PACIFIC VIEW CHARTER SCHOOL
A California Public School

2020-2021 SCHOOL YEAR

3670 Ocean Ranch Blvd.
Oceanside, CA 92056
22695 Alessandro Blvd.
Moreno Valley, CA 92553

TUITION FREE PUBLIC SCHOOL. ESTABLISHED IN 1999
IMPORTANT INFORMATION

School Telephone: (760) 757-0161 Oceanside (951) 697-1990 Moreno Valley
Fax: 760-435-2666 Fax: 951-697-19934

Web Site: www.pacificview.org Office Hours: 8:00 AM to 4:00 PM

Founding Executive Director: Gina Campbell

Director of Student Services: Gayl Johnson Director of Curriculum: Erin Gorence

Director of Central Office & Finance: Kira Fox

Interim Lead Supervisory Teacher- Elementary: Geoff Weeks
Interim Lead Supervisory Teacher- High School: Diane Gibson
Interim Site Supervisor Moreno Valley: Kathy Meck
School Counselor: Celia Hernandez
Special Education Coordinator: Linda Moore

Supervisory Teachers:
Deanna Allen Dallas Avery Alex Baker
Jodi Campanelli Brenda Cardona (MV) Joe Chutuk
Lisa Detavernier Chandra Dimitrievski Elizabeth Dittrick Key
Kristen Enyedi Patrick Garrett Diane Gibson
Tyler Gregston (MV) Meliassa Harkiewicz Barbara Lert (MV)
Gabriella Liem Megan McCrory Kathy Meck
Robert Merrill Lindsey Pak Derry Parler (MV)
Katie Quezada Julie Raab Edwin Reza (MV)
Mindy Shea Celina Sheng (MV) Kasandra Smith
Stacey Tiffany-Diaz (MV) Geoff Weeks Katie Whitaker
Byron Winick

School Psychologist: Paolo De Castro Speech Pathologist: Noelle Sellman
Technology Technician: John Sturm Human Services & Business Specialist: Lori Bentley

Lead Instructional Aide: Wendyam Ouedraogo
Full Time Instructional Aide(s): Hannah Gardner, Melissa Kahn, Yvonne Garcia (MV)

Registrar: Erica Torres, Office Clerk: Ana Hernandez
Business Services: Zuleyma Hernandez, Mary Jane Gardner

Board of Trustees:
Nichole Taylor – President
Jon Walters – Vice President
Eve Meyer - Board Trustee
Welcome to Pacific View Charter School

I would like to take this opportunity to welcome you to Pacific View Charter School. We are committed to providing the best possible education for our students.

Student success rests on parental involvement. At Pacific View Charter School, parents/guardians partner with their child’s teacher to provide a positive and successful learning environment. Students are provided with a personalized learning plan, which develops 21st Century skills and prepares him or her for college and the work force. We are committed to providing a productive and satisfying experience for your child during the school year.

Our school takes pride in its highly qualified and dedicated staff. These educators welcome your input, and are committed to the success of each student. If there is anything we can do to assist you or your child, please do not hesitate to call. Our goal remains to provide the best possible education for each student.

Sincerely,

Gina Campbell
Founding Executive Director
Charter School Information

Today, California is at the leading edge of the innovative and fast-growing public charter school movement, with 1275 1306 schools, serving more than 630,000 public school students.

Charter schools are independent public schools with rigorous curricula and unique educational approaches. In exchange for operational freedom and flexibility, charter schools are subject to higher levels of accountability than traditional public schools. Charter schools, which are tuition-free and open to all students, offer quality and choices in the public education system.

The "charter" establishing each such school is a contract detailing the school's mission, program, goals, students served, methods of assessment, and ways to measure success. In California, charters are granted for five (5) years. At the end of the term, the entity granting the charter ("authorizer") may renew the school's contract. Charter schools are accountable to their authorizer, and to the students and families they serve, to produce positive academic results and adhere to the charter contract.

Like traditional public schools, charters receive state funding based on a formula for each child enrolled in the school. Many charters also do additional fundraising to obtain grants and donations to pay for programs that are not fully funded by state or school district formulas.

When lawmakers passed the Charter Schools Act of 1992, California became the second state in the country (after Minnesota) to enact charter school legislation. The intent was to allow groups of educators, community members, and parents, to create an alternative type of public school.

