

# Howard Gardner Community School

## Family Handbook



HOWARD  
GARDNER  
COMMUNITY SCHOOL

*Building the Hive, Together we Thrive*

## **Mission**

*Howard Gardner Community School empowers all learners by fostering a vibrant environment that celebrates multiple intelligences. We ignite a passion for learning and equip students with the 21st-century skills they need to thrive.*

## **Vision**

Thriving, diverse learners; Critical thinkers; Innovative learning community; Commitment to excellence!

## **About our Charter**

Charter schools are independent public schools that offer rigorous curricular programs and unique educational approaches. In exchange for operational freedom and flexibility, charter schools are subject to higher levels of accountability than traditional public schools. Students at HGCS will participate in all statewide assessments such as the ELPAC (English Language Proficiency Assessments for California), and the California Assessments of Student Performance and Progress (CAASPP).

The "charter" establishing each school is a contract detailing the school's mission, program, goals, students served, methods of assessment, and ways to measure success. Charter schools are accountable to their authorizer (SDCOE), and to the students and families they serve. They must both produce positive academic results and adhere to the charter contract. Our school's charter can be viewed on our website at [www.hgcschool.org](http://www.hgcschool.org) or by requesting a copy from the school office.

## **STATEMENT OF NON-DISCRIMINATION**

Howard Gardner Community School ("HGCS" or the "Charter School") does not discriminate against any person on the basis of actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, citizenship, immigration status, religion, religious affiliation, sexual orientation, pregnancy status, or any other characteristic that is contained in the definition of hate crimes in the California Penal Code.

HGCS 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 ("IDEA").

HGCS does not discourage students from enrolling or seeking to enroll in 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 HGCS's charter and relevant policies.

HGCS does not request nor require student records prior to a student's enrollment.

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

HGCS also prohibits sexual harassment, including cyber sexual bullying, and harassment based upon pregnancy, childbirth or related medical conditions, race or ethnicity, religion, religious affiliation, creed, color, citizenship, 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.

HGCS does not condone or tolerate harassment of any type, including but not limited to unlawful discrimination, intimidation, or bullying, including cyber sexual bullying, by any employee; independent contractor or other person with which the Charter School does business; student; volunteer; or community member regardless of position or gender. HGCS will promptly and thoroughly investigate any complaint of harassment and take appropriate corrective action, if warranted.

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

The Charter School's Nondiscrimination Statement relevant to employees is located within HGCS's Employee Handbook and can be located at the Front office.

<b>Schedules</b>	<b>TK/Kindergarten</b>	<b>1<sup>st</sup>-8<sup>th</sup> grades</b>
<b>Regular Weekly Schedule</b> (Monday, Tuesday, Wednesday & Thursday)	<b>8:00 am - 2:00 pm</b>	<b>8:00 am – 2:00 pm</b>
<b>Friday – Minimum Day</b>	<b>8:00 am - 1:15 pm</b>	<b>8:00 am – 1:15 pm</b>
<b>Early Release Schedule</b> (See calendar on website for specific dates)	<b>8:00 am - 1:15 pm</b>	<b>8:00 am - 1:15 pm</b>

## Attendance

A complete copy of HGCS's Attendance Policy is available on request. We expect your child to come to school every day or provide a valid excuse for an absence. Research shows that student attendance is directly related to overall student achievement at school. HGCS students are expected to attend school every day and to be on time. Parents/guardians are responsible for reinforcing the importance of, and ensuring that their children are attending school on a regular basis. It is also important to note that like every other public school, the funding of HGCS rests on the average daily attendance (ADA) of each child. The State pays close attention to our attendance rate and holds us accountable in making sure that each child attends school regularly and on time.

Absence from school shall be excused only for health reasons, family emergencies and justifiable personal reasons, as permitted by law or Board policy. A student's absence shall be excused for the following reasons:

1. Due to the student's illness.
2. Due to quarantine under the direction of a county or city health officer.
3. For the purpose of having medical, dental, optometrical, or chiropractic services rendered.
  - a. Students in grades 7-12, inclusive, may be excused from school for the purpose of obtaining confidential medical services without the consent of the student's parent or guardian.
4. For the purpose of attending the funeral services of a member of the student's immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.
5. Due to the illness or medical appointment during school hours of a child of whom the student is the custodial parent, including absences to care for a sick child for which the school shall not require a note from a doctor.
6. For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of the student's religion, attendance at religious retreats, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization when the student's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board. For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.
7. For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.
8. For the purpose of spending time with a member of the student's immediate family who is an active duty member of the uniformed services, as defined in Section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of

the superintendent of the school district.

9. For the purpose of attending the student's naturalization ceremony to become a United States citizen.
10. Authorized parental leave for a pregnant or parenting student for up to eight (8) weeks.
11. For reasons not listed above, within the discretion of a school administrator, and, based on the facts of the student's circumstances, the reasons are deemed to constitute a valid excuse.

"Immediate family," as used above, means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the student.

A student absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can reasonably be provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit. The teacher of any class from which a student is absent shall determine the tests and assignments reasonably equivalent to, but not necessarily identical to, the tests and assignments that the student missed during the absence.

If a child is going to be absent from school, parents are required to notify the front office staff of the reason for the absence at (619) 934-0300 or use one of the following methods of verification:

1. Signed, written note and/or email correspondence from parent/guardian or adult caregiver;
2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or adult caregiver. The employee shall subsequently record the following:
  - a. Name of student;
  - b. Name of parent/guardian or adult caregiver;
  - c. Name of verifying employee;
  - d. Date or dates of absence; and
  - e. Reason for absence.
3. Visit to the student's home by the verifying employee, or any other reasonable method, which establishes the fact that the student was absent for the reasons stated. A written recording shall be made, including information outlined above.
4. Healthcare provider verification
  - a. When excusing students for confidential medical services or verifying such appointments, school staff shall not ask the purpose of such appointments but may contact a medical office to confirm the time of the appointment.
  - b. When a student has been absent for more than five (5) consecutive days, a healthcare provider's note must be provided upon the student's return to school in order to be considered excused.

- c. A healthcare provider's note of illness will be accepted for any reported absence. When a student has had 14 absences in the school year for illness verified by methods listed in #1-#3 above without a healthcare provider's note, any further absences for illness must be verified by a healthcare provider.

### **The Hive Academy: A Place for Growth and Achievement**

At HGCS, we understand that sometimes students need extra support to maintain academic progress. The Hive Academy is our dedicated program for just that. It serves multiple purposes: allowing students to make up missed attendance due to absences, recover valuable class time lost due to behavioral challenges, and providing a structured environment for completing homework and making up any missed assignments. Our goal is to ensure every student has the opportunity to succeed.

Students will be **assigned to The Hive Academy based on meeting the above criteria**. Assignments will occur **at least once monthly, but not more than twice a month**. These sessions run from **8:00 AM to 12:00 PM**.

### **Involuntary Removal Process**

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

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

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

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

A hearing decision not to disenroll the student does not prevent HGCS from making a similar recommendation in the future should student truancy continue or reoccur.

## Arrivals

School starts promptly at 8:00 am Monday - Friday. Students should arrive on time and may be on campus **no earlier than 7:40 am** unless they are attending our 6 to 6 BeUtmost Program.

There will be no HGCS staff on supervision duty before these times. Students may not 'hang out' on the playground or in the parking lot outside of these hours. Also, though children may use wheeled vehicles (bikes, scooters, skates, skateboards) in order to get to campus, wheeled vehicles are to be walked and/or carried once on campus grounds. Please be on time to drop off and pick up your child.

Drivers will enter the E Street's west parking gate and proceed to the drop off point. Students will exit the vehicle, safely and quickly and go to their dedicated area in the parking lot. Once there, they may drop off their backpack in their designated lines and proceed to the cafeteria, where **breakfast is served from 7:40-8:00 a.m.** Breakfast at school is voluntary for all students. Teachers will arrive to pick up their classes at **8:00 a.m.** in the dedicated areas and parents are expected to leave campus once their child's teacher has picked them up. Parents are not allowed to follow the teacher to the classroom unless they have already arranged to do so in advance.

## Departures

Eldest siblings of students at HGCS should pick up their younger sibling(s) and wait at the youngest sibling's pickup spot. All students will wait with a teacher outside in a designated area for pickup by parents/guardians. All guardians/parents must be on the authorized pickup list.

- **For the safety of your child, if you need to have someone else pick them up on a particular day or an ongoing basis, please call the school to receive clearance.**
- **Students not attending the intervention sessions and/or other after school activities (i.e. sports) must be picked up no later than 2:15pm.**
- **HGCS may call the police or Child Protective Services if a child is left at school outside of designated hours to ensure the child gets home safely.**
- **Please note that California law requires all children under the age of 8 years old to be in booster seats.**

## Flow of Traffic

Both volunteers and teachers assist in the flow of traffic at busy times. Please be polite and remember these are volunteers and are here to help your children stay safe while getting everyone to and from school on time. Also, please remember it is against the law to be driving and texting or talking on the phone.

- **Morning Drop-Offs:** All vehicles must enter through E Street's west gate then proceed to the Jefferson Avenue cul-de-sac where they **must make a right turn and loop around**

prior to exiting. Please observe the posted traffic signs as this is a high-traffic area. Vehicles will not be permitted to turn around in the parking lot as this will cause a backup in the line of cars.

