

Big Sur Charter School 2021-22 Family Handbook



Our Mission

The Big Sur Charter School is devoted to guiding students to become intellectually curious, emotionally intelligent, environmental stewards.

www.bigsurcharterschool.org

304 Foam St Monterey, CA 93940 • phone (831)324-4573 • fax (831)884-5454

TABLE OF CONTENTS

Admission Requirements	1
Our Program	2
<i>Coastal Stewardship</i>	2
<i>Art</i>	2
<i>Curriculum</i>	3
<i>Assignments</i>	3
<i>Academic Honesty</i>	3
<i>Stewardship Camp and 8th Grade Promotion</i>	3
<i>Community Learning Partner Programs</i>	3
<i>Drop-off, Pick-up and Parking</i>	4
<i>Lunch and snack</i>	4
<i>7th and 8th Off Campus Lunch Privileges</i>	4
Attendance	5
<i>Report of Missed Attendance (Involuntary Removal)</i>	5
<i>Report of Missed Attendance for Special Education Students</i>	6
Supporting All Students	6
<i>Grading</i>	6
<i>Report Cards and Progress Reports</i>	7
<i>Standardized Testing</i>	7
<i>Systems of Support</i>	7
<i>English Language Learners</i>	7
<i>Section 504</i>	8
<i>Special Education - Child Find</i>	8
<i>Behavior Expectations</i>	8
<i>Cell Phones at the Learning Center</i>	10
Parent Engagement	10
<i>School Communication</i>	10
<i>Sibling Policy</i>	10
<i>Fundraising</i>	11
<i>Family Giving</i>	11
Health and Safety	11
<i>Vision, Hearing, Oral Health Assessments, and Immunizations</i>	12
<i>Medications at School</i>	14

<i>Mental Health Resources (Annual Notice)</i>	14
Teacher Qualifications	14
Disenrolling	14
Nondiscrimination/Harassment and Complaint Procedures	15
<i>Nondiscrimination Statement</i>	15
<i>Discrimination Complaints or Uniform Complaint Procedures</i>	15
<i>How to File a Uniform Complaint Regarding Discrimination</i>	15
Other Types of Complaints	16
<i>Student Complaints</i>	16
Local Control and Accountability Plan (EC §§52060-52077)	17
Policies and Annual Notices	18
<i>Homeless Children and Youth Annual Notice</i>	18
<i>Foster Youth Annual Notice</i>	18
<i>Annual Notification of the Uniform Complaint Procedures (UCP)</i>	18
<i>Type 2 Diabetes Annual Notification</i>	20
<i>Staff/Student Interactions and Boundaries Policy</i>	22
<i>Title IX</i>	24
<i>Family Educational Rights and Privacy Act (FERPA) Rights for Parents and Eligible Students Annual Notification</i>	25
<i>Youth Suicide Prevention Policy</i>	26
<i>Suspension and Expulsion Policy</i>	28

Dear Parents,

Welcome to the Big Sur Charter School (“BSCS”) community! BSCS offers a vibrant alternative to traditional public schooling. We combine education at our Monterey Learning Center, the home environment, in the community and in nature to ensure that students benefit from diverse and experiential learning environments. The school and the family represent two parts of a key, when connected in partnership, unlocks the potential of each student.

We recognize that not all students learn the same way and are committed to providing academically challenging programs that meet the individual needs of every student.

This handbook is designed to help you understand more about our school, so that you can fully participate as a partner in your child’s learning. We know that you want the best for your child. Let’s work together to provide your child with the support they need to be successful!



**Where Home, School, and Community
are Partners in Learning**

Admission Requirements

BSCS admits students residing in Monterey County and all adjacent counties. Upon enrollment families are required to provide immunization records, proof of age, and residency documentation for each student. Those students who do not meet the State guidelines for immunizations will be excluded from BSCS classes 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 BSCS classes at the discretion of the School.

We are a public school and do not charge tuition. All interested families are encouraged to complete the Application for Enrollment. To ensure that parents and students understand the model of our home-school-community approach we encourage you to schedule a school visit. These appointments may be made on our website.

If the number of students who wish to attend the Charter School exceeds the Charter School's capacity, as set annually by the Board of Directors, admission shall be determined by a public random drawing. In the event of a drawing, current students wishing to return will be automatically enrolled. Remaining enrollment spots will be filled through the public random drawing, scheduled at a time and place so as to allow for maximum parent involvement, with the following admissions preferences:

- Siblings of students admitted to or attending the Charter School
- Residents of the District (Big Sur Unified School District)
- All other applicants

Students selected in the lottery process have thirty (30) days to formally register in order to ensure enrollment. If the registration is not completed in the allotted period of time, the Charter School will proceed to offer enrollment to the next student on the waiting list.

Formal enrollment in the Charter School also requires the following documents submitted prior to the start of the school year:

- *Master Agreement and Acknowledgement of Responsibilities* document signed by the parent, student, charter school teacher, and any person designated by the parent to teach their child. This document will clearly provide educational guidelines and responsibilities and provide consent to voluntarily participate in this independent study program.
- Records documenting immunizations required by the State of California.
- Residency verification documents.

At the conclusion of the public random drawing, all students who were not granted admission due to capacity shall be given the option to put their name on a waitlist according to their draw in the lottery. This waitlist will allow students the option of enrollment in the case of an opening during the current school year. In no circumstance will a waitlist carry over to the following school year.

Parents/guardians, teachers and the student are required to sign the Master Agreement before the first day of instruction. The Master Agreement contains the courses and monthly consultation meeting times.

Students may not be given access to any school curricula or activities until the Master Agreement is signed by all parties. No attendance may be claimed by the school until the Master Agreement has been signed.

Our Program

Big Sur Charter School's academic program combines education at our Monterey Learning Center, the home environment, in the community, and in nature. The amount of time spent in any one learning environment is determined by grade level, with kindergarteners spending more time learning at home, and eighth graders spending more time learning at the learning center and in the community.

At the learning center, students work in small classroom settings with credentialed teachers using a comprehensive curriculum that meets Common Core Standards. Focus subjects are:

- Math
- Language Arts - Written expression (3rd-8th), Reading (K-2)
- Art
- Science for 7th & 8th, when possible

On days when students are not at the Learning Center, they continue to learn at home under the direct supervision of parents/guardians, using curriculum and resources provided by the school.