Pacific View Charter School ("PVCS" or "Charter School" or "School") is a K–12 WASC accredited public school that opened in August 1999. In May of 2007, PVCS received certification from California Charter Schools Association for its high standards and quality of program. The school provides Oceanside, Moreno Valley and neighboring communities an educational alternative to the traditional school setting. Enrollment at the school is strictly on a voluntary basis. Students in San Diego County and in any neighboring county are free to attend. PVCS Pacific View Charter School staff work in an atmosphere of collaboration and mutual understanding with all who attend. Through the Personalized Learning Model, PVCS provides a partnership with our parents, students, and staff. We hope you find your experience at PVCS a positive one.
VISION STATEMENT

Students at Pacific View Charter School use technological tools and research-based curricula to achieve personal and academic success. In a Personalized Learning environment, the students develop 21st Century skills to be prepared for college and the workforce. PVCS Pacific View Charter School students are global communicators who listen, speak, read and write in an effective manner. The individual needs and learning styles of students are accommodated through personalized learning.

MISSION STATEMENT

The Pacific View Charter School community is focused on the success of each student and partners with parents in the education of their children. The school is committed to providing a safe and exceptional learning environment utilizing 21st Century tools, resources and curriculum. Highly Qualified Teachers guide the learning process through current research and methodologies.
CORE VALUES

The Personalized Learning Model
We believe that creating an Individualized Learning Plan for students that encompasses the development of 21st Century skills and content knowledge will prepare them for success in college and the work force.

Parental Involvement
We believe parents are an integral part of the student’s personal and academic success. PVCS partners with parents in the education of their children and in the governance of the Charter School.

Students Succeeding in the 21st Century
We believe it is critical that students develop learning and innovation skills in the areas of creativity, critical thinking, problem solving, communication, and collaboration. Curriculum that utilizes information and communication technology (“ICT”) literacy tools, and media will prepare students for the 21st Century.

Fiscal Solvency
We believe the prudent use of fiscal resources is essential to the vision and mission of the Charter.

Accountability
We believe that student achievement is a critical indicator of our success at Pacific View Charter School. We are committed to the success of each student through the collection and analysis of student data and research based programs and interventions.
PVCS Program Components

WASC Accredited K-12
Credentialed Highly Qualified Teachers
Personalized Lesson Plans
Strong Family Involvement
Online Learning Opportunities
Computer Lab
Workshops, Clubs & Activities
Educationally Appropriate Events
Nurturing & Caring Environment
Community Service Opportunities
College and Career Resources
Student Success Team (SST)
Restorative Alliance
School Wide Learner Outcomes

**Critical Thinkers who:**
- Apply, analyze, identify, synthesize and evaluate information and experiences.
- Connect the skills and content learned across the curriculum and evaluate multiple points of view.
- Use the Inquiry Process to address a problem, hypothesize, analyze, and draw conclusions as they investigate an issue/problem.
- Utilize Problem-solving techniques during conflict resolution and to compromise.

**Effective Communicators who:**
- Demonstrate effective oral and written communication skills through the use of academic language at school, with peers and in the community.
- Listen with understanding and interpret effectively.
- Collaborate, work effectively, and manage interpersonal relationships within diverse groups and settings.

**21st Century Scholars who:**
- Use technology effectively to access, organize, research and present information.
- Demonstrate the ability to integrate technology as an effective tool in their daily lives.
- Have developed an academic plan with goals to guide them in their pursuit towards a college degree and/or career choices (planning).
- Have a clear understanding of the UC A-G Course Requirements and the pathway to meet college eligibility requirements.

**Socially Responsible Global Citizens who:**
- Embrace and respect cultural diversity through the understanding of our global society.
- Will contribute to the improvement of their school and local community by maximizing learning and creating future educational goals.
- Demonstrate knowledge of proper nutrition, exercise and physical health and its impact on daily life.
PACIFIC VIEW CHARTER SCHOOL
CODE OF CONDUCT

Build Positive Relationships
- Speak with kindness and respect.
- Listen with empathy and understanding.
- Understand that your words and your actions affect others.
- Accept that there are ideas and values that are different than your own.

Focus on Success
- Dress for success by following school dress code.
- Limit distractions while on school campus by using technology appropriately.
- Commit to learning and engaging in academic activities while on campus.

Own your Education
- Use academic integrity and agree to submit work that is your own.
- Give credit to the original author when appropriate.
- Be an active member in group projects and collaborative assignments.
- Take pride in your own abilities and advocate for yourself.

Resolve Conflicts Peacefully
- Problem Solve through discussion.
- Make a commitment to protecting your school community through non-violence.
- Participate in decision making and conflict resolution.