- **Afternoon Pick-Ups for TK -6th grade:** All vehicles must enter through E Street's 1st west gate then proceed to second E Street's gate. Please observe the posted traffic signs as this is a high-traffic area. Vehicles will not be permitted to turn around in the parking lot as this will cause a backup in the line of cars.
- **After School Pick-Up for 7th & 8th grade:** Parents will enter through Jefferson Avenue cul-de-sac and students will be released from the back gate.

**Parking:** After Drop-Off, and during school hours, parking is NOT permitted on the west side of the parking lot. This area is designated for Staff only. Visitors can park on Jefferson Avenue or at La Quinta Restaurant during school hours. The east side of the parking lot will be closed for recess and physical education classes.

**Walking:** Please inform your child that E Street is a very busy street and many drivers do not pay attention. Remind them to stay on designated sidewalks and only cross at the pedestrian crosswalks at our neighboring intersections.

**Biking:** Students who ride bicycles to school must use extreme caution around the heavy traffic in the area. We recommend students ride bikes on the sidewalk (yielding to pedestrians) for added safety. Bikes should be locked to the permanent fences in the parking lot. Howard Gardner Community School does not assume any responsibility for bikes parked at school.

## **Visitors and Release of Students**

HGCS is a closed campus. Children, including middle school age children, are not allowed to leave campus for lunch or any other time during school hours.

HGCS does not allow uninvited solicitations of any kind on campus.

***All visitors, including parents must go through the office before entering any part of the campus and sign in.*** Upon leaving, visitors are required to sign out. Children will only be released during instructional hours to parents, legal guardians and people listed on the child's Emergency Card. The school may ask for photo identification and will not release a child to any person in which identity cannot be confirmed.

Observations of a classroom or child must be pre-arranged with the Executive Director. Observations will be accompanied by an administrator and are limited to a maximum of 45 minutes. While observing, the observer is not allowed to interact with the child or other children in the classroom. It is expected that the observation be as non-disruptive as possible. Only one observation per month per child is allowed. Other restrictions on observations of children may be implemented at any time without notice as the Director sees fit.

## **Health Concerns**



Sometimes it is difficult to know whether a child is too sick to attend classes. HGCS employees are not health professionals, so please consult your doctor or call 911 if there is a medical emergency. Please keep your child at home or consult a medical professional if any of the following symptoms are present:

- Fever, measured orally, above 100 degrees
- Vomiting
- Diarrhea
- Infestation of scabies or lice
- Undiagnosed skin rash
- Eye infection or “pink eye”
- Flu-like symptoms including body aches, fever, headache

### **Availability of Health Insurance**

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

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

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

HGCS shall not discriminate against a student who does not have health care coverage or use any information relating to a student’s health care coverage or interest in learning about health care coverage in any manner that would bring harm to the student or the student’s family.

### **California Healthy Kids Survey**

HGCS currently administers the California Healthy Kids Survey (“CHKS”) to students at grades three through eight (3rd-8th) whose parents or guardians provide written permission. The CHKS is an anonymous, confidential survey of school climate and safety, student wellness, and youth resiliency that enables HGCS to collect and analyze data regarding local youth health risks and behaviors, school connectedness, school climate, protective factors, and school violence.

### **Diabetes**

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

1. A description of type 2 diabetes.
2. A description of the risk factors and warning signs associated with type 2 diabetes.
3. A recommendation that students displaying or possibly suffering from risk factors or warning signs associated with type 2 diabetes should be screened for type 2 diabetes.

4. A description of treatments and prevention of methods of type 2 diabetes.
5. A description of the different types of diabetes screening tests available.

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

### **Immunizations**

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

These required immunizations include:

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

	private elementary or secondary school in California before January 1, 2016 must meet all requirements for children 7-17 years old (i.e., polio, MMR, varicella and primary series for diphtheria, tetanus, and pertussis), <b><u>in addition to</u></b> the 7th grade requirements for Tdap and varicella (varicella requirement for seventh grade advancement expires after June 30, 2025). At least one dose of pertussis-containing vaccine is required on or after the 7th birthday.
--	---

### **Mental Health Services**

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

#### **Available on Campus:**

- **School-based counseling services** – your child is encouraged to directly contact a Charter School counselor by coming into the counseling office during school hours and making an appointment to speak with a counselor. The counseling office can also be reached at (619) 934-0300. Our Charter School counselors support students by providing individual sessions, group or parent consultations whenever a student is having a difficult time due to academic stress, transition to changes in their environment, or social concerns, including isolation. Counseling services, whether provided by our Charter School or by an outside provider listed in this letter, are voluntary.
- **Special education services** – if you believe your child may have a disability, you are encouraged to directly contact Kyxie Dominguez at (619) 934-0300 or [kdominguez@hgcschool.org](mailto:kdominguez@hgcschool.org) to schedule a meeting in order to discuss options and review parental rights
- **Prescription medication while on campus** – if your child requires prescription medication during school hours and you would like assistance from School staff in providing this medication to your child, please contact Marisol Cortes at (619) 934-0300.

#### **Available in the Community:**

- South Bay Community Services
- Boys to Men Mentorship
- DETOUR, Inc.
- BeUtmost Inc.

#### **Available Nationally:**

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

### **Oral Health Assessment**

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

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

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

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

## **Dress Code Policy**

**Purpose:** The purpose of this uniform dress code policy is to foster a positive, safe, and focused learning environment, minimize distractions, promote a sense of school unity and pride, and ensure equitable standards for all students. Adherence to this policy is expected from all students in Transitional Kindergarten through 8th grade.

### **Uniform Components:**

- **Tops:** Students are required to wear a plain **navy blue** or **white polo shirt**.
- **Bottoms:** Students must wear **khaki** or **black pants**. Alternatively, students may wear a **plaid skirt**.
- **Sweatshirts:** Sweatshirts worn during school hours must be school-appropriate.

School-branded t-shirts and sweatshirts are available for purchase through the school office or can be obtained by students using their Positive Behavioral Interventions and Supports (PBIS) points. Fridays are t-shirt days.

- **Hats:** Hats are permitted only if they are school-appropriate.
- **Shoes:** All students must wear school-appropriate footwear that ensures safety and allows for participation in all school activities.

### **General Guidelines:**

- All clothing should be clean, in good repair, and fit appropriately.
- Clothing or accessories that display inappropriate messages, promote violence, illegal activities, or are otherwise disruptive to the educational environment are prohibited.
- The school administration reserves the right to determine what is considered appropriate attire. Non-compliance with the dress code may result in loaner wear or a phone call home.

We appreciate the cooperation of all students and families in upholding our school's dress code policy.

This dress code shall be in effect on campus during school and school sponsored activities except where modified by the site administrator for specific extracurricular activities or in special cases. The HGCS staff and administration reserve the right to determine clothing which disrupts or detracts from the educational environment. This dress code is gender neutral.

### **Monthly Free Dress- School Attire**

1. Tops (i.e.: shirts, sweaters, sweatshirts, dresses, etc.): No tops may be sheer or expose undergarments. No strapless, spaghetti straps, racer-back, or off the shoulder tops. No shirts may be worn that expose bare midriff or cleavage.
2. Bottoms (i.e.: pants, leggings, skirts, shorts, dresses, etc.): Bottoms must be worn above the hip and underwear should not be visible. Belts must be worn with bottoms that are too big to fit securely around the student's waist. All bottoms must be fingertip length or four (4) inches above the knee without leggings or stockings. The following are not permitted: fishnet stockings, sagging pants, or bottoms with extensive rips.
3. Hats/Hoods: Hats, beanies, or hoods are allowed to be worn in the classroom or school buildings appropriately at staff discretion.
4. Shoes: Appropriate shoes must be worn which include: sandals with a heel strap, tennis shoes, shoes with laces, and slip on shoes. The following shoes are not permitted: high heel or platform shoes, shoes with grind plates, shoes with wheels, slippers, or flip-flop sandals.
5. Accessories: The following are not permitted: wallet chains, hoop earrings or spiked bracelets.
6. Grooming: Hair, sideburns, mustaches, and beards may be worn at any length or style.

7. No clothing, jewelry, accessories, or hairstyles which are, or include, a picture, writing, or insignia which is: (1) gang related; (2) presents a safety hazard to the wearer or others; (3) advertises or symbolizes any type of alcohol, drugs, tobacco, or gambling; (4) includes weapons or acts which are illegal, violent, obscene, or hazardous to one's health; (5) sexually suggestive, crude, vulgar, profane; discriminatory, obscene, contain threats, libelous; or (6) offensive or degrading to students or staff on the basis of gender, cultural, religious or ethnic values.

### **Notification of the Student Dress Code**

Parents and students will be provided notice of the Charter School's dress code at the beginning or the school year and/or upon enrollment. This information will also be located within the Charter School's Family and Safety Handbook.

### **Dress Code Violations**

If a Charter School staff member determines that a student's attire is inappropriate or disruptive to the educational environment as described hearing, the following may occur:

1. The student may be asked to briefly leave class to change clothing to align with this dress code.
2. The Charter School may confiscate items that violate the dress code.
3. The Charter School may notify the student's parents/guardians of the dress code violation(s).
4. The Charter School may schedule a conference with the student's parents/guardians to discuss the dress code violation(s).

