guardians, school officials and other interested parties by publishing notification on the website and in the Family Handbook. A copy is available upon request free of charge.

**Commented [MMH6]:** Please note this website requirement.

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

The annual notice shall include the following:

1. A list of the types of complaints that fall under the scope of the UCP and the state and federal provisions that govern complaints regarding child nutrition programs and special education programs.
2. A statement clearly identifying any California State preschool programs that IA is operating as exempt from licensing pursuant to Health and Safety Code section 1596.792(o) and corresponding Title 5 health and safety regulations, and any California State preschool programs that IA is operating pursuant to Title 22 licensing requirements.
3. A statement that IA is primarily responsible for compliance with federal and state laws and regulations.
4. A statement that a pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.
5. A statement identifying the responsible staff member, position, or unit designated to

receive complaints.

6. A statement that if a UCP complaint is filed directly with the CDE and the CDE determines that it merits direct intervention, the CDE shall complete an investigation and provide a written decision to the complainant within sixty (60) calendar days of receipt of the complaint, unless the parties have agreed to extend the timeline or the CDE documents exceptional circumstances and informs the complainant.
7. A statement that the complainant has a right to appeal an IA decision to the CDE by filing a written appeal within thirty (30) calendar days of the date of IA's decision, except if IA has used its UCP to address a complaint that is not subject to the UCP requirements.
8. A statement that a complainant who appeals IA's decision on a UCP complaint to the CDE shall receive a written appeal decision within sixty (60) calendar days of the CDE's receipt of the appeal, unless extended by written agreement with the complainant or the CDE documents exceptional circumstances and informs the complainant.
9. A statement that if IA finds merit in a UCP complaint, or the CDE finds merit in an appeal, IA shall take corrective actions consistent with the requirements of existing law that will provide a remedy to the affected student and/or parent/guardian as applicable.
10. A statement advising the complainant of any civil law remedies that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable, and of the appeal pursuant to Education Code § 262.3.
11. A statement that copies of the local educational agency complaint procedures shall be available free of charge.

**Commented [MB7]:** 60 calendar days per EC 33315.

**Commented [MB8]:** 30 calendar days per 5 CCR 4632(a).

**Commented [MB9]:** 60 calendar days per EC 33315.

### Procedures

The following procedures shall be used to address complaints that allege that IA has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint.

- **Step 1: Filing of Complaint subsequent related actions**

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

Any individual, including a person's duly authorized representative or an interested third party, public agency, or organization alleging noncompliance by IA or unlawful discrimination, harassment, intimidation or bullying pursuant to this Policy may file a written complaint using the complaint form.

A complaint alleging unlawful discrimination, harassment, intimidation or bullying shall be initiated no later than six (6) months from the date when the alleged unlawful discrimination, harassment, intimidation or bullying occurred, or six (6) months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination, harassment, intimidation or bullying, unless the time for filing is extended



by the Executive Director or designee, upon written request by the complainant setting forth the reasons for the extension. Such extension by the Executive Director or designee shall be made in writing. The period for filing may be extended by the Executive Director or designee for good cause for a period not to exceed ninety (90) calendar days following the expiration of the six-month time period. The Executive Director shall respond immediately upon a receipt of a request for extension

A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination, harassment, intimidation or bullying or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination, harassment, intimidation or bullying.

All other complaints under this Policy shall be filed not later than one (1) year from the date the alleged violation occurred. For complaints relating to the LCAP, the date of the alleged violation is the date on which the IA Board of Directors approved the LCAP or the annual update was adopted by IA.

The complaint shall be presented to the Compliance Officer, who shall maintain a log of complaints received, providing each with a code number and date stamp. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, IA staff shall assist him/her in the filing of the complaint.

Complaints filed pursuant to this Policy must be in writing and signed. A signature may be handwritten, typed (including in an email) or electronically generated. Only complaints regarding pupil fees or LCAP compliance may be filed anonymously as set forth in this Policy. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, IA staff shall assist the complainant in the filing of the complaint.

