



**NEW HOPE  
CHARTER SCHOOL**

**Student Parent Handbook**

***2025-  
2026***

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## GENERAL INFORMATION

### A Message from the NHCS Leadership Team

On behalf of the entire staff, we are so excited to welcome you to another great year at New Hope Charter School (NHCS). We hope the new school year will be filled with positivity and growth for our students. NHCS is an independent NHCS serving grades K-6 (via independent study) and grades 7-8 on campus. We will work in close partnership with Robla School District. It is hard to believe but we will be entering our 5th year of operation!

We are grateful to be part of such a wonderful school and community, and we are looking forward to working with all stakeholders over the course of this school year.

The Mission of NHCS is to provide a safe, nurturing and supportive learning environment that will empower students to maximize their academic potential. We will guide our students in developing critical thinking skills, learning personal and social accountability and responsibility, and technological skills of the 21st Century, and prepare them for post-secondary opportunities.

As a part of our strategy to fulfill our mission, we have developed this Student-Parent Handbook. This handbook describes our shared understanding of NHCS policies, programs and practices to help all of our students be successful. Together, we will hold ourselves, our students, staff and parents accountable so that each NHCS scholar can have the best possible learning experience. Below are just a few of our daily best practices:

1. **Punctual:** School starts at 8:25 a.m., Monday through Friday. “On time” means that before the school bell rings at 8:25 a.m., students are inside their classrooms, in their seats, materials out and ready to learn.
2. **Present:** Come to school daily. Learning only takes place if you are present.
3. **Positive and Prepared:** NHCS has three expectations: **Respectful, Responsible and Ready to Learn.** We will keep our words and actions positive, well-intentioned, socially acceptable and do no harm. Be prepared to learn and work. Have your lessons and materials prepared, with you, and ready to work on when you are at school.
4. **Put on the Uniform T-Shirts:** NHCS t-shirts, elementary school gear, or college wear should be worn each day at school. Be dressed appropriately for school, following the dress code in this handbook and will be a strong focus area this year.
5. **Phones:** If phones need to come to school for communication reasons, students will be directed to check in their phones each day with their first period teacher or the office manager.
6. **Pose Questions:** If you do not understand an assignment or expectation, don’t be afraid! Ask!
7. **Push yourself to do the best work you can do, all the time, every day!**

We welcome parent/guardian input and participation. Our hope is to build trusting relationships with all students and families.

Respectfully,

NHCS Leadership Team

## **ENROLLMENT INFORMATION**

### **School Registration Requirements**

To register your student, you will need:

- Student's birth certificate
- Student's immunization records including T-dap
- Grade History/Transcript
- Attendance, behavior and discipline records

The student will not be registered if immunizations are not up-to-date. If a scholar has an IEP, we encourage but do not require you to submit a copy of their plan. This allows us to follow and support IEP goals as soon as the year starts.

## **EMERGENCY INFORMATION**

For the protection of a student's health and welfare, the school requires emergency information on each student.

This information includes current family address and phone number; business address and phone numbers of parents/guardians; names, addresses, and phone numbers of relatives and/or friends authorized to care for the student if the parents/guardians cannot be reached; and medical provider information. (Education Code 49408)

## **PARENT/GUARDIAN RIGHTS**

Under state law, parents/guardians of enrolled students have the right to be included in the educational process and to have access to the system on behalf of their children. These rights are outlined in the Education Code, Chapter 864, Statutes of 1998.

### **Parents have the right to:**

- Have their child receive a free public school education as provided by law.
- Observe the classroom of their child to observe activities. Prearranged please with the office team.
- Request a conference with their child's teacher(s) or the School Leadership team.
- Volunteer time and resources for the improvement of school facilities and programs.
- Be notified in a timely manner if their child is absent from school without permission.
- Be notified of their child's performance on standardized and statewide tests.
- Obtain assurance of a safe and supportive learning environment for their child, free of harassment, bigotry and discrimination based on actual or perceived age, race, creed, color, gender expression, religion, national origin, citizenship/immigration status, sexual orientation, physical and/or emotional condition, disability, marital status, and political beliefs.
- Examine the curriculum materials of enrolled classes.
- Be informed of their child's academic progress and offered information or assistance if needed.
- Follow their child's progress by having the Internet-based grade book updated by Teachers as often as possible.
- Access their child's records and to question anything they feel is inaccurate, misleading or an invasion of privacy.

- Receive information regarding the academic standards their child is expected to meet. Receive written notification of school rules, attendance policies, dress codes, and procedures for school visitations.
- Have a child with a suspected disability evaluated and, if found to be in need of special education, receive a free, appropriate education from age 3 through age 21, in accordance with applicable laws and regulations.
- Receive information on all psychological testing recommended for their child.
- Attend and/or participate as a member of any of the following in accordance with established rules and regulations for membership of parent advisory committees.
- Advocate that the governing board of the school adopt a jointly created policy that outlines how parents and guardians, school staff, and students may share the responsibility for the intellectual, physical, emotional, social development, and well-being of their students.

## **Parent/Guardian Communication, Engagement & Partnership**

*As Parents/Guardians you are key in your student's success at NHCS. Our goal is to make sure you know what is happening at the school with your student. Here's how you can help keep the lines of communication open:*

### ***Talk with your student***

- Encourage your students to share their projects and ask what they are learning with you.
- Email your student's teacher and/or advisor for information.

### ***Talk with your student's teachers***

The day is incredibly busy teaching or planning so email works well. You can find contact information on our website. We have also been using Parent Square text messaging. If you are not signed up for this yet, we will get information out to you on how to do it.

### ***Read all communications sent home***

Discuss notices and events with your student. We welcome parent feedback and involvement. Call the front desk or send an email.

### ***Call the school front desk: 916.649.5077, ext. 201***

The School Office Manager and can help:

- Receive excused absences.
- Tardy: If your student is more than 15 minutes late we need a parent/guardian to sign in their student.
- Provide and receive forms
- Update your Emergency information
- Schedule an appointment with the leadership team to discuss any concerns or involvement.

### ***Talk with the Advisory Teacher or Support Teacher***

Call and make an appointment with your scholar's Advisory Teacher or K-6 Support Teacher to discuss any academic concerns. NHCS utilizes the communication application called "Parent Square" for easy dialog between NCHS staff and families. We ask that all parents use this platform to communicate with the school. It is easy to download and is free of cost.

### ***Contacting your student during the school day***

In the event of a family emergency, we ask parents to please call the front office, and we will have students come to the office and speak with you. Please refrain from texting or calling your child directly. This allows the student to concentrate on the school day and not worry about answering a text or call, which could cause undue stress or

worry.

### ***Talk to other parents and participate in school leadership groups***

We encourage parents to share with one another. School events are a great way to meet one another and get involved. Be sure you are linked into the school's Parent Square texting system, give us an email account that you check regularly, and newsletter accounts.

As a parent/guardian of a student in our school, you are encouraged to be directly involved in the education of your Scholar(s). Early and consistent family involvement helps students succeed in school. Along with volunteering in your child's school, there are other valuable ways to be involved with your child's education. To find out more about volunteering and about the information below, speak with your school's teachers, director, staff, or call the office.

### **Parent/Guardian Leadership Opportunities**

We are interested in keeping parents informed and part of the school decision making process. The more parents are involved, the better all students will do, with all factors of their school life. If you are interested in being a parent support person please inquire with our office team:

**School Site Council:** This committee is composed of parents, a student representative, school leadership and a faculty and/or staff representative. The SSC does the following: provides advice to the leadership team on school issues that are brought forth; helps develop and write the Local Control and Accountability Plan; and, helps develop and write the WASC report during accreditation years. Last year we had two parent members on our team, who did a great job in their roles as parent members.

### **Volunteers And Visitors**

The NHCS Leadership Team encourages volunteers at the school site. If you are interested in volunteering, please notify NHCS as to the type of volunteering and your available hours. All volunteers at the school site must pass a criminal background check and have a clear TB test. Both tests are at the volunteer's expense.

All visitors, including parents, must sign in at the site office and receive proper authorization to be in the school. Visitors may be asked by the school site staff to display their passes as requested. The school site administrator/principal may deny or withdraw access to the school if the visitor willfully disrupts the orderly operation of the school; commits an act likely to interfere with the peaceful conduct of school activities; or reasonably appears to have entered the school for the purpose of committing any such act. Visitors should make advance arrangements to meet with school staff to avoid the interruption of instructional time and work responsibilities.

*A copy of the complete Visitors and Volunteers Policy is available upon request.*

### **Parent Portals For Monitoring Student Achievement**

In addition to regular parent/teacher conferences and updates from school advisors, parents may use an online system called Q to monitor student grades, communicate with teachers and monitor other student information. Site administrators provide direction for parents and students on access to Parent Square.

#### **Parents/Caregivers can use Q to:**

- Email their student's teachers
- View progress reports, grades and attendance
- Keep track of assignments and upcoming tests
- Receive email and alerts about assignments and tests

Individual teachers are to communicate, in writing, the classroom grading policy to students and their parents at the beginning of the school year. The policy shall include homework requirements, make-up procedures, the weighing of course work as it pertains to the calculation of the final grade, and course expectations. Every effort is made to remain in contact with parents throughout the school year.

### **PROMOTION AND RETENTION**

California Education Code 48070 requires that the governing board of each school and each county superintendent of schools shall adopt policies regarding pupil promotion and retention. Decisions about promotion and retention of students are made on the basis of grade level English language arts and mathematics standards, test scores, and other indicators of academic achievement designated by the Board of Trustees.

The Board believes that upholding high standards for participation in promotion exercises will improve student academic performance, conduct, and attendance.

In order to be eligible to participate in end of year activities and the promotion exercises, students must meet the following academic standards:

- 2.0 grade point average (Cumulative)
- No F grades in any classes
- 95% Attendance
- Students who have had egregious and unsafe behavior during the school year will be evaluated by school leaders and may be ineligible to participate in promotion exercises.

