

# Big Picture Adult Center for Training and Careers

## Student Handbook

2021-2022 School Year

A Partnership between Big Picture Educational Academy  
and the Fresno Workforce Investment Board and Other Community Partners



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Student Name

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Advisor/Teacher Name

High School Site  
1207 S. Trinity  
Street  
Fresno, CA 93706  
559-420-1235

Elementary School Site  
735 N. Glenn Avenue  
Fresno, CA 93728  
559-497-8272

Manchester Center  
Workforce Site  
1901 E. Shields #202, 243  
Fresno, CA. 93727

Mosqueda Center  
Reading & Beyond  
Site  
4670 E. Butler Ave  
Fresno, CA. 93702

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# **Big Picture CTC Program Student Handbook**

## **2021 – 2022 School Year**

Welcome to the Big Picture Educational Academy Center for Training and Careers Program (BPCTC). The original school site is located in Historic Fresno off Kearney Boulevard behind the Saint Alphonsus Church, a 100-year-old historic building. The High School site address is 1207 S Trinity St., Fresno, CA 83706. The elementary site is located on the back lot of the Ted C. Wills Community Center at 735 N Glenn Ave., Fresno, CA 93728. Additional sites include: Young Adult Workforce Services at Manchester Center, 1901 E. Shields Ave. Ste, 202, Fresno, CA. 93727 and the Reading and Beyond site at the Mosqueda Center, 4670 E. Butler Ave Fresno, CA. 93702.

Big Picture Educational Academy (BPEA), a free public charter Elementary, Middle, High and Adult school, is authorized through the Fresno County Office of Education. The educational design is part of the nationally recognized, educational non-profit, Big Picture Learning. BPCTC engages each student in learning, by working with the student to create a Personalized Learning Plan as an extension of the student's interests. Curriculum consists of online coursework provided by the Acellus Online Program, as well as curriculum related to students' interests developed by the student and Advisor/Teacher. BPCTC embraces the philosophy of educating one student at a time.

### **Big Picture Educational Academy Mission**

BPEA educates individuals of all ages, one student at a time, to understand and engage in the world around them, take ownership of their learning, and develop abilities and passions for success in career and life.

### **Big Picture Educational Academy Vision**

BPEA students leave confident in their knowledge, skills, and relationships to pursue unique passions and make lasting positive impact on their lives and communities.

### **Big Picture's Five Learning Goals**

BPEA's environment is structured to give students experience and competence in five Learning Goal areas: Empirical Reasoning, Quantitative Reasoning, Communication, Social Reasoning, and Personal Qualities. A graduate of BPEA is a responsible, self-directed learner who has the skills and experience to initiate, present and carry out a meaningful and challenging project in a professional manner.

### **Partnership with the Workforce Investment Board**

CTC students will also be enrolled with the Workforce Investment Board program (WIB) under BPEA's exclusive contract.. All of the WIB work is part of the CTC work and is part of the overall project-based program. Therefore, the work completed through the WIB is counted towards graduation along with the CTC work outlined in your personal learning plan.

### **Partnerships with Other Agencies**

BPCTC develops partnerships with other community agencies such as Reading and Beyond.

## Big Picture Adult Center for Training and Careers (CTC) High School

For all practical purposes, BPCTC is a high school recovery program that focuses on high school completion, employability skills development, career pathway preparation, and English Language Acquisition.

The Big Picture Center for Training and Careers educational program provides traditional, online, and project-based instruction to best serve student needs. Therefore, some work will take place in the community. This includes academic projects, internships, college courses, career preparation courses, on-the-job training, and other components provided by the Workforce Investment Board, Reading and Beyond and other partners.

The following distinguishers describe additional features of the Center for Training and Careers (BPCTC) Program:

- Serve students 18 years old and older who have not graduated or have no high school experience
- Classroom size is up to 15 students per class.
- Partnership with Workforce Investment Board.
- Partnership with Reading and Beyond.
- Program is separate from the regular elementary, middle and high schools.
- Academic/Community Programs offered.
- Internship/Career Preparation Programs offered through our partners.
- Concurrent enrollment with Fresno City College or other job training entities available.
- Offers a language acquisition program for non-English speaking students and the opportunity to enroll in the high school diploma program.

The graduation requirements for the CTC program meet the California State minimum graduation requirements in effect at the time of the student's enrollment along with some additional requirements. Students who cannot graduate within two years because of credit deficiency, may be offered an alternative means to graduation as described in Education Code (51225.3). Some students may attend specifically to increase their English/Language Arts and math skills to improve their employability and/or prepare them for other post-secondary education such as community college or a career college. Students who have already graduated from high school are not eligible for the program.

### Graduation Requirements

Most traditional high schools require 230 to 290 units of credit to graduate. At Big Picture, we follow the minimum California Department of Education Requirements plus BP requirements. Students must complete a minimum of 170 units of credit to receive a High School Diploma from the CTC program along with BPEA program requirements. Each year-long course earns ten units of credit. The following are the minimum requirements for graduation:

- |   |            |
|---|------------|
| • English (approved ESL courses may satisfy 10 credits of this requirement) | 30 credits |
| • Algebra I   | 10 credits |
| • Mathematics   | 10 credits |
| • Physical Science  | 10 credits |
| • Biological Science  | 10 credits |
| • World History   | 10 credits |
| • United States History   | 10 credits |

- American Government 5 credits
- Economics 5 credits
- BP 501-College & Career Readiness/Sr. Projects (CTE) 10 credits
- Physical Education or alternative course 20 credits
- Electives 40 credits

Graduation requirements not required by law may be waived through the student's Personal Learning Plan with the recommendation of the Advisor/Teacher and the CTC Program Principal's approval.

All core subjects for graduation meet the University of California A-G requirements unless special circumstances dictate otherwise. Students who enter the school with grades of "C" or better in all of the UC a-g required courses up to the day they left school may choose to complete all UC a-g courses required for university enrollment. The following are the courses required to meet the UC A-G requirements:

- English 40 credits
- Algebra I 10 credits
- Geometry 10 credits
- Algebra II (or other math courses that meet the requirements) 10 credits
- Physics or Chemistry 10 credits
- Biological Science 10 credits
- World History 10 credits
- United States History 10 credits
- American Government 5 credits
- Economics 5 credits
- Language other than English (two years) 20 credits
- Visual or Performing Arts 10 credits
- Physical Education or alternative course 20 credits

### Big Picture Requirements for CTC Graduation

**Personal Learning Plan Development:** All students must develop a personal learning plan with their Advisor/Teacher and update that plan at least once each semester.

**Student must engage in assigned schoolwork on each school day.** All students are expected to complete assigned work each day school is in session. This includes Acellus courses, Physical Education activities, projects, Journal writing, etc. The Acellus program allows the Advisor/Teacher to view current activity for all students. The Advisor/Teacher can view which students have signed into the system every day. The Advisor/Teacher can also see which classes the student signed in to, which steps were completed, and how much time was spent working in each class. It is so detailed, that the teacher can even see the date and time that the student reached each step in the class. A monthly report showing the date and how much time a student spent working on classes is also available. The monthly report also shows the total time a student spent on classes for the whole month and for the school year.

Students who do not or cannot log in to Acellus during a school day or work on a PE activity or project, must document the schoolwork accomplished that day. This will be fully explained by the student's Advisor/Teacher during the development of the Personal Learning Plan. Attendance is registered automatically in the Acellus program, so the teacher can check on attendance every day, even minute by minute. It is much better for the

student to sign in to Acellus and make progress in their classes every school day and therefore not have to do an additional academic activity to verify attendance.

**Zoom Meetings:** Due to COVID-19 and the possibility that we may need to work remotely, students will be assigned to either a Monday and Wednesday or Tuesday and Thursday class schedule with their Advisor/Teacher. The Advisor/Teacher will schedule Zoom meetings at their discretion so that students may check in and ask questions or get help with their Acellus classes. Students must still sign in to Acellus on the other days of the week, even when a Zoom meeting is not scheduled. School days are Monday through Friday unless the day is a holiday or teacher in-service day.

**Email Addresses:** It is essential that students provide an email address and current cell phone number to communicate with their Advisor/Teacher. Students should check their email at least twice a week for updated information and answers to their questions. Zoom meeting links and other important information will be sent through email, so students must check their email regularly.

Big Picture Educational Academy will use the student's personal email address for communicating. If a student doesn't have an email address, BPEA will help a student sign up for a Gmail address for the purpose of school communications.

**Senior Exhibition of Learning:** All graduating seniors are required to complete an Exhibition as part of their graduation requirements. The student will present their Senior Exhibition and Portfolio to an audience of their fellow students and invited guests. This is part of the CTC 501-College & Career Readiness/Sr. Projects required course.

**Graduate Portfolio:** All graduating seniors must submit a Graduate Portfolio as part of their Senior Exhibition.

**Personal Résumé:** All graduating seniors are required to include an up-to-date, personal resume in their Graduate Portfolio.

**Exit Survey:** All graduates must complete the exit survey prior to receiving their diploma. This is an anonymous survey about your experiences with the program that will help the school administration, teachers and staff continually improve the CTC Program.

## Course Performance

Students must pass all CTC Program courses with a grade of C- or better. Students who do not receive a C- or better grade in the course will have to retake the sections of the course with lower scores to raise their overall grade. Special education students will follow the guidelines in their IEP. See you Advisor/Teacher for further instruction.

## Grading Scale

Letter Grade	Greater than or Equal to:	Percent	Equals	Grade Points
A+	≥	100	=	4.00
A	≥	92	=	4.00
A-	≥	88	=	3.67
B+	≥	87	=	3.33
B	≥	82	=	3.00
B-	≥	78	=	2.67
C+	≥	77	=	2.33
C	≥	72	=	2.00
C-	≥	68	=	1.67
D+	≥	67	=	1.33
D	≥	62	=	1.00
D-	≥	58	=	.067
F	≥	57	=	0.00

**Note: Students must receive a grade of “C-“ or better in each required course to receive credit towards graduation.**

## Transferability of Course Credit

BPEA is fully accredited by the Accrediting Commission for Schools: Western Association of Schools and Colleges (WASC). This is the same agency that accredits all public schools in California. All courses taken at BPHSF are transferrable to all California and other Public Schools and to any private school in the same manner as any other accredited school in California.

## High School Grade Level Placement Policy

CTC students are adults who have come back to high school with the intent to graduate with a diploma. Based on the courses and the number of high school credits the student previously earned, the student will be placed in a grade level. Once a student is near graduation, the student will be moved to Senior status (12<sup>th</sup> grade level). The sliding scale below indicates when a student could reach senior status.

## Potential Graduate (Senior Status) Sliding Scale

Students must meet the following credit requirements to maintain graduate status:

Learning Period	with Credits Remaining
LP-1 .....	50
LP-2 .....	45
LP-3 .....	40
LP-4 .....	35
LP-5 .....	30
LP-6 .....	30
LP-7 .....	25
LP-8 .....	20
LP-9 .....	15
LP-10 .....	10

Students who leave the school prior to the end of the year without completing all courses for graduation may be eliminated from the cohort if student's attendance is poor and student stops completing assignments.