Focus subjects:

- Language Arts - Grammar, vocabulary, reading or writing depending on grade
- Social Studies
- Science
- PE

The school year is divided into ten (10) Learning Periods (LP) with a maximum of 20 school days each. For students in all grade levels offered by the School, the maximum length of time that may elapse between the time an assignment is made and the date by which the student must complete the assigned work shall be no more than twenty (20) school days.

Students and parents/guardians are responsible for ensuring that students engage in educational activities assigned by the School on each of the days of the regular school calendar in order to be considered in attendance on that day.

Coastal Stewardship

The Coastal Stewardship Program is an integral part of Big Sur Charter School. Students in grades K-8 participate in weekly outdoor education classes lead by our Nature Specialist and held in various locations throughout Monterey County. The program goals are age and grade specific, with the academic rigor progressing along grade level.

Art

All BSCS students participate in a weekly art class. While the class framework is based on the Visual and Performing Art standard, students are encouraged to follow their artistic passions.

Curriculum

All students are provided school selected California standards-based curriculum. A copy of the curriculum list is available in the school office and on our website. All materials are the property of BSCS and must be returned in good condition at the end of each year or as required by the resource library. Parents agree to pay for all lost or damaged materials.

Assignments

Each Learning Period students receive a Home Study Guide (HSG) from their teacher. The HSG is a monthly plan that defines the content and assignments to be taught and graded at home by the parent or guardian, and has weekly turn in dates for assignments.

Each week, completed and graded HSG assignments are turned in along with the Assignment and Work Record (AWR). The AWR is a weekly record completed by the student to monitor completion and mastery of content in the Home Study Guide. Ungraded HSG assignments will be sent home and must be resubmitted within five (5) days to make up for any lost attendance.

Students also receive instruction and assignments from teachers during learning center classes. These assignments are graded and reported by the teacher.

Academic Honesty

The Governing Board believes that academic honesty and personal integrity are fundamental components of a student's education and character development. The Board expects that students will not cheat, lie, plagiarize or commit other acts of academic dishonesty.

Students, parents/guardians, staff and administrators shall be responsible for creating and maintaining a positive school climate that encourages honesty. We understand that part of growing up is to test boundaries. For that reason, when addressing academic dishonesty, the first step will be a conversation with the teacher and or school director explaining the importance of doing one's own work, and being honest. If a second conversation is warranted, the parents will be notified, and the student shall be subject to discipline, up to and including suspension or expulsion from Big Sur Charter School.

Stewardship Camp and 8th Grade Promotion

Participation in Stewardship Camp (7th and 8th grade) and in 8th grade promotion requires that students be in good academic standing. This is defined as having the equivalent to at least all C's and having maintained full attendance for LP's 7-10.

Community Learning Partner Programs

Community learning partners are local community members and organizations that BSCS partners with to provide various learning opportunities for all students.

To ensure a safe and positive learning environment we ask that:

- Parents/Guardians notify the school if their child will be absent.
- Model respectful consideration by being mindful of the needs and goals of the group.

- Be on time for drop-off and pick-up.
- Parents/Guardians of TK-4th grade sign-in and sign-out
- Provide transportation, water, snacks, and appropriate clothing.
- If chaperoning, ensure the safety of all students and model respectful behavior.
- Only parents/guardians will be allowed to pick up students unless written permission from the parent for another adult to pick up the child is on file in the office.

While participating in school-sponsored activities we expect students follow the school's behavior expectations:

- Be Respectful
- Be Responsible
- Be Safe
- Be Your Personal Best, and
- Follow the Direction of Teacher and Chaperones

Students may be dropped from BSCS Community Learning Partner Programs after two (2) unexcused absences or tardies in a Learning Period, or for failing to follow the behavior expectations. See the Behavior Expectations section below of more detail.

Drop-off, Pick-up and Parking

- Wave Street/Cannery Row is the safest place to park and either walk your student up to the Learning Center or let them out.
- Please drop-off & pick-up your student on time.
- There is no supervision before 9 am or after classes end.
- If your student is in TK/K-grade 4, please sign your student in and out.
- Please wait in the courtyard for classes to begin or end. Be mindful of the noise as some classes may still be in session.
- There is no parking in either of the lots for any reason.
- No stopping in the red zone - it blocks the crosswalk making it unsafe for pedestrians.

Lunch and snack

- Zero waste as possible
- Send lots of food, reusable water bottle and utensils
- If you need to drop a lunch off after school starts, please bring it to the office.

7th and 8th Off Campus Lunch Privileges

- Students have to stay on the block and sign out
- We do not monitor what students purchase off campus

Attendance

As a nonclassroom-based school attendance is assignment based. Students must complete all HSG and learning center assignments to receive full attendance and to ensure that the following instructional minutes are met:

- 36,000 minutes in kindergarten (equivalent to approx. 3.4 hrs/day)
- 50,400 minutes in grades 1-3 (equivalent to approx. 4.8 hrs/day)
- 54,000 minutes in grades 4-8 (equivalent to approx. 5.1 hrs/day)

Completed HSG and learning center assignments are evaluated monthly by the teacher for attendance purposes. The teacher may deduct attendance days if, in his/her professional judgment, the work does not represent sufficient instructional time. Ungraded/incomplete work may be sent home and must be resubmitted within five (5) days to make up for any lost attendance.

Report of Missed Attendance (Involuntary Removal)

When any student fails to complete their assigned work during any Learning Period, the School Director or his/her designee shall conduct an evaluation to determine whether it is in the best interest of the student to remain in independent study. A student may miss six (6) assignments in any given LP and still receive full attendance. A written record of the findings of any evaluation conducted pursuant to this policy shall be treated as a mandatory interim student record.

A Report of Missed Attendance evaluation may also be conducted if the student is not making adequate academic progress. The evaluation can include the following supportive strategies:

- A required meeting between student, parent/guardian and supervising teacher to create a plan to support the student and/or parent.
- Possible strategies to support the student's learning such as individual or small group tutoring, parent coaching, or other methods to support the student's success.

The Administration shall take any information presented by the parent/guardian into consideration when determining whether it is in the best interest of the student to remain in independent study. Additional factors to be considered include but are not limited to the following:

1. Student's grades at the time of the evaluation
2. Teacher observation/feedback
3. Standardized testing data
4. Student's progress in independent study curriculum

The Administration's decision shall be provided in writing to the parent/guardian within three (3) days of the evaluation. The Administration may:

1. Place the student on attendance probation to be evaluated again at a later time,
2. Use other alternatives to improve attendance, or
3. Find that it is not in the student's best interest to remain in independent study.