Persevere
- Set goals and work toward them.
- Accept that you can learn from your mistakes.
- Ask questions when you don’t understand.
- You are not defined by life’s challenges but by how you handle them.

Pacific View Charter School is committed to creating a safe environment for all students in which the development of positive relationships and commitment to learning creates a schoolwide culture of college and career readiness.
Pacific View Charter School Program Requirements

Steps To Enrollment:
Log on to: www.pacificview.org

- Documents necessary for enrollment
  1. Proof of minimum age requirements
  2. Two proofs of residency
  3. Transcript
  4. Immunization record
  5. Disenrollment form from previous school

- All students and parents must attend a registration meeting.
- The Supervisory Teacher, parent, and student will sign a master agreement at the time of enrollment.

Program Requirements:
- All assignments will be completed and submitted to the Supervisory Teacher on a weekly basis.
- All students must receive a minimum of 175 days of instruction per school year.
- Students in grades 9-12 are encouraged to perform community service hours while attending PVCS.

- High School students will have a transcript analysis done to be properly placed in courses needed. Students receive coursework instruction that will fulfill graduation requirements. Two (2) official transcripts are free of charge, any additional transcripts cost $3.00.

- It is recommended that students attend at least one (1) workshop, activity, or field trip per month.

- If you or your children are signed up for an activity, workshop, or field trip, please make the effort to attend. If you cannot attend, please let the teacher know in advance. This will allow others to come who might be on a waiting list.

- Parents will provide all transportation needs in attending workshops, activities, field trips, and regularly scheduled appointments.

- The parent is responsible for all materials checked out from PVCS. Be mindful of the checkout time period of all library books and resource materials. This shows consideration to other families in the school who may also need that particular resource material. You will be responsible for payment for any willfully lost or damaged books, computers and materials.

- Supervisory Teachers will help parents to understand their role and their responsibilities in the education process at PVCS.

- Pacific View Charter School may terminate any student’s enrollment, subject to the School’s Missed Assignment Policy, if the parent or student violates the Master Agreement.

General Information
Parents’ or Guardians’ Commitment

1. Provide a regular time, place and supervision for daily lessons and ensure your student’s work is completed on time.

2. Call your Supervisory Teacher with any needs, questions, curriculum problems, or leaves of absence.

3. Meet with your Supervisory Teacher regularly and be on time for appointments.

4. Supervise and direct student’s daily lessons. Provide opportunities and support for oral discussions and review.

5. Be a positive role model for your student. Show him/her that education is important to you by holding high expectations.

6. Respect school property.

7. Prepare student to discuss assigned work with the teacher when asked.

8. Encourage and help students to become actively involved in the learning process.

9. Assign homework if your student needs more time to complete an assignment, research papers, or to practice a difficult concept.

10. Monitor your student’s progress.

Supervisory Teachers’ Commitment

1. Create a welcoming environment for all parents/guardians and students.

2. Foster a safe and positive learning environment at PVCS.

3. Set and hold high expectations for ALL students.

4. Provide instructional leadership to each parent/guardian in teaching the curriculum. This will include any texts, workbooks, teacher’s editions, tests, and supplemental or alternative materials.

5. Give suggestions on motivating children to work efficiently and in a timely manner. Advise parents/guardians if they are pushing the students too hard or not enough.

6. Provide timely feedback on all student assignments and tests.

7. Provide regular communication through newsletters and other means.

8. Offer workshops and labs.

9. Return all phone calls or emails within twenty-four (24) hours during working hours.

10. Evaluate and document student progress.

11. Offer parents a variety of additional resources and effective teaching strategies to help meet students’ academic needs.
INSTRUCTIONAL STRATEGIES & OPTIONS

Alternative instructional strategies are offered at Pacific View Charter School to ensure an individualized approach to each student’s education. Some of the offerings will include:

- A personalized High School Independent Study program.
- Regularly scheduled parent/guardian and student conferences with a credentialed teacher.
- Supplemental classroom instruction time.
- Tutoring opportunities with teachers and peers.
- Technology embedded within the curriculum.
- Biology Lab, English and Math Workshops, Spanish Workshop, and Work Experience.
- Online learning opportunities
- Access to Computer Lab and Study Hall
- Blended learning program for grades 5-8 (Oceanside) and grades 7-8 (Moreno Valley)
- Community service opportunities for students in grades 6-12.