## BP 501 Advisory Course

The CTC program is designed to provide a way for adult students who have not graduated from high school to complete the required course work through a combination of classroom study, online coursework, real-life experiences, and workforce training to earn a regular high school diploma. The program is individualized, meaning that each student is different, with different needs, interests, desires, etc. Because of this, the student, Advisor/Teacher, and others on the student's learning team all meet to develop a personalized learning plan to guide the student's learning and work. Once the plan is developed, the student implements the plan and completes all the work outlined in the plan with the support of the learning team. The personalized learning plan is a living document that is updated at least every semester until all necessary work is completed for graduation. All additional Big Picture graduation requirements are part of the BP 501 course. Students who have already completed a college and career course in another program may only need to complete the advisory components of the BP 501 Advisory Course. For more information contact your Advisor/Teacher.

## How the BPCTC Program Works

When a student enters the program, the Advisor/Teacher and student review the student's current transcripts and develop a Personalized Learning Plan outlining the requirements the student needs to complete for graduation. In most cases, students will take separate, online courses to earn the required credits. However, the CTC program is designed around real life and therefore students will also have the opportunity to experience real work to earn some of their credits.

The plan usually takes one year or less to complete, depending on the credits needed by the student based on the CTC graduation requirements. The following outline depicts this process:

- Enrollment in CTC Program, and the Workforce Investment Board program (WIB) as well as with other Big Picture partners such as Reading and Beyond if required.
- Develop a Personalized Learning Plan with your Advisor/Teacher
  - Evaluate Transcripts
  - Determine the courses and number of credits needed to graduate
  - Estimate Graduation Date
- Complete and sign the Master Agreement
- Maintain excellent attendance, attitude, and work ethic
- Complete assigned Acellus classes, associated class work, assigned projects, and personal projects.
- Complete any necessary direct instruction and test prep
- Complete other assigned work such a journal writing, PE, community service, etc.

- Complete all WIB requirements
- Complete all writing assignments, special lessons, and science labs as assigned.
- Revise learning plan as necessary
- Present Senior Exhibition
- Complete Senior Checkout Document
- Order Cap and Gown, etc., if attending the graduation ceremony.
- Graduate and receive high school diploma

## **Graduation and Awards**

All students who graduate from Big Picture and participate in the graduation ceremony, will receive a graduation medal with the school's name and graduation year to wear with their gown. Students who work hard and get good grades have the opportunity to earn academic awards and medals, pins and cords to wear on their graduation gowns. The academic awards are based on the GPA earned while at Big Picture. These include the Academic Excellence Medal and Certificate for achieving a 3.7 and above GPA, and Honor Roll Pin and Certificate for achieving a GPA of 3.5 and above.

Students who enter Big Picture CTC Program with good grades and continue earning good grades can also be eligible for the Valedictorian and Salutatorian Awards. These go to the students who have the highest overall GPAs above 3.5 each year. They also can receive Cum Laude System Awards.

## **Attendance**

CTC program students are expected to have excellent attendance. This means completing schoolwork each day that school is in session and attending assigned days at the school site. There are 175 school days in the school year. Since the CTC Program is both classroom-based and independent study based, students are expected to attend all assigned work times at the school site as well as working outside of the school site the rest of the school days. This means working Monday through Friday unless a holiday falls during that time. Students may also work anytime that school is not in session.

Students who cannot attend an assigned day at the school site must inform their Advisor/Teacher in advance that they will be absent. This does not mean that the student does not have to complete some schoolwork that day. If a student cannot login to Acellus or complete other project or PE work, the student must complete an academic assignment approved by their advisor/teacher.

Students who do not adhere to these policies will be placed on an attendance/performance contract and possibly be moved to a different teacher who will work with them to improve performance. Not abiding to the contract will be grounds for removal from the CTC Program. To avoid this, students should have regular communication with their Advisor/Teachers and the school office. We understand that there are special circumstances in everyone's life that can interfere with planned activities. If you have these issues, please notify your advisor or the CTC office and we will work with you.

Students missing three (3) consecutive days (such as not attending class, failing to login to Acellus, or not engaging in other assigned work) will be notified by their Advisor/Teacher that attendance needs to improve. If the student misses a whole week without notifying their Advisor/Teacher of any issues the student is having that prevents them from working on their classes, the Advisor/Teacher will notify the office. The office will attempt to communicate with the student along with the Advisor/Teacher. If a second week passes with no Acellus sign-ins and no communication between the student and the Advisor/Teacher or the office, the student will be involuntarily withdrawn from the regular program pursuant to the School's involuntary removal policy, and will either be moved to a special class for non-attenders or be involuntarily withdrawn from the CTC program and have to re-enroll when ready to continue. If dropped from the CTC Program the student's account in Acellus will be suspended so that the student will not be able to continue in any of their classes until they re-establish contact with the CTC program and commit to continuing academic work.

## Personalized Learning Plan

The Personal Learning Plan is initially developed by the student and Advisor/Teacher. This plan will reflect how many credits the student earned prior to the current semester and how many remain towards meeting the graduation requirement. The plan is updated as necessary, but at least once per semester through a student and Advisor/Teacher meeting. The plan outlines the goals for each student and the steps for achieving those goals. The plan is used to keep track of all work completed as the student works towards graduation.

## CTC Program Senior Exhibition and Portfolio

The final step to graduate from a Big Picture School is to present your senior exhibition and portfolio to your teacher and an audience of family, friends, other students, and staff. The senior exhibition consists of a verbal presentation and discussion of the work you have completed to reach high school graduation and your portfolio documents your work.

## Portfolio Outline

The student portfolio provides a historical record of all the work a student has completed throughout the school year. It is divided into sections for each type of work and contains the following:

- Personal Learning Plan
- All certificates of completed Acellus courses
- All Physical Education sheets
- All written journals, if applicable
- All ELA essays, if applicable
- Representations of all project work
- All Science Lab work, if applicable
- Current Resume
- All postsecondary documents
  - FAFSA
  - College registrations
  - College courses
  - Other appropriate documents
- Copy of Graduation Speech (if you have one)
- Additional work completed through BPCTC partners

Note: the portfolio must always remain at the school site with your Advisor/Teacher.

## Senior Exhibition

Your exhibition is a presentation to a group showing and explaining the work you completed while in the CTC Program to earn your diploma. You can talk about yourself, your experiences, why you came to the CTC program, your CTC Program experiences, your future goals, etc. You can have posters, pictures, drawings, charts, handouts, etc. BPCTC recommends creating a digital slide presentation such as PowerPoint or Google Slides to show to the audience. This makes it easier to present and more enjoyable to the audience. You will also have the digital slide presentation on your computer to remind you of your success as you review it in the future.

## Exhibition Narrative

- **Introduction:**  
Talk generally about your CTC experiences. Describe what this educational experience was like for you. How does it compare to other programs? How have you done overall? This is the section to talk broadly about your work and your progress. Think about using a quotation, story, or comparison to describe your experiences.
- **Learning Plan:**

Talk about your learning plan. Discuss how many credits you needed to complete the program. What was the most challenging in completing your plan? What was easy for you?

- **Academic Work:**

Talk about your academic work through Acellus and other academic work and projects.

- **Learning Through Internships/Interests (LTI) (usually through our partner agencies):**

If you had an LTI, describe where it was, what you did there and how you liked the experience. What was good about your LTI? What did you learn there? What do you wish could have been different? What have you learned about yourself and your interests?

- **Workforce Investment Board (WIB) or Reading and Beyond (R&B):**

If you are registered and participating with one of the Workforce Investment Board programs, explain your experiences and what you learned. Was this program helpful for you? Did you have a paid internship or job through the WIB? Did the WIB or R&B refer you to Big Picture?

- **Project Work:**

Talk about what you were most proud of in your project work? Summarize the projects you did and use this chance to talk about what you learned, what skills you've gained, and how your abilities have developed. Include any personal projects, science projects, and/or writing projects.

- **Other Learning:**

Describe learning activities that weren't listed in your Personal Learning Plan, such as advisory or school participation, your participation with visitors, outdoor experiences, travel opportunities, conferences, speaking engagements, workshops, and experiences with family, school, clubs, church, etc.

- **Conclusion:**

Finish up by summarizing the most important things you learned about yourself this year. Note your plans for the next quarter and any resources you will need to succeed.

### **Here are some more ideas to help you feel truly ready for your exhibition:**

- **Practice, Practice, Practice.** The week before your Exhibition, give your presentation in front of other students to get their feedback. You can also practice at home in front of your family, or alone in front of the mirror. Practicing gives you a feel for the timing (You don't want to be too long or too short.) Your Exhibition presentation should be 45-60 minutes long. Practice also helps you feel more comfortable about what you are going to say, helps you organize the presentation, and lets you know if any part of the presentation needs more work.
- **Go to other students' exhibitions:** Get ideas about what goes into an exhibition by watching others. What did you see in the other students' presentations that was excellent or could be improved? How can you improve your own exhibition with this information?
- **Don't wait until the last minute to prepare!** It is impossible to cram for an exhibition. You are going to present a quarter's worth of work, and you can't make that up at the last minute. Create a work schedule for yourself and stick to it. Develop a checklist of all the things you will need at your Exhibition and set a due date for completing all the materials.
- **Make an outline of your presentation.** This way you won't leave anything out and it helps you organize your Exhibition. You can also make a presentation using your online Portfolio to help organize your materials and give you a visual to use.
- **Create note cards for your presentation.** This gives you speaking points, helps keep your exhibition organized, and gives you a little cheat sheet in case you forget what you are going to say!
- **Invite people to your exhibition who will give you useful feedback.** In addition to your Learning Plan Team, you can invite other adults from your Workforce and Reading and Beyond sites, adults in your personal life, friends, older students, and other family members. You can design creative invitations or just contact the people personally.

- **Create all the visuals for your presentation well in advance.** This way you can create drafts and show them to others for feedback. Then you will also have time to make changes and create beautiful, finished products.
- **Gather all the materials you need for your presentation in advance.** This will take a lot of time, so don't wait until the last minute. Also, the earlier you develop the materials, the more feedback you can get from other people.
- **Dress Professionally. Always look your best. Make a positive impression on your audience.**

An Exhibition can be a great experience if you are prepared. You get to show off your work and be in the spotlight. It's natural to feel a little nervous, but the more prepared you are, the less you will worry.

## College Course Work

BPCTC students are encouraged to enroll in college courses as part of the CTC program. College coursework can be used to complete many high school requirements. See your Advisor/Teacher for more information.