- **Step 2: Resolution Meeting**

Within five (5) business days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of engaging in a Resolution Meeting with the IA school counselor serving as mediator. If the complainant agrees to a Resolution Meeting, the compliance officer shall make arrangements for the same.

**Commented [MB10]:** This is not a timeline set forth in the law/regulation, but it seems reasonable.

Before initiating the Resolution Meeting of an unlawful discrimination, harassment, intimidation or bullying complaint, the compliance officer shall ensure that all parties agree to make the counselor a party to related confidential information.

If the Resolution Meeting does not resolve the problem, the compliance officer shall proceed with his/her investigation of the complaint.

The use of a Resolution Meeting shall not extend IA's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

- **Step 3: Investigation of Complaint**

Within five (5) business days of receiving the complaint, the compliance officer is encouraged to informally discuss with the complainant the possibility of using mediation.

This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally. If the complainant agrees to mediation, the compliance officer shall make arrangements for this process.

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

A complainant's refusal to provide IA's compliance officer with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation.

IA's refusal to provide the compliance officer with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

- **Step 4: Final Written Response**

Unless extended by written agreement with the complainant, the compliance officer shall issue to the complainant a written report of IA's investigation and Decision within sixty (60) calendar days of receipt of the complaint.

IA's decision shall be written in English and in the language of the complainant whenever feasible or as required by law.

The decision shall include:

1. The findings of fact based on evidence gathered
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition
5. Corrective actions, if any are warranted
6. Notice of the complainant's right to appeal the decision within thirty (30) calendar days to the CDE, except when IA has used its UCP to address complaints that are not subject to the UCP requirements.
7. Procedures to be followed for initiating such an appeal
8. For unlawful discrimination, harassment, intimidation or bullying complaints arising under state law, notice that the complainant must wait until sixty (60) days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies

If an employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the employee was informed of IA's expectations. The report shall not give any further information as to the nature of the disciplinary action.

#### Appeals to the CDE

If dissatisfied with IA's Decision, the complainant may appeal in writing to the CDE within thirty (30) calendar days of receiving the Decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are

Commented [MB11]: 30 calendar days per 5 CCR 4632(a); 5 CCR 4631(a)

Commented [MB12]: 30 calendar days per 5 CCR 4632(a).

incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of IA's Decision. When appealing to the CDE, the complainant must specify and explain the basis for the appeal, including at least one of the following:

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

Upon notification by the CDE that the complainant has appealed IA's decision, the Director or designee shall forward the following documents to the CDE:

1. A copy of the original complaint.
2. A copy of the decision.
3. A summary of the nature and extent of the investigation conducted, if not covered by the decision.
4. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by all parties and gathered by the investigator.
5. A report of any action taken to resolve the complaint.
6. A copy of IA's complaint procedures.
7. Other relevant information requested by the CDE.

If the CDE determines the appeal raises issues not contained in the local complaint, the CDE will refer those new issues back to IA for resolution as a new complaint. If the CDE notifies IA that its Decision failed to address an allegation raised by the complaint and subject to the UCP process, IA will investigate and address such allegation(s) in accordance with the UCP requirements and provide the CDE and the appellant with an amended Decision addressing such allegation(s) within twenty (20) calendar days of the CDE's notification. The amended Decision will inform the appellant of the right to separately appeal the amended Decision with respect to the complaint allegation(s) not addressed in the original Decision.

Within thirty (30) calendar days of the date of the CDE's appeal Decision pursuant to 5 C.C.R. section 4633(f)(2) or (3), either party may request reconsideration by the State Superintendent of Public Instruction ("SSPI") or the SSPI's designee. The request for reconsideration shall specify and explain the reason(s) for contesting the findings of fact, conclusions of law, or corrective actions in the CDE's appeal Decision. The SSPI will not

Commented [MB13]: 20 calendar days per 5 CCR 4632(f)

consider any information not previously submitted to the CDE by a party during the appeal unless such information was unknown to the party at the time of the appeal and, with due diligence, could not have become known to the party. Pending the SSPI's response to a request for reconsideration, the CDE appeal Decision remains in effect and enforceable, unless stayed by a court.