A student with an Individualized Educational Plan (IEP) may be required to meet differential standards specifically stated in his/her IEP instead of the 2.0 grade point average. Parents will be notified by progress reports and report cards and will be able to identify early in the school year if their child is on track to meet the promotion ceremony criteria.

Students denied the opportunity to participate in promotion exercises will be given a written notice stating the grounds for the denial, and a description of the appeals process. Appeals of exclusion from promotion activities will be considered by a School Review Team. The team includes a site administrator and two teachers, who hold appeals hearings where the student and his/her parents or guardians have the opportunity to respond to the denial and to explain why the student should be able to participate in promotion exercises despite not having met the criteria established above. The decision of the School Review Team is final.

### **Student Expectations**

#### **Dress Code**

NHCS follows the Robla School District Board of Education Board Policy 5132 relative to dress code. We share the belief that the development of attitudes and behavior patterns in dress and grooming should be a part of each student's total educational experience. Dress, hair style or makeup which are of a distracting nature or interfere with the study habits of students in the class or school, shall not be acceptable.

#### ***School Uniform Attire***

1. Tops:
  - a. NHCS t-shirts, elementary school wear, or college wear, OR solid colored t-shirts (green, gray, white or black). Red shirts are not permitted.
  - b. No tops may be sheer or expose undergarments. No strapless, racer-back, or off the shoulder tops. No shirts may be worn that expose bare midriff.

2. Bottoms (i.e.: pants, leggings, skirts, shorts, etc.): Bottoms must be worn above the hip and underwear should not be visible. Belts must be worn with bottoms that are too big to fit securely around the student's waist. All bottoms must be fingertip length or four (4) inches above the knee without leggings or stockings. The following are not permitted: sagging pants, pajama bottoms, biker shorts or bottoms with rips.
3. Hats/Hoods: No hats, beanies, or hoods are to be worn in the classroom or any building on school grounds. Head coverings worn for religious reasons will be allowed. Hats may be worn outside as sun-protection. Bandanas, curlers, "do-rags," hairnets, or other head coverings are not permitted. Headwear worn for purposes of religious observance is always permitted.
4. Shoes: Closed-toe shoes and closed heels (with socks) shall be worn at all times except under specified conditions. Students must also consider physical education requirements in their selection of shoes. footwear worn should correspond with the demands and attributes of the activity in which students participate. Footwear standards are concerned with prevention of accidents and injury. Flip flops, slides, slippers, and such shoes are not acceptable choices for school.
5. Accessories: The following are not permitted: wallet chains, facial piercings, or spiked bracelets.
6. Grooming: Hair, sideburns, mustaches, and beards may be worn at any length or style.
7. No clothing, jewelry, accessories, or hairstyles which are, or include, a picture, writing, or insignia which is: (1) gang related; (2) presents a safety hazard to the wearer or others; (3) advertises or symbolizes any type of alcohol, drugs, tobacco, or gambling; (4) includes weapons or acts which are illegal, violent, obscene, or hazardous to one's health; (5) sexually suggestive, crude, vulgar, profane; discriminatory, obscene, contain threats, libelous; or (6) offensive or degrading to students or staff on the basis of gender, cultural, religious or ethnic values.

### ***Physical Education Attire***

NHCS Physical Education Department Dress Code:

#### **CLOSED-TOE ATHLETIC SHOES AND SOCKS**

- Solid black athletic shorts or sweatpants
- NHCS Physical Education T-shirt (school appropriate in dress code shirt)

### ***Dress Code Violations***

If a NHCS staff member determines that a student's attire is inappropriate or disruptive to the educational environment the following may occur:

1. Phone Call to Parent/legal guardian.
2. Loss of Privileges
3. SWIS Form
4. Parent Conference/Friday Academy. Students who are referred spend an hour with a member of the leadership team to review expectations and go over the handbook in detail. This may include discussing the handbook, writing a reflection, or reviewing parts of the handbook that need revisiting.

### **Attendance and Truancy**

Regular attendance is mandatory.

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

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

1. Personal illness, including an absence for the benefit of the pupil's mental or behavioral health
2. Quarantine under the direction of a county or city health officer.
3. Medical, dental, optometric, or chiropractic appointments:
  - a. Students in grades 7-8, inclusive, may be excused from school for the purpose of obtaining confidential medical services without the consent of the student's parent or guardian.
4. For the purpose of attending the funeral services or grieving the death of either a member of the pupil's immediate family, or of a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, so long as the absence is not more than five (5) days per incident. "Immediate family" means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.
5. For any of the following reasons, if an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, has died:
  - a. To access services from a victim services organization or agency.
  - b. To access grief support services.
  - c. To participate in safety planning or to take other actions to increase the safety of the pupil or an immediate family member of the pupil, or a person that is determined by the pupil's parent or guardian to be in such close association with the pupil as to be considered the pupil's immediate family, including, but not limited to, temporary or permanent relocation.

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

6. Participation in religious instruction or exercises as follows:
  - a. The student shall be excused for this purpose on no more than four (4) school days per month.
7. Due to the illness or medical appointment during school hours of a child of whom the student is the custodial parent, including absences to care for a sick child. (The school does not require a note from the doctor for this excusal).
8. To permit the student to spend time with an immediate family member who is an active duty member of the uniformed services, as defined in Education Code section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of NHCS.
9. Attendance at the student's naturalization ceremony to become a United States citizen.

10. Authorized parental leave for a pregnant or parenting student for up to eight (8) weeks, which may be extended if deemed medically necessary by the student's physician.
11. Authorization at the discretion of the Director or designee, based on the facts of the student's circumstances, are deemed to constitute a valid excuse.
12. A student who holds a work permit to work for a period of not more than five (5) consecutive days in the entertainment or allied industries shall be excused from school during the period that the student is working in the entertainment or allied industry for a maximum of up to five (5) absences per school year subject to the requirements of Education Code section 48225.5.
13. In order to participate with a not-for-profit performing arts organization in a performance for a public-school student audience for a maximum of up to five (5) days per school year provided the student's parent or guardian provides a written note to the school authorities explaining the reason for the student's absence.
14. For the purpose of participating in a cultural ceremony or event. "Cultural" for these purposes means relating to the habits, practices, beliefs, and traditions of a certain group of people.
15. For the purpose of a middle school pupil engaging in a civic or political event as indicated below, provided that the pupil notifies the school ahead of the absence. A "civic or political event" includes, but is not limited to, voting, poll working, strikes, public commenting, candidate speeches, political or civic forums, and town halls.
  - a. A middle school pupil who is absent pursuant to this provision is required to be excused for only one schoolday-long absence per school year.
  - b. A middle school pupil who is absent pursuant to this provision may be permitted additional excused absences in the discretion of a school director.
16. For the following justifiable personal reasons for a maximum of five (5) school days per school year (unless otherwise indicated), upon advance written request by the student's parent or guardian and approval by the Director or designee pursuant to uniform standards:
  - a. Appearance in court.
  - b. Observance of a holiday or ceremony of the pupil's religion.
  - c. Attendance at religious retreats (not to exceed one school day per semester).
  - d. Attendance at an employment conference.
  - e. Attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization.

If your child must be absent from school, please contact the school and report the absence. The following methods may be used to verify student absences:

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

Consequences for excessive unexcused absences may include phone calls and letters home, parent conferences, loss of privileges, referral to the School Attendance Review Team (SART), and possible disenrollment from the school.

*A copy of the complete Classroom Based Attendance Policy is available upon request.*

### **Medication at School**

Any student who is or may be required to take, during the regular schoolday, prescription medication prescribed or ordered for the student by an authorized health care provider may be assisted by designated school personnel.

In order for a student to be assisted by the school nurse or other designated and trained school personnel in administering medication, the school must obtain both:

1. A written statement from the student's authorized health care provider detailing the name of the medication, method, amount/dosage, and time schedules by which the medication is to be taken, and
2. A written statement from the parent, foster parent, or guardian of the student indicating the desire that the school assist the student in the matters set forth in the statement of the authorized health care provider.

Students will be permitted to **self-carry and self-administer** certain types of prescription medication (e.g. epi-pen or asthma inhaler) **if, in addition to the above**, parent provides a written statement from the student's authorized health care provider

(1) Consenting to the self-administration,

(2) Providing a release for the school nurse or designated school personnel to consult with the health care provider of the student regarding any questions that may arise with regard to the medication, and

(3) Releasing the school and school personnel from civil liability if the self-administering student suffers an adverse reaction as a result of self-administering medication.

These written statements specified shall be provided at least annually and more frequently if the medication, dosage/amount, frequency of administration, or reason for administration changes.

The primary responsibility for the administration of medication rests with the parent/guardian, student, and medical professionals.

An Administration of Medications Form is available upon request at the main office. *A copy of the school's complete Administration of medications Policy is also available upon request.*

### **Student Support Strategies**

NHCS has also made strides in implementing Positive Behavior Intervention and Supports (PBIS). This entails the use of positive reinforcement strategies with students, as well as being routine based and using redirection as a means of refocus. It also means that there are levels of support for students that come in the form of tiers. Tier 1 support is all students, Tier 2 support is students who need a little extra support with behavior and tier 3 is intensive support. The below bullet points are strategies and curriculum we have used to help with student behavior needs.

- SEL (Social Emotional Learning) during advisory class
- Restorative Practices
- Community Service on Campus (cafeteria duty, campus cleanup)
- Conflict Resolution
- Academic Group Counseling
- After School Tutoring: One Hour (Monday-Friday)

- Intervention Meetings and student conferences
- Mentoring
- Parent Conferences
- Early Release Day
- Behavior Contracts

## **Bullying**

Should a student, parent or staff member believe that any student has been subjected to bullying, or harassment, he/she should report it to the school. The administrator will conduct an investigation to determine if the act fits the definition of bullying. If so, the NHCS Leadership Team or designated administrator will take the appropriate disciplinary and intervention steps. Students can be assured that NHCS will not tolerate retaliation as a result of a parent or student coming forward. Parents can call or come by the school to report any incidents to school staff and or administration.