## Campus Rules, Classroom Conduct, and Dress Code

BPCTC is an adult program and as such, it is understood that students attend BPCTC because they want an excellent education that will prepare them for college and/or a career pathway. This means that all students have chosen to be at school every day as assigned, unless ill, and to complete all course work to the best of their ability. Students who have not made these choices should make an appointment with the CTC administration to request a withdrawal or transfer to another school that may better serve their needs. All students are required to do schoolwork each day. That generally means Monday-Friday. Logging on to Acellus every day during the week is an easy way to meet this requirement. This does not mean you cannot work on schoolwork on the weekends or holidays. You should figure on working 20-25 hours per week.

1. The CTC program may operate at the same time as the regular BPHSF after school program. Because of this, adult students must not mingle with the underage students.
2. Big Picture Educational Academy is a closed campus for minor students. This means that these students must stay on campus during their scheduled school day and are not allowed to enter vehicles in the parking lot. CTC students are adults and are not subject to the closed campus rule. However, CTC students must use good judgment when entering and leaving and understand that campus security staff may mistake them for a minor student and ask them for a pass. In these cases, it is expected that CTC students act in a respectful, adult manner.
3. All CTC students will have an appropriate ID card and must show that ID when asked by any staff member at BPEA.
4. Students shall not engage in any illegal activity at or near the school site or a school-sponsored activity or while participating in another school district activity.
5. Adult Students shall not smoke, vape or use tobacco, or any product containing tobacco or nicotine, while on the campus.
6. Students possessing, using, distributing, or selling alcohol or other controlled substances or related paraphernalia at school or at a school event shall immediately be involuntarily withdrawn from the program and the police will be notified.
7. Students may not possess weapons, imitation firearms, or dangerous instruments of any kind in school buildings, on school grounds or buses, or at a school-related or school-sponsored activity away from school.
8. Students shall respect school property.
9. CTC students will use only the restroom designated for them.

10. If conflicts arise, CTC students will resolve them in a positive, adult manner.
11. In general, CTC students are adults and must behave as such. CTC students who choose to engage in inappropriate behaviors will immediately be involuntarily withdrawn from the program.

## Dress Code

The following dress code is intended to present all students at the school to the community as astute, professional, mature, and respectful individuals. The dress code is a teaching tool to help students understand what proper dress means. The dress code does not contain every possible description of proper or improper dress. Therefore, it is expected that all students always follow the intent of the dress code.

The following **General Dress Rules** shall apply to all regular school activities:

- Shoes must be worn at all times. Students must have proper shoes for recess or P.E., including closed toe and a back strap.
- Clothing, jewelry, and personal items (backpacks, fanny packs, gym bags, water bottles, notebooks, etc.) shall be free of writing, pictures or any other insignia which are profane, or sexually suggestive; which bear drug, alcohol, or tobacco company advertising promotions, and likenesses; which advocate racial, ethnic, or religious prejudice; or which bear or advocate any gang or crew related logos, monikers, or other such writing.
- Clothes shall be sufficient to always conceal undergarments. See-through or fish-net fabrics, halter tops, low cut tops, oversized arm holes, bare midriffs, and skirts, dresses, or shorts that are shorter than at fingertip length at the longest finger are not allowed.
- Pants and shorts must be worn at the hips or waist; sagging or bagging of pants/shorts is not allowed. Shirts should cover waist if no belt is worn.
- Any perceived gang attire is specifically prohibited including any Fresno State, bulldog or other dog logos. Wearing colors that are chosen by local gangs may be prohibited by the administration. At present, do not wear more than one (1) red or blue garment including shoes.
- Students may not wear or possess accessories that could be harmful to other students or staff members.
- Piercings and other accessories shall not create a distraction while at School.
- Scarves, hoods, hats, or other head coverings may not be worn in a way that obstructs the face or keeps the student from being easily identified.
- Pajamas may not be worn at any time, not even showing under your other pants or layers of clothing, except for specified days.

## Student Food Policies

### Food or drinks in classrooms

- Do not take food or drinks, other than bottled water, into the classrooms without prior approval of your Advisor/Teacher.
- No food allowed at the computers. Food may be left at the tables at the center of the room.
- Place all trash from food in the trash cans outside of the classrooms.

### Off-Campus Meals

- CTC students may bring their lunch or dinner to school.

## Financial Aid, Scholarships, and Grants

### Free Application for Financial Aid (FAFSA)

The single most important document in applying for financial aid is the Free Application for Financial Aid (FAFSA). Only by submitting this document are students eligible for federal and state assistance such as Pell and Cal Grants. These forms are available on-line in October and may be filed any time between January 1st and March 2nd. Students who wish to be considered for Cal Grants as well as Pell Grants must also submit a Cal Grant GPA information release form to the counseling office, along with the student's Social Security number, in order to be included in the electronic report submitted to the state by BPHF Counselor, in time to meet the March 2nd deadline of the students senior/graduating year.

Charter School shall ensure that each of its students receives information on how to properly complete and submit the Free Application for Federal Student Aid (FAFSA) or the California Dream Act Application, as appropriate, at least once before the student enters grade 12. ACE will provide a paper copy of the FAFSA or the California Dream Act Application upon request.

- The FAFSA form and information regarding the FAFSA are available at:
  - <https://studentaid.gov/h/apply-for-aid/fafsa>
- The California Dream Act Application and information regarding the California Dream Act is available at:
  - <https://www.csac.ca.gov/post/resources-california-dream-act-application>

### Cal Grant Program Notice:

The School is required by state law to submit the GPA of all high school seniors by Oct. 1 of each year, unless the student opts-out. Students currently in eleventh (11th) grade will be deemed a Cal Grant applicant, unless the Student has opted out by or before February

#### **Cal Grant A:**

This grant is for students attending four-year colleges or for students attending community colleges in transfer programs. Academic grade point averages are used as one of the determining factors for awards.

#### **Cal Grant B:**

This grant is for students attending four-year colleges and community colleges. Awards for Cal Grant B are mostly need based.

#### **Cal Grant C:**

This grant is for students attending community colleges or vocational schools in time-limited vocational training programs.

#### **Scholarships:**

There are a wide variety of additional scholarships and grants available to students who wish to explore these opportunities. Many scholarships and grants are advertised in the school bulletin, on-line, and by individual organizations. Each college and university also offer institutional scholarships and grants to incoming students who meet defined criteria as specified by each system of higher education. The military also offers a wide range of scholarship and grant opportunities to students interested in pursuing a career in the military.

## Annual Notices

## **Involuntary Removal Process**

No student shall be involuntarily removed by BPEA for any reason unless 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, if the student is a foster student or youth or a homeless student 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 BPEA’s expulsion procedures. If the student requests a hearing, the student shall remain enrolled and shall not be removed until BPEA issues a final decision. As used herein, “involuntarily removed” includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions or expulsions pursuant to BPEA’s suspension and expulsion policy.

Upon request for a hearing, BPEA 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 student or youth or a homeless student or youth, the student’s educational rights holder and shall include a copy of BPEA’s expulsion hearing process.

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

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

## **Animal Dissections**

Students at Big Picture Educational Academy (“BPEA” or “School” or “Charter School”) may perform animal dissections as part of the science curriculum. Any pupil who provides his or her teacher with a written statement specifying the pupil’s moral objection to dissecting or otherwise harming or destroying animals, or any parts thereof, may be excused from such activities if the teacher believes that an adequate alternative education project is possible. The alternative education project shall require a comparable time and effort investment by the pupil. It shall not, as a means of penalizing the pupil, be more arduous than the original education project. The pupil shall not be discriminated against based upon his or her moral objection to dissecting or otherwise harming or destroying animals, or any parts thereof.

## **Teacher Qualification Information**

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

1. Whether the student’s teacher:
  - a. Has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
  - b. Is teaching under 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 student is provided services by paraprofessionals and, if so, their qualifications.

Upon request, the Charter School will provide the information to the pupil in a timely manner. Students may contact the HR Manager at 599-420-1234 to obtain this information.

### **English Learners**

BPEA 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. BPEA will meet all applicable legal requirements for English Learners as they pertain to annual notification (e.g. 30 day notification of assessment following enrollment in BPEA), 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. BPEA will implement policies to assure proper placement, evaluation, and communication regarding English Learners and the rights of students.

### **Nondiscrimination Statement**

BPEA 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.

BPEA 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”).

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

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

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

BPEA is committed to providing a work 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). BPEAA also prohibits sexual harassment, including cyber sexual bullying, and harassment based upon pregnancy, studentbirth 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. BPEA 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 BPEA does business, or any other individual, student, or volunteer. This applies to all employees, students, or volunteers and relationships, regardless of position or gender. BPEA 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 BPEA Uniform Complaint Procedures (“UCP”) Compliance Officer:

Keith Musilli Johnson, President/CEO  
1207 S. Trinity, St.  
Fresno, CA 93706  
Tel: [559-420-1234](tel:559-420-1234)

OR DIRECTLY TO THE PROGRAM PRINCIPALS

Dr. Catanzarite  
CTC Adult Program Principal  
1207 S. Trinity, St.  
Fresno, CA 93706  
Tel: 559-420-1234

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

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

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

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

Dr. Cheryle Anderson  
Special Education Director/Equity and Student Services  
Tel: [559-497-8272](tel:559-497-8272) OR Tel: [559-420-1234](tel:559-420-1234)

### **Section 504**

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

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

If a student willfully damages the Charter School's property or the personal property of a Charter School employee, or fails to return a textbook, library book, computer/tablet or other Charter School property that has been loaned to the student, the student is 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 in writing of the student's alleged misconduct and affording the student due process, Charter School may withhold the student's grades, transcripts, and diploma until the damages have been paid. If the student is unable to pay for the damages or to return the property, Charter School will provide a program of voluntary work for the minor in lieu of the payment of monetary damages. Upon completion of the voluntary work, the student's grades and diploma will be released.

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

The Family Educational Rights and Privacy Act ("FERPA") affords students certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 5 business days after the day the Charter School receives a request for access. Students should submit to the Charter School Executive Director or designee a written request that identifies the records they wish to inspect. The Charter School official will make arrangements for access and notify the 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 student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Students who wish to ask the Charter School to amend a record should write the Charter School's Executive Director or designee, clearly identify the part of the record they want changed and specify why it should be changed. If the Charter School decides not to amend the record as requested by the student, the Charter School will notify the 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 student when notified of the right to a hearing. If the Charter School decides to amend the record as requested by the student, the Executive Director must order the correction or the removal and destruction of the information and inform the student of the amendment in writing.

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

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

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

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

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

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

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

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

1. Charter School officials who have a legitimate educational interest as defined by 34 C.F.R. Part 99;
2. Other schools to which a student seeks or intends to enroll so long as the disclosure is for purposes related to the student's enrollment or transfer. When a student transfers schools, the Charter School will mail the original or a copy of a student's cumulative file to the receiving district or private school within ten (10) school days following the date the request is received from the public school or private school where the student intends to enroll. The Charter School will make a reasonable attempt to notify the student of the request for records at the student's last known address, unless the disclosure is initiated by the eligible student. Additionally, the Charter School will give the student, upon request, a copy of the record that was disclosed and give 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 Charter School in accordance with 20 U.S.C. § 1232g(b)(1)(F);
6. Accrediting organizations in order to carry out their accrediting functions;
7. Parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1986;
8. Individuals or entities, in compliance with a judicial order or lawfully issued subpoena. Subject to the exceptions found in 34 C.F.R. § 99.31(a)(9)(i), reasonable effort must be made to notify student of the order or subpoena in advance of compliance, so that the 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 the Charter School for students and parents, and any individualized education program (“IEP”) or Section 504 plan that may have been developed or maintained by the Charter School; and/or

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 the Charter School with respect to that alleged crime or offense. The Charter School discloses the final results of the disciplinary proceeding regardless of whether the Charter School concluded a violation was committed.