If the Administration finds that it is not in the student's best interest to remain in independent study, then the student shall be withdrawn from enrollment at Big Sur Charter School and the student's District of Residence will be notified.

Report of Missed Attendance for Special Education Students

If a Report of Missed Assignment Evaluation is needed for a Special Education student, the IEP team will be notified and an IEP meeting will be held to determine if independent study is an appropriate placement.

Supporting All Students

Grading

Parents are responsible for grading all HSG work according to the grading scale below. Ungraded work will be sent home to be graded, but must be returned within five (5) instructional days for the student to receive credit.

Big Sur Charter School's evaluation scale seeks to measure students' understanding of academic content but also, and maybe more importantly, the effort students put into learning the content and their academic growth. Students receive grades at the end of each Learning Period based on content mastery.

Evaluation Scale Kindergarten through 5th Grade

4 = Expert- Student understands content well enough to thoroughly teach it to someone else.

3 = Practitioner- Student requires minimal support and makes few mistakes.

2 = Apprentice- Student is starting to understand the content but requires moderate support.

1 = Novice- Student is starting to learn the content but does not understand it yet.

0 = No work turned in

Effort Scale 3rd through 8th Grade*

4 = I worked on the task until it was completed. I pushed myself to continue working on the task even when difficulties arose or a solution was not immediately evident. I viewed difficulties that arose as opportunities to strengthen my understanding.

3 = I worked on the task until it was completed. I pushed myself to continue working on the task even when difficulties arose or a solution was not immediately evident.

2 = I put some effort into the task but I stopped working when difficulties arose.

1 = I put very little effort into the task.

The effort evaluation is based on the following behaviors that support learning:

- Works Independently
- Works Cooperatively
- Listens Respectfully
- Seeks Assistance and Clarification
- Exhibits Good Study Habits
- Accepts Responsibility for Learning
- Respects Others
- Takes Care of Personal & School Property
- Demonstrates Grit

*BSCS assumes that students in kindergarten through 2nd grade are learning what it means to put effort into a task.

Report Cards and Progress Reports

BSCS will provide monthly access to progress reports via the student portal. Report cards are sent home at the end of each school year.

Report cards are a combination of the grades they receive from parents on home education assignments and their teachers on learning center assignments. While the teachers ultimately determine final grades, parent input is key to fully evaluating a student's academic progress.

To assist the teachers in determining a student's final grade and reflect on progress made during the school year card process, parents are required to complete a report card form at the end of the year.

Standardized Testing

Every publicly funded school is required to administer standardized tests to the applicable grades (e.g., the California Assessment of Student Performance and Progress.) Student non-participation in these tests can seriously impact the school's funding allocation and renewal of the BSCS Charter. BSCS expects all students in grades 3rd-8th to participate in required annual testing. Test scores are sent to parents and can be a useful tool in assisting families in measuring annual progress and planning curriculum. Schools are required to have a 95% participation rate; however, we cannot require students take the test, but participation is highly encouraged.

Tests include:

- Physical Fitness testing for grades 5th and 7
- English Language Proficiency Assessments for California (ELPAC)
- State Mandated Standardized Testing for grade 3rd-8th

Systems of Support

We understand that not all students learn at the same rate, and even the most skilled students hit bumps in the road – it's called learning! For this reason, we use a multi-tiered system of support (MTSS) to support students' academic and behavioral needs. MTSS models include universal screening of all students, multiple tiers of intervention delivery, a collaborative problem-solving approach, and uses data to inform decisions at each tier. Intervention delivery is based on individual students' academic, social, and behavioral needs. Teachers meet weekly to discuss the progress of all students. As part of MTSS interventions, students have access to small group tutoring, receive focused support during class time, and families receive support and resources as needed.

English Language Learners

Students identified as English Language Learners on the Home Language Survey are required to take the English Language Proficiency Assessments for California (ELPAC) each year. Students designated as English Learners will be monitored for progress in English language development and, when appropriate, recommended for ELL Reclassification. The full Reclassification Policy can be found on the school's website.

Section 504

The 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 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 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 School Director. The full Section 504 Policy can be found on the school website.

Special Education - Child Find

Big Sur Charter School recognizes the need to identify, evaluate, and serve students with disabilities in order to provide them with a free appropriate public education in the least restrictive environment. It recognizes that independent study may be an appropriate placement for some students with special needs, and makes such services available for special education students enrolled at the School. The School provides special education instruction and related services in accordance with the Individuals with Disabilities in Education Improvement Act (“IDEIA”), Education Code requirements, and applicable policies and procedures of the Sonoma County SELPA.

Parents and school staff work collaboratively to design the Individualized Education Program for students with special needs. Parents take a lead role in implementing the plan and monitoring progress towards goals. The full Special Education Policy for Independent Study can be found on the school website.

Behavior Expectations

- Be Respectful
- Be Responsible
- Be Safe
- Be Your Person Best, and
- Follow the Direction of Teacher and Chaperones

A large part of what we do at Big Sur Charter School is guide students to become well balanced members of their community. We understand that students come to us with a variety of experiences that have shaped who they are. Given that, each circumstance is treated individually and can result in a different response based on the frequency and severity of behavior and student’s age. Our goal is to ensure all students feel safe and respected as they learn to navigate their community, and every effort is made to support students in examining and correcting behavioral missteps.

Society recognizes certain activities to be unacceptable, and laws are enacted to protect everyone’s best interests. Most of these behaviors also find their reflection in California law. While each incident has its own circumstances, suspension and possible expulsion consequences are in effect regarding specific behaviors.

Level One

Minor physical contact, mild verbal abuse (saying shut up or calling someone stupid, for example), disrespectful/disruptive behavior, mild use of profanity, minor threatening behavior, accidental damage of property.

Actions & Consequences:

- Conflict resolution conversation, peer mediation with all concerned, restorative justice circle, repair harm.

Level Two

Repetition of Level One behavior, skipping class, willful damage of property, engaging in bullying, bringing a toy weapon to school (one which cannot cause harm), leaving school without permission.

Additional Actions & Consequences:

- Office referral.
- Parents notified by phone.
- Parent conference mandatory.
- An incident report will be written for the student's file, with a copy going to the parents.
- Possible behavior intervention plan created.