The Board recognizes that it is the responsibility of program personnel to maintain a secure and safe school climate, conducive to teaching and learning that is free from threat, harassment and any type of bullying behavior in school, school-sponsored activities on or off school grounds, and transportation to and from school. Therefore, bullying behavior, of any form, will not be tolerated.

*The School maintains a Harassment, Discrimination, Intimidation, and Bullying Policy and complaint procedures, which is available for review on the school website.*

## **Cell Phones and Private Electronic Devices**

All students are required to adhere to the following guidelines regarding private electronic devices:

The use of these devices is **NOT** permitted during school hours. NHCS is not responsible for lost or stolen items on school grounds. Should a student choose to bring such devices to school, they will be asked to be checked in with their first period teacher or in the morning checked in to the Office Manager. The school has purchased lock boxes to secure these devices. This is not an optional policy. We are an “all in” school and we need parents and students to support this expectation. This will allow more concentration at school for students as well as avoid any unwanted cyber issues with peers during the day. Please refrain from bringing air pods, bluetooth earbuds, headphones, smart watches or speakers. These items are distracting and impede the learning environment.

1. **First time-** Phone/device is confiscated for the day. Students may pick up their phone/device at the end of the day.
2. **Repeated Offenses:**  
**Second Time-** Phone confiscated until the end of the day. Parents must pick up.  
**Third Time-** Phone confiscated until the end of the day. Parents will be conferenced with. Excessive tech violations will result in students losing out on privileges and incentives over the course of the year. This may result in behaving themselves out of school-wide events such as dances, field trips, and other positive incentives.

Private devices may be used:

- Off campus: Please note: the usage of phone and electronic devices are not allowed on campus during regular school and after school program hours.
- When a teacher or administrator of NHCS grants permission to a student to possess or use a private device, subject to any reasonable limitation imposed by that teacher or administrator.

Private devices shall be turned into the front office or the first period teacher shall not be used:

- During instructional classroom time, including assemblies, and any other school activity, which takes place during the regularly scheduled school day on or off campus field trips.

- During break periods, between class periods, or during lunch.

Possession of private devices is a privilege, which may be forfeited by any student who fails to abide by the terms of this Policy. NHCS employees shall remove any private device from the possession of a student found to be violating this Policy. If a private device is heard ringing, beeping, or buzzing from inside a jacket, purse, backpack, or other similar article, whether within the immediate presence of the student or not, NHCS employees may remove the private device and confiscate the private device. Parents/guardians will be contacted to pick up any confiscated private devices at the end of the regular school day or at the conclusion of a NHCS sponsored activity.

## ANNUAL NOTICES

### **Student Search and Seizure**

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

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

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

The NHCS is not prohibited from seizing/confiscating a student's personal electronic device, without searching its contents, if the student's use or possession of the private electronic device is in violation of NHCS rules or regulations.

### **Cancer Prevention Act**

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

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

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

## **Concussion/Head Injuries**

A concussion is a brain injury that can be caused by a bump, blow, or jolt to the head, or by a blow to another part of the body with the force transmitted to the head. Even though most concussions are mild, all concussions are potentially serious and may result in complications including prolonged brain damage and death if not recognized and managed properly. Because NHCS has elected to offer an athletic program, we must immediately remove from a school-sponsored athletic activity for the remainder of the day an athlete who is suspected of sustaining a concussion or head injury during that activity. The athlete may not return to that activity until the athlete is evaluated by, and receives written clearance from, a licensed health care provider. If the licensed health care provider determines the athlete has a concussion or head injury, the athlete shall also complete a graduated return-to-play protocol of no less than 7 days in duration under the supervision of a licensed health care provider. On a yearly basis, a concussion and head injury information sheet must be signed and returned by the athlete and the athlete's parent or guardian before the athlete initiates practice or competition. This requirement does not apply to an athlete engaging in an athletic activity during the regular school day or as part of a physical education course.

## **Diabetes**

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

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

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

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

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

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

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

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

## **Dangers of Synthetic Drugs**

The illicit use and abuse of synthetic drugs represents an emerging and ongoing public health threat in California. The fentanyl crisis specifically, has impacted communities across the state, leading to a sharp increase in fentanyl poisonings and deaths in recent years. This notice aims to address the crisis with a preventative approach ensuring students and families are educated on the deadly consequences of recreational drug use.

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

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

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

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

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

- *“Foster youth”* means any of the following:
  1. A child who has been removed from their home pursuant to Section 309 of the California Welfare and Institutions Code (“WIC”).
  2. A child who is the subject of a petition filed pursuant to WIC section 300 or 602 (whether or not the child has been removed from the child’s home by juvenile court).
  3. A child who is the subject of a petition filed pursuant to WIC section 602, has been removed from the child’s home by the juvenile court, and is in foster care.
  4. A nonminor under the transition jurisdiction of the juvenile court, as described in WIC section 450, who satisfies all of the following criteria:
    - a. The nonminor has attained 18 years of age while under an order of foster care placement by the juvenile court.
    - b. The nonminor is in foster care under the placement and care responsibility of the county welfare department, county probation department, Indian tribe, consortium of tribes, or tribal organization.
    - c. The nonminor is participating in a transitional independent living case plan.
  5. A dependent child of the court of an Indian tribe, consortium of tribes, or tribal organization who is the subject of a petition filed in the tribal court.<sup>1</sup>
  6. A child who is the subject of a voluntary placement agreement, as defined in WIC section 11400.
- *“Former juvenile court school student”* means a student who, upon completion of the student’s second year of high school, transfers from a juvenile court school to NHCS.
- *“Child of a military family”* refers to a student who resides in the household of an active duty military member.
- *“Currently Migratory Child”* refers to a child who, within the last 12-months, has moved with a parent, guardian, or other person having custody to NHCS from another Local Educational Agency (“LEA”), either within California or from another state, so that the child or a member of the child’s immediate family might secure temporary or seasonal employment in an agricultural or fishing activity, and whose parents or

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

guardians have been informed of the child’s eligibility for migrant education services. This includes a child who, without the parent/guardian, has continued to migrate annually to secure temporary or seasonal employment in an agricultural or fishing activity.

- *“Newcomer pupil”* is a person aged 3 to 21 years, who was not born in any of the 50 United States, the District of Columbia, or the Commonwealth of Puerto Rico, and has not been attending one or more schools in any one or more of the 50 United States, the District of Columbia, or the Commonwealth of Puerto Rico, for more than three (3) full academic years. This also includes a “pupil participating in a newcomer program,” as defined in Education Code section 51225.2, as that section read on January 1, 2023, who was enrolled in NHCS before January 1, 2024. NHCS may, in its discretion, also extend the rights in Education Code sections 51225.1 and 51225.2 to a “pupil participating in a newcomer program,” as defined in Education Code section 51225.2, as that section read on January 1, 2023.
- *“Educational Rights Holder” (“ERH”)* means a parent, guardian, or responsible adult appointed by a court to make educational decisions for a minor pursuant to WIC sections 319, 361 or 726, or a person holding the right to make educational decisions for the student pursuant to Education Code section 56055.
- *“School of origin”* means the school that the foster youth attended when permanently housed or the school in which the foster youth was last enrolled. If the school the foster youth attended when permanently housed is different from the school in which the student was last enrolled, or if there is some other school that the foster youth attended within the immediately preceding 15 months, NHCS liaison for foster youth, in consultation with and with the agreement of the foster youth and the ERH for the youth, shall determine, in the best interests of the foster youth, the school that shall be deemed the school of origin. For a foster youth who is an individual with exceptional needs as defined in Education Code section 56026, “school” as used in the definition of “school of origin” includes a placement in a nonpublic, nonsectarian school as defined in Education Code section 56034, subject to the requirements of Education Code section 56325.
- *“Best interests”* means that, in making educational and school placement decisions for a foster youth, consideration is given to, among other factors, the opportunity to be educated in the least restrictive educational program and the foster youth’s access to academic resources, services, and extracurricular and enrichment activities that are available to all NHCS students.
- *“Partial coursework satisfactorily completed”* includes any portion of an individual course, even if the student did not complete the entire course.

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

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

Ms. Burks  
(916) 649-5077 x 201

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

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

credits, records and grades.

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

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

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

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

If the NHCS operates an intersession program, NHCS shall grant priority access to foster youths. Notwithstanding any other law, if the foster youth will be moving during an intersession period, the pupil's educational rights holder, or Indian custodian in the case of an Indian child, shall determine which school the pupil attends for the intersession period, if applicable. "Intersession program" means an expanded learning program offered by NHCS on nonschooldays, including, but not limited to, summer school. "Indian custodian" is as the term is defined in Section 1903 of Title 25 of the United States Code.

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

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

**Student Records:** When NHCS receives a transfer request and/or student records request for the educational information and records of a foster youth from a new local educational agency ("LEA"), NHCS shall provide these

student records within two (2) business days. NHCS shall compile the complete educational record of the student, including but not limited to a determination of seat time, full or partial credits earned, current classes and grades, immunization and other records, and, if applicable, a copy of the student's special education records including assessments, IEPs, and/or 504 plans. All requests for student records will be shared with the Foster and Mobile Youth Liaison, who shall be aware of the specific educational recordkeeping needs of Foster and Mobile Youth.