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

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

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

Please notify the CEO/President at: [916-267-8176]. A copy of the complete Policy is available upon request at the main office.

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

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

1. Complaints alleging unlawful discrimination, harassment, intimidation, or bullying against any protected group on the basis of the actual or perceived characteristics of age, ancestry, color, mental disability, physical disability, ethnic group identification, immigration status, citizenship, gender expression, gender identity, gender, genetic information, nationality, national origin, race or ethnicity, religion, medical condition, marital status, sex, or sexual orientation, or on the basis of a person’s association with a person or group with one or more of these actual or perceived characteristics in any Charter School program or activity.
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;
  - Student 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 Studentren and Studentren of Military Families;
  - Every Student Succeeds Act;
  - Migrant Education Programs;
  - Regional Occupational Centers and Programs;
  - School Safety Plans; and/or
  - State Preschool Programs.
3. Complaints alleging noncompliance with laws relating to pupil fees. A student enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity. A pupil fee includes, but is not limited to, all of the following:
- A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory or is for credit.
  - A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
  - A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

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

Khouanesiva Rodriguez  
 Compliance, Fiscal Operations Director  
 Big Picture Educational Academy  
[1207 S. Trinity St](#)  
[Fresno, CA 93706](#)  
 Phone: [\(559\) 420-1234](tel:5594201234)  
 Email: [krodriguez@bpeacademy.org](mailto:krodriguez@bpeacademy.org)

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

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

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

Complaints regarding state preschool health and safety issues in local educational agencies exempt from licensing are governed by 5 C.C.R. sections 4690-4694, except as otherwise indicated. The Charter School is operating the following preschool programs as exempt from licensing pursuant to Health and Safety Code section 1596.792(o) and corresponding Title 5 health and safety regulations: N/A BPEA is not operating a preschool a

at this time. The Charter School is operating the following preschool programs pursuant to Title 22 licensing requirements: N/A

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

Khouanesiva Rodriguez  
Compliance, Fiscal Operations Director  
Big Picture Educational Academy  
[1207 S. Trinity St](#)  
[Fresno, CA 93706](#)  
Phone: [\(559\) 420-1234](#)  
Email: [krdriguez@bpeacademy.org](mailto:krdriguez@bpeacademy.org)

Only complaints regarding pupil fees or LCAP compliance may be filed anonymously and only if the anonymous complainant provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to pupil fees or LCAP.

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

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

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

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

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

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

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

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

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

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

### **Pregnant and Parenting Students**

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

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

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

Keith Musilli Johnson, President/CEO  
1207 S. Trinity, St.  
Fresno, CA 93706  
Tel: [559-420-1234](tel:559-420-1234)

OR DIRECTLY TO THE PROGRAM PRINCIPAL

Dr. Catanzarite  
CTC Adult Program Principal  
1207 S. Trinity, St.  
Fresno, CA 93706  
Tel: 559-420-1234

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 CEO/President.

### **School Safety Plan**

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

### **Mental Health Services**

BPEA 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 violence. Access to mental health services at BPEA 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 available to you:

#### Available on Campus:

- School-based counseling services – you are encouraged to directly contact a BPEA counselor by coming into the counseling office during school hours and making an appointment to speak with a counselor. The counseling office can also be reached at BPE 735 N Glenn Ave Fresno ca 93728 [559-497-8272](tel:559-497-8272); BPHSF 1207 S Trinity St. Fresno CA 93706 [559-420-1234](tel:559-420-1234) Our BPEA counselors support students by providing individual sessions, group 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 BPEA or by an outside provider listed in this letter, are voluntary.
- Special education services – if you believe you may have a disability, you are encouraged to directly contact a BPE 735 N Glenn Ave Fresno ca 93728 [559-497-8272](tel:559-497-8272); BPHSF 1207 S Trinity St. Fresno CA 93706 [559-420-1234](tel:559-420-1234) to request an evaluation.

#### Available in the Community:

Please visit the Fresno County Office of Education website to access a complete list of local mental health resources and organizations available for support: <https://www.co.fresno.ca.us/departments/behavioral-health/studentrens-mental-health>

#### 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.

## **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
4. Migratory children and unaccompanied youth (youth not in the physical custody of a parent or guardian) may be considered homeless if they meet the above definition of “homeless.”

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

**School Liaison:** The President/CEO designates the following staff person as the School Liaison for homeless students (42 § U.S.C. 11432(g)(1)(J)(ii) & (e)(3)(C)(i)(IV)):

Nadia Rodriguez  
Senior Registrar  
High School  
1207 S. Trinity, St.  
Fresno, CA 93706  
Tel: [559-420-1234](tel:559-420-1234)

The following person may also be contacted:

Dr Cheryle Anderson  
Special Education Director/Equity & Student Services  
Big Picture Educational Academy  
735 N. Glenn Ave. Fresno, CA. 93728  
[\(559\) 497-8272](tel:559-497-8272)

The Program Principals may also be contacted and will coordinate with the Senior Registrar and other appropriate staff.

Dr. Catanzarite  
CTC Adult Program Principal  
1207 S. Trinity, St.  
Fresno, CA 93706  
Tel: 559-420-1234

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

1. Homeless students are identified by school personnel and through outreach and coordination activities with other entities and agencies.
2. Homeless students enroll in and have a full and equal opportunity to succeed at BPEA.
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 BPEA, 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, BPEA's charter, and Board policy.
7. Parents/guardians and any unaccompanied youth are fully informed of all transportation services, as applicable.
8. BPEA personnel providing services receive professional development and other support.
9. The School Liaison collaborates with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths.
10. Unaccompanied youth are enrolled in school; have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth; and are informed of their status as independent students under section 480 of the Higher Education Act of 1965 and that the youths may obtain assistance from the School Liaison to receive verification of such status for the purposes of the Free Application for Federal Student Aid described in section 483 of the Act.

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

**High School Graduation Requirements:** Homeless students who transfer to the Charter School any time after the completion of their second year of high school shall be exempt from any of the Charter School's graduation requirements that are in excess of the California minimum graduation requirements specified in Education Code section 51225.3 ("additional graduation requirements") unless the Charter School makes a finding that the student is reasonably able to complete the Charter School's graduation requirements by the end of the student's fourth year of high school.

To determine whether a homeless student is in their third or fourth year of high school, either the number of credits the student has earned to the date of transfer or the length of the student's school enrollment may be used, whichever will qualify the student for the exemption.

Within thirty (30) calendar days of the date that a student who may qualify for exemption under the above requirements transfers into the Charter School, the Charter School shall notify the student, the student's educational rights holder, and the School Liaison of the availability of the exemption and whether the student qualifies for an exemption.

The Charter School shall notify students who are exempted from the Charter School's additional graduation requirements and the student's educational rights holder of how any of the requirements that are waived will affect the student's ability to gain admission to a postsecondary educational institution and provide information about transfer opportunities available through the California Community Colleges.

The Charter School shall not require any student who would otherwise be entitled to remain in attendance at the Charter School to accept the exemption from the Charter School's additional graduation requirements or deny the student enrollment in, or the ability to complete, courses for which the student is otherwise eligible. The Charter School shall not revoke an exemption and shall grant an eligible student's request for the exemption at any time if the student qualifies, regardless of whether the student previously declined the exemption. An eligible

student's exemption from the Charter School's additional graduation requirements will continue to apply while the student is enrolled in the Charter School or if the student transfers to another school even after the student no longer meets the definition of a homeless child.

The Charter School shall not require or request that a student transfer schools in order to qualify the student for the exemption. Nor shall a student, a student's parent/guardian or educational rights holder, or a student's social worker or probation officer request a transfer solely to qualify for an exemption from the Charter School's additional graduation requirements.

If a student who is exempted from the Charter School's additional graduation requirements completes the California minimum coursework requirements specified in Education Code section 51225.3 before the end of the student's fourth year of high school and would otherwise be entitled to remain in attendance at the Charter School, the Charter School shall not require or request that the student graduate before the end of the student's fourth year of high school.

If the Charter School determines the student is reasonably able to complete the Charter School's graduation requirements by the end of the student's fifth year of high school, the Charter School shall do the following:

1. Inform the student of the student's option to remain at the Charter School for a fifth year to complete the Charter School's graduation requirements.
2. Inform the student, and the educational rights holder for the student, about how remaining in school for a fifth year to complete the Charter School's graduation requirements will affect the student's ability to gain admission to a postsecondary educational institution.
3. Provide information to the student about transfer opportunities available through the California Community Colleges.
4. Permit the student to stay at the Charter School for a fifth year to complete the Charter School's graduation requirements upon agreement with the student, if the student is 18 years of age or older, or, if the student is under 18 years of age, upon agreement with the educational rights holder for the student.

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

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

For any homeless student who enrolls at BPEA, a copy of BPEA's complete policy shall be provided at the time of enrollment. A copy of the complete Policy is available upon request at the

### **Education of Foster Children and Youth**

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

1. "Foster youth" refers to any child who has been removed from their home pursuant Welfare and Institutions Code section 309 and/or is the subject of a petition filed under Welfare and Institutions Code section 300 or 602. This includes children who are the subject of cases in dependency court and juvenile justice court.
2. "Former juvenile court school pupils" refers to a student who, upon completion of the student's second year of high school, transfers from a juvenile court school to the Charter School.
3. "Child of a military family" refers to a student who resides in the household of an active-duty military member.
4. "Currently Migratory Child" refers to a child who, within the last 12-months, has moved with a parent,

guardian, or other person having custody to the Charter School from another Local Educational Agency (“LEA”), either within California or from another state, in order that the child or a member of the child’s immediate family might secure temporary or seasonal employment in an agricultural or fishing activity, and whose parents or guardians have been informed of the child’s eligibility for migrant education services. “Currently Migratory Child” includes a child who, without the parent/guardian, has continued to migrate annually to secure temporary or seasonal employment in an agricultural or fishing activity.

5. “Pupil participating in a newcomer program” means a pupil who is participating in a program designed to meet the academic and transitional needs of newly arrived immigrant pupils that has as a primary objective the development of English language proficiency.

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

**Foster and Mobile Youth Liaison:** The President/CEO or designee designates the following staff person as the Liaison for Foster and Mobile Youth:

Dr Cheryle Anderson  
Special Education Director/Equity & Student Services  
Big Picture Educational Academy  
735 N. Glenn Ave. Fresno, CA. 93728  
(559) 497-8272

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

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

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

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

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

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

graduation.