Level Three

Significant repetition of Level Two behavior, stealing, significant threatening behavior (using anything as a weapon), bringing an imitation of a weapon to school which might reasonably be mistaken for a weapon, serious physical abuse, serious use of profanity (such as swearing at a teacher).

Additional Actions & Consequences:

- A suspension report may be written for the student's file, with a copy going to the
- parents.
- Behavior intervention plan created.

Level Four

Stealing, drug possession or use at school functions, sexual misconduct, sexual activity, bringing a weapon to school (including all knives), tobacco use.

- Immediate 3-day suspension, during which it will be decided what further action is needed, including community service, other forms of restitution, or expulsion.

The decision to suspend or expel will be based on the BSCS Suspension and Expulsion Policy. This may include activities to be completed at home with parental support.

The full Suspension and Expulsion Policy can be found in the Annual Updates and Policy section of this handbook.

Cell Phones at the Learning Center

Cell phones must be turned off and kept in student backpacks until the end of their day at the Learning Center. If students need to be reached during the day please call the office, 831-324-4573, and a message will be delivered to your student. Cell phones that are not kept in a backpack will be taken to the office until a parent can accompany the student to pick it up.

Cell phones may be used:

- 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 the student to possess or use the smartphone, subject to any reasonable limitation they may impose.
- When a licensed physician or surgeon determines that the possession or use of a smartphone is necessary for the health or well-being of the student.
- When the possession or use of a smartphone is required in a student's individualized education program.

Parent Engagement

BSCS is committed to fostering family involvement. Families are encouraged to volunteer for fundraising events, attend school board or other school meetings, or sign up to be the class parent.

Parent meetings are another great way for families to be involved. These meetings provide opportunities to exchange ideas, strategies, and resources are crucial to student success.

Eight grade families have the opportunity to plan the 8th grade promotion.

School Communication

ParentSquare is the school's primary communication tool. Class and school calendars along with all school communication is delivered through ParentSquare.

Family contact information, including the phone numbers and email addresses of all families who choose to be included is available on ParentSquare. ParentSquare offers parents the option to keep your contact information private. This information is for school use only and may not be used for mailing lists, promotion of business, religious, or other advertisement purposes.

We understand that contact information can change during the school year. BSCS relies on families to keep their contact information current in ParentSquare and with the office. Missing communication from the school can lead to students getting behind and to missed adventures!

Sibling Policy

Big Sur Charter Schools Sibling Policy is one that considers the safety and needs of students, faculty, and families, while supporting parent participation and ensuring that both teacher and parent volunteers can focus entirely on the children in the classroom and during other school-sponsored events.

- Siblings may accompany parents to school events that are open to the public.

- Siblings may attend classroom activities at the discretion of the individual teacher. Please make prior arrangements with the teacher.
- Siblings are not allowed when parents chaperone field trips, Coastal Stewardship classes or other school organized events.
- Siblings are not allowed when parent volunteers are in the learning classroom.

Fundraising

The purpose of the fundraising policy is to ensure that all fundraising efforts on behalf of the Big Sur Charter School (BSCS):

- Are consistent with the school’s mission
- Comply with state and federal laws
- Are properly accounted for
- Directly impact the students of BSCS

Fundraising makes it possible for BSCS to provide programs aligned with the school’s mission such as Coastal Stewardship, Art and Community Learning Partners programs.

Written permission from the school director is required if:

- Any individual or organization wanting to solicit funds or property on behalf of BSCS
- Any individual or organization, whether or not affiliated with BSCS, wishes to use any BSCS database, contact list, or communication channel to solicit funds or property to solicit fund on behalf of BSCS
- Any use of the BSCS name, brand and logo for fundraising activities

It is the intent of the BSCS Board that all fundraising events or programs should strive to incorporate practices that are in keeping with the mission of BSCS.

All gifts and donations will be accepted by the BSCS Board of Directors during regular Board meetings.

The school Director shall oversee and support all BSCS fundraising activities. Specific responsibilities include, but are not limited to, developing the annual fundraising plan in collaboration with the Board of Directors.

Family Giving

Family giving is a great way to directly impact students. The Board recommends contributions from each parent at the level of \$50 per educational month per student for families of two students or less, and \$20 per educational month per student for families with three or more students.

Health and Safety

Big Sur Charter School believes that the health and safety of our students is a top priority. All students and staff will have the opportunity to review and practice safety procedures. A copy of the BSCS School Comprehensive Safety Plan is available on the school’s website.

Vision, Hearing, Oral Health Assessments, and Immunizations

Periodic health examinations of students may lead to the detection and treatment of conditions that impact learning. Health examinations also may help in determining whether special adaptations of the School's program are necessary. The School shall conduct health examinations of students as needed to insure proper care of the students.

Students enrolling in kindergarten or while enrolled in first grade if the pupil was not previously enrolled in kindergarten in a public school are required to have an oral health assessment completed by a dental professional.

During the kindergarten year, and in grades 2, 5 and 8, the School shall appraise the student's hearing and vision. The appraisal shall include tests for visual acuity, including near vision and color vision, although the color vision shall be appraised once and only on male students, the results of which shall be entered in the health records and need not begin until the student is in first grade.

The School will provide families of children who fail the hearing or vision tests with a written notification of the test results and recommend further testing by a specialist.

The vision and hearing evaluation is highly recommended, but optional.

To protect the health of all students and staff and to curtail the spread of infectious diseases, the School will cooperate with state and local health agencies to require immunization of all students against preventable diseases.

Students shall not be unconditionally admitted to the School unless prior to his/her first admission to the School, he/she presents an immunization record which shows at least the month and year of each immunization the student has received, in accordance with law. Students may be conditionally admitted in accordance with the regulations promulgated by the Department of Health Services. If a student conditionally admitted fails to fulfill the conditions of admission, the School will prohibit the student from further attendance until that student has been fully immunized as required by law.

The School shall not unconditionally admit or advance any pupil to the 7th or 8th grade unless the pupil has been fully immunized against pertussis (whooping cough), including all pertussis boosters appropriate for the pupil's age.

Immunization records shall be part of the mandatory permanent pupil record and shall be kept in accordance with the School's record-keeping policy.

If the School discovers that an admitted student has not received all required immunizations, the School will notify his/her parent/guardian. If, within 10 school days of the notice, the child does not provide documentation of having received all required immunizations, the School shall exclude the student from attendance.