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

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

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

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

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

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

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

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

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

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

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

Ms. Burks  
(916) 649-5077 x 201

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

1. Homeless students are identified by NHCS personnel through outreach and coordination activities with other entities and agencies and through the annual housing questionnaire administered by NHCS
2. Homeless students enroll in and have a full and equal opportunity to succeed at NHCS.
3. Homeless students and families receive educational services for which they are eligible, including services through Head Start programs (including Early Head Start programs) under the Head Start Act, early intervention services under part C of the Individuals with Disabilities Education Act, any other preschool programs administered by NHCS, if any, and referrals to health care services, dental services, mental health services and substance abuse services, housing services, and other appropriate services.
4. Parents/guardians are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children.
5. Public notice of the educational rights of homeless children is disseminated at places frequented by parents or guardians of such youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, and in a manner and form understandable to the parents and guardians of homeless youth and unaccompanied youth.
6. Enrollment/admissions disputes are mediated in accordance with law, the NHCS's charter, and Board policy.
7. Parents/guardians and any unaccompanied youth are fully informed of all transportation services, as applicable.
8. NHCS personnel providing services receive professional development and other support.
9. The NHCS Liaison collaborates with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths.
10. Unaccompanied youth are enrolled in school; have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth; and are informed of their status as independent students under section 480 of the Higher Education Act of 1965 and that the youths may obtain assistance from the NHCS Liaison to receive verification of such status for the purposes of the Free Application for Federal Student Aid described in section 483 of the Act.

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

**Housing Questionnaire:** NHCS shall administer a housing questionnaire for purposes of identifying homeless children and youth. NHCS shall ensure that the housing questionnaire is based on the best practices developed by the CDE. NHCS shall annually provide the housing questionnaire to all parents/guardians of students and to all unaccompanied youths at NHCS. The housing questionnaire shall include an explanation of the rights and protections a student has as a homeless child or youth or as an unaccompanied youth. The housing questionnaire shall be available in paper form. The housing questionnaire shall be available in English, and if fifteen (15) percent

or more of the students enrolled at NHCS speak a single primary language other than English, it shall also be written in the primary language. The questionnaire shall be translated into other languages upon request of a student's parent/guardian or an unaccompanied youth. NHCS shall collect the completed housing questionnaires and annually report to the CDE the number of homeless children and youths and unaccompanied youths enrolled. (Education Code Section 48851.)

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

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

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

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

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

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

NHCS will provide homeless students credit for the partial completion of courses taken while attending a public school, a juvenile court school, a school in a country other than the United States, and/or a nonpublic, nonsectarian school or agency. If the student did not complete the entire course, the NHCS shall not require the student to retake the portion of the course the student completed unless the NHCS, in consultation with the holder of educational rights for the student, finds that the student is reasonably able to complete the requirements in time to graduate from high school. When partial credit is awarded in a particular course, the homeless student shall be enrolled in the

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

same or equivalent course, if applicable, so that the student may continue and complete the entire course. These students shall not be prevented from taking or retaking a course to meet California State University or the University of California admission eligibility requirements.

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

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

### **English Learners**

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

### **Human Trafficking Prevention**

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

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

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

### **Immunizations**

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

These required immunizations include:

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

**Involuntary Removal Process**

No student shall be involuntarily removed by the NHCS for any reason unless the parent or guardian of the student has been provided written notice of intent to remove the student no less than five (5) schooldays before the effective date of the action (“Involuntary Removal Notice”). The written notice shall be in the native language of the student or the student’s parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student’s educational rights holder. The Involuntary Removal Notice shall include the charges against the student and an explanation of the student’s basic rights including the right to request a hearing before the effective date of the action. The hearing shall be consistent with the NHCS’s expulsion procedures. If the student’s parent, guardian, or educational rights holder requests a hearing, the student shall remain enrolled and shall not be removed until the

NHCS issues a final decision. As used herein, “involuntarily removed” includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions or expulsions pursuant to NHCS’s suspension and expulsion policy.

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

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

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

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

### **Location of All Automated External Defibrillator(s) on Campus**

NHCS Front Office

### **Lost or Damaged School Property**

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

### **Mental Health Services**

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

#### **Available on Request:**

- **School-based counseling services** – your child is encouraged to directly contact a NHCS staff to request counseling services coming during school hours and making an appointment to speak with a counselor. Our NHCS counseling support services supports students by providing individual sessions, group or parent consultations whenever a student is having a difficult time due to academic stress, transition to changes in their environment, or social concerns, including isolation. Counseling services, whether provided by our NHCS or by an outside provider are voluntary.
- **Special education services** – if you believe your child may have a disability, you are encouraged to directly contact the Director to request an evaluation.

- Prescription medication while on campus – if your child requires prescription medication during school hours and you would like assistance from School staff in providing this medication to your child, please contact the office manager.

#### Available Nationally:

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

#### **Nondiscrimination Statement**

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

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

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

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

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

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

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

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

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

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

NHCS will promptly and thoroughly investigate any complaint of harassment and take appropriate corrective action, if warranted. Inquiries, complaints, or grievances regarding harassment as described in this section, above, should be directed to the Executive Director, Mr. Pegany, (916) 649.5077 x 201.

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

### **Opioid Information Sheet**

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

<https://www.cifstate.org/sports-medicine/CDC-Patient-Opioid-Factsheet-a.pdf>

### **Parent and Family Engagement Policy**

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

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

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

## **Pregnant and Parenting Students**

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

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

Complaints of noncompliance with laws relating to pregnant or parenting students may be filed under the Uniform Complaint Procedures ("UCP") of the NHCS. The complaint may be filed in writing to the Executive Director.

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

## **Safe Storage of Firearms**

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

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

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

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

### **School Bus and Passenger Safety**

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

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

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

The NHCS has also established an Asbestos Management Plan. The Plan is available upon request at the main office.

### **Section 504**

The NHCS 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 NHCS. 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 NHCS. The parent of any student suspected of needing or qualifying for accommodations under Section 504 may make a referral for an evaluation to the Executive Director. A copy of the NHCS's Section 504 policies and procedures is available upon request at the main office.

### **Sexual Health Education**

NHCS offers comprehensive sexual health education to its students in grades 7-8. A parent or guardian of a student has the right to excuse their child from all or part of comprehensive sexual health education, HIV prevention education, and assessments related to that education through a passive consent ("opt-out") process. NHCS does not require active parental consent ("opt-in") for comprehensive sexual health education and HIV prevention education. Parents and guardians may:

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

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

We are dedicated to the belief that all students can learn and must be guaranteed equal opportunity to become contributing members of the academic environment and society. NHCS provides special education instruction and related services in accordance with the Individuals with Disabilities Education Improvement Act ("IDEA"), Education Code requirements, and applicable policies and procedures of the SELPA. These services are available for special education students enrolled at NHCS. We offer high quality educational programs and services for all

our students in accordance with the assessed needs of each student. NHCS collaborates with parents, the student, teachers, and other agencies, as may be indicated, in order to appropriately serve the educational needs of each student.

Pursuant to the IDEA and relevant state law, NHCS is responsible for identifying, locating, and evaluating children enrolled at the NHCS with known or suspected disabilities to determine whether a need for special education and related services exists. This includes children with disabilities who are homeless or foster youth. NHCS shall not deny nor discourage any student from enrollment solely due to a disability. If you believe your child may be eligible for special education services, please contact the main office.

### **State Testing**

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

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

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

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

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

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

One exception, which permits disclosure without consent, is disclosure to NHCS officials with legitimate educational interests. A NHCS official is a person employed by the NHCS as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the NHCS’s Board of Directors. A NHCS official also may include a volunteer, consultant, vendor, or contractor outside of the NHCS who performs an institutional service or function for which the NHCS would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, therapist, or contracted provider of digital educational platforms and/or services; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another NHCS official in performing their tasks. A NHCS

official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility.

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

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

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

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

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

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

1. NHCS officials who have a legitimate educational interest as defined by 34 C.F.R. Part 99;
2. Other schools to which a student seeks or intends to enroll so long as the disclosure is for purposes related to the student's enrollment or transfer. When a student transfers schools, NHCS will mail the original or a copy of a student's cumulative file to the receiving district or private school within ten (10) school days following the date the request is received from the public school or private school where the student intends to enroll. The NHCS will make a reasonable attempt to notify the parent or eligible student of the request for records at the parent's or eligible student's last known address, unless the disclosure is initiated by the parent or eligible student. Additionally, the NHCS will give the parent or eligible student, upon request, a copy of the record that was disclosed and give the parent or eligible student, upon request, an opportunity for a hearing;
3. Certain government officials listed in 20 U.S.C. § 1232g(b)(1) in order to carry out lawful functions;
4. Appropriate parties in connection with a student's application for, or receipt of, financial aid if it is necessary to determine eligibility, amount of aid, conditions for aid or enforcing the terms and conditions of the aid;
5. Organizations conducting certain studies for the NHCS in accordance with 20 U.S.C. § 1232g(b)(1)(F);
6. Accrediting organizations in order to carry out their accrediting functions;
7. Parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1986;
8. Individuals or entities, in compliance with a judicial order or lawfully issued subpoena. Subject to the exceptions found in 34 C.F.R. § 99.31(a)(9)(i), reasonable effort must be made to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek a protective order;
9. Persons who need to know in cases of health and safety emergencies;
10. State and local authorities, within a juvenile justice system, pursuant to specific State law;

11. A foster family agency with jurisdiction over a currently enrolled or former student, a short-term residential treatment program staff responsible for the education or case management of a student, and a caregiver (regardless of whether the caregiver has been appointed as the student’s educational rights holder) who has direct responsibility for the care of the student, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource family, may access the current or most recent records of grades, transcripts, attendance, discipline, and online communication on platforms established by NHCS for students and parents, and any individualized education program (“IEP”) or Section 504 plan that may have been developed or maintained by NHCS; and/or
12. A victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceedings conducted by NHCS with respect to that alleged crime or offense. NHCS discloses the final results of the disciplinary proceeding regardless of whether NHCS concluded a violation was committed.