Students may not be disciplined or penalized academically as a consequence for wearing "inappropriate" attire. However, students who refuse to change, may be assigned a different learning space to complete their work.

## **Meals**

HGCS participates in the National School Lunch Program. Applications for free or reduced-price meals are included in the first day packets to all families and can also be obtained on the HGCS website and in the main office. All families are encouraged to complete the application form in order to include as many eligible students as possible. Completed application forms can be returned to the main office. HGCS will provide each student who meets federal eligibility criteria for free and reduced-price meals with at least one free or reduced-price, nutritionally adequate meal per school day.

HGCS also maintains a School Wellness Policy pursuant to state and federal requirements. A copy of the complete Policy is available upon request at the main office.

***Please provide your child with a reusable/refillable water bottle that they can use every day.*** No food or drink should be transported in a glass container, and no other beverages should be provided (Gatorade, sugary drinks, etc.) Please inform the office if your child has any food allergies or special needs.

## **Classroom Birthdays and Special Occasions**

There are many special occasions where we are inclined to bring a treat into the classroom for the kids. However, we ask that you bring in only healthy treats. This is a golden opportunity for parents and teachers to demonstrate healthy choices.

First please call the front desk to reserve a time to come in to celebrate. You should expect to come in the last 15 minutes of the school day.

The following are ideas for classroom celebrations that are fun for the kids, modest in size, and reasonably healthy:

- Consider a non-food treat – pencils, erasers, a new class book, mini notepads, rulers all make great treats. Ask your child; he or she may have another suggestion of something inexpensive that he could give to his classmates to celebrate a special day.
- Utilize Fresh Fruit – Sweet, tasty, healthy and kids love it. Mix fruit into yogurt. Make fruit kabobs. Spoon berries over a tart. Make fruit smoothies. You get the idea!
- Modest Serving Sizes – Bigger is not better! Keep the portions small. Try to create modest serving sizes that are appropriate for a mid-morning or afternoon snack.

## **Personal Belongings**

Please help us keep our school a safe and productive place by reminding your child to leave the following types of personal property at home:

- Toys, radios, iPods, iPads, video game players, games and other items which may distract students from the learning process (such items may be brought to classrooms for "show-&-tell" purposes with the teacher's permission only);
- Gum, candy & any food other than items packed as part of a student's lunch or snack. Careless disposal of gum on furniture and floors presents sanitation and cleaning problems.
- Blankets are prohibited from campus
- Other prohibited items by law include but are not limited to: possession or use of drugs, alcohol, tobacco, firecrackers or weapons of any kind. For students caught with or using an unlawful substance or in possession of a weapon, HGCS will impose consequences that may include suspension, notification of police, and/or expulsion.

If your student has one of the items listed above, the teacher or staff will confiscate it until the

end of the day. If a student refuses to give the item to the teacher or staff, administration will confiscate it until a parent or guardian can come to pick up the item.

## **Lost and Found**

We have a lost and found bin in the main office. Lunch containers, jackets, backpacks and uniforms should be clearly labeled for easy identification. All unclaimed items will be donated to charity at the end of each semester.

## **Lost or Damaged School Property**

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

## **Cell Phone Policy**

Students may possess cellular phones and smart watches, provided that such devices do not disrupt the educational program or school activity. Cellular phones/smart watches MUST be turned off, powered down, and stored in the students' backpacks BEFORE arriving at school. Cell phone/smart watch use is NOT permitted while on campus (including before/after school programming), unless permission to do otherwise is given by the Executive Director or a school-wide emergency occurs. Earbuds/Airpods are ONLY allowed during class-time as per teacher instructions. Use of cell phones/smart watches (checking texts, calls, social media, etc) while on campus will result in confiscation of the device by staff/administration.

HGCS is not responsible for loss or damage to cell phones brought to school or confiscated by school staff.

Private devices may be used:

- Off campus before or after school.
- Before or after any Charter School sponsored activity occurring before or after the regular school day.
- When on educational experiences that are out of county, pending Executive Director's approval
- In the case of an emergency, or in response to a perceived threat of danger.
- When a teacher or administrator of the Charter School grants permission to a student to



possess or use a private device, subject to any reasonable limitation imposed by that teacher or administrator.

- When a licensed physician and surgeon determines that the possession or use of a private device is necessary for the health or well-being of the student.
- When the possession or use of a private device is required in a student's individualized education program ("IEP").

## Internet Policy

The following internet policy is to be signed by all students and their parents upon admission to HGCS. It is the policy of Howard Gardner Community School that everyone in our school community use the Internet in a responsible manner and **only for educational purposes and to conduct the business of the school**. Accordingly, the school has established a policy for the use of the Internet along with rules governing the behavior of those who access the Internet. Those who do not comply with the standards of behavior outlined in this policy are subject to disciplinary action.

### Acceptable Use

HGCS will allow a student to access the Internet for educational purposes only, provided their parent or legal guardian and the student sign a form that will be provided at the beginning of the school year.

All members of the HGCS community are expected to follow the measures cited in this policy to ensure the safety and security of the Internet and the school's online community.

Responsible use of the Internet includes abiding by all laws, including copyright laws. It is unethical and unlawful to use or alter any data or communications posted on the Internet without the owner's or author's permission. In addition, it is unethical and unlawful to alter, disclose, use, or disseminate anyone's personal information without their permission. Similarly, it is unethical and unlawful to commit fraud (like sending messages under an assumed identity) or harassment on the Internet.

Certain materials contained on the Internet are inappropriate to minors such as our students, and may be inappropriate for any user at this school. HGCS has taken measures on the shared student account to restrict access to materials harmful to minors, including:

- Implementing Internet filtering;
- Requiring adult supervision during student use of the Internet, and
- Requiring parent/guardian and student signatures on this **Internet Acceptable Use Policy Form**. This form, or an updated version of it, must be signed each school year.

### All users shall:

- adhere to the same standard of conduct expected and required in a classroom or other professional environment. This includes using only appropriate language when online and being careful to avoid any website which may contain inappropriate contents and/or language, such as obscenity or pornography;
- follow appropriate procedures for care of computer equipment, such as proper opening and closing of programs, handling CD-ROM drives and electrical plugs;

- report violations of these rules to a member of the school's staff
- understand that all contents of files located on HGCS equipment are considered the property of HGCS and may be searched by the school's administration at any time and for any reason without prior notice, and
- follow proper formats for citations of material from Internet sources.

In addition, Students shall:

- follow rules for using resources, time limits and printing instructions provided to them by their teachers;
- log off the system as soon as they are finished to provide others with the opportunity to access the system;

All users shall **NOT**:

- use the network for purposes other than what is intended, such as playing games, listening to music, watching videos, etc.
- transmit (for example via email or on social networking sites) any information, opinion, or photograph which might be construed as representing the school, staff, other students, or volunteers in any way without specific written authorization from the school's administration,
- send chain letters, or
- tamper with equipment;

In addition, Students shall **NOT**:

- lend their login and password to any other student or anyone who is not a member of our school community;
- interfere with the ability of other users to make effective use of the school's computer resources;
- intentionally damage the system;
- damage information belonging to someone else;
- access anyone else's files or programs;
- install any applications (including computer programs) onto a HGCS owned computer without permission and supervision from a member of the school's faculty or staff, and
- communicate with other persons via computer without the express permission and supervision by a staff member.

### **Classroom Chromebooks**

Students at HGCS have access to classroom chromebooks on a regular basis. These computers are only for academic purposes and will be monitored regularly by the teachers and administrators. Students have an assigned HGCS email address that they will use to access their chromebooks. Both on-campus and off-campus use of this email address will be monitored by the teachers and administrators. Misuse of the Chromebooks and/or email address will result in a loss of Chromebook privileges.

### **Misuse of Privileges and Consequences**

Users are held responsible for their actions and activity. Unacceptable use of the network will result in the suspension of all user privileges and may also result in further discipline. Reinstatement of privileges will be made at the discretion of the Administration.

## **Complaint Policy**

It is important that families understand that HGCS is an independent school and is not subject to the same rules and regulations regarding grievances at SDCOE. We appreciate, respect and welcome the voice of parents/guardians and their views pertaining to the progress their children are making towards academic excellence at HGCS. For complaints related to specific programs or gender, gender identity, gender expression, sex, race, color, religion, natural origin, immigration status, ethnic group identification, mental or physical disability, sexual orientation, or other protected characteristic or the perception of one or more of such characteristics, HGCS has a Uniform Complaint Procedure. Parents and guardians who wish to report other kinds of concerns, complaints, or grievances must do so in the following order:

1. Contact the student's teacher: Please contact your child's teacher to discuss grievances first. Many grievances result from a misunderstanding between parents and teachers or students. If a discussion with your child's teacher is not satisfactory or appropriate, then:
2. Contact the school's administration: If your discussion with the teacher is not satisfactory or you believe the situation warrants further action, you may contact a member of the school administration to report your concerns and discuss possible solutions, then:
3. Contact the school's director: Please contact the school director to report your concerns and have a discussion regarding possible solutions. If a discussion with the school's principal is not satisfactory or appropriate, then:
3. Appeal to the school's board of directors: If a parent or guardian is not satisfied with the outcome or decision pertaining to the incident, the parent may appeal to the school's board of directors. The board meets publicly on a regular basis. Parents should contact the board in writing to schedule items on the meeting agenda.