The CDE may directly intervene in the complaint without waiting for action by IA when one of the conditions listed in [Title 5, California Code of Regulations section 4650](#) exists, including cases in which IA has not taken action within sixty (60) days of the date the complaint was filed with IA.

Commented [MB14]: Citation confirmed.

#### Civil Law Remedies

A complainant may pursue available civil law remedies outside of these 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) 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 IA has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint.

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**UNIFORM COMPLAINT PROCEDURE FORM**

Last Name: \_\_\_\_\_ First Name/MI: \_\_\_\_\_

Grade: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Street Address/Apt. #: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

School of Alleged Violation: \_\_\_\_\_

**Commented [MB15]:** Although you may provide this form, complainants are not required to use this form to submit a UCP complaint. Any written and signed statement (which may include an email with a digital signature) alleging violations that fall under the UCP that is filed pursuant to the UCP within the required timeframes constitutes a UCP complaint.

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

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

**For allegation(s) of unlawful discrimination, harassment, intimidation or bullying, please check the basis of the unlawful discrimination, harassment, intimidation or bullying described in your complaint, if applicable:**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Age                             | <input type="checkbox"/> Gender / Gender Expression / Gender Identity | <input type="checkbox"/> Sex (Actual or Perceived)   |
| <input type="checkbox"/> Ancestry                        | <input type="checkbox"/> Genetic Information                          | <input type="checkbox"/> Sexual Orientation (Actual or Perceived)  |
| <input type="checkbox"/> Color                           | <input type="checkbox"/> Medical Condition                            | <input type="checkbox"/> Based on association with a person or group with one or more of these actual or perceived characteristics |
| <input type="checkbox"/> Disability (Mental or Physical) | <input type="checkbox"/> National Origin/Nationality                  | <input type="checkbox"/> Marital Status  |
| <input type="checkbox"/> Ethnic Group Identification     | <input type="checkbox"/> Race or Ethnicity                            |  |
| <input type="checkbox"/> Immigration Status/citizenship  | <input type="checkbox"/> Religion                                     |  |

1. Please give facts about the complaint. Provide details such as the names of those involved, dates, whether witnesses were present, etc., that may be helpful to the complaint investigator.

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2. Have you discussed your complaint or brought your complaint to any IA staff members? If you have, to whom did you take the complaint, and what was the result?

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3. Please provide copies of any written documents that may be relevant or supportive of your complaint. I have attached supporting documents.  Yes  No

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

Mail complaint and any relevant documents to:  
Innovations Academy, 5454 Ruffin Rd. San Diego, CA 92123

Christine Kuglen, Director or  
Tony Spitzberg, Assistant  
Director

**PLEASE KEEP A COPY OF YOUR COMPLETED FORM FOR  
YOUR RECORDS.**



# Innovations Academy

## **General Complaint Policy**

Board Approved: 10/2018

Board Revised: 12/08/2020

The Innovations Academy ("IA") Board has approved this policy to be used for parents = when something is working or not working for at IA. This is our name for our Adult Effective Communication Complaint Policy. It is what we believe works best to truly address issues and solve them.

Modeling is essential in the learning process. If we want our children to learn how to communicate effectively it is of utmost importance that we model what this looks like. Here is a chart of specific actions that will support our children to learn effective communication.

Instead of:	Do:
Complaining about something that happened	Speak with the teacher or staff about your concern
Shutting down because you feel left out of some communication	Speak to the teacher about how to get all class info
Believing something someone tells you (aka participate in rumors)	Go to the source and get the information yourself
Sharing a frustration about the school, the teacher or the parent association with another parent or on social media	Speak directly with the director, the teacher or the Parent Association president
Harboring frustration, anger or hurt about something your child told you happened at school	Approach the teacher or Executive Director to inquire about the situation

Feedback is an essential part of communication that is very valuable to us as a community. If there is something you like, let us know (we can publish it in our gratitude book)! If there is something you do not understand, are confused by, or do not like, also let us know. Going directly to the source generally gives clarity and understanding.