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

1. Student’s name
2. Student’s address
3. Parent’s/guardian’s address
4. Telephone listing
5. Student’s electronic mail address
6. Parent’s/guardian’s electronic mail address
7. Date of birth
8. Photo/video
9. Dates of attendance
10. Grade level

If you do not want NHCS to disclose directory information from your child’s education records without your prior written consent, you must notify NHCS in writing at the time of enrollment or re-enrollment.

***A copy of the complete Policy is available upon request at the main office.***

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

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

Please visit the CCGI website at [CaliforniaColleges.edu](http://CaliforniaColleges.edu) to access resources that help students and their families learn about college admissions requirements.

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

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

## **Sudden Cardiac Arrest Prevention**

NHCS is invested in the health of its athletes, especially their heart health. Sudden cardiac arrest (“SCA”) is when the heart stops beating, suddenly and unexpectedly. Those wishing to participate in athletics at NHCS must review the information sheet on sudden cardiac arrest via the following link: <https://www.cde.ca.gov/pd/ca/pe/documents/pescaform.pdf>

## **Surveys About Personal Beliefs**

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

## **Teacher Qualification Information**

As NHCS receives Title I federal funds through the Elementary and Secondary Education Act (“ESEA”), as reauthorized and amended by the Every Student Succeeds Act (“ESSA”), all parents/guardians of students attending NHCS may request information regarding the professional qualifications of classroom teachers and/or paraprofessionals, including at a minimum:

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

Upon request, NHCS will provide the information to the parents/guardians in a timely manner. Parents/guardians may contact the Executive Director at [hpegany@roblacharter.school](mailto:hpegany@roblacharter.school) to obtain this information.

## **Tobacco-Free Schools**

Ample research has demonstrated the health hazards associated with the use of tobacco products, including smoking and the breathing of secondhand smoke. NHCS provides instructional programs designed to discourage students from using tobacco products. NHCS’s Governing Board recognizes that smoking and other uses of tobacco and nicotine products constitute a serious public health hazard and are inconsistent with the goals of NHCS to provide a healthy environment for students and staff.

In the best interest of students, employees, and the general public, the Board therefore prohibits the use of tobacco products at all times on NHCS property and in NHCS vehicles. This prohibition applies to all employees, students, visitors, and other persons at school or at a school-sponsored activity or athletic event. It applies to any meeting on any property owned, leased, or rented by or from NHCS.

Smoking or use of any tobacco-related product or disposal of any tobacco-related waste is prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. Smoking or use of any tobacco-related product is also prohibited within 250 feet of the youth sports event in the same park or facility where a youth sports event is taking place. In addition, any form of intimidation, threat, or retaliation against a person for attempting to enforce this policy is prohibited.

The Director or designee shall inform students, parents/guardians, employees, and the public about this policy. All individuals on NHCS premises share in the responsibility of adhering to this policy. Additionally, NHCS will post signs stating "Tobacco use is prohibited" prominently at all entrances to school property.

## **Uniform Complaint Procedure (“UCP”)**

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

1. Complaints alleging unlawful discrimination, harassment, intimidation, or bullying against any protected group on the basis of the actual or perceived characteristics of age, ancestry, color, mental disability, physical disability, ethnic group identification, immigration status, citizenship, gender expression, gender identity, gender, genetic information, nationality, national origin, race or ethnicity, religion, medical condition, marital status, sex, or sexual orientation, or on the basis of a person’s association with a person or group with one or more of these actual or perceived characteristics in any NHCS program or activity. Unlawful discrimination includes, but is not limited to, noncompliance with Education Code section 243(a) or 244(a).
2. Complaints alleging a violation of state or federal law or regulation governing the following programs:
  - Accommodations for Pregnant, Parenting or Lactating Students;
  - Adult Education;
  - Career Technical and Technical Education;
  - Career Technical and Technical Training;
  - Child Care and Development Programs;
  - Consolidated Categorical Aid;
  - Education of Students in Foster Care, Students who are Homeless, former Juvenile Court Students now enrolled in a public school, Migratory Children and Children of Military Families;
  - Every Student Succeeds Act;
  - Migrant Education Programs;
  - Regional Occupational Centers and Programs; and/or
  - State Preschool Programs.
3. Complaints alleging noncompliance with laws relating to pupil fees. A student enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity. A pupil fee includes, but is not limited to, all of the following:
  - A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory or is for credit.
  - A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
  - A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

Complaints of noncompliance with laws relating to pupil fees may be filed with the Executive Director or the Compliance Officer identified below.

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

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

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

Complaints other than complaints relating to pupil fees must be filed in writing with the Mr. Pegany, (916) 649-5077 x201

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

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

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

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

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

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

Within thirty (30) calendar days of the date of the CDE’s appeal Decision pursuant to 5 C.C.R. section 4633(f)(2) or (3), either party may request reconsideration by the State Superintendent of Public Instruction (“SSPI”) or the SSPI’s designee. The request for reconsideration shall specify and explain the reason(s) for contesting the findings of fact, conclusions of law, or corrective actions in the CDE’s appeal Decision.

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

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

If NHCS finds merit in a UCP complaint, or the CDE finds merit in an appeal, NHCS shall take corrective actions consistent with the requirements of existing law that will provide a remedy to the affected student and/or parent/guardian as applicable.

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

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

### **Williams Act**

Pursuant to California Education Code Section 35186, parents/guardians are hereby notified that:

- There should be sufficient textbooks and instructional materials. This means that each pupil, including English learners, must have textbook or instructional materials, or both, to use in the class and to take home to complete required homework assignments.
- School facilities must be clean, safe, and maintained in good repair.
- There should be no teacher vacancies or mis-assignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English Learners, if present.
- Pupils shall not be charged fees, including security deposits, or be required to purchase materials or equipment, to participate in a class or an extracurricular activity.

Williams complaints must be resolved within 60 days of receipt.

### **Universal School Meals**

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

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

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

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

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

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

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

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

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

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

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

Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

mail:  
U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; or  
fax:  
(833) 256-1665 or (202) 690-7442; or  
email:  
Program.Intake@usda.gov

NHCS is an equal opportunity provider.

### **PESTICIDE APPLICATION NOTIFICATION**

You have the right to be informed prior to any pesticide application that might be necessary at your student's school. In an emergency, pesticides may be applied without prior notice; however, notice will be provided following any such application. To receive notifications, please inform your student's school by submitting a letter, which includes your name, student's name, address, and day/evening phone. Please indicate whether you would like to be notified when any scheduled major pesticide application is made or if you also want notification when an ant trap, small bait application, or other least toxic application is made. Education Code 48980.3

### **Use of Student Information Learned from Social Media**

NHCS complies with all federal, state, and local guidelines regarding the gathering and/or maintenance of information about any enrolled student obtained from social media in the student's educational record. NHCS gathers student information from social media. Such information shall be maintained in NHCS's records with regard to the student and shall be destroyed within one (1) year after a student turns 18 years of age or within one (1) year after the student is no longer enrolled in NHCS, whichever occurs first. A non-minor student or a student's parent or guardian may access the student's records for examination of the information, request the removal of information or corrections made to information gathered or maintained by NHCS by contacting the Executive Director.

### **Work Permits**

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

### **Artificial Intelligence Policy**

This policy aims to provide a robust framework for the ethical and efficient use of generative AI technologies within New Hope Charter School, (NHCS). Its principal intent is to empower NHCS learners by integrating AI in the learning process while emphasizing responsible and safe use, inclusivity, and the maintenance of high ethical standards.

At NHCS, we aim to create a professional learning environment. We understand that the use of Artificial Intelligence (AI) in an educational setting prepares students for the future, and AI plays a significant role in

education. AI usage must focus on the empowerment of diverse learners, therefore making educational experiences more accessible and engaging.

The use of an Artificial Intelligence (AI) system must comply with the Family Educational Rights and Privacy Act. (FERPA) (20 USC 1232g; 34 CFR Part 99.) 6. Any student use of AI on schoolwork must be cited to as any other source and may not be submitted as the student's original work. Students are to follow AI ethical guidelines for academic honesty and citizenship. The usage of safe AI technologies should only enhance learning and not replace critical thinking, creativity, and human connection.

We understand that generative AI holds potential for enhancing pedagogical methods, customising learning experiences, aiding administrative efficiency and driving educational innovation. Harnessing this technology effectively necessitates a comprehensive set of guidelines to uphold our shared values and ensure the successful incorporation of AI into our school community.

### **Integrity and Avoidance of Plagiarism**

Plagiarism is a serious offense at NHCS. While generative AI technologies can provide beneficial insights, it is important that the work students produce is reflective of their understanding and knowledge. Students must not represent AI-generated content as their own original work. Instead, it should serve as a tool to stimulate their ideas and enrich their assignments while processed by these technologies, as well as the right to correct inaccurate or incomplete information.

### **Acceptable Usage of AI**

- Use AI for brainstorming, generating ideas, supporting research, and enhancing writing by providing assistance with grammar, punctuation and fluency checks. Students are required to provide proper citation and acknowledgement of non original sources.

### **Unacceptable Usage of AI**

AI should not be used to create work that is presented as one's own, or to engage in any form of cheating, plagiarism and academic integrity.

### **Accessibility, Inclusivity and Personalized Learning**

#### **Support for Students with Learning Differences**

Generative AI presents new opportunities for supporting students with various learning abilities. Personalized content and interactive features can cater to various learning styles and pace, thus facilitating a more inclusive learning environment. Our school is committed to leveraging these technologies to support diverse learning needs and ensure equal access to educational resources.

#### **Catering to Individual Learning Needs**

With generative AI, we can create personalized learning pathways that consider each pupil's unique attributes, abilities, learning preferences and styles. We believe that all students should have the opportunity to achieve their full potential, and with generative AI, we are well-positioned to make this possible. The continuous endeavor to ensure accessibility and inclusivity is part of our commitment to equal opportunities and will remain a priority in our educational approach.