Exemptions from Immunization Requirements

Personal Beliefs Exemption (PBE)

Students who, prior to January 1, 2016, submitted a letter or affidavit on file at any public or private elementary or secondary school stating beliefs opposed to immunization, shall be allowed to unconditionally enroll in the School. This exception is only permitted until the pupil enrolls in the next grade span.

PBEs filed in 2014 and 2015 are only valid when signed by both an authorized health care practitioner and a parent/guardian no more than 6 months prior to the child's first entry into school or child care or a new grade span. (If the "religious beliefs" box is checked, then practitioner signature is not required.)

Children with a PBE filed before 2016 who enter a new grade span (transitional kindergarten/ kindergarten or 7th grade) will have to meet all immunization requirements based on grade. Children must receive the required vaccines before entering or meet the conditional admission requirements.

Therefore, in order to begin 7th grade, children who had a PBE filed before 2016 need to meet all requirements for K-12 admission, including the 7th grade requirements for 1 dose of Tdap and 2 doses of chickenpox (varicella) vaccine.

Medical Exemptions

Starting in 2021, a law enacted by Senate Bills 276 and 714 requires new medical exemptions to be issued using a State database and a standardized medical exemption form. Medical exemptions issued using the California Immunization Registry-Medical Exemption website (CAIR-ME) are the only medical exemptions schools and pre- kindergarten facilities can accept from students entering a new grade span in 2021 and beyond. Medical exemptions issued starting January 1, 2021 are subject to CDPH review and may be revoked.

Valid medical exemptions on file for a student prior to January 1, 2021 may remain valid until the student enrolls in the next grade span, typically at kindergarten (or transitional kindergarten) or 7th grade.

Criteria for a valid medical exemption (ME):

If filed before July 1, 2019, a written statement from a licensed physician (MD or DO) is required and must state:

- That the physical condition or medical circumstances of the child are such that the required immunization(s) is not indicated.
- Which vaccines are being exempted.
- Whether the medical exemption is permanent or temporary.
- The expiration date, if the exemption is temporary.

If filed between July 1, 2019, through December 31, 2020 a signed, written statement from a physician (MD or DO) licensed in California is required and must state:

- The specific nature of the physical condition or medical circumstance of the child for which a licensed physician does not recommend immunization.
- Each specific required vaccine that is being exempted.
- Whether the medical exemption is permanent or temporary.
- If the exemption is temporary, an expiration date no more than 12 calendar months from the date of signing.

If filed on or after January 1, 2021 with no prior ME on file the ME will need to be issued using CAIR-ME.

Temporary Medical Exemptions

Students with temporary medical exemptions must confirm that either they have received exempted doses by the time the exemption expires, or that a new exemption has been issued using CAIR-ME.

For any valid exemption, whenever there is good cause to believe that the person has been exposed to a communicable disease for which immunization is required, that student may be temporarily excluded from the School until the local health officer is satisfied that the person is no longer at risk of developing the disease. The School will file a written report on the immunization status of new entrants to the School with the Department of Health Services as required by law.

The full Vision, Hearing, Oral Health Assessments, and Immunizations Policy can be found on the school's website.

Medications at School

For student safety, all medication to be administered at school must be:

- Labeled by a licensed pharmacist.
- In the original manufacturer's container with the student's name clearly written on the container.
- Accompanied by a written statement from the doctor detailing the method, amount, and time schedule the medication is to be taken (this may be faxed and must be updated annually and when any changes are made).
- Accompanied by a written statement by the parent/guardian indicating the desire that the school staff administer medication to the student as ordered by the health-care provider.
- Handed to the school staff by the parent/guardian (not the student) except inhalers, which may remain with the student.

The full version of the Administration of Medication Policy can be found on the school's website.

Mental Health Resources (Annual Notice)

Big Sur Charter School is committed to ensuring that all students are healthy, safe, engaged, challenged and supported. We know 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, school violence, and even suicide.

To make certain each child's mental health needs are addressed the Charter School offers counseling services. Please contact the office at 831-324-4573 for more information. The full Suicide Prevention Policy can be found in the Annual Updates and Policy section of this handbook.

The full Health and Safety Policy can be found on the school's website.

Teacher Qualifications

A current list of staff and their professional qualifications is available upon request. Big Sur Charter School teachers hold California Teaching Credentials and participate in ongoing professional development.

Disenrolling

The state of California allows students to be enrolled in only one school at a time, regardless of whether the schools are public or private. Parents must notify BSCS when their child is enrolled in another school. Families

must attend a final meeting with their teacher to return curriculum and materials. When a request for cumulative records is received from the new school, student records will be mailed to the requesting school.

The school district where the student resides will be notified of the student's disenrollment pursuant to Education Code 47605(d)(3):

If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school 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.

Nondiscrimination/Harassment and Complaint Procedures

Nondiscrimination Statement

Big Sur Charter School is committed to ensuring equal, fair, and meaningful access to employment and education services. The School does not discriminate in any employment practice, education program, or educational activity on the basis and/or association with a person or group with one or more of these actual or perceived characteristics of age, ancestry, color, disability, ethnicity, gender, gender identity or expression, genetic information, marital status, medical condition, national origin, political affiliation, pregnancy and related conditions, race, religion, retaliation, sex (including sexual harassment), sexual orientation, or any other basis prohibited by the California state and federal non-discrimination laws.

If you or someone you know is being discriminated against in any way, please contact the site administrator or the district Title IX officer directly.

Discrimination Complaints or Uniform Complaint Procedures

A **Uniform Complaint Procedure** or **UCP** complaint is a written statement alleging discrimination, harassment, or a violation of a federal or state law or regulation. A UCP complaint must be filed by way of the Uniform Complaint Procedures as written in the California Code of Regulations, Title 5, sections 4600-4687. Issues that may involve filing a complaint using the UCP are under various state and federal programs that use categorical funds such as Adult Education, Career Technical And Technical Education And Training Programs, Child Care And Developmental Programs, Child Nutrition Programs, Consolidated Categorical Aid Programs, Federal Safety Planning Requirements, Migrant Education, and Special Education Programs.

The California Department of Education provides a [list of resources](#), including community organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation or bullying and to their families.

A full copy of the Uniform Complaint Procedure can be found on the school's website.

How to File a Uniform Complaint Regarding Discrimination

The following links describe the process in filing a complaint regarding discrimination, including Title IX (discrimination based on sex, including sexual harassment). Topics include referring complaint issues, Local Educational Agency (LEA) responsibilities, LEA policies and procedures, filing a local complaint, time lines, appealing LEA Decisions, department resolution procedures, the on-site investigation process, and the investigation and final report procedures of the California Department of Education (CDE).