**Graduation Requirements:** Foster and Mobile Youth who transfer to the Charter School any time after the completion of their second year of high school, and pupils participating in a newcomer program who are in their third or fourth year of high school, shall be exempt from any of the Charter School's graduation requirements that are in excess of the California minimum graduation requirements specified in Education Code section 51225.3 ("additional graduation requirements") unless the Charter School makes a finding that the student is reasonably able to complete the Charter School's graduation requirements by the end of the student's fourth year of high school.

To determine whether a Foster and Mobile Youth is in their third or fourth year of high school, either the number of credits the student has earned to the date of transfer, or the length of the student's school enrollment may be used, whichever will qualify the student for the exemption. In the case of a pupil participating in a newcomer program, enrollment in grade 11 or 12 may be used to determine whether the student is in their third or fourth year of high school.

Within thirty (30) calendar days of the date that a student who may qualify for exemption under the above requirements transfers into the Charter School, the Charter School shall notify the student, the parent, and where applicable, the student's social worker or probation officer, of the availability of the exemption and whether the student qualifies for an exemption.

The Charter School shall notify students who are exempted from the Charter School's additional graduation requirements and the student's parent how any of the requirements that are waived will affect the pupil's ability to gain admission to a postsecondary educational institution and provide information about transfer opportunities available through the California Community Colleges.

The Charter School shall not require any student who would otherwise be entitled to remain in attendance at the Charter School to accept the exemption from the Charter School's additional graduation requirements or deny the student enrollment in, or the ability to complete, courses for which the student is otherwise eligible. The Charter School shall not revoke an exemption and shall grant an eligible student's request for the exemption at any time if the student qualifies, regardless of whether the student previously declined the exemption. An eligible student's exemption from the Charter School's additional graduation requirements will continue to apply while the student is enrolled in the Charter School or if the student transfers to another school even after the court's jurisdiction terminates or the student no longer meets the definition of a child of military family, a currently migratory child or a pupil participating in a newcomer program.

The Charter School shall not require or request that a student transfer schools in order to qualify the student for the exemption. Nor shall a student, a student's parent/guardian or educational rights holder, or a student's social worker or probation officer request a transfer solely to qualify for an exemption from the Charter School's additional graduation requirements.

If a student who is exempted from the Charter School's additional graduation requirements completes the California minimum coursework requirements specified in Education Code section 51225.3 before the end of the student's fourth year of high school and would otherwise be entitled to remain in attendance at the Charter School, the Charter School shall not require or request that the student graduate before the end of the student's fourth year of high school.

If the Charter School determines the student is reasonably able to complete the Charter School's graduation requirements by the end of the student's fifth year of high school, the Charter School shall do the following:

5. Inform the student of the student's option to remain at the Charter School for a fifth year to complete the Charter School's graduation requirements.
6. Inform the student, and the educational rights holder for the student, about how remaining in school for a fifth year to complete the Charter School's graduation requirements will affect the student's ability to gain admission to a postsecondary educational institution.
7. Provide information to the student about transfer opportunities available through the California Community Colleges.

8. Permit the student to stay at the Charter School for a fifth year to complete the Charter School's graduation requirements upon agreement with the student, if the student is 18 years of age or older, or, if the student is under 18 years of age, upon agreement with the educational rights holder for the student.

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

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

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

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

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

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

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

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

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

### **English Learners**

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

## **Appendix: Complete Policies**

### **Title IX, Harassment, Discrimination, Intimidation, and Bullying Policy**

Discrimination, sexual harassment, harassment, intimidation, and bullying are all disruptive behaviors, which interfere with students' ability to learn, negatively affect student engagement, diminish school safety, and contribute to a hostile school environment. As such, Big Picture Educational Academy ("BPEA") prohibits any acts of discrimination, sexual harassment, harassment, intimidation, and bullying altogether. This policy is inclusive of instances that occur on any area of the school campus, at school-sponsored events and activities, regardless of location, through school-owned technology, and through other electronic means.

As used in this policy, discrimination, sexual harassment, harassment, intimidation, and bullying are described as the intentional conduct, including verbal, physical, written communication or cyber-bullying, including cyber sexual bullying, based on the actual or perceived characteristics of mental or physical disability, sex (including pregnancy and related conditions, and parental status), sexual orientation, gender, gender identity, gender expression, immigration status, nationality (including national origin, country of origin, and citizenship), race or ethnicity (including ancestry, color, ethnic group identification, ethnic background, and traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as braids, locks, and twist), religion (including agnosticism and atheism), religious affiliation, medical condition, genetic information, marital status, age or association with a person or group with one or more of these actual or perceived characteristics or based on any other characteristic protected under applicable state or federal law or local ordinance. Hereafter, such actions are referred to as "misconduct prohibited by this Policy."

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

Moreover, BPEA will not condone or tolerate misconduct prohibited by this Policy by any employee, independent contractor or other person with which BPEA does business, or any other individual, student, or volunteer. This Policy applies to all employees, students, or volunteer actions and relationships, regardless of position or gender. BPEA will promptly and thoroughly investigate and respond to any complaint of misconduct prohibited by this Policy in a manner that is not deliberately indifferent and will take appropriate corrective action, if warranted. BPEA complies with all applicable state and federal laws and regulations and local ordinances in its investigation of and response to reports of misconduct prohibited by this Policy.

**Title IX, Harassment, Intimidation, Discrimination and Bullying Coordinator ("Coordinator"):**

***Khouanesiva Rodriguez***

Compliance and H.R. Manager Big Picture Educational Academy 1207 S.  
Trinity Ave.  
Fresno, CA 93706  
(559) 420-1234

**Definitions**

**Prohibited Unlawful Harassment**

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

**Prohibited Unlawful Harassment under Title IX**

Title IX (20 U.S.C. § 1681 *et seq.*; 34 C.F.R. § 106.1 *et seq.*) and California state law prohibit discrimination and harassment on the basis of sex. In accordance with these existing laws, discrimination and harassment on the basis of sex in education institutions, including in the education institution's admissions and employment practices, is prohibited. All persons, regardless of sex, are afforded equal rights and opportunities and freedom from unlawful discrimination and harassment in education programs or activities conducted by BPEA.

BPEA is committed to providing a work and educational environment free of sexual harassment and considers such harassment to be a major offense, which may result in disciplinary action. Inquiries about the application of Title IX and 34 C.F.R. Part 106 may be referred to the Coordinator, the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

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

It is also unlawful to retaliate in any way against an individual who has articulated a good faith concern about sexual harassment against themselves or against another individual.

Sexual harassment may include, but is not limited to:

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

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

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

### **Prohibited Bullying**

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

1. Placing a reasonable student \*or students in fear of harm to that student's or those students' person or property.
2. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
3. Causing a reasonable student to experience a substantial interference with his or her academic performance.
4. Causing a reasonable student to experience a substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by BPEA.

\* "Reasonable pupil" is defined as a pupil, including, but not limited to, an exceptional needs pupil, who exercises care, skill and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

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

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

1. A message, text, sound, video, or image.
2. A post on a social network Internet Web site including, but not limited to:
  - a. Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in the definition of "bullying," above.
  - b. Creating a credible impersonation of another actual student for the purpose of having one or more of the effects listed in the definition of "bullying," above. "Credible impersonation" means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.
  - c. Creating a false profile for the purpose of having one or more of the effects listed in the definition of "bullying," above. "False profile" means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.
3. An act of "Cyber sexual bullying" including, but not limited to:

- a. The dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in definition of “bullying,” above. A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
  - b. “Cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
4. Notwithstanding the definitions of “bullying” and “electronic act” above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
  5. **Formal Complaint of Sexual Harassment** means a written document filed and signed by a complainant who is participating in or attempting to participate in BPEA’s education program or activity or signed by the Coordinator alleging sexual harassment against a respondent and requesting that BPEA investigate the allegation of sexual harassment.

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

### **Bullying and Cyberbullying Prevention Procedures**

BPEA has adopted the following procedures for preventing acts of bullying, including cyberbullying.

#### **1. Cyberbullying Prevention Procedures**

BPEA advises students:

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

BPEA informs Charter School employees, students, of BPEA’s policies regarding the use of technology in and out of the classroom.

#### **2. Education**

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

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

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

BPEA informs BPEA employees, students, of this Policy.

### **3. Professional Development**

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

BPEA informs certificated employees about the common signs that a student is a target of bullying including:

- Physical cuts or injuries
- Lost or broken personal items
- Fear of going to school/practice/games
- Loss of interest in school, activities, or friends
- Trouble sleeping or eating
- Anxious/sick/nervous behavior or distracted appearance
- Self-destructiveness or displays of odd behavior
- Decreased self-esteem

Charter School also informs certificated employees about the groups of students determined by BPEA, and available research, to be at elevated risk for bullying. These groups include but are not limited to:

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

BPEA encourages its employees to demonstrate effective problem-solving, anger management, and self-confidence skills for BPEA’s students.

## **Grievance Procedures**

### **1. Scope of Grievance Procedures**

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

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

The following grievance procedures shall be utilized for reports of misconduct prohibited by this Policy that do not comply with the writing, timeline, or other formal filing requirements of a uniform complaint. For formal complaints of sexual harassment, BPEA will utilize the following grievance procedures in addition to its UCP when applicable.

### **2. Reporting**

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

Any student who believes they have been subject to misconduct prohibited by this Policy or has witnessed such prohibited misconduct is encouraged to immediately report such misconduct to the Coordinator:

***Khouanesiva Rodriguez***

Compliance and H.R. Manager Big Picture Educational Academy 1207 S.  
Trinity Ave.  
Fresno, CA 93706  
(559) 420-1234

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

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

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

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

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

All supervisors of staff will receive sexual harassment training within six (6) months of their assumption of a supervisory position and will receive further training once every two (2) years thereafter. All staff, and any individual designated as a coordinator, investigator or decision-maker will receive sexual harassment training and/or instruction concerning sexual harassment as required by law.

### **3. Supportive Measures**

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

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

### **4. Investigation and Response**

Upon receipt of a report of misconduct prohibited by this Policy from a student, staff member, volunteer, visitor or affiliate of BPEA, the Coordinator (or administrative designee) will promptly initiate an investigation. In most cases, a thorough investigation will take no more than twenty-five (25) school days. If the Coordinator (or administrative designee) determines that an investigation will take longer than twenty-five (25) school days and needs to be delayed or extended due to good cause, the Coordinator (or administrative designee) will inform the complainant of the reasons for the delay or extension and provide an approximate date when the investigation will be complete.