## **Evaluation and Quality Assurance**

### **Assessing Accuracy, Relevance and Appropriateness**

The adoption of any generative AI tool in our school setting requires careful evaluation. We must assess the accuracy, relevance, and appropriateness of both the tool itself and the content it generates. The evaluations are critical to ensure that these technologies align with our educational objectives and uphold our commitment to providing quality education to our students.

Data validity and accuracy are paramount; therefore, any discrepancies or inconsistencies found in AI-generated content should be diligently reported and rectified. The appropriateness of AI-generated content must also be assessed against our school's curriculum standards, ethical guidelines, and the diverse cultural and personal backgrounds of our students.

### **Feedback Mechanism**

A feedback mechanism is vital for the interactive development of generative AI adoption within our school. Teachers, students, and parents should be encouraged to provide feedback on their experiences, possible areas of improvement, and any concerns with the generative AI tools utilized. This feedback will guide the modification and improvement of the AI tools for enhanced learning outcomes.

The school's commitment to the continuous evaluation of generative AI tools ensures that the technology's capabilities align with the educational, ethical, personal needs of pupils, effectively benefiting teaching and learning processes. It further ensures the school's generative AI initiative remains dynamic, responding efficiently to changes and advancements in AI technology.

## **COMPLETE POLICIES**

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

This Title IX Policy Prohibiting Discrimination on the Basis of Sex ("Policy") contains the policies and grievance procedures of Ceiba College Preparatory Academy ("NHCS") to address sex discrimination, including but not limited to sexual harassment, occurring within NHCS's education program or activity.

NHCS does not discriminate on the basis of sex and prohibits any acts of sex discrimination in any education program or activity that it operates, as required by California law, Title IX (20 U.S.C. § 1681 *et seq.*) and the Title IX regulations (34 C.F.R. Part 106), including in admission and employment.<sup>5</sup>

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

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

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

## **Definitions**

### **Prohibited Sex Discrimination**

Title IX and California law prohibit discrimination on the basis of sex, including sex-based harassment and differences in the treatment of similarly situated individuals on the basis of sex with regard to any aspect of services, benefits, or opportunities provided by NHCS.

### **Prohibited Sexual Harassment**

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

- An employee of NHCS conditioning the provision of an aid, benefit, or service of NHCS on an individual’s participation in unwelcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to NHCS’s education program or activity; or
- “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

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

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

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

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

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

**Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

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

**Party** means a complainant or respondent.

**Respondent** means a person who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**Supportive Measures** are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to a party before or after the filing of a formal complaint of sexual harassment or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to NHCS's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or NHCS's educational environment, or deter sexual harassment.

### **Title IX Coordinator**

The Board of Directors of NHCS ("Board") has designated the following employee as the Title IX Coordinator ("Coordinator"): Mr. Pegany, (916) 649-5077 x201

In the event the above-named individual becomes unavailable or unable to serve as the Coordinator, the Board has designated the following employee to serve as a temporary or interim Coordinator: Mr. Khan (916) 649-5077 x201

The Coordinator is responsible for coordinating NHCS's efforts to comply with the requirements of Title IX, receiving reports and complaints of sex discrimination, formal complaints of sexual harassment, and inquiries about the application of Title IX to NHCS, coordinating the effective implementation of supportive measures, and taking

other actions as required by this Policy. The Coordinator or designee may serve as the investigator for formal complaints of sexual harassment.

### **Reporting Sex Discrimination**

All employees must promptly notify the Director when the employee has knowledge of or notice of allegations of sex discrimination or sexual harassment occurring within NHCS's education program or activity.

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

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

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

### **Privacy**

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

### **Retaliation**

NHCS prohibits any form of retaliation against any individual who files a report or complaint, testifies, assists, participates, or refuses to participate in any investigation or proceeding related to misconduct prohibited by this Policy. Such participation or lack of participation shall not in any way affect the status, grades, or work assignments of the individual.

### **Response to Sexual Harassment**

NHCS will respond promptly and in a manner that is not deliberately indifferent when it has actual knowledge, as defined in 34 C.F.R. § 106.30(a), of sexual harassment occurring in its education program or activity against a person in the United States.

NHCS's response will treat complainants and respondents equitably by offering supportive measures to a complainant, and by following the grievance procedures for formal complaints of sexual harassment that are listed below before imposing any disciplinary sanctions or other actions that are not supportive measures on a respondent for sexual harassment under Title IX.

### **Supportive Measures**

Once notified of sexual harassment or allegations of sexual harassment occurring in NHCS's education program or activity against a person in the United States, the Coordinator will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint of sexual harassment.

Supportive measures may include but are not limited to: counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; mutual restrictions on contact between the parties; changes in work or on-campus housing locations; leaves of absence; increased security and monitoring of certain areas of the campus; and other similar measures.

Supportive measures will not unreasonably burden either party or be imposed for punitive or disciplinary reasons. NHCS will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair NHCS's ability to provide the supportive measures. The Coordinator is responsible for coordinating the effective implementation of supportive measures.

## **Grievance Procedures**

### **Scope and General Requirements**

NHCS has adopted and published grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited under Title IX and a grievance process that complies with 34 C.F.R. § 106.45 for formal complaints of sexual harassment.

Complaints of misconduct prohibited by this Policy that do not constitute a formal complaint of sexual harassment will be addressed in accordance with NHCS's Uniform Complaint Procedures, its employment discrimination complaint procedures, or the grievance procedures set forth in its Harassment, Intimidation, Discrimination, and Bullying Policy, as applicable. The following grievance procedures will apply to formal complaints of sexual harassment.

Upon receipt of a formal complaint of sexual harassment, the Executive or designee will promptly initiate these grievance procedures, or the informal resolution process if available, appropriate, and requested by all parties.

NHCS requires that any Title IX Coordinator, investigator, decisionmaker, and any person designated by NHCS to facilitate an informal resolution process not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

NHCS will treat complainants and respondents equitably. NHCS presumes that the respondent is not responsible for the alleged sexual harassment until a determination is made at the conclusion of its grievance procedures.

NHCS may consolidate formal complaints of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, where the allegations of sexual harassment arise out of the same facts or circumstances.

NHCS allows for the temporary delay of the grievance process or limited extension of timeframes on a case-by-case basis for good cause. Requests for extensions must be submitted to the Executive Director in writing at least one (1) business day before the expiration of the timeframe. If the grievance process is temporarily delayed or a timeframe is temporarily extended by NHCS, the Coordinator or designee will notify the parties of the reason for the delay or extension in writing.

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

### **Dismissal**

NHCS must dismiss a formal complaint of sexual harassment for purposes of sexual harassment under Title IX if the conduct alleged:

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

- Would not constitute sexual harassment under Title IX even if proved;
- Did not occur in NHCS's education program or activity; or
- Did not occur against a person in the United States.

NHCS may dismiss a formal complaint of sexual harassment or any of the allegations therein if:

- The respondent is no longer enrolled or employed by NHCS;
- A complainant notifies the Executive Director in writing that the complainant would like to withdraw the complaint or any allegations therein; or
- Specific circumstances prevent NHCS from gathering sufficient evidence to reach a determination as to the complaint or allegations therein.

Upon dismissal, the Executive Director or designee will promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties. Dismissal under Title IX does not preclude action under another applicable NHCS policy.

### **Notice of the Allegations**

Upon receipt of a formal complaint of sexual harassment, the Coordinator or designee will provide written notice of the allegations to the parties whose identities are known. The notice will include:

- NHCS's grievance procedures and any informal resolution process;
- The allegations of sexual harassment including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details includes the identities of the parties involved in the incident(s), if known, the conduct allegedly constituting sexual harassment under Title IX, and the date(s) and location(s) of the alleged incident(s), if known;
- A statement that the respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility is made at the conclusion of the grievance process;
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and
- A statement that NHCS prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

### **Emergency Removal**

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

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

This provision must not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

### **Informal Resolution**

At any time after a formal complaint of sexual harassment is filed and prior to determining whether sexual harassment occurred under NHCS's Title IX grievance procedures, NHCS may offer an informal resolution process to the parties. NHCS will not offer or facilitate informal resolution to resolve allegations that an employee sexually harassed a student, or when such a process would conflict with Federal, State, or local law. Parties will not be required or pressured to agree to participate in the informal resolution process.

Before initiation of the informal resolution process, NHCS will obtain the parties' voluntary, written consent to participate in the informal resolution and provide the parties with a written notice that explains:

- The allegations;

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

### **Investigation**

In most cases, a thorough investigation will take no more than thirty (30) business days. NHCS has the burden to conduct an investigation that gathers sufficient evidence to determine whether sexual harassment occurred. The investigator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance in accordance with Title IX.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be used, accessed, considered, or disclosed), regardless of whether they are relevant:

- A party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless NHCS obtains that party's voluntary, written consent to do so for these grievance procedures; and
- Evidence about the complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

The parties will be provided with an equal opportunity to present witnesses, to inspect and review any evidence obtained that is directly related to the allegations raised, and to have an advisor present during any investigative meeting or interview. The parties will not be prohibited from discussing the allegations under investigation or from gathering and presenting relevant evidence. A party whose participation is invited or expected at an investigative meeting or interview will receive written notice of the date, time, location, participants, and purpose of the meeting or interview with sufficient time for the party to prepare to participate.

Before the investigator completes the investigative report, NHCS will send to each party and the party's advisor, if any, a copy of the evidence subject to inspection and review, and the parties will have at least ten (10) days to submit a written response for the investigator to consider prior to completing the investigation report.

The investigator will complete an investigation report that fairly summarizes relevant evidence and send a copy of the report to each party and the party's advisor, if any, at least ten (10) days prior to the determination of responsibility.