**Confidentiality:** All complainants shall be notified that information obtained from the complainants, and thereafter gathered during the investigation, shall be maintained in a manner as confidential as possible, but in some circumstances absolute confidentiality cannot be guaranteed.

**Non-Retaliation:** All complainants shall be advised that complainants shall be protected against retaliation as a result of the filing of any complaints or participation in any complaint process.

**Resolution:** The Board, Executive Director, or designee will investigate complaints appropriately under the circumstances, and if necessary, take appropriate remedial measures to ensure effective resolution of any complaint.

### **Uniform Complaint Procedure ("UCP")**

HGCS is the local agency primarily responsible for compliance with federal and state laws and regulations governing educational programs. HGCS 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 HGCS 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;
  - Consolidated Categorical Aid;
  - Education of Students in Foster Care, Students who are Homeless, former Juvenile Court Students now enrolled in a public school, Migratory Children and Children of Military Families;
  - Every Student Succeeds Act;
  - Migrant Education Programs;
  - Regional Occupational Centers and Programs; and/or
  - School Safety Plans.
3. Complaints alleging noncompliance with laws relating to pupil fees. A student enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity. A pupil fee includes, but is not limited to, all of the following:
  - A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory or is for credit.
  - A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
  - A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

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

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

Complaints alleging noncompliance regarding child nutrition programs established pursuant to Education Code sections 49490-49590 are governed by Title 7, Code of Federal Regulations

("C.F.R.") sections 210.19(a)(4), 215.1(a), 220.13(c), 225.11(b), 226.6(n), and 250.15(d) and Title 5, California Code of Regulations ("C.C.R.") sections 15580 - 15584.

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

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

Kat Shaw  
Executive Director  
647 E Street  
Chula Vista, CA 91910  
(619) 934-0300  
kshaw@hgcschool.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 HGCS's Board of Directors approved the LCAP or the annual update was adopted by HGCS.

The Compliance Officer responsible for investigating the complaint shall conduct and complete the investigation in accordance with California regulations and in accordance with HGCS's UCP Policy. The Compliance Officer shall provide the complainant with a final written investigation report ("Decision") within sixty (60) calendar days from HGCS'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 HGCS's Decision to the California Department of Education ("CDE") by filing a written appeal within thirty (30) calendar days of the date of HGCS's written Decision, except if HGCS 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 HGCS, a copy of HGCS'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. HGCS failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, HGCS's Decision lacks material findings of fact necessary to reach a conclusion of law.

3. The material findings of fact in HGCS's Decision are not supported by substantial evidence.
4. The legal conclusion in HGCS's Decision is inconsistent with the law.
5. In a case in which HGCS's Decision found noncompliance, the corrective actions fail to provide a proper remedy.

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

A complainant may pursue available civil law remedies outside of HGCS'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 HGCS has appropriately, and in a timely manner, apprised the complainant of the complainant's right to file a complaint in accordance with 5 CCR § 4622.

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

## **Behavior Expectations**

Our goal is to provide a safe, orderly and positive learning environment where students,

parents, and staff respectfully work together. The Behavior expectation of students at HGCS is in line with our mission and vision of a school that has high expectations of all of its students and is, at the same time, nurturing and caring. Each student will be able to grow as an individual and develop as a respectful pillar of society, both within school and beyond. That respect is reciprocal, as teachers model good choices and develop respectful relationships with the students as well.

If the student is physically damaging the learning environment, harming another student or interrupting the right to learn, they will be sent to the principal's office. The student will be getting a phone call home and their reflective consequence will be with the principal. Parental support is encouraged.

Public displays of affection (i.e. laying on each other, kissing, hand-holding) are not permitted at HGCS.

The use of abusive, blasphemous, obscene, and/or vulgar language or gestures will not be tolerated and can be grounds for suspension per Ed Code 48900.

Your signing of the parent acknowledgment page (pg. 76) is an agreement that you will do whatever it takes to ensure that your child follows these rules and you will also agree to the consequences your child may face for not following the school rules.

### **Student Behavior Expectations:**

In order to maintain a safe, positive, and inclusive learning environment, HGCS students are expected to follow the "3 B's":

- 1. BE Kind**
- 2. BE Safe**
- 3. BE Helpful**

## **Behavior Consequences**

Please be aware of the following consequences your child may face if the classroom or playground policies mentioned above are not followed. The complete formal policy and administrative procedures can be accessed on the school's website in the "charter petition" or can be requested at the school office. In addition, students who are having trouble in their individual classroom with behavior may also be subject to the following consequences:

- Meeting between Executive Director, Student and Family to discuss problems and possible solutions
- Behavior contract to encourage student to improve behavior
- Assignment to the HIVE ACADEMY, depending on the amount of instructional time missed.

- Depending on the situation, the school may implement various solutions, including restorative circles to facilitate communication, assign intervention curriculum to address certain behaviors, targeted interventions to provide additional support, or the use of reflection sheets
- In school suspension or at out of school suspension
- Suspension or 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.

## **Behavior and 8th Grade Promotion/Activities**

At HGCS, we believe in fostering a positive and respectful learning environment for all our students. As such, 8th-grade promotion and participation in all 8th-grade activities are directly tied to positive behavior throughout the school year. Any suspensions received during the school year may result in the student being ineligible to participate in promotion ceremonies or other special 8th-grade events. We encourage all students to make choices that reflect our school values and contribute to a successful and rewarding year.

## **Suspension and Expulsion of Students**

Howard Gardner Community Charter School Pupil Suspension and Expulsion Policy has been established in order to promote learning and protect the safety and well-being of all students at Howard Gardner Community Charter School. In creating this policy, Howard Gardner Community Charter School has reviewed Education Code Section 48900 et seq. which describes the non charter schools' list of offenses and procedures to establish its list of offenses and procedures for suspensions and expulsions. The language that follows closely mirrors the language of Education Code Section 48900 et seq. Howard Gardner Community Charter School is committed to annual review of policies and procedures surrounding suspensions and expulsions and, as necessary, modification of the lists of offenses for which students are subject to suspension or expulsion.

When the Policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. This policy shall serve as HGCS's policy and procedures for student suspension and expulsion and it may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements.

School staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This policy and its procedures will be printed and distributed as part of the Student Handbook and will clearly describe discipline expectations, as well as posted on our website and review with students during the 1<sup>st</sup> month of school.

Discipline includes but is not limited to advising and counseling students, conferring with parents/guardians, support or detention during and after school hours, use of alternative educational environments, suspension and expulsion.



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

HGCS administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline policies and procedures.

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

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 in Education Act ("IDEA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to regular education students except when federal and state law mandates additional or different procedures. HGCS will follow Section 504, the IDEA, and all applicable federal and state laws including but not limited to the California Education Code, when imposing any form of discipline on a student identified as an individual with disabilities or for whom 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. HGCS shall notify the District of the suspension of any student identified under the IDEA (or for whom there may be a basis of knowledge of the same) or as a student with a disability under Section 504 and work with the District to ensure that all applicable laws related to discipline for students will be provided with the procedural protections as outlined below in this policy.

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

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

#### **B.     *Enumerated 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 Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e. Committed or attempted to commit robbery or extortion.
- f. Caused or attempted to cause damage to school property or private property.
- g. Stole or attempted to steal school property or private property.
- 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 Section 11014.5.
- k. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
- l. Knowingly received stolen school property or private property.
- m. Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n. Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 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 pre-initiation 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 terroristic threats against school officials and/or school property. 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, 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, threatened 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 a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading student rights by creating an intimidating or hostile educational environment. 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 and transformation 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, including, but not limited to, any of the following:
    - i. A message, text, or email.
    - ii. A message, text, sound, or image.
      - (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. 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).

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 Executive Director 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 Executive Director or designee's concurrence.

If it is determined by the Board of Directors that a student has brought a fire arm 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 year, pursuant to the Federal Gun Free Schools Act of 1994.

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.

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

**C. *Suspension Procedure***

Suspensions shall be initiated according to the following procedures:

1. Conference

Suspension shall be preceded, if possible, by a conference conducted by the Executive Director (or administration designee) with the student and his or her parent and, whenever practical, the teacher, supervisor or school employee who referred the student. The conference may be omitted if the Executive Director (or administration designee) determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified in writing of the student's right to return to school for the purpose of the conference.

At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense.

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

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

2. Notice to Parents/Guardians

At the time of the suspension, the Executive Director (or administration designee) shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension and the date of return following suspension. This notice shall state the specific offense committed by the student. In addition, the notice may also state the date and time when the student may return to school. Parents can appeal the suspension within five days in writing to the Executive Director or Administrative designee.

3. Suspension Time Limits/Recommendation for Placement/Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five

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

4. Returning from a suspension: To support a student's return to the learning environment after causing harm, a focused learning activity may be assigned in a designated area. This activity will help the student reflect and prepare for a restorative conference.