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

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

- Notice of the Allegations
  - Upon receipt of a formal complaint of sexual harassment, the Coordinator will give all known parties written notice of its grievance process, including any voluntary informal resolution process. The notice will include:
    - A description of the allegations of sexual harassment at issue and to the extent known, the identities of the parties involved in the incident, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident;
    - A statement that the respondent is presumed not responsible for the alleged conduct until a final decision is reached;
    - A statement that the parties may have an advisor of their choice, who may be an attorney, and may inspect and review evidence; and
    - A statement that BPEA prohibits an individual from knowingly making false statements or knowingly submitting false information during the grievance process.
- Emergency Removal
  - BPEA may place a non-student employee respondent on administrative leave during the pendency of a formal complaint of sexual harassment grievance process in accordance with BPEA's policies.
  - BPEA may remove a respondent from BPEA's education program or activity on an emergency basis, in accordance with BPEA's policies, provided that BPEA undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.
  - This provision may not be construed to modify any rights under the IDEA, Section 504, or the ADA.
- Informal Resolution
  - If a formal complaint of sexual harassment is filed, BPEA may offer a voluntary informal resolution process, such as mediation, to the parties at any time prior to reaching a determination regarding responsibility. If BPEA offers such a process, it will do the following:
    - Provide the parties with advance written notice of:
      - The allegations;
      - The requirements of the voluntary informal resolution process including the circumstances under which the parties are precluded from resuming a formal complaint of sexual harassment arising from the same allegations;
      - The parties' right to withdraw from the voluntary informal resolution process and resume the grievance process at any time prior to agreeing to a resolution; and
      - Any consequences resulting from participating in the voluntary informal resolution process, including the records that will be maintained or could be shared; and
    - Obtain the parties' advance voluntary, written consent to the informal resolution process.
  - BPEA will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

- Investigation Process
  - The decision-maker will not be the same person(s) as the Coordinator or the investigator. BPEA shall ensure that all decision-makers and investigators do not have a conflict of interest or bias for or against complainants or respondents.
  - In most cases, a thorough investigation will take no more than twenty-five (25) school days. If the investigator determines that an investigation will take longer than twenty-five (25) school days and needs to be delayed or extended due to good cause, the investigator will inform the complainant and any respondents in writing of the reasons for the delay or extension and provide an approximate date when the investigation will be complete.
  - The parties will be provided with an equal opportunity to present witnesses, to inspect and review any evidence obtained that is directly related to the allegations raised, and to have an advisor present during any investigative meeting or interview.
  - The parties will not be prohibited from discussing the allegations under investigation or to gather and present relevant evidence.
  - A party whose participation is invited or expected at an investigative meeting or interview will receive written notice of the date, time, location, participants, and purpose of the meeting or interview with sufficient time for the party to prepare to participate.
  - Prior to completion of the investigative report, BPEA will send to each party and the party's advisor, if any, a copy of the evidence subject to inspection and review, and the parties will have at least ten (10) days to submit a written response for the investigator's consideration prior to the completion of the investigation report.
  - The investigator will complete an investigation report that fairly summarizes relevant evidence and send a copy of the report to each party and the party's advisor, if any, at least ten (10) days prior to the determination of responsibility.
- Dismissal of a Formal Complaint of Sexual Harassment
  - If the investigation reveals that the alleged harassment did not occur in BPEA's educational program in the United States or would not constitute sexual harassment even if proved, the formal complaint with regard to that conduct must be dismissed. However, such a dismissal does not preclude action under another applicable BPEA policy.
  - BPEA may dismiss a formal complaint of sexual harassment if:
    - The complainant provides a written withdrawal of the complaint to the Coordinator;
    - The respondent is no longer employed or enrolled at BPEA; or
    - The specific circumstances prevent BPEA from gathering evidence sufficient to reach a decision on the formal complaint or the allegations therein.
  - If a formal complaint of sexual harassment or any of the claims therein are dismissed, BPEA will promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to the parties.
- Determination of Responsibility
  - The standard of evidence used to determine responsibility is the preponderance of the evidence standard.
  - BPEA will send a written decision on the formal complaint to the complainant and respondent simultaneously that describes:
    - The allegations in the formal complaint of sexual harassment;
    - All procedural steps taken including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
    - The findings of facts supporting the determination;
    - The conclusions about the application of BPEA's code of conduct to the facts;
    - The decision and rationale for each allegation;
    - Any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the complainant; and
    - The procedures and permissible bases for appeals.

## 5. Consequences

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

**6. Right of Appeal**

Should the reporting individual find BPEA’s resolution unsatisfactory, the reporting individual may, within five (5) business days of notice of BPEA’s decision or resolution, submit a written appeal to the President/CEO who will review the investigation and render a final decision.

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

- The complainant and the respondent shall have the same appeal rights and BPEA will implement appeal procedures equally for both parties.
- BPEA will notify the other party in writing when an appeal is filed.
- The decision-maker for the appeal will give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome; issue a written decision describing the result of the appeal and the rationale for the result; and provide the written decision simultaneously to both parties.

**7. Recordkeeping**

All records related to any investigation of complaints under this Policy are maintained in a secure location. BPEA will maintain the following records for at least seven (7) years:

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

**TITLE IX, HARASSMENT, INTIMIDATION, DISCRIMINATION & BULLYING COMPLAINT FORM**

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

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

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

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

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

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

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

**To be completed by the Charter School:**

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

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

Follow up Meeting with Complainant held on:

\_\_\_\_\_

## **PROFESSIONAL BOUNDARIES: STAFF/STUDENT INTERACTION POLICY**

### **DISCIPLINARY PHYSICAL CONTACT WITH STUDENTS**

It is the policy of Big Picture Educational Academy that no teacher or other staff member will use corporal punishment against a student. This prohibition includes spanking, slapping, pinching, hitting, tying, taping, or the use of any other physical force as retaliation or correction for inappropriate behavior.

### **STAFF-STUDENT INTERACTIONS**

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

#### **Boundaries Defined**

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

#### **Acceptable and Unacceptable Behaviors**

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

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

#### **Unacceptable Behaviors**

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

1. Giving gifts of a personal and intimate nature (including photographs) to a student; or items such as money, food, outings, electronics, etc. without the written pre-approval of the Compliance Manager or organization President. It is recommended that any such gifts be filtered through the Academic Leader along with the rationale therefor, who will then discuss with the President or Compliance Manager.
2. Kissing of ANY kind
3. Massage [Note: Prohibited in athletics unless provided by massage therapist or other certified professional in an open public location. Coaches may not perform massage or rub-down. Permitted in special education only as instructed under an IEP or 504 Plan.]
4. Full frontal or rear hugs and lengthy embraces
5. Sitting students on one’s lap (grades 4 and above)
6. Touching buttocks, thighs, chest, or genital area
7. Wrestling with students or other staff member except in the context of a formal wrestling program

8. Tickling or piggyback rides
9. Any form of sexual contact
10. Any type of unnecessary physical contact with a student in a private situation
11. Intentionally being alone with a student away from school
12. Furnishing alcohol, tobacco products, or drugs - or failing to report knowledge of such
13. "Dating" or "going out with" a student
14. Remarks about physical attributes or physiological development of anyone. This includes comments such as "Looking fine!" or "Check out that [body part]."
15. Taking photographs or videos of students for personal use or posting online
16. Either partially or fully undressing in front of a student or asking a student to undress with the intent to view/expose private body parts
17. Leaving campus alone with a student for lunch
18. Sharing a bed, mat, or sleeping bag with a student
19. Making, or participating in, sexually inappropriate comments
20. Sexual jokes, or jokes/comments with sexual overtones or double-entendres
21. Seeking emotional involvement (which can include intimate attachment) with a student beyond the normative care and concern required of an educator.
22. Listening to or telling stories that are sexually oriented
23. Discussing your personal troubles or intimate issues with a student
24. Becoming too involved with a student so that a reasonable person may suspect inappropriate behavior
25. Giving students a ride to/from school or school activities without the express, advance written permission of the Academic Leader.
26. Being alone in a room with a student at school with the door closed and/or windows blocked from view
27. Sending emails, text messages, social media responses, making phone calls, or sending notes or letters to students if the content is not about school activities. Communication via private social media accounts is not acceptable.

Acceptable Behaviors

1. Pats on the shoulder or back
2. Handshakes
3. "High-fives" and hand slapping
4. Touching face to check temperature, wipe away a tear, remove hair from face, or other similar types of contact
5. Placing TK through second grade students on one's lap for purposes of comforting the student for a short duration only
6. Assisting with toileting of small or disabled students in view of another staff member
7. Touch required under an IEP or 504 Plan

8. Reasonable restraint of a violent person to protect self, others, or property
9. Emails, text-messages, phone conversations, and other communications to and with students, if permitted, must be professional and pertain to school activities or classes (communication should be initiated via transparent [non-private]school-based technology and equipment)
10. Keeping the door wide open when alone with a student
11. Keeping reasonable and appropriate space between you and the student
12. Stopping and correcting students if they cross your own personal boundaries, including touching legs, or buttocks, frontal hugs, kissing, or caressing
13. Keeping after-class discussions with a student professional and brief
14. Immediately asking for advice from senior staff or administration if you find yourself in a difficult situation related to boundaries
15. Involving your direct supervisor in discussion about boundaries situations that have the potential to become more severe (including but not limited to: grooming or other red flag behaviors observed in colleagues, written material that is disturbing, or a student's fixation on an adult)
16. Making detailed notes about an incident that in your best judgement could evolve into a more serious situation later
17. Recognizing the responsibility to stop "Unacceptable Behaviors" of students and/or co-workers
18. Asking another staff member to be present, or within close supervisory distance, when you must be alone with a student after regular school hours
19. Prioritizing professional behavior during all moments of student contact
20. *Asking yourself if any of your actions, which could be contrary to these provisions, are worth sacrificing your job and career.*

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

#### Boundaries Reporting

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

#### Investigating

The Academic Leader, together with the Organization President will promptly investigate and document the investigation of any allegation of sexual misconduct or inappropriate behavior, using such support staff or outside assistance, as he or she deems necessary and appropriate under the circumstances. Throughout this fact-finding process, the investigating administrator, and all others privy to the investigation, shall protect the privacy interests of any affected student(s) and/or staff member(s) including any potential witnesses, as much as possible. The investigating administrator shall promptly notify the Governing Board in closed session of the

existence and status of any investigations. Upon completion of any such investigations, the organization President shall report to the Governing Board any conclusions reached. The investigating administrator shall consult with legal counsel, as appropriate, prior to, during, and after conducting any investigation.

### Consequences

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

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## **Suicide Prevention Policy**

The Board of Directors of Big Picture Educational Academy (“BPEA” or the “Charter School”) recognizes that suicide is a major cause of death among youth and should be taken seriously. To attempt to reduce suicidal behavior and its impact on students and families, the Board of Directors has developed prevention strategies and intervention procedures.

In compliance with Education Code section 215, this policy has been developed in consultation with BPEA and community stakeholders, BPEA school-employed mental health professionals (e.g., school counselors, psychologists, social workers, nurses), administrators, other school staff members, parents/guardians/caregivers, students, local health agencies and professionals, the county mental health plan, law enforcement, and community organizations in planning, implementing, and evaluating BPEA’s strategies for suicide prevention and intervention. BPEA must work in conjunction with local government agencies, community-based organizations, and other community supports to identify additional resources.