For complaints against employees or student against student:

Aimee Alling

Title XI Officer, School Director

(831)-324-4573; director@bigsurcharterschool.org

304 Foam Street, Monterey, CA 93940

For complaints against the Director:

Board Chair

(831)-324-4573; bscsboard@bigsurcharterschool.org

304 Foam Street, Monterey, CA 93940

[US Department of Education Office of Civil Rights](#)

San Francisco Office - Office for Civil Rights

U.S. Department of Education

50 United Nations Plaza, Mail Box 1200, Room 1545

San Francisco, CA 94102

Telephone: 415-486-5555

FAX: 415-486-5570; TDD: 800-877-8339

Email: ocr.sanfrancisco@ed.gov

[California Department of Education UCP Procedures](#)

Other Types of Complaints

Not all complaints fall under the scope of the UCP. Many concerns are the responsibilities of the local school district, including, hiring and evaluation of staff, classroom assignments, student advancement and retention, selection/provision of textbooks and materials, student discipline, provision of core curricula subjects, facilities, graduation requirements, homework policies and practices, use of general education funds and dress codes. For complaints that do not fall under either the UCP parameters please contact your school principal who may help resolve your concern or direct you to the appropriate district administrator.

Student Complaints

It is the intent of the School to integrate conflict resolution skills into the curriculum. In accordance therewith, Students that have complaints against other students are encouraged to first address the issue with the person directly using the learned conflict resolution skills without the intervention of a school employee. If, however, the student does not feel comfortable with this approach or the complaint involves sexual harassment or discrimination, the student may notify a teacher or other school staff member. The teacher or staff member will notify the Director of the complaint if it cannot be resolved immediately at that level and will notify the student's parent/guardian of the complaint.

Students who have complaints against school personnel or programs may notify a teacher or the Director. If a teacher, or any other staff member, is notified of a student complaint against school personnel or programs, the teacher shall notify the Director.

The full Student Complaint Policy can be found on the school's website.

Local Control and Accountability Plan (EC §§52060-52077)

Big Sur Charter School is required to adopt a three-year Local Control and Accountability Plan (LCAP) and to update the LCAP on or before July 1 of each subsequent year. The LCAP is required to identify annual goals, specific actions geared toward implementing those goals, and must measure progress for student subgroups across multiple performance indicators based on eight priorities set by the State. The priorities must be aligned to the school's spending plan. The LCAP must be approved before the annual budget can be adopted. Once the budget and LCAP are adopted at the local level, the Plan will be reviewed by the County Superintendent to ensure alignment of projected spending toward goals and services. The following are the eight State priorities:

1. Providing all students access to fully-credentialed teachers, instructional materials that align with State standards, and safe facilities;
2. Implementation of and student access to State academic content and performance standards;
3. Parent involvement and participation;
4. Improving student achievement and outcomes along multiple measures;
5. Supporting student engagement;
6. Highlighting school climate and connectedness;
7. Ensuring all students have access to classes that prepare them for college and careers; and,
8. Measuring other important student outcomes related to required areas of study.

Big Sur Charter School will consult with its teachers, principals, administrators, other school personnel, parents, and pupils in developing the LCAP.

Big Sur Charter School will hold at least one hearing to solicit recommendations and comments from the public regarding expenditures proposed in the plan before adopting the LCAP.

Big Sur Charter School will post the approved LCAP on the school website and establish policies for filing a complaint of noncompliance under Education Code section 52075 using the Uniform Complaint Procedures. Information regarding the requirements for a LCAP and the complaint process shall be provided to pupils, parents, guardians, and employees on an annual basis.

Policies and Annual Notices

Homeless Children and Youth Annual Notice

The Big Sur Charter School (“BSCS”) Governing Board desires to ensure that homeless children and youth are provided with equal access to its educational program, have an opportunity to meet the same challenging state of California academic standards, are provided a free and appropriate public education, are not stigmatized or segregated on the basis of their status as homeless, and to establish safeguards that protect homeless students from discrimination on the basis of their homelessness. Please see our website for the full policy or contact the office to speak with the Homeless Youth Liaison.

Foster Youth Annual Notice

The School Board recognizes that foster youth may be at greater risk for poor academic performance due to their family circumstances, disruption of their educational program, and emotional, social, and other health needs. BSCS shall provide such students with full access to the district's educational program and other support services necessary to assist them in achieving state and MCOE academic standards. Please see our website for the full policy or contact the office to speak with the Foster Youth Liaison.

Annual Notification of the Uniform Complaint Procedures (UCP)

The Big Sur Charter School annually notifies our students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, appropriate private school officials, and other interested parties of our Uniform Complaint Procedures (UCP) process.

The UCP Annual Notice is available on our website.

We are primarily responsible for compliance with federal and state laws and regulations, including those related to unlawful discrimination, harassment, intimidation or bullying against any protected group, and all programs and activities that are subject to the UCP.

Programs and Activities Subject to the UCP

- Accommodations for Pregnant and Parenting Pupils
- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- Career Technical and Technical Education and Career Technical and Technical
- Training Programs
- Child Care and Development Programs
- Compensatory Education
- Consolidated Categorical Aid Programs
- Course Periods without Educational Content

Discrimination, harassment, intimidation, or bullying against any protected group as identified under sections 200 and 220 and Section 11135 of the Government Code, including any actual or perceived characteristic as set forth in Section 422.55 of the Penal Code, 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 program or activity conducted by an educational institution, as defined in Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance.

- Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families and pupils formerly in Juvenile Court now enrolled in a school district
- Every Student Succeeds Act
- Local Control and Accountability Plans (LCAP)
- Migrant Education
- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Plans for Student Achievement
- School Safety Plans
- School-site Councils
- State Preschool
- State Preschool Health and Safety Issues in LEAs Exempt from Licensing

And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) of the California Department of Education (CDE) or designee deems appropriate.

The programs and activities subject to the UCP in which the Big Sur Charter School operates are:

- Discrimination, harassment, intimidation, or bullying against any protected group as identified under sections 200 and 220 and Section 11135 of the Government Code, including any actual or perceived characteristic as set forth in Section 422.55 of the Penal Code, 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 program or activity conducted by an educational institution, as defined in Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance.
- Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families and pupils formerly in Juvenile Court now enrolled in a school district
- Every Student Succeeds Act
- Local Control and Accountability Plans (LCAP)
- Migrant Education
- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- School Plans for Student Achievement
- School Safety Plans

Filing a UCP Complaint

A UCP complaint shall be filed no later than one year from the date the alleged violation occurred.