A restorative conference is a facilitated meeting where the student can meet with the person they impacted to discuss the incident, its impact, and how to move forward. Successful participation in this conference allows the student to rejoin their regular classroom.

#### ***D. Authority to Expel***

A student may be expelled by the Board upon the recommendation of an Administrative Panel to be assigned by the Board as needed. The Administrative Panel should consist of at least three members who are certificated and neither a teacher of the pupil or a Board member. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense.

#### ***E. Expulsion Procedures***

Students recommended for expulsion will participate in a hearing to gather information to present to the Board of Directors. Unless postponed for good cause, the hearing shall be held within thirty

(30) school days after the Executive Director or designee determines that the pupil 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. Howard Gardner Community Charter School' Board decision is final. 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 three (3) days prior to the hearing.

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least ten (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 or parent/guardian's obligation to provide information about the student's status at the Charter School to any other school district or school to which the student seeks enrollment;
5. The opportunity for the student or the student's parent/guardian to appear in person or to employ and be represented by counsel or a non-attorney advisor;
6. The right to inspect and obtain copies of all documents to be used at the hearing;
7. The opportunity to confront and question all witnesses who testify at the hearing;
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses.

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

The 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 or the hearing officer. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the pupil.

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 non-attorney advisor, 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 entity 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 entity conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.
5. The entity conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours 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

Hearing Officer from removing a support person whom the presiding person finds is disrupting the hearing. The entity conducting the hearing may permit any one of the support persons for the complaining witness to accompany 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 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 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 conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstances can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, guardian, or other support person including a non-attorney. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

#### **G.** *Record of Hearing*

A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made.

#### **H.** *Presentation of Evidence*

While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A recommendation by the



Administrative Panel to expel and decision by the Board to expel must be supported by substantial evidence that the student committed an expellable offense.

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

If, due to a written request by the expelled 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 Howard Gardner Community Charter School Board is final.

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

#### ***I. Written Notice to Expel***

The Executive Director 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 or parent/guardian. This notice shall also include the following:

1. Notice of the specific offense committed by the student
2. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the School.

The Executive Director or designee shall send a copy of the written notice of the decision to expel to the District. This notice shall include the following:

1. The student's name
2. The specific expellable offense committed by the student

Additionally, in accordance with Education Code Section 47605(d)(3), upon expulsion of any student, HGCS shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card and health information.

#### ***J. Disciplinary Records***

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

**K. *No Right to Appeal***

The pupil shall have no right of appeal from expulsion from HGCS as Howard Gardner Community Charter School Board's decision to expel shall be final.

**L. *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.

**M. *Rehabilitation Plans***

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

**N. *Readmission***

The decision to readmit a pupil or to admit a previously expelled pupil from another school, school district or charter school shall be in the sole discretion of the CEO and Executive Director. The pupil's readmission is also contingent upon the Charter School's capacity at the time the student seeks readmission.

**O. *Special Procedures for the Consideration of Suspension and Expulsion of Students with Disabilities***

**1. Notification of SELPA**

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

**2. Services During Suspension**

Students suspended for more than ten (10) school days in a school year shall continue to receive services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP/504 Plan;

and receive, as appropriate, a functional behavioral assessment or functional analysis, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur. These services may be provided in an interim alternative educational setting.

### 3. Procedural Safeguards/Manifestation Determination

Within ten (10) school days of a recommendation for expulsion or any decision to change the placement of a child with a disability because of a violation of a code of

Student conduct, HGCS, the parent, and relevant members of the IEP/504 Team shall review all relevant information in the student's file, including the child's IEP/504 Plan, any teacher observations, and any relevant information provided by the parents to determine:

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

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

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

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

If HGCS, the parent, 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 result of the failure to implement the IEP/504 Plan, then HGCS may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.

#### 4. Due Process Appeals

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

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or HGCS, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, whichever occurs first, unless the parent and HGCS agree otherwise.

#### 5. Special Circumstances

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

The Executive Director or designee may remove a student to an interim alternative educational setting for not more than forty-five (45) 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 USC 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 USC 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 IEP/504 Team shall determine the student's interim alternative educational setting.

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

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

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

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

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

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

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

### **Enrollment Procedures**

The HGCS admissions process is designed to reach out to all families, including students with disabilities, to enable the school to have a diverse student body. All students will be admitted to HGCS, space permitting. Admission, except in the case of a public random drawing, shall not be determined according to the place of residence of the pupil or of his or her parent or guardian within the state. HGCS will be nonsectarian in its programs, admission policies, employment practices, and all other operations; and will not charge tuition nor discriminate against any student based on ethnicity, national origin, gender, disability or any other reason disallowed by

law.

HGCS shall require new students who wish to attend HGCS to send an email to the address listed on the Website to obtain information on how to complete the Online Intent to Enroll Form. Staff will also assist parents who do not have access to the internet to fill out this form. Parents/guardians will be notified if their student is admitted. Applications for the following school year will be accepted at the beginning of January.

The family of an admitted student must also complete a registration packet, which includes:

- Completed Student Enrollment form
- Copy of child's birth certificate or alternative proof of age
- Copy of Immunization Records, all up to date
- Copy of Proof of Residency within California (or within SDCOE boundaries for purposes of the lottery)- Dated within 60 days of the application
- Completed Home Language Survey & Lunch Application
- Completed Emergency Contact & Medical Information Form
- For Students Entering Transitional Kindergarten Kindergarten and First Grade: Completed Physical and Dental Evaluation Forms
- For Students with IEPs or 504 Plans: Parents/Guardians are asked but not required to provide a copy of most recent plan after enrollment

Student enrollment forms are available in our school office. Students cannot begin class, until all of the supporting documentation has been received and reviewed by our Attendance Clerk and Director.

### **Lottery Procedure**

Intent to enroll forms available on our website are considered enrollment forms for all intents and purposes. Enrollment forms will be accepted during a publicly advertised open enrollment period each year for enrollment in the following school year. Following the open enrollment period each year, enrollment forms shall be counted to determine whether any grade level has received more enrollees than availability. In the event that this happens, HGCS will hold a public random drawing to determine admission for the impacted grade level, with the exception of existing students, who are guaranteed admission in the following school year.

New students and parents must sign an agreement stating that, if drawn, they are choosing to come to the school of their own free will.

Preferences will be extended to potential students in the following order:

- Siblings of students who are enrolled or who have their names drawn during the lottery
- Children of the Charter School employees
- Residents of the San Diego County (Proof of Residence within SDCOE boundaries is required)

Those individuals whose names are drawn after all spaces have been filled will be placed on the waiting list in the order drawn, except if the preferences described above require otherwise. Potential students on the waiting list shall provide contact information to be used in the event space becomes available.

In addition, HGCS shall attempt on at least two separate occasions to contact the parents/guardians of promoted students by telephone. Families promoted off of the waiting list shall be informed in writing and shall have seven (7) days from the date of postage to respond. Those families not responding within the 7-day period will forfeit their right to enroll their student in the school for that school year.

Additional information regarding the lottery process is available in Element Eight of the HGCS Charter.

## **Parent Involvement**

### **Volunteer Policy**

HGCS welcomes volunteers and parent involvement in our school. Please speak with your child's teacher to coordinate your volunteer activities. You can also inquire with Community Liaison, Yara Salce at [yasalce@hgcschool.org](mailto:yasalce@hgcschool.org). It is our intention to make volunteering for the school a positive experience that takes into consideration the busy lives we all lead. Please check with the front office for volunteer opportunities.

Volunteers who intend to offer their help at school on a regular basis during school hours must submit TB testing and results prior to the first day of volunteer work.

Volunteers who will be supervising children without a staff member present will be required to be fingerprinted and background checked. Forms for the Live Scan can be picked up in the office. All volunteers must sign in at the front desk upon arrival and must sign out as they leave.

It is expected that all volunteers will work as assigned. Volunteers may request an assignment for certain tasks, but these requests may not necessarily be honored. It is not always in the best interest of a child to have a parent or other family member in their own child's classroom. If a volunteer's presence is disruptive in any way to the classroom or work environment of the school, the volunteer may be reassigned to work from home.

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

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

### **School Site Council (SSC)**

The school site council is a group of teachers, parents, students and classified employees that work with the principal to develop, review and evaluate school improvement programs and school budgets. This is a 2 year commitment and all participants will need to apply and a vote will be taken.

### **English Learner Advisory Committee (ELAC)**

Each California public school (grades K-12) with twenty-one (21) or more English Learners is

required to form an English Learner Advisory Committee (ELAC). The ELAC shall be responsible for advising the principal and staff on programs and services for English learners and the School Site Council on the development of the Single Plan for Student Achievement (SPSA). In addition, the ELAC shall assist the school in the development of the school's needs assessment and ways to make parents aware of the importance of regular school attendance.

### **School Safety Plan**

HGCS has established a Comprehensive School Safety Plan. The Plan is available upon request at the main office and is available on the school website.

## **Statewide Testing Notification**

California students take several mandated statewide tests. These tests provide parents/guardians, teachers, and educators with information about how well students are learning and becoming college and career ready. The test results may be used for local, state, and federal accountability purposes.