To ensure the policies regarding suicide prevention are properly adopted, implemented, and updated, BPEA shall appoint an individual (or team) to serve as the suicide prevention point of contact for BPEA. The suicide prevention point of contact for BPEA and the Principal shall ensure proper coordination and consultation with the county mental health plan if a referral is made for mental health or related services on behalf of a student who is a Medi-Cal beneficiary. This policy shall be reviewed and revised as indicated, at least annually in conjunction with the previously mentioned community stakeholders.

### **Staff Development**

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

Training shall be provided for all school staff members. It may also be provided, when appropriate, for other adults on campus (such as substitutes and intermittent staff, volunteers, interns, tutors, coaches, and afterschool staff). Training shall include the following:

1. All suicide prevention trainings shall be offered under the direction of mental health professionals (e.g., school counselors, school psychologists, other public entity professionals, such as psychologists or social workers) who have received advanced training specific to suicide. Staff training may be adjusted year-to-year based on previous professional development activities and emerging best practices.
2. At least annually, all staff shall receive training on the risk factors and warning signs of suicide, suicide prevention, intervention, referral, and postvention.
3. At a minimum, all staff shall participate in training on the core components of suicide prevention (identification of suicide risk factors and warning signs, prevention, intervention, referral, and postvention) at the beginning of their employment or annually. Core components of the general suicide prevention training shall include:
  - a. Suicide risk factors, warning signs, and protective factors.
  - b. How to talk with a student about thoughts of suicide.

- c. How to respond appropriately to the youth who has suicidal thoughts. Such responses shall include constant supervision of any student judged to be at risk for suicide and an immediate referral for a suicide risk assessment.
  - d. Emphasis on immediately referring (same day) any student who is identified to be at risk of suicide for assessment while staying under constant monitoring by staff member.
  - e. Emphasis on reducing stigma associated with mental illness and that early prevention and intervention can drastically reduce the risk of suicide.
  - f. Reviewing the data annually to look for any patterns or trends of the prevalence or occurrence of suicide ideation, attempts, or death. Data from the California School Climate, Health, and Learning Survey (Cal-SCHLS) should also be analyzed to identify school climate deficits and drive program development. See the Cal-SCHLS Web site at <http://cal-schls.wested.org/>.
  - g. Information regarding groups of students judged by the school, and available research, to be at elevated risk for suicide. These groups include, but are not limited to, the following:
    - i. Youth affected by suicide.
    - ii. Youth with a history of suicide ideation or attempts.
    - iii. Youth with disabilities, mental illness, or substance abuse disorders.
    - iv. Lesbian, gay, bisexual, transgender, or questioning youth.
    - v. Youth experiencing homelessness or in out-of-home settings, such as foster care.
    - vi. Youth who have suffered traumatic experiences.
4. In addition to initial orientations to the core components of suicide prevention, ongoing annual staff professional development for all staff may include the following components:
- a. The impact of traumatic stress on emotional and mental health.
  - b. Common misconceptions about suicide.
  - c. Charter School and community suicide prevention resources.
  - d. Appropriate messaging about suicide (correct terminology, safe messaging guidelines).
  - e. The factors associated with suicide (risk factors, warning signs, protective factors).
  - f. How to identify youth who may be at risk of suicide.
  - g. Appropriate ways to interact with a youth who is demonstrating emotional distress or is suicidal. Specifically, how to talk with a student about their thoughts of suicide and (based on BPEA guidelines) how to respond to such thinking; how to talk with a student about thoughts of suicide and appropriately respond and provide support based on BPEA guidelines.
  - h. Charter School-approved procedures for responding to suicide risk (including multi-tiered systems of support and referrals). Such procedures should emphasize that the suicidal student should be constantly supervised until a suicide risk assessment is completed.
  - i. Charter School-approved procedures for responding to the aftermath of suicidal behavior (suicidal behavior postvention).
  - j. Responding after a suicide occurs (suicide postvention).
  - k. Resources regarding youth suicide prevention.
  - l. Emphasis on stigma reduction and the fact that early prevention and intervention can drastically reduce the risk of suicide.
  - m. Emphasis that any student who is identified to be at risk of suicide is to be immediately referred (same day) for assessment while being constantly monitored by a staff member.

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

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

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

1. Parents/guardians/caregivers may be included in suicide prevention efforts. At a minimum, the Charter School shall share this Policy with students by notifying them where a complete copy of the policy is available.
2. This Suicide Prevention Policy shall be easily accessible and prominently displayed on the BPEA Web page and included in the student handbook.
3. Parents/guardians/caregivers should be invited to provide input on the development and implementation of this policy.
4. All parents/guardians/caregivers may have access to suicide prevention training that addresses the following:
  - a. Suicide risk factors, warning signs, and protective factors.
  - b. How to talk with a student about thoughts of suicide.
  - c. How to respond appropriately to the student who has suicidal thoughts. Such responses shall include constant supervision of any student judged to be at risk for suicide and referral for an immediate suicide risk assessment.

### **Student Participation and Education**

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

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

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

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

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

BPEA will support the creation and implementation of programs and/or activities on campus that raise awareness about mental wellness and suicide prevention (e.g., Mental Health Awareness Week, Peer Counseling, etc).

## **Intervention and Emergency Procedures**

BPEA designates the following administrators to act as the primary and secondary suicide prevention liaisons:

1. Special Education/ Equity and Student Services Director
2. Principal

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

The suicide prevention liaison shall also refer the student to mental health resources at BPEA or in the community.

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

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

1. Ensure the student's physical safety by one or more of the following, as appropriate:
  - a. Securing immediate medical treatment if a suicide attempt has occurred.
  - b. Securing law enforcement and/or other emergency assistance if a suicidal act is being actively threatened.
  - c. Keeping the student under continuous supervision until appropriate support agent or agency can be contacted and has the opportunity to intervene.
  - d. Remaining calm, keeping in mind the student is overwhelmed, confused, and emotionally distressed.
  - e. Moving all other students out of the immediate area.
  - f. Not sending the student away or leaving him/her alone, even to go to the restroom.
  - g. Providing comfort to the student, listening and allowing the student to talk and being comfortable with moments of silence.
  - h. Promising privacy and help, but not promising confidentiality.
2. Document the incident in writing as soon as feasible.
3. Follow up with the student in a timely manner to provide referrals to appropriate services as needed and coordinate and consult with the county mental health plan if a referral is made for mental health or related services on behalf of a student who is a Medi-Cal beneficiary.
4. After a referral is made, BPEA shall verify with the student that the follow up treatment has been accessed. Students will be required to provide documentation of care for the student. If students refuse or neglect to access treatment for a student who has been identified to be at risk for suicide or in emotional distress, the suicide prevention liaisons shall meet with the student to identify barriers to treatment (e.g., cultural stigma, financial issues) and work to rectify the situation and build understanding of care.
5. Provide access to counselors or other appropriate personnel to listen to and support students and staff who are directly or indirectly involved with the incident at BPEA.
6. Provide an opportunity for all who respond to the incident to debrief, evaluate the effectiveness of the strategies used, and make recommendations for future actions.

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

In the event a suicide occurs or is attempted off the BPEA campus and unrelated to school activities, the Principal or designee shall take the following steps to support the student:

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

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

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

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

A death by suicide in the school community (whether by a student or staff member) can have devastating consequences on the school community, including students and staff. BPEA shall follow the below action plan for responding to a suicide death, which incorporates both immediate and long-term steps and objectives:

The suicide prevention liaison shall:

1. Coordinate with the Principal to:
  - a. Confirm death and cause.
  - b. Identify a staff member to contact deceased's family (within 24 hours).
  - c. Enact the Suicide Postvention Response.
  - d. Notify all staff members (ideally in-person or via phone, not via e-mail or mass notification).
2. Coordinate an all-staff meeting, to include:
  - a. Notification (if not already conducted) to staff about suicide death.
  - b. Emotional support and resources available to staff.
  - c. Notification to students about suicide death and the availability of support services (if this is the protocol that is decided by administration).

- d. Share information that is relevant and that which you have permission to disclose.
3. Prepare staff to respond to needs of students regarding the following:
    - a. Review of protocols for referring students for support/assessment.
    - b. Talking points for staff to notify students.
    - c. Resources available to students (on and off campus).
  4. Identify students significantly affected by suicide death and other students at risk of imitative behavior.
  5. Identify students affected by suicide death but not at risk of imitative behavior.
  6. Communicate with the larger school community about the suicide death.
  7. Consider funeral arrangements for family and school community.
  8. Respond to memorial requests in respectful and non-harmful manner; responses should be handled in a thoughtful way and their impact on other students should be considered.
  9. Identify media spokesperson if needed.
  10. Include long-term suicide postvention responses:
    - a. Consider important dates (i.e., anniversary of death, deceased birthday, graduation, or other significant event) and how these will be addressed.
    - b. Support siblings, close friends, teachers, and/or students of deceased.
    - c. Consider long-term memorials and how they may impact students who are emotionally vulnerable and at risk of suicide.

### **Student Identification Cards**

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

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

This Pupil Suspension and Expulsion Policy has been established in order to promote learning and protect the safety and well-being of all students at BPEA. It may be necessary to suspend or expel a student from regular classroom instruction. This Policy has been prepared to provide due process to all students. The list of offenses and procedures provide adequate safety for students, staff, and visitors to the School and serves the best interests of the School's pupils.

Staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This Policy and its Procedures will clearly describe discipline expectations, and it will be printed and distributed as part of the Student/Parent Handbook, which is sent to each student at the beginning of the School year.

The School administration shall ensure that students are notified in writing upon enrollment of all discipline policies and procedures. The notice shall state that these Policy and Procedures are available on request at the Principal's office.

Discipline includes but is not limited to advising and counseling students, detention during and after School hours, use of alternative educational environments, suspension and expulsion. Suspended or expelled students shall be excluded from all School and School-related activities unless otherwise agreed during the period of suspension or expulsion.

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of or willfully causing the infliction of physical pain on a student. For purposes of the Policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to school property.

A student identified as an individual with disabilities or for whom the School has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act of 2004 ("IDEIA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to regular education students except when federal and state law mandates additional or different procedures. The School will follow all applicable federal and state laws including but not limited to the California Education Code, when imposing any form of discipline on a student identified as an individual with disabilities or for whom the School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students.

No student shall be involuntarily removed by the School for any reason unless 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. The written notice shall be in the native language of the student or the student's and shall inform him or her of the right to initiate the procedures specified below for suspensions, before the effective date of the action. If the student initiates the procedures specified below for suspensions, the student shall remain enrolled and shall not be removed until the School issues a final decision. As used herein, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions or expulsions pursuant to the suspension and expulsion procedures described below.

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

A student may be suspended or expelled for prohibited misconduct if the act is related to school activity or school attendance at the School or at any other school, 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; d) during, going to, or coming from a school sponsored activity.