### **Determination of Responsibility**

Before making a determination of responsibility, the decisionmaker must afford each party the opportunity to submit written, relevant questions that a party wants to ask of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decisionmaker must explain to the party proposing the questions any decision to exclude a question as not relevant.

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

Within twenty (20) business days after NHCS sends the investigation report to the parties, the decisionmaker, who will not be the same person as the Coordinator or investigator, will simultaneously send the parties a written determination of whether sexual harassment occurred. The written determination will include:

- The allegations of sexual harassment;
- A description of the procedural steps taken including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
- The findings of facts supporting the determination;
- The conclusions regarding the application of NHCS's code of conduct to the facts;
- The decision and rationale for each allegation;
- Any recommended disciplinary sanctions for the respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the complainant; and
- The procedures and permissible bases for appeals.

The determination regarding responsibility becomes final either on the date that NHCS provides the parties with the written appeal decision, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

### **Appeals**

Either party may, within five (5) business days of their receipt of NHCS's written determination of responsibility or dismissal of a formal complaint of sexual harassment, submit a written appeal to the Chair of NHCS Board, who will serve as the decisionmaker for the appeal or designate a decisionmaker for the appeal.

The complainant and respondent may only appeal from a determination regarding responsibility or NHCS's dismissal of a formal complaint of sexual harassment or any allegations therein, on one or more of the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- The Coordinator, investigator(s), or decisionmaker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The decisionmaker for the appeal will not be the same person as the Coordinator, the investigator or the initial decisionmaker.

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

### **Consequences**

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

### **Training**

All supervisors of staff will receive sexual harassment training within six (6) months of their assumption of a supervisory position and will receive further training once every two (2) years thereafter. All Title IX Coordinators,

investigators, decisionmakers, and any person who facilitates a Title IX informal resolution process will receive Title IX training and/or instruction concerning sexual harassment as required by law.

### **Recordkeeping**

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

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

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

### **Title IX Sex Discrimination And Harassment Complaint Form**

Your Name: \_\_\_\_\_ Date: \_\_\_\_\_

Email Address: \_\_\_\_\_

Date of Alleged Incident(s): \_\_\_\_\_

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

List any witnesses that were present: \_\_\_\_\_

Where did the incident(s) occur? \_\_\_\_\_

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

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

\_\_\_\_\_  
Signature of Complainant

Date: \_\_\_\_\_

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

**To be completed by NHCS:**

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

Date: \_\_\_\_\_

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

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

New Hope NHCS recognizes its responsibility to make and enforce all rules and regulations governing student and employee behavior to bring about the safest and most learning-conducive environment possible.

### **Corporal Punishment**

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

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

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

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

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

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

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

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

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

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

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

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

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

### Duty to Report Suspected Misconduct

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

### Examples of Specific Behaviors

The following examples are not an exhaustive list:

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

- (a) Giving gifts to an individual student that are of a personal and intimate nature.
- (b) Kissing of any kind.
- (c) Any type of unnecessary physical contact with a student in a private situation.
- (d) Intentionally being alone with a student away from the school.
- (e) Making or participating in sexually inappropriate comments.
- (f) Sexual jokes.
- (g) Seeking emotional involvement with a student for your benefit.
- (h) Listening to or telling stories that are sexually oriented.
- (i) Discussing inappropriate personal troubles or intimate issues with a student in an attempt to gain their support and understanding.
- (j) Becoming involved with a student so that a reasonable person may suspect inappropriate behavior.

#### *Unacceptable Staff/Student Behaviors without Parent and Supervisor Permission*

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

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

#### *Cautionary Staff/Student Behaviors*

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

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

### Acceptable and Recommended Staff/Student Behaviors

- (a) Getting parents' written consent for any after-school activity.
- (b) Obtaining formal approval to take students off school property for activities such as field trips or competitions.
- (c) Emails, text, phone and instant messages to students must be very professional and pertaining to school activities or classes (Communication should be limited to school technology).
- (d) Keeping the door open when alone with a student.
- (e) Keeping reasonable space between you and your students.
- (f) Stopping and correcting students if they cross your own personal boundaries.
- (g) Keeping parents informed when a significant issue develops about a student.
- (h) Keeping after-class discussions with a student professional and brief.
- (i) Asking for advice from fellow staff or administrators if you find yourself in a difficult situation related to boundaries.
- (j) Involving your supervisor if conflict arises with the student.
- (k) Informing the Executive Director about situations that have the potential to become more severe.
- (l) Making detailed notes about an incident that could evolve into a more serious situation later.
- (m) Recognizing the responsibility to stop unacceptable behavior of students or coworkers.
- (n) Asking another staff member to be present if you will be alone with any type of special needs student.
- (o) Asking another staff member to be present when you must be alone with a student after regular school hours.
- (p) Giving students praise and recognition without touching them.
- (q) Pats on the back, high fives and handshakes are acceptable.
- (r) Keeping your professional conduct a high priority.
- (s) Asking yourself if your actions are worth your job and career.

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

### **Policy**

The Suspension and Expulsion Policy and Procedures have been established in order to promote learning and protect the safety and wellbeing of all students at New Hope NHCS ("NHCS"). In creating this policy, NHCS has reviewed Education Code Section 48900 *et seq.* which describe the offenses for which students at nonNHCSs 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.* NHCS is committed to annual review of policies and procedures surrounding suspensions, expulsions, and involuntary removals, and, as necessary, modification of the lists of offenses for which students are subject to suspension, expulsion, or involuntary removal.

Consistent with this Policy, it may be necessary to suspend or expel a student from regular classroom instruction. This shall serve as NHCS'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. Accordingly, if this policy contains information that differs from Element 10/J of the school's charter petition, this policy shall prevail.

NHCS 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.

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

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

A student identified as an individual with disabilities or for whom NHCS has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to general education students except when federal and state law requires additional or different procedures. NHCS 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 NHCS 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 NHCS for any reason unless the parent/guardian of the student has been provided written notice of intent to remove the student no less than five (5) school days before the effective date of the action. The written notice shall be in the native language of the student or the student's parent/guardian, and shall inform the student, and the student's parent/guardian, of the basis for which the student is being involuntarily removed and the student's parent/guardian's, right to request a hearing to challenge the involuntary removal. If a student's parent/guardian requests a hearing, NHCS shall utilize the same hearing procedures specified below for expulsions, before the effective date of the action to involuntarily remove the student. If the student's parent/guardian requests a hearing, the student shall remain enrolled and shall not be removed until NHCS 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(g).

## **Procedures**

### **A. Alternative Means of Correction**

For a student facing discipline for a discretionary offense listed below, the Director may, whenever possible and

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

practicable, provide alternatives to suspension or expulsion. These alternatives shall use a research-based framework with age-appropriate strategies that improve behavioral and academic outcomes while addressing and correcting the student's specific misbehavior.

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

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

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

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

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

## **B. 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.

## **C. Enumerated Offenses**

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

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

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

electronic files and databases, or the personal property of the person threatened or their immediate family.

- 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:
    - i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of their age, or for a person of their age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
    - ii. Causing a reasonable student to experience a substantially detrimental effect on their physical or mental health.
    - iii. Causing a reasonable student to experience substantial interference with their academic performance.
    - iv. Causing a reasonable student to experience substantial interference with their ability to participate in or benefit from the services, activities, or privileges provided by NHCS.
  - 2) "Electronic Act" means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
    - i. A message, text, sound, video, or image.
    - ii. A post on a social network Internet Web site including, but not limited to:
      - (a) Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
      - (b) Creating a credible impersonation of another actual student for the purpose of having one or more of the effects listed in subparagraph (1) above. "Credible impersonation"

means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.

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

iii. An act of cyber sexual bullying.

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

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

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

- u) A student who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a student who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to suspension and/or expulsion for causing, attempting to cause, or threatening to cause physical injury to another person, and/or willfully using force or violence upon the person of another, except self-defense.

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

- w) Assault or battery, as defined in Penal Code sections 240 and 242, upon any school employee.

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

- a) Possessed, sold, or otherwise furnished any firearm, explosive, or other destructive device unless, in the case of possession of any device of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Executive Director or designee’s concurrence.

- b) Brandished a knife at another person.

- c) Unlawfully sold a controlled substance listed in Health and Safety Code Section 11053, et seq.

- d) Committed or attempted to commit a sexual assault as defined in Penal Code 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 the expulsion hearing entity determines 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.

NHCS 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 Director or designee with the student and the student’s parent/guardian and, whenever practical, the teacher, supervisor or NHCS employee who referred the student to the Director or designee. The conference may be held in-person, telephonically, or via other electronic means.

The conference may be omitted if the Director or designee determines that an emergency situation exists. An “emergency situation” involves a clear and present danger to the lives, safety or health of students or NHCS 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). Whenever possible and practicable, this conference shall be held on the same day as the decision to suspend, and no later than two (2) school days following the decision to suspend, unless the student or parent/guardian waives this right or is unable to attend for any reason including, but not limited to, incarceration or hospitalization. Penalties shall not be imposed on a student for failure of the student’s parent/guardian to attend a conference with NHCS 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 in person, by email, or by telephone. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension and the date of return following suspension. This notice shall state the specific offense(s) committed by the student, the duration and dates of the student's suspension, as well as the date the student may return to school following the suspension. If NHCS 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 Director or designee, the student and the student's parent/guardian will be invited to a conference to determine if the suspension for the student should be extended pending an expulsion hearing. In such instances when NHCS has determined a suspension period shall be extended, such extension shall be made only after a conference is held with the student and the student's parent/guardian, unless the student and the student's parent/guardian fail to attend the conference.

This determination will be made by the 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)(iii), students recommended for expulsion are entitled to a hearing adjudicated by a neutral officer ("hearing entity") 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 by:

- 1) A neutral and impartial Administrative Panel, to be assigned by the Executive Director as needed; or
- 2) A neutral and impartial hearing officer, to be assigned by the Executive Director as needed.