The only way to get your needs met is to let us know what your needs are. If you have a complaint, frustration, question, concern, excitement or

appreciation, please communicate with us. There are many ways to communicate: talk in person, write an email, send a note, or make a phone call. We want our families to get their questions answered. We want to be in communication with you. We need you to tell us when you need that to happen. All of your positive and negative feedback helps us improve our program and understand the needs of so many families.

Though giving feedback sounds good on paper it can truly be the most difficult thing you will do. Actually approaching a person when you have negative feelings is a huge challenge. Expect to feel uneasy and let the person with which you need to speak know you need their time. You can start with, "I'm confused; I'm hurt; I'm happy; or I'm excited; when I see (hear, notice...)\_\_\_\_\_.

Understand that we would rather have the information so that we can improve than to have rumors and negative information, like poison, spread through the internet, school or community grapevine.

If you have a concern, here are the appropriate steps to take:

1. Start at the source:

- a. If you have a concern with something in the classroom, speak to the teacher.
- b. If you have a concern with something in the front office, speak with the Executive Director.
- c. If you have a concern with an IEP, speak with the Education Specialist/Case Manager.
- d. If you have a concern about the educational program, speak with the Executive Director.
- e. If you have a concern about an issue with another student, speak with the teacher, the Assistant Director or the Executive Director.

2. If you have completed step one and feel the concern is persisting, email the teacher (or other staff member) and copy the director. A meeting will be set up with all parties involved.

3. If you have completed step one and two and the concern is persisting, set up a private meeting with the director.

4. If you have completed steps one, two, and three and do not feel that your concern has been fully addressed, email the Executive Director and copy the Innovations Academy Board of Directors ([board@innovationsacademy.org](mailto:board@innovationsacademy.org)).



5. If you have communicated thoroughly using steps one through four and do not feel that the concern has been fully addressed, please get in touch with the IA Board of Directors in one of the following ways:

- a. Write a letter to the I.A. Board and send it to our school address, or
- b. Email our board at [Board@InnovationsAcademy.org](mailto:Board@InnovationsAcademy.org), or
- c. Attend a board meeting and present during community comments.

We have provided the form on the next page for providing feedback to the School.

#### GENERAL ASSURANCES

1. Confidentiality: All complainants shall be notified that information obtained from the complainants, and thereafter gathered during the investigation, shall be maintained in a manner as confidential as possible, but in some circumstances absolute confidentiality cannot be guaranteed.
2. Non-Retaliation: All complainants shall be advised that complainants shall be protected against retaliation as a result of the filing of any complaints or participation in any complaint process.
3. Resolution: The Board, Executive Director, or designee will investigate complaints appropriately under the circumstances, and if necessary, take appropriate remedial measures to ensure effective resolution of any complaint.

**General Complaint Form**  
To be turned into the front office

Name/Anonymous: \_\_\_\_\_ Date: \_\_\_\_\_

If you would like to provide feedback, we'd love to hear it. Please take your time and turn it in to the main office. We understand that giving negative feedback is challenging and we commit to address your issue when it is brought to our attention. We invite your information and need it in order to improve. Both children and adults are encouraged to use this form. Please use as much factual detail as possible (e.g. specific statements; what, if any, physical contact was involved; any verbal statements; what did you do to avoid the situation, etc.)

Date of Alleged Incident(s): \_\_\_\_\_

Name of Person(s) this complaint is about (if known and applicable):

\_\_\_\_\_

List any witnesses that were present:

\_\_\_\_\_

Where did the incident(s) occur?

\_\_\_\_\_

Summary of my issue/observation (Attach additional pages, if needed):

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

I would like to (check all that apply):

\_\_\_\_\_ To talk to a particular staff member (name: \_\_\_\_\_)

\_\_\_\_\_ To meet with the Executive Director

\_\_\_\_\_ To call a conference for my family with another family at IA.

\_\_\_\_\_ Receipt of this form to be acknowledged

\_\_\_\_\_ To thank the parties involved who are:.

\_\_\_\_\_ To express my appreciation for

\_\_\_\_\_ Other:

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. Employees providing false information in this regard could result in disciplinary action up to and including termination.