## **California Assessment of Student Performance and Progress**

### **Smarter Balanced Assessment Consortium Assessments**

The California Assessment of Student Performance and Progress (CAASPP) computer adaptive assessments are aligned with the Common Core State Standards (CCSS). English language arts/literacy (ELA) and mathematics tests are administered in grades three through eight and grade eleven to measure whether students are on track to college and career readiness. In grade eleven, results from the ELA and math assessments can be used as an indicator of college readiness.

### **California Science Tests (CAST)**

The new, computer-based CAST measures student acquisition of the California Next Generation Science Standards. It is administered in grades five and eight, and once in high school. The new computer-based CAST replaces the California Standards Tests (CST) for Science.

### **California Alternate Assessments (CAA)**

The computer-based CAA for ELA and CAA for mathematics is administered to students with the most significant cognitive disabilities in grades three through eight and grade eleven. Test items are aligned with the CCSS and are based on the Core Content Connectors. The instructionally embedded CAA for Science is administered in grades five and eight, and once in high school.

### **Standards-based Tests in Spanish (STS) for Reading/Language Arts**

California offers the optional STS for Reading/Language Arts, which are multiple-choice tests that allow Spanish-speaking English learners to demonstrate their knowledge of the California content standards. The California Spanish Assessment (CSA) will replace the optional STS. The CSA will be a computer-based assessment that is aligned with the California CCSS en



Español.

*Pursuant to California Education Code Section 60615, parents/guardians may annually submit to the school a written request to excuse their child from any or all of the CAASPP assessments. Notwithstanding any other provision of law, such requests shall be granted.*

## **English Language Proficiency Assessments for California**

California will transition from the California English Language Development Test (CELDT) to the English Language Proficiency Assessments for California (ELPAC) in 2017–18. The ELPAC is aligned with the 2012 California English Language Development Standards. It consists of two separate English Language Proficiency (ELP) assessments: one for the initial identification of students as English learners and the other for the annual summative assessment to identify students' English language proficiency level and to measure their progress in learning English.

## **Physical Fitness Test**

The physical fitness test (PFT) for students in California schools is the FitnessGram®. The main goal of the test is to help students in starting lifelong habits of regular physical activity. Students in grades five, seven, and nine take the fitness test.

## **STUDENT SUPPORTS**

### **Availability of Prospectus**

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

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

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

1. "Foster youth" refers to any child who has been removed from their home pursuant Welfare and Institutions Code section 309 and/or is the subject of a petition filed under Welfare and Institutions Code section 300 or 602. This includes children who are the subject of cases in dependency court and juvenile justice court.
2. "Child of a military family" refers to a student who resides in the household of an active duty military member.
3. "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 HGCS 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.
4. "Pupil participating in a newcomer program" means a pupil who is participating in a

program designed to meet the academic and transitional needs of newly arrived immigrant pupils that has as a primary objective the development of English language proficiency.

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

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

Marisol Cortes  
Community Liaison  
647 E St.  
Chula Vista, CA 91910  
(619) 934-0300  
mcortes@hgcschool.org

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

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

**School Stability:** HGCS 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. HGCS will immediately enroll a foster youth, currently migratory child or child of a military family seeking reenrollment in HGCS as the student’s school of origin (subject to HGCS’s capacity and pursuant to the procedures stated in HGCS’s charter and Board policy). If a dispute arises regarding a foster youth’s request to remain in HGCS as the school of origin, the foster youth has the right to remain in HGCS pending the resolution of the dispute. HGCS will also immediately enroll any foster youth, currently migratory child or child of a military family seeking to transfer to HGCS (subject to HGCS’s capacity and pursuant to the procedures stated in HGCS’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.

**Student Records:** When HGCS 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"), HGCS shall provide these student records within two (2) business days. HGCS 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.

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

In accordance with HGCS's Educational Records and Student Information Policy, under limited circumstances, HGCS 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 HGCS intends to extend the suspension of any foster/ youth pending a recommendation for expulsion, HGCS 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 HGCS 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, HGCS 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 HGCS'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 HGCS, a copy of HGCS's complete foster youth policy shall be provided at the time of enrollment. A copy of the complete Policy is available upon request at the main office.

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

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

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

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

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

Marisol Cortes  
Director of Operations  
647 E St.  
Chula Vista, CA 91910  
(619) 934-0300  
mcortes@hgcschool.org

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

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

### **English Learners**

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

### **Human Trafficking Prevention**

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

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

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

### **Student Success Team**

The Student Success Team (SST) is a school-based problem solving team that reviews lack of academic progress, behavioral concerns, attendance/truancy issues, parent/guardians and/or teacher concerns, and will recommend alternative strategies/interventions to be implemented in the regular classroom which allow a student to be successful in that setting. As such, student success teams are a function of general education. The parent of any student suspected of needing or qualifying for SST may make a referral for an evaluation to the Executive Director and/ or the School Psychologist. A copy of HGCS's SST policies and procedures is available upon request at the main office.

### **Section 504**

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

### **Sexual Health Education**

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

- Inspect written and audiovisual educational materials used in comprehensive sexual health education and HIV prevention education.

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

Anonymous, voluntary, and confidential research and evaluation tools to measure student's health behaviors and risks (including tests, questionnaires, and surveys containing age-appropriate questions about the student's attitudes concerning or practices relating to sex) may be administered to students in grades 7-8. A parent or guardian has the right to excuse their child from the test, questionnaire, or survey through a passive consent ("opt-out") process. Parents or guardians shall be notified in writing that this test, questionnaire, or survey is to be administered, given the opportunity to review the test, questionnaire, or survey if they wish, notified of their right to excuse their child from the test, questionnaire, or survey, and informed that in order to excuse their child they must state their request in writing to HGCS.

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

### **Pregnant and Parenting Students**

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

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

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

Kat Shaw  
Executive Director  
647 E Street  
Chula Vista, CA 91910  
(619) 934-0300  
kshaw@hgcschool.org

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

### **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. HGCS provides special education instruction and related services in accordance with the Individuals with Disabilities in Education Improvement Act (“IDEA”), Education Code requirements, and applicable policies and procedures of the El Dorado County Charter Special Education Local Plan Area (“SELPA.”) These services are available for special education students enrolled at HGCS. We offer high quality educational programs and services for all our students in accordance with the assessed needs of each student. HGCS collaborates with parents, the student, teachers, and other agencies, as may be indicated, in order to appropriately serve the educational needs of each student.

Pursuant to the IDEA and relevant state law, HGCS is responsible for identifying, locating, and evaluating children enrolled at HGCS with known or suspected disabilities to determine whether a need for special education and related services exists. This includes children with disabilities who are homeless or foster youth. HGCS shall not deny nor discourage any student from enrollment solely due to a disability. If you believe your child may be eligible for special education services, please contact Kyxie Dominguez, Education Specialist at (619) 934-0300.

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

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

1. The right to inspect and review the student’s education records within 5 business days after the day HGCS receives a request for access. Parents or eligible students should submit to the HGCS Executive Director or designate a written request that identifies the records they wish to inspect. HGCS officials will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.



2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

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

3. The right to provide written consent before HGCS 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 HGCS as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on HGCS's Board of Directors. A Charter School official also may include a volunteer or contractor outside of HGCS who performs an institutional service of function for which HGCS would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another Charter School official in performing their tasks. A Charter School official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility.

Upon request, HGCS 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 HGCS 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 HGCS not release student names, addresses and telephone listings to military recruiters or institutions of higher education without prior written parental consent.

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

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

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

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

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

If you do not want HGCS to disclose directory information from your child's education records without your prior written consent, you must notify HGCS in writing at the time of enrollment or re-enrollment. Please notify the Executive Director at: (619) 934-0300. A copy of the complete Policy is available upon request at the main office.

### **Sudden Cardiac Arrest Prevention and Automated External Defibrillators**

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

arrest via the link below: <https://www.cdc.gov/dhdsr/docs/cardiac-arrest-infographic.pdf>.

### **Concussion/Head Injuries**

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

### **Teacher Qualification Information**

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

## **Appendix A: Suicide Prevention Policy**

The Board of Directors of Howard Gardner Community School (“HGCS” 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 HGCS and community stakeholders, HGCS 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 HGCS’s strategies for suicide prevention and intervention. HGCS must work in conjunction with local government agencies, community-based organizations, and other community support to identify additional resources.

To ensure the policies regarding suicide prevention are properly adopted, implemented, and updated, HGCS shall appoint an individual (or team) to serve as the suicide prevention point of contact for HGCS. The suicide prevention point of contact for HGCS and the Executive Director or administrative designee 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**

HGCS, 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 HGCS 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 HGCS 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 HGCS 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 parents/guardians/caregivers 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 HGCS Web page and included in the family handbook.
3. Parents/guardians/caregivers should be invited to provide input on the development and implementation of this policy.
4. All parents/guardians/caregivers may have access to suicide prevention training that addresses the following:
  - a. Suicide risk factors, warning signs, and protective factors.
  - b. How to talk with a student about thoughts of suicide.
  - 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, HGCS 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 HGCS and is characterized by caring staff and harmonious interrelationships among students.

HGCS's instructional and student support programs 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.

HGCS'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 HGCS'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).