In the event an Administrative Panel serves as the hearing entity, the Panel shall consist of at least three (3) members who are certificated and neither a teacher of the student nor a member of NHCS Board of Directors. The Administrative Panel shall be presided over by a designated neutral hearing chairperson.

The hearing entity shall make the determination regarding the expulsion of any student in accordance with the procedures set forth herein, subject to review by the Board of Directors ("Board") on appeal.

## **E. Expulsion Procedures**

Unless postponed for good cause, the hearing shall be held within thirty (30) school days after the Executive Director or designee determines that the student has committed an expellable offense and recommends the student for expulsion. If postponed for good cause, the expulsion hearing may be extended an additional thirty (30) calendar days from the date of the original hearing, unless otherwise agreed upon in writing by the Executive Director and student's parents/guardians.

The hearing shall take place in a confidential setting in compliance with all student confidentiality laws and rules under the Family Educational Rights and Privacy Act ("FERPA") unless the student makes a written request for a public hearing 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 NHCS'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 NHCS 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**

NHCS 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 NHCS or the hearing entity. 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) school 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 testify in a confidential setting not open to the public.
2. NHCS 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, NHCS must present evidence that the witness' presence is both desired by the witness and will be helpful to NHCS. The entity presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising their discretion to remove a person from the hearing whom they believe is prompting, swaying, or influencing the witness.
8. The testimony of the support person shall be presented before the testimony of the complaining witness, and the complaining witness shall be excluded from the hearing room during that testimony.
9. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in public at the request of the student being expelled, the complaining witness shall have the right to have their testimony heard in a confidential setting when testifying at a hearing open to the public 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. The hearing entity's decision 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 hearing entity 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 non-confidential setting (e.g. open to the public), 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 confidential setting closed to the public.

## **I. Expulsion Decision**

The decision of the hearing entity shall be in the form of a written findings of fact and written determination or expulsion order. The hearing entity shall make the final determination regarding the expulsion within ten (10) school days following the conclusion of the hearing. If the hearing entity ultimately decides not to expel, the student shall be returned to their previous educational program.

The hearing entity 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 hearing entity. During the period of the suspension of the expulsion order, the student is deemed to be on probationary status. The hearing entity 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 NHCS's rules and regulations governing student conduct. If the hearing entity revokes the suspension of an expulsion order, the student may be expelled under the terms of the original expulsion order. The hearing entity 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 hearing entity shall further comply with the provisions set forth under Education Code Section 48917, except as otherwise expressly set forth herein.

## **J. Notice of Expulsion Decision**

Within ten (10) school days of the expulsion hearing, the Executive Director or designee shall send written notice of the hearing entity's decision to the student and student's parent/guardian.

This notice shall include the following:

- a. The hearing entity's findings of fact, including the student's name, the specific offense(s) committed by the student, as well as the duration and term of the student's expulsion; 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 NHCS.

The Executive Director or designee shall also send a copy of the decision to expel to the chartering authority as requested or required.

## **K. Disciplinary Records**

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

## **L. Appeals**

A student or parent may appeal the hearing entity's expulsion decision by submitting a written appeal request to the Executive Director within five (5) school days of receiving the written notice of expulsion. The Board of Directors will review the appeal within twenty (20) school days of the parent's request.

The Board will not hold a new hearing or reconsider the case facts. Instead, the Board will limit its review to the following questions:

- Did the hearing entity act without authority or exceed its jurisdiction?
- Was the hearing fair and conducted in accordance with NHCS's Suspension and Expulsion policy and procedures?
- Did the hearing entity abuse its discretion in a way that caused harm?
- Is there new, relevant evidence that could not have been presented at the original hearing?

The Board will hold the appeal review in a closed session to comply with the Family Educational Rights and Privacy Act (FERPA) and all applicable provisions of the Brown Act. The student and/or parent may attend the hearing to present their arguments, or submit written arguments or evidence to the Executive Director beforehand. The Board will consider any written submissions received by the Executive Director at least three (3) calendar days before the appeal review.

The Board may reverse, uphold, or modify the hearing entity's decision. The Board will issue its decision in writing and provide it to the student and parent within five (5) school days of the appeal review. If the Board reverses the expulsion decision, the student will immediately return to their educational placement at NHCS. The Board's decision on appeal is final.

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

Students who are expelled shall be responsible for seeking alternative education programs including, but not limited to, programs within the County or their school district of residence. NHCS 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 NHCS shall be given a rehabilitation plan upon expulsion as developed by the hearing entity, 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 NHCS 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 NHCS who has not been readmitted/admitted to another school or school district during or after the end of the student's expulsion term, shall be in the sole discretion of the Board of Directors following a meeting with the Executive Director or designee and the student and student's parent(s)/guardian(s) to determine whether the student has successfully completed the rehabilitation plan and to determine whether the student poses a threat to others or will be disruptive to the school environment. The Executive Director or designee shall make a recommendation to the Board of Directors following the meeting regarding the Executive Director's or designee's determination. The Board shall then make a final decision regarding readmission or admission of the student during the closed session of a public meeting, reporting any action taken during closed session consistent with the requirements of the Brown Act and all student confidentiality laws and rules under FERPA. The student's readmission is also contingent upon NHCS's capacity at the time the student seeks readmission or admission to NHCS. If the Board admits or readmits the student, it may impose additional conditions, including but not limited to monitored behavior, restricted access to certain activities, or mandatory check-ins with the administrators.

### **P. Notice to Teachers**

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

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

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

In accordance with Education Code Section 51747 and NHCS's Board policy on independent study, after 3 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, NHCS may involuntarily remove the student after NHCS 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**

NHCS 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 NHCS 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, NHCS, the parent, and relevant members of the IEP/504 Team shall review all relevant information in the student's file, including the child's IEP/504 Plan, any teacher observations, and any relevant information provided by the parent(s)/guardian(s) 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 NHCS, the parent(s)/guardian(s), 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 NHCS, 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 NHCS 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 NHCS agree to a change of placement as part of the modification of the behavioral intervention plan.

If NHCS, the parent(s)/guardian(s), 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 NHCS 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(s)/guardian(s) of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or NHCS 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(s)/guardian(s) or NHCS, 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 NHCS agree otherwise.

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

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

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

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

## 6. Interim Alternative Educational Setting

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

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

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

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

- a. The parent(s)/guardian(s) 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 NHCS 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(s)/guardian(s) has requested an evaluation of the child.
- c. The child's teacher, or other NHCS personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education or to other NHCS supervisory personnel.

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

NHCS 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.

# COMMITMENT TO EXCELLENCE AGREEMENT - COMMUNITY/FAMILY COMPACT

## TEACHER LEADER COMMITMENT

We fully commit to New Hope NHCS in the following ways:

- We will be prepared to teach and be in our classrooms everyday by 8:00AM.
- We will maintain professional standards for appearance and a positive attitude.
- We will always teach in the best way we know how, and we will do whatever it takes for our students to learn.
- We will work collaboratively with fellow teachers, our Principal, Directors, and support staff.
- We will always make ourselves available to students and parents, and listen to any concerns they may have.
- We will always protect the safety, interest and rights of all individuals in the classroom and the Robla Community.

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TEACHER SIGNATURE

DATE

## PARENT/GUARDIAN COMMITMENT

We fully commit to New Hope NHCS in the following ways:

- We will make sure our child is in the classroom everyday by 8:25AM.
- We will make arrangements so our child can remain at New Hope NHCS until his/her grade-level dismissal time.
- We will pick up our child from school on the given dismissal time for the day.
- We will ensure that our child attends any required New Hope NHCS after school, Extended School Year, Saturday School, and/or Summer school sessions.
- We will always help our child in the best way we know how, and we will do whatever it takes for him/her to learn.
- We will always make ourselves available to our children, the school, and any concerns they may have. This also means if our scholar is going to be absent, we will notify the school office as soon as possible, and we will carefully read papers and/or any electronic forms of communication the school sends to us.
- We will make sure my child(ren) is/are in proper New Hope NHCS Dress Code.
- We understand our child must follow the New Hope NHCS rules so as to protect the safety, interests, and rights of all individuals in the classroom and school community.
- We, not the school, are responsible for the behavior and actions of our scholar(s).
- We will always protect the safety, interest and rights of all individuals in the classroom.
- We will always use language that is appropriate for a professional school environment and treat ALL members of the New Hope NHCS community with respect.
- We acknowledge that failure to adhere to the commitment may result in a parent/guardian being disallowed on campus.
- We have read the NHCS Student-Parent Handbook and agree to its expectations and policies.

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PARENT SIGNATURE

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DAT

## **STUDENT COMMITMENT**

We fully commit to New Hope NHCS in the following ways:

- I will be in the classroom ready to learn every day by 8:25 AM.
- I will remain at New Hope NHCS until my grade-level dismissal time.
- I will attend any required New Hope NHCS before/after school, Extended School Year, and Summer school sessions.
- I will always work, think, and behave in the best way I know how, and will do whatever it takes for me to learn and my fellow students to learn. This also means I will complete homework every night. I will contact my teacher if I have a problem with homework or a problem with coming to school, and will raise my hand and ask questions in class if I do not understand something.
- I will always make myself available to my parents/guardians, my teachers, and any concerns they have. If I make a mistake, this means I will tell the truth to New Hope NHCS staff and accept responsibility for my actions.
- I will always behave so as to protect the safety, interests and rights of all individuals in the classroom. This also means that I will always listen to my New Hope NHCS teammates and give everyone my respect.
- I will follow the New Hope NHCS dress code.
- I am responsible for my own behavior, and I will follow my teacher's directions.
- I understand that failure to adhere to these commitments can cause me to lose various New Hope NHCS privileges.
- I have read the NHCS Student-Parent Handbook and agree with its expectations and policies.

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STUDENT NAME & SIGNATURE

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DATE