For complaints relating to Local Control and Accountability Plans (LCAP), the date of the alleged violation is the date when the reviewing authority approves the LCAP or annual update that was adopted by our agency.

A pupil enrolled in any of our public schools shall not be required to pay a pupil fee for participation in an educational activity.

A pupil fee complaint may be filed with the principal of a school or our superintendent or their designee.

A pupil fee or LCAP complaint may be filed anonymously, that is, without an identifying signature, if the complainant provides evidence or information leading to evidence to support an allegation of noncompliance.

We advise complainants of the opportunity to appeal an Investigation Report of complaints regarding programs within the scope of the UCP to the Department of Education (CDE).

We advise complainants of civil law remedies, including injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable.

Copies of our UCP procedures shall be available free of charge.

Contact Information:

Complaints within the scope of the UCP are to be filed with the person responsible for processing complaints.

School Director
304 Foam Street, Monterey
831-324-4573
director@bigsurcharterschool.org

Type 2 Diabetes Annual Notification

Description

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

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

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

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

Risk Factors

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

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

Warning Signs and Symptoms Associated with Type 2 Diabetes

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

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

Type 2 Diabetes Prevention Methods and Treatments

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

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

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

Types of Diabetes Screening Tests That Are Available

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

Type 2 diabetes in children is a preventable/treatable disease and the guidance provided in this information sheet is intended to raise awareness about this disease. Contact your school administrator or health care provider if you have questions.

Staff/Student Interactions and Boundaries Policy

It is the policy of Big Sur Charter School that no teacher or other staff member will use corporal punishment against a student. This prohibition includes spanking, slapping, pinching, hitting, tying, taping, or the use of any other physical force as retaliation or correction for inappropriate behavior. However, this policy does not prohibit the use of reasonable force and touching in self-defense or in the defense of another. Briefly restraining a child who is trying to engage in violent or inappropriate behavior is also allowed. Only such force as necessary to defend one's self, another person, or the child or to protect property is legally permitted. Excessive force is prohibited.

While the use of appropriate touching is part of daily life and is important for student development, teachers and other staff members must ensure that they do not exceed appropriate behavior.

Boundaries Defined

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

Acceptable and Unacceptable Behaviors

Some activities may seem innocent from a staff member's point-of-view but could be perceived as flirtation or sexual insinuation from the perspective of students or parents. There is no single reasonable person standard. The purpose of the following lists of unacceptable and acceptable behaviors is not to restrain innocent, positive relationships between staff and students, but to prevent relationships that could lead to or may be perceived as inappropriate, or sexual misconduct, or "grooming." Grooming is defined as an act or series of acts by a sexual predator to gain physical and/or emotional control by gaining trust (of staff and/or family and a minor) and desensitizing the minor to various forms of touching and other intimate interaction.

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

Some activities may seem innocent from a staff member's point-of-view but could be perceived as flirtation or sexual insinuation from the perspective of students or parents. There is no single reasonable-person standard, therefore staff members must exercise discretion. The purpose of this policy is not to restrain innocent, positive relationships between staff and students, but to prevent relationships that could lead to inappropriate behavior, or be perceived as inappropriate.

It is impossible to list all inappropriate and appropriate behaviors. Staff members should apply common sense when interacting with students.

Reporting

When any staff member, parent, or student becomes aware of a staff member (or volunteer, guest, vendor) having crossed the boundaries specified in this policy, or has a strong suspicion of "grooming behavior," he or she must report the suspicion to the School Director or the Assistant Director promptly. "Grooming behavior" is an attempt to build an emotional and/or physical connection with a minor to gain their trust for the purpose of sexual abuse. "Suspicion" means something perceived in spite of inconclusive or slight evidence. It is based on facts that would lead a reasonable person to believe that a violation of the boundaries policy occurred. Prompt reporting of "unacceptable behaviors" observed in adult interactions with minors is essential to protect students, staff, any witnesses, and the school as a whole. When observant staff members call attention to a boundaries violation(s), the likelihood of harm is greatly reduced.

Child Abuse / Sexual Abuse Reporting (Mandatory Reporting)

California Penal Code Section 11166 requires any staff member to immediately report this information or suspicion directly to your county child protective agency (CPS). The report shall be made by phone immediately, and a subsequent written report must be sent within 36 hours of your knowledge or suspicion of the abuse.

Internal reporting to the School Director occurs after the phone-in report is made to the CPS.

Internal Investigations

The School Director will promptly investigate, report and document any allegation of sexual misconduct or inappropriate behavior.

Consequences

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

Title IX

Existing law, the Sex Equity in Education Act, states the policy of the state that elementary and secondary school classes and courses, including nonacademic and elective classes and courses, be conducted without regard to the sex of the pupil enrolled in these classes or courses. Existing federal law, known as Title IX, prohibits a person, on the basis of sex, from being excluded from participation in, being denied the benefits of, or being subject to discrimination under, any education program or activity receiving federal financial assistance. Relevant here, Title IX requires school districts to take immediate and appropriate action to investigate when it knows or reasonably should know of a possible Title IX violation.

In the event of a complaint regarding gender equity or sexual harassment, or discrimination, including harassment, intimidation and bullying because of actual or perceived disability, sex, gender, gender identity, gender expression, nationality, race, ethnicity, color, ancestry, religion, sexual orientation, age, marital or parental status, or association with a person or group with one or more of these actual or perceived characteristics, contact one of the following Title IX and Nondiscrimination Coordinators:

For complaints against employees or student against student:

School Director

(831)-324-4573; director@bigsurcharterschool.org

304 Foam Street, Monterey, CA 93940

For complaints against the Director:

Board Chair

(831)-324-4573; bscsboard@bigsurcharterschool.org

304 Foam Street, Monterey, CA 93940

When receiving, responding, and investigating any complaint of inequity in the school setting, Big Sur Charter school will follow the procedures listed below:

1. The complainant will be asked to write a formal letter detailing the complaint, and/or may fill out a complaint form from the US Department of Education (links and contact information can be found below), and will submit the documentation to the Title IX Coordinator. If the complainant is unable to prepare the complaint in writing, administrative staff shall help him/her to do so.
2. The Title IX Coordinator will acknowledge receipt of the letter in writing within 48 hours, and will begin an investigation into the complaint thereafter;
3. The Title IX Coordinator, the School Director, and any investigative parties will undergo a comprehensive investigation into the complaint, and will notify the complainant of the findings in writing within 30 days of the receipt of the letter. The Board of Directors will also be notified of the findings during a closed session of the board meeting;
4. Complainant may appeal the resolution decision according to the School's Uniform Complaint Policy
5. Title IX formal complaints have no statute of limitations.