HGCS 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, Freshman Success, and National Alliance on Mental Illness on Campus High School Clubs).

### **Intervention and Emergency Procedures**

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

1. School Psychologist
2. Counselor
3. Executive Director

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 immediately notify the Executive Director or designee, who shall then notify the student's parent/guardian as soon as possible if appropriate and in the best interest of the student. Determination of notification to parents/guardians/caregivers should follow a formal initial assessment to ensure that the student is not endangered by parental notification.

The suicide prevention liaison shall also refer the student to mental health resources at HGCS 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 adult supervision until the parent/guardian and/or 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 parent/guardian and student in a timely manner to provide referrals to appropriate services as needed and coordinate and consult with the county mental health plan if a referral is made for mental health or related services on behalf of a student who is a Medi-Cal beneficiary.
4. After a referral is made, HGCS shall verify with the parent/guardian that the follow up treatment has been accessed. Parents/guardians will be required to provide documentation of care for the student. If parents/guardians refuse or neglect to access treatment for a student who has been identified to be at risk for suicide or in emotional distress, the suicide prevention liaisons shall meet with the parent to identify barriers to treatment (e.g., cultural stigma, financial issues) and work to rectify the situation and build understanding of care. If follow up care is still not provided, HGCS may contact Child Protective Services.

5. Provide access to counselors or other appropriate personnel to listen to and support students and staff who are directly or indirectly involved with the incident at HGCS.
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 HGCS campus, the suicide prevention liaison shall follow the crisis intervention procedures contained in HGCS's safety plan. After consultation with the Executive Director or designee and the student's parent/guardian about facts that may be divulged in accordance with the laws governing confidentiality of student record information, the Executive Director or designee may provide students, parents/guardians, and staff with information, counseling, and/or referrals to community agencies as needed. HGCS staff may receive assistance from HGCS 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 HGCS campus and unrelated to school activities, the Executive Director 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 HGCS 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 and parent/guardian steps for re-integration to school. Re-integration may include obtaining a written release from the parent/guardian to speak with any health care providers; conferring with the student and parent/guardian about any specific requests on how to handle the situation; informing the student's teachers about possible days of absences; allowing accommodations for make-up work (being understanding that missed assignments may add stress to the student); appropriate staff maintaining ongoing contact with the student to monitor the student's actions and mood; and working with the parent/guardian to involve the student in an aftercare plan.

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

Students shall be encouraged through the education program and in HGCS activities to notify a teacher, the Executive Director, another HGCS administrator, psychologist, HGCS 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. HGCS staff should treat each report seriously, calmly, and with active listening and support. Staff should be non-judgmental to students and discuss with the student, and parent/guardian, about additional

resources to support the student.

### **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. HGCS 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 Executive Director to:
  - a. Confirm death and cause.
  - b. Identify a staff member to contact the 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. 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. HGCS 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.

## **Appendix B: Title IX, Harassment, Intimidation, Discrimination, 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, Howard Gardner Community School ("HGCS" or the "Charter School") prohibits any acts of discrimination, sexual harassment, harassment, intimidation, and bullying altogether. This policy is inclusive of instances that occur on any area of the school campus, at school-sponsored events and activities, regardless of location, through school-owned technology, and through other electronic means.

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

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

Moreover, the Charter School will not condone or tolerate misconduct prohibited by this Policy by any employee, independent contractor or other person with whom HGCS 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. HGCS 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. HGCS 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"):**

Kat Shaw  
Executive Director  
647 E Street  
Chula Vista, CA 91910

## **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 HGCS.

HGCS 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.

- o 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:
  - o Sexually oriented gestures, notices, remarks, jokes, or comments about a person's sexuality or sexual experience.
  - o Preferential treatment or promises of preferential treatment to an individual for submitting to sexual conduct, including soliciting or attempting to solicit any individual to engage in sexual activity for compensation or reward or deferential treatment for rejecting sexual conduct.
  - o Subjecting or threats of subjecting a student or employee to unwelcome sexual attention or conduct or intentionally making the student's or employee's performance more difficult because of the student's or the employee's sex.
- Sexual or discriminatory displays or publications anywhere in the work or educational environment, such as:
  - o Displaying pictures, cartoons, posters, calendars, graffiti, objections, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning or pornographic or bringing or possessing any such material to read, display or view in the work or educational environment.
  - o Reading publicly or otherwise publicizing in the work or educational environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic.
  - o Displaying signs or other materials purporting to segregate an individual by sex in an area of the work or educational environment (other than restrooms or similar rooms).

The illustrations 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 that is harmful, repetitive and creates a power imbalance. This includes communications made in writing or by means of an electronic act. Bullying includes one or more acts committed by a student or group of students that may constitute sexual harassment, hate violence, or creates an intimidating and/or hostile educational environment, directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing a reasonable student <sup>1</sup> or students in fear of harm to that student's or those students' person or property.
2. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
3. Causing a reasonable student to experience substantial interference with his or her academic performance.

---

<sup>1</sup> "Reasonable student" is defined as a student, including, but not limited to, an exceptional needs student, who exercises care, skill and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

4. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by HGCS.

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

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

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

**Formal Complaint of Sexual Harassment** means a written document filed and signed by a complainant who is participating in or attempting to participate in HGCS's education program or activity or signed by the Coordinator alleging sexual harassment against a respondent and requesting that HGCS 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**

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

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

HGCS advises students:

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

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

### **2. Education**

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

HGCS'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.

HGCS informs HGCS employees, students, and parents/guardians of this Policy and encourages parents/guardians to discuss this Policy with their children to ensure their children understand and comply with this Policy.

### **3. Professional Development**

HGCS 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 HGCS employees who have regular interaction with students.

HGCS 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 HGCS, 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.

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

## **Grievance Procedures**

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

HGCS 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 HGCS 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, HGCS 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:

Kat Shaw  
Executive Director  
647 E Street  
Chula Vista, CA 91910  
(619) 934-0300  
kshaw@hgcschool.org

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

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

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

HGCS 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.

HGCS 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 HGCS's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or HGCS'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. HGCS 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 HGCS to provide the supportive measures.

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

Upon receipt of a report of misconduct prohibited by this Policy from a student, staff member, parent, volunteer, visitor or affiliate of HGCS, 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

- o 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 HGCS prohibits an individual from knowingly making false statements or knowingly submitting false information during the grievance process.

- Emergency Removal

- o HGCS 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 HGCS's policies.
- o HGCS may remove a respondent from HGCS's education program or activity on an emergency basis, in accordance with HGCS's policies, provided that HGCS 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.
- o This provision may not be construed to modify any rights under the IDEA, Section 504, or the ADA.

- Informal Resolution

- o If a formal complaint of sexual harassment is filed, HGCS may offer a voluntary informal resolution process, such as mediation, to the parties at any time prior to reaching a determination regarding responsibility. If HGCS 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.
- o HGCS will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.
- Investigation Process
  - o The decision-maker will not be the same person(s) as the Coordinator or the investigator. HGCS shall ensure that all decision-makers and investigators do not have a conflict of interest or bias for or against complainants or respondents.
  - o 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.
  - o 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.
  - o The parties will not be prohibited from discussing the allegations under investigation or to gather and present relevant evidence.
  - o 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.
  - o Prior to completion of the investigative report, HGCS 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.
  - o 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
  - o If the investigation reveals that the alleged harassment did not occur in HGCS'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 HGCS policy.
  - o HGCS 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 HGCS; or

- The specific circumstances prevent HGCS from gathering evidence sufficient to reach a decision on the formal complaint or the allegations therein.
- o If a formal complaint of sexual harassment or any of the claims therein are dismissed, HGCS will promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to the parties.
- Determination of Responsibility
  - o The standard of evidence used to determine responsibility is the preponderance of the evidence standard.
  - o HGCS 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 HGCS'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 HGCS or termination of employment. The Coordinator is responsible for effective implementation of any remedies ordered by HGCS in response to a formal complaint of sexual harassment.

## **6. Right of Appeal**

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

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

- The complainant and the respondent shall have the same appeal rights and HGCS will implement appeal procedures equally for both parties.
- HGCS 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.

HGCS 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 HGCS 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: \_\_\_\_\_

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

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

### **Corporal Punishment**

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Duty to Report Suspected Misconduct

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

#### Examples of Specific Behaviors

The following examples are not an exhaustive list:

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

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

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

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

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

#### Cautionary Staff/Student Behaviors

**(These behaviors should only be exercised when a reasonable and prudent person, acting as an educator, is prevented from using a better practice or behavior. Staff members should inform**

**their supervisor of the circumstance and occurrence prior to or immediately after the occurrence)**

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

**Acceptable and Recommended Staff/Student Behaviors**

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

Howard Gardner Community School



647 E Street  
Chula Vista, CA 91910  
[www.hgcschool.org](http://www.hgcschool.org)

---

## 2024/2025 Family Handbook Acknowledgement

I have read, understand, and will support my child in following the policies outlined in this handbook.