#### **B. Suspension Offenses**

1. Discretionary Suspension Offenses. Students may be suspended for any of the following acts when it is determined the pupil:
  - a) Caused, attempted to cause, or threatened to cause physical injury to another person.
  - b) Willfully used force or violence upon the person of another, except self-defense.
  - c) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind.
  - d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.

- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property, 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 his or her own prescription products by a pupil.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5.
- k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
- l) Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.
- m) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n) Committed or attempted to commit a sexual assault as defined in Penal code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4.
- o) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- q) Engaged in or attempted to engage in hazing. For the purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a pupil 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 pupil. For purposes of this section, "hazing" does not include athletic events or school-sanctioned events.
- r) Made terrorist threats against school officials and/or school property, which includes but is not limited to, electronic files and databases. For purposes of this section, "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 his or her own safety or for his or her 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 his or her immediate family.

- s) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, 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 section shall apply to pupils in any of grades 4 to 12, inclusive.
- t) Caused, attempted to cause, threaten to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- u) 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 section shall apply to pupils in any of grades 4 to 12, inclusive.
- v) 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 his or her age, or for a person of his or her 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 his or her physical or mental health.
    - iii. Causing a reasonable student to experience substantial interference with his or her academic performance.
    - iv. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
  - 2. "Electronic Act" means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
    - i. A message, text, sound, video, or image.
    - ii. A post on a social network Internet Web site including, but not limited to:
      - a) Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
      - b) Creating a credible impersonation of another actual pupil 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 pupil for the purpose of bullying the pupil and such that

another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil 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 pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
- iii. An act of cyber sexual bullying.
  - a) For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil 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 clause, "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.
- w) A pupil 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 pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1)(a)-(b).
- x) Possessed, sold, or otherwise furnished any knife 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 Principal or designee's concurrence.

2. Non- Discretionary Suspension Offenses: Students must be suspended and recommended for expulsion for any of the following acts when it is determined the pupil:

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

### **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 Principal or designee with the student and his or her and, whenever practical, the teacher, supervisor or school employee who

referred the student to the Principal. The conference may be omitted if the Principal or designee determines that an emergency situation exists. An “emergency situation” involves a clear and present danger to the lives, safety or health of students or school personnel. If a student is suspended without this conference, student shall be notified of the student’s right to return to school for the purpose of a conference.

At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense, in accordance with Education Code Section 47605(b)(5)(J)(i).

This conference shall be held within two (2) school days, unless the pupil waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization.

## 2. 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 Principal or Principal’s designee, the pupil or representative will be invited to a conference to determine if the suspension for the pupil should be extended pending an expulsion hearing. In such instances when the School has determined a suspension period shall be extended, such extension shall be made only after a conference is held with the pupil, unless the pupil fail to attend the conference. This determination will be made by the Principal or designee upon either of the following determinations: 1) the pupil’s presence will be disruptive to the education process; or 2) the pupil poses a threat or danger to others. Upon either determination, the pupil’s suspension will be extended pending the results of an expulsion hearing.

## D. Expellable Offenses

1. Discretionary Expellable Offenses: Students may be expelled for any of the following acts when it is determined the pupil:
  - a) Caused, attempted to cause, or threatened to cause physical injury to another person.
  - b) Willfully used force of violence upon the person of another, except self- defense.
  - c) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind.
  - d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
  - e) Committed or attempted to commit robbery or extortion.
  - f) Caused or attempted to cause damage to school property or private property, 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 his or her own prescription products by a pupil.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5.
- k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
- l) Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.
- m) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n) Committed or attempted to commit a sexual assault as defined in Penal code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4.
- o) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- q) Engaged in or attempted to engage in hazing. For the purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a pupil 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 pupil. For purposes of this section, "hazing" does not include athletic events or school-sanctioned events.
- r) Made terrorist threats against school officials and/or school property, which includes but is not limited to, electronic files and databases. For purposes of this section, "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 his or her own safety or for his or her 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 his or her immediate family.
- s) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, 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 section shall apply to pupils in any of grades 4 to 12, inclusive.

- t) Caused, attempted to cause, threaten to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- u) 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 section shall apply to pupils in any of grades 4 to 12, inclusive.
- v) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261 of the Education Code , directed specifically toward a pupil or school personnel.
  - 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 his or her age, or for a person of his or her 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 his or her physical or mental health.
    - iii. Causing a reasonable student to experience substantial interference with his or her academic performance.
    - iv. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the School.
  - 2. "Electronic Act" means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
    - i. A message, text, sound, video, or image.
    - ii. A post on a social network Internet Web site including, but not limited to:
      - d) 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.
      - e) Creating a credible impersonation of another actual pupil 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 pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
      - f) 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 pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
    - iii. An act of cyber sexual bullying.
      - a) For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil 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 clause, "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.
- w) A pupil 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 pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (3)(a)-(b).
  - x) Possessed, sold, or otherwise furnished any knife 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 Principal or designee's concurrence.
2. Non-Discretionary Expellable Offenses: Students must be expelled for any of the following acts when it is determined pursuant to the procedures below that the pupil:
- a) Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Principal or designee's concurrence.

If it is determined by the Governing Board 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 dangerous device on campus, the student shall be expelled for one (1) year, pursuant to the Federal Gun Free Schools Act of 1994. In such instances, the pupil shall be provided due process rights of notice and a hearing as required in this policy.

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 (A) any explosive, incendiary, or poison gas, including but not limited to: (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, or (vi) device similar to any of the devices described in the preceding clauses.

#### **E. Authority to Expel**

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

A student may be expelled either by the neutral and impartial Charter School Board of Directors ("Board") following a hearing before it or by the Board upon the recommendation of a neutral and impartial Administrative Panel to be assigned by the Board as needed. The Administrative Panel shall consist of at least three (3) members who are certificated and neither a teacher of the pupil nor a Board member of the School's governing board. Each entity shall be presided over by a designated neutral hearing chairperson. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense, and the Board shall make the final determination.

## **F. Expulsion Procedures**

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

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

Written notice of the hearing shall be forwarded to the student at least ten (10) calendar days before the date of the hearing. Upon mailing the notice, it shall be deemed served upon the pupil. The notice shall include:

1. The date and place of the expulsion hearing;
2. A statement of the specific facts, charges and offenses upon which the proposed expulsion is based;
3. A copy of the School's disciplinary rules which relate to the alleged violation;
4. Notification of the student's obligation to provide information about the student's status at the School to any other school district or school to which the student seeks enrollment;
5. The opportunity for the student to appear in person or to employ and be represented by counsel or a non-attorney advisor;
6. The right to inspect and obtain copies of all documents to be used at the hearing;
7. The opportunity to confront and question all witnesses who testify at the hearing;
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses.

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

The School may, upon a finding of good cause, determine that the disclosure of either the identity of the witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations, which shall be examined only by the School, Panel Chair or the hearing officer in the expulsion. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the pupil.

1. The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of his/her right to (a) receive five days' notice of his/her scheduled testimony, (b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she testifies, which may include a parent, guardian, or legal counsel, and (c) elect to have the hearing closed while testifying.
2. The School must also provide the victim a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.
3. At the discretion of the person or panel conducting the hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which he or she may leave the hearing room.
4. The person or panel 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 person or panel conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
6. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the person or panel presiding over the hearing from removing a support person whom the presiding person finds is disrupting the hearing. The person or panel conducting the hearing may permit any one of the support persons for the complaining witness to accompany him or her to the witness stand.
7. If one or both of the support persons is also a witness, the School must present evidence that the witness' presence is both desired by the witness and will be helpful to the School. The person or panel presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising his or her discretion to remove a person from the hearing whom he or she believes is prompting, swaying, or influencing the witness.
8. The testimony of the support person shall be presented before the testimony of the complaining witness and the complaining witness shall be excluded from the courtroom during that testimony.
9. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in the public at the request of the pupil being expelled, the complaining witness shall have the right to have his/her testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.
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 person or panel conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstance can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

## **H. Students With Disabilities**

The following procedures shall be followed when a student with a disability is considered for suspension or expulsion. These procedures will be updated if there is a change in the law.

**1. Notification of SELPA**

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

**2. Services During Suspension**

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

**3. Procedural Safeguards/Manifestation Determination**

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

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

If the School, and relevant members of the IEP/504 Team determine that either of the above is applicable for the student, the conduct shall be determined to be a manifestation of the student's disability.

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

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

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

#### 4. **Due Process Appeals**

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

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

In such an appeal, a hearing officer may: (1) return a student with a disability to the placement from which the student was removed; or (2) order a change in placement of a student 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 student is substantially likely to result in injury to the student or to others.

#### 5. **Special Circumstances**

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

The Principal 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 IDEIA and who has violated the district's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the School had knowledge that the student was disabled before the behavior occurred.

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

- a) The student/guardian has expressed concern in writing, or orally if the student does not know how to write or has a disability that prevents a written statement, to School supervisory or administrative personnel, or to one of the student's teachers that the student is in need of special education or related services.

- b) The student has requested an evaluation
- c) The student's teacher, or other School personnel, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Associate Principal, or Special Education Teacher or to other School supervisory personnel.

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

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

The School shall not be deemed to have knowledge of that the student had a disability if the student has not allowed an evaluation, refused services, or if the student has been evaluated and determined to not be eligible.

#### **I. 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.

#### **J. Presentation of Evidence**

While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A recommendation by the Administrative Panel to expel must be supported by substantial evidence that the student committed an expellable offense.

Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay. Sworn declarations may be admitted as testimony from witnesses of whom the Board, Panel or designee determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

If, due to a written request by the expelled pupil, the hearing is held at a public meeting, and the charge is committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public.

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

If the Administrative Panel decides not to recommend expulsion, the pupil shall immediately be returned to his/her educational program.

#### **K. Written Notice to Expel**

The Principal or designee following a decision of the Board to expel shall send written notice of the decision to expel, including the Board's adopted findings of fact, to the student. This notice shall also include the following:

- a) Notice of the specific offense committed by the student

- b) Notice of the students obligation to inform any new district in which the student seeks to enroll of the student's status with the School

The Principal or designee shall send a copy of the written notice of the decision to expel to the County.

This notice shall include the following:

- a) The student's name
- b) The specific expellable offense committed by the student

The Board's decision to expel shall be final.

#### **L. Disciplinary Records**

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

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

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

#### **N. Rehabilitation Plans**

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

#### **O. Readmission**

The decision to readmit a pupil or to admit a previously expelled pupil from another school district or charter school shall be in the sole discretion of the Board following a meeting with the Principal and the pupil or representative to determine whether the pupil has successfully completed the rehabilitation plan and to determine whether the pupil poses a threat to others or will be disruptive to the school environment. The Principal shall make a recommendation to the Board following the meeting regarding his or her determination. The Board shall then make a final decision regarding readmission during the closed session of a public meeting, reporting out any action taken during closed session consistent with the requirements of the Brown Act. The pupil's readmission is also contingent upon the School's capacity at the time the student seeks readmission.

#### **P. No Right to Appeal**

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