Further information about Title IX can be found at the Office of Civil Rights webpage at:

https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html

The Office for Civil Rights (OCR) phone number is 1-800-421-3481 Email: ocr@ed.gov The OCR complaint form can be found here: <https://www2.ed.gov/about/offices/list/ocr/complaintform.pdf>

Family Educational Rights and Privacy Act (FERPA) Rights for Parents and Eligible Students Annual Notification

Parents and eligible students have the right:

- Inspect and review the student's education records;
- Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading or otherwise in violation of the student's privacy rights;
- Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA and the Code of Federal Regulations authorize disclosure without consent; and
- File with the Department of Education a complaint concerning alleged failures by the School to comply with the requirements of FERPA and its promulgated regulations.

In order to do so, parents and eligible students shall submit a request to review education records in writing to the school office. Within 10 days, the School shall comply with the request. If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the education records, the School will provide the parent or eligible student with a copy of the requested records or make other arrangements for inspection and review of the requested records.

The School may disclose appropriately designated "directory information" without written consent, unless you have advised the School to the contrary in accordance with the School's procedures. The primary purpose of directory information is to allow the School to include information from your child's education records in certain school publications. Examples include:

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

If you do not want the School to disclose any or all of the types of information designated below as directory information from your child's education records without your prior written consent, you must notify the office in writing with in 10 days after receiving this handbook.

For the full policy please visit the school's website.

Youth Suicide Prevention Policy

The Governing Board of Big Sur Charter School (“the School”) recognizes that suicide is a leading cause of death among youth and 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. As a result, we are ethically and legally responsible for providing an appropriate and timely response in preventing suicidal ideation, attempts, and deaths. We also must work to create a safe and nurturing campus that minimizes suicidal ideation in students.

Recognizing that it is the duty of the School 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 School Director or Designee 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 and other individuals in regular contact with students such as crossing guards, tutors, and coaches.

The School Director or Designee shall develop and implement preventive strategies and intervention procedures that include the following:

The Superintendent or Designee shall involve administrators, other school staff members and parents/guardians/caregivers, in planning, implementing, and evaluating the district’s strategies for suicide prevention and intervention. Districts must work in conjunction with local government agencies, community-based organizations, and other community support to identify additional resources.

Messaging about suicide has an effect on suicidal thinking and behaviors. Consequently, Big Sur Charter School 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.

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

Training shall be provided for all school staff members, and include the following:

- At least annually, all staff shall receive training on the risk factors and warning signs of suicide, suicide prevention, intervention, referral, and postvention.
- Core components of the general suicide prevention training shall include:
 - Suicide risk factors, warning signs, and protective factors;
 - How to talk with a student about thoughts of suicide;
 - How to respond appropriately to the youth who has suicidal thoughts.
 - Emphasis on immediately referring (same day) any student who is identified to be at risk of suicide for assessment while staying under constant monitoring by staff member;
 - Emphasis on reducing stigma associated with mental illness and that early prevention and intervention can drastically reduce the risk of suicide;

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/>.

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>

Suspension and Expulsion Policy

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

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.
 - 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.
- 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 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:
 - (a) 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.
 - (b) Causing a reasonable student to experience a substantially detrimental effect on their physical or mental health.
 - (c) Causing a reasonable student to experience substantial interference with their academic performance.
 - (d) 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:
 - (a) A message, text, sound, video, or image.
 - (b) A post on a social network Internet Web site including, but not limited to:
 - i. 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.
 - ii. 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.
 - iii. 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.
 - (c) An act of cyber sexual bullying.
 - i. 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.

- ii. 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 School 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 School Director or designee’s concurrence.
 - b) Brandished a knife at another person.
 - c) Unlawfully sold a controlled substance listed in Health and Safety Code Section 11053, *et seq.*
 - d) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289 or former Section 288a of the Penal Code, or committed a sexual battery as defined in Penal Code Section 243.4.
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 8, 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 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:
 - (a) 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.
 - (b) Causing a reasonable student to experience a substantially detrimental effect on their physical or mental health.
 - (c) Causing a reasonable student to experience substantial interference with their academic performance.
 - (d) 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:
 - (a) A message, text, sound, video, or image.
 - (b) A post on a social network Internet Web site including, but not limited to:
 - i. 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.
 - ii. 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.
 - iii. 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.
 - iv. An act of cyber sexual bullying.
 1. 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.

2. 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 School Director or designee’s concurrence.
4. Non-Discretionary Expellable Offenses: Students must be recommended for expulsion for any of the following acts when it is determined pursuant to the procedures below that the student:
 - a) Possessed, sold, or otherwise furnished any firearm, explosive, or other destructive device unless, in the case of possession of any device of this type, the student had obtained written permission to possess the item from a certificated school employee, with the School 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 as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289 or former Section 288a of the Penal Code, or committed a sexual battery as defined in Penal Code Section 243.4.

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

The Charter School will use the following definitions:

- The term “knife” means (A) any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing; (B) a weapon with a blade fitted primarily for stabbing; (C) a weapon with a blade longer than 3½ inches; (D) a folding knife with a blade that locks into place; or (E) a razor with an unguarded blade.
- The term “firearm” means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

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

C. Suspension Procedure

Suspensions shall be initiated according to the following procedures:

1. Conference

Suspension shall be preceded, if possible, by a conference conducted by the School 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 School Director or designee.

The conference may be omitted if the School 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 or 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 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 School 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 School 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 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 School 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) 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.

J. Written Notice to Expel

The School 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 School 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.

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 School 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 School Director or designee shall make a recommendation to the Board of Directors following the meeting regarding the School 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

In accordance with Education Code Section 51747 and the Charter School's Board policy on independent study, after 20% of are missed assignments, an evaluation is held 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 SELPA

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

2. Services During Suspension

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

3. Procedural Safeguards/Manifestation Determination

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