Print Student Name \_\_\_\_\_ Grade \_\_\_\_\_

Teacher Name \_\_\_\_\_

Print Parent/Guardian Name \_\_\_\_\_

Parent Signature \_\_\_\_\_ Date \_\_\_\_\_

**\*\*Please sign and return to your child's teacher**

Amendment Revision:

**1. Disaster procedures for maintaining the safety and care of pupils and staff that include adaptations for persons with disabilities. EC 32282.(a)(2)(B)**

Persons with Disabilities In an emergency, persons with disabilities may need special assistance in evacuating to the designated location. Each Site Incident Commander is responsible for pre-identification of persons with disabilities who may need assistance and assigning staff to assist them. Persons with 14 disabilities or other employees who may need special assistance in an evacuation situation are responsible for ensuring that their Department Head is aware of their needs for assistance. Because of the volume of foot traffic that can be expected through stairways and corridors in a building during an evacuation, there must be an area of rescue assistance established aside from the main flow of foot traffic. Such an area must be clearly marked so disabled individuals know where to go for refuge in a critical time. Proper signage for this area is "Area of Rescue Assistance." Evacuation maps will articulate this information.

**2. Earthquake procedures that include "Drop, Cover and Hold On." (For public school buildings having an occupant capacity of 50 or more pupils or more than one classroom. Protective measures before, during, and following an earthquake. EC 32282.(a)(2)(B)**

Earthquakes often occur without notice and generally have after-shocks, which are just as dangerous as the initial quake. Building evacuation will generally occur following a major earthquake due to potential dangers of fires or explosions. The following earthquake information pertains to this site. Notification Give the command to Drop, Cover, and Hold at the first indication of shaking ground. Attempt to gain safety under tables, desks, or other supporting objects. Consider holding onto the supporting object to keep it over your body. If in a hallway, move to an inside wall and stand in the doorway. Remain away from windows to avoid falling glass, and away from large objects that may fall upon your person. Extinguish any flames and turn off power to equipment and electrical appliances if possible. Turn off gas valves as well. Hold undercover for at least two minutes to assess damage and injuries while waiting for the first aftershock to occur. After the first aftershock, activate your site earthquake evacuation and assembly plan for reunification. Monitor your school emergency radio for possible updates and instructions from the district's emergency operations center. Use radio channel 15. Do not return to the inside of any building until emergency personnel check the buildings for safety.

**3. A procedure to allow a public agency, including the American Red Cross, to school buildings, grounds, and equipment for shelters during disasters or public health emergencies. 32282.(a)(2)(B)**

Any and all certified public agencies, including the American Red Cross, to school buildings, grounds, and equipment for shelter during disasters or public health emergencies will have access to HGCS via a Knox Key box located at the entrance of the building. In the event that the security gates are closed, local law enforcement officers have access to our gate via a universal key.

**4. Procedures for conducting tactical responses to criminal incidents, including procedures related to individuals with guns on school campuses and at school-related functions. 32282.(a)(2) (J) & 47605.(b)(5) (F)**

**Active shooter / armed assailant situations**

"Active shooter situations" are defined as those where an individual or individuals are "actively engaged in killing or attempting to kill people in a confined and populated area." Active shooters / armed assailants frequently use firearms, but attacks of this type can also be made with other types of weapons (knives, swords, etc.). These situations are unpredictable and evolve quickly. Because of this, individuals must be prepared to deal with an active shooter / armed assailant situation before law enforcement personnel arrive on the scene. No single response fits all

active shooter / armed assailant situations; therefore it is essential all members of the school staff know their options for response and are prepared to act decisively to protect their students and themselves.

Howard Gardner Community School has adopted two safety protocols to respond to criminal incidents on our campuses. The first is the **Standard Response Protocol (SRP)**, which is an overarching safety system. The second is **Run, Hide, Fight**, a very specific system that provides choices to school staff in the event of an armed assailant situation on campus. The SRP and Run, Hide, Fight are intended to supplement one another.

## **Standard Response Protocol**

The SRP is a response enhancement to critical incidents, designed to provide clear, consistent language and actions among all staff, students and first responders.

SRP consists of four specific actions:

**Lockout:** This protocol is used to safeguard students and staff when there is a potential threat OFF CAMPUS. For example, police activity in the neighborhood surrounding the school campus.

**Lockdown:** This protocol is used to safeguard students when a potential threat is ON CAMPUS. For example, an armed intruder spotted on campus.

**Evacuate:** This protocol is used to move students and staff from one location to a different location in or out of the building.

**Shelter:** The protocol is used when specific protective actions are needed based on a threat or hazard.

Outlined below are the procedures for each of the four actions.

## **LOCKOUT**

When there is a potential threat outside of the school campus, students will be brought inside and all perimeter doors and gates will be locked. No visitors will be permitted in or out until the potential threat is resolved.

A call will be made over the school's public address system and will be repeated twice:

**Lockout: Get inside, lock outside doors. Lockout: Get inside, lock outside doors.**

Students are trained to:

- Return to inside of building
- Do business as usual

Teachers are trained to:

- Recover students and staff from outside building
- Increased situational awareness

- Take roll, account for students
- Do business as usual

## LOCKDOWN

When there is a serious, immediate hazard on campus, a lockdown will be called. No visitors will be permitted in or out until the potential threat is resolved.

A call will be made over the school's public address system and be repeated twice: **Lockdown: Locks, Lights, Out of Sight. Lockdown: Locks, Lights, Out of Sight.**

### Students are trained to:

- Move away from sight
- Maintain silence

### Teachers are trained to:

- Lock classroom door
- Lights out
- Move away from sight
- Maintain silence
- Do not open the door
- Take roll, account for students

## EVACUATE

Evacuate is called to move students and staff from one location to another. A call will be made over the school's public address system and be repeated twice: **Evacuate [enter location] Evacuate [enter location].**

### Students are trained to:

- Leave belongings behind
- Bring their phone
- Form a single file line
- Form a single file line and hold hands with the person in front and behind you  
(Elementary Students)

### Teachers are trained to:

- Grab roll sheet if possible
- Lead students to Evacuation location
- Take roll, account for students

## SHELTER

Shelter is called for a specific safety strategy. For example, hazmat, earthquake or flood. A call will be made over the school's public address system and be repeated twice: **Shelter [enter the hazard and safety strategy] Shelter [enter the hazard and safety strategy].**

### Hazards might include:

- Hazmat



- Earthquake
- Flood

Safety Strategies might include:

- Evacuate to shelter area
- Seal the room
- Drop, cover and hold
- Get to high ground

Students are trained to:

- Recognize appropriate hazards and safety strategies

Teachers are trained to:

- Recognize appropriate hazards and safety strategies
- Take roll, account for students
- Report injuries or problems, at the Evacuation Assembly, to first responders using Red Card/Green Card method.

## **Run, Hide, Fight**

Howard Gardner Community School has adopted the Run, Hide, Fight model as a tactical response to criminal incidents. It is important to note that Run, Hide, Fight are not progressive actions, but rather, are response options where our environment dictates our tactics.

All employees are authorized to take immediate action to protect themselves and students if they see or hear anything that causes them to believe an active shooter /armed assailant situation is occurring or is about to occur.

*[Run, Hide, Fight may also be referred to as Avoid, Deny, Defend or Get Out, Hide Out, Take Out]*

### **Staff should act immediately if you or your students:**

- Hear a sound that might be gunfire
- See something that looks like a weapon being carried or used on or near the campus.
- Sense any other indication of an active shooter / armed assailant threat.

### **Quickly evaluate which option (Run, Hide or Fight) will best protect you and your students:**

- Be decisive. Communicate your plan to your students and act quickly.
- Call 911 and the School Office as soon as it is safe to do so.

**Run:** If you can get yourself and your students safely away from danger, do so immediately.  
Only Run if you are certain you know the exact location of the assailant or you can visualize a route that will get your students and yourself safely off campus.

- Don't carry anything with you. Police may mistake an item in your hands as a weapon.
- Leave everything behind.
- If you encounter people along the way, warn them and take them with you, but don't stop if they refuse to come. You may use reasonable force to take a student with you if you can do so without endangering yourself or the other students in your care.
- Place terrain and buildings between you and the assailant to cover your escape.
- Keep going until you are certain you are out of danger.
- Call 911 as soon as it is safe to do so.
- Keep your students with you. Call (619) 934-0300 to report your location and obtain instructions.

**Hide:** If you do not know the exact location of the assailant, get your students and yourself into the most secure location available and LOCKDOWN.

- Lock the doors
- Close and lock windows and close blinds or cover windows
- Turn off lights
- Barricade the doors with heavy furniture
- Silence all electronic devices
- Remain silent
- Position occupants spread out and out of line of sight from room entrances and windows
- Prepare to take action if the assailant attempts to get in the room
- Call 911 as soon as it is safe to do so
- Remain in place until evacuated by identifiable law enforcement officers

**FIGHT: This is always the option of last resort!** Never seek out confrontation with an active shooter / armed assailant. If you are confronted by an active shooter / armed assailant and you have no safer option, take immediate action to disrupt or incapacitate the assailant. If you choose the FIGHT option, commit to your actions.

- If you are in LOCKDOWN (Hide), prepare yourself and your students for the possibility that the assailant may attempt to get in the room you are in.
- Use items in the environment as improvised weapons (fire extinguishers, staplers, books, cups, etc.)
- Staff members may consider using aggressive and violent force to surprise and overwhelm the assailant.