ACADEMIC PERFORMANCE

Through successful completion of academic work, students will demonstrate:

- Their level of proficiency indicated by progress through the California State Standards in all core areas – language arts, reading, written and oral expression, mathematics, social science, and science.
- Their ability to review and revise assignments to achieve an acceptable level of mastery.
- Their ability to demonstrate a sustained effort by completing long-term projects that will encompass a variety of skills.
- Their ability to explore and analyze real-life situations/problems and come up with a workable solution.
- Their ability to use the computer as a research tool.
- Their ability to set timelines and meet deadlines.
**ASSESSMENT**

Students in Grades 3-12 will be given a school-wide assessment screening Star Enterprise in mathematics and reading to determine a skills baseline of information. This assessment will be given at intervals to help assess targeted growth areas.

Students will be tested in all academic disciplines throughout the year to determine subject mastery. Students may be asked to keep a portfolio of completed work to document progress.

Pacific View Charter School participates in assessments required by the State of California.

Notwithstanding any other provision of law, a parent's or guardian's written request to Pacific View Charter School officials to excuse their child from any or all parts of the CAASPP state assessments shall be granted.

**Currently these include:**
*CAASPP Assessments – Grades 3-8 and 11
*Physical Fitness Test – Grades 5, 7, and 9
*CAST Science – Grades 5, 8, and 11 or 12
*ELPAC – for English Language Learners
PARENT PARTICIPATION

Active participation by parent or guardian in areas outside the daily educational process is not only encouraged, but is welcomed.

Other ways to become involved may consist of the following:

- Become a parent representative on the Pacific View Charter School Board.
- Join the Parent Advisory Committee (“PAC”).
- Assist with a class or workshop.
- Donate materials.
- Work on a fundraiser.

Offer expertise in areas such as:

- Computer programs
- Office management or training
- Library
- Music
- Arts and crafts.

   Create a bulletin board.
   Host parent support meetings.
   Assist with the phone tree.
   Offer to carpool.

A tuberculin clearance is mandatory for all who volunteer at PVCS.

COMPUTER LAB HOURS:

M,T,Th,F–8:00-4:00
Wednesday – 8:00-2:00

COMPUTER LAB/STUDY HALL RULES

All students and parents must sign a Technology Use Agreement before being allowed into the computer lab.

1. Sign in upon arrival and sign out when you leave.
2. Sign in to use the Internet. Students must receive a password from PVCS personnel to log-on.
3. No food/drinks in the Computer Lab, but food/drinks may be consumed in the Study Hall.
4. No talking – this is a quiet work space.
5. No downloading of any kind on any computer is allowed.
6. **DO NOT** change settings on any computer.
7. Inform the Instructional Aide if there is a problem with a computer.

DRESS CODE POLICIES

The intent of the dress code is to have students wear clothing that is appropriate for school and the learning environment. Good taste and grooming are an important part of our students’ education. See Dress code Policies for specific information.

PVCS IS A CLOSED CAMPUS

Students may not leave the PVCS campus without being accompanied by a parent/guardian. Please bring a snack/lunch if you will be here for an extended amount of time.

CELL PHONES

Appropriate use of cell phones is required while on campus.

CONSENT FORMS

Prom or dance consent forms from other schools must be filled out completely, signed by the parent of the host student and the parent/guardian of the student enrolled at PVCS. This must be done prior to submitting them to the teacher and the Administration for approval and a signature. There may be a 24 hr. turn-around time for requests.

If approved, the student will be representing our school and our expectation is that the student’s conduct is appropriate at all times.
Pacific View Charter School
Custody Law Notification

Custody disputes must be handled by the courts. By law, if parents are legally separated or divorced, each parent has equal rights to the custody of the child/children and their educational records UNLESS one of them has a signed court order that indicates otherwise. Without such an order, the school has no legal right to refuse biological parent’s access to their child/children and/or school records.

If a parent has a signed, current court order limiting the other parent or any other person’s access to the student or the student’s educational records, the school MUST HAVE A COPY of the court order on file. IF a copy is not on file, the school is required by law to release children to their parents with proper identification. Situations that put the welfare of students in question will be handled at the discretion of the Executive Director/Designee. In situations that become a disruption to the school, the Oceanside Police Department will be contacted, and an officer will be requested to intervene.

Parents are asked to make every attempt not to involve schools in custody matters. Please have current information on file for your child/children.
Pacific View Charter School enforces a strict closed campus rule. This rule is enforced in the interest and safety of students and staff. Students are required to sign in and out at both the reception and the computer lab areas. Students are not permitted to return to PVCS once they leave the school premises each day. Strict observance of this rule will be enforced. Students found in violation of this rule will be documented on a disciplinary form.
**Sexual Harassment and Non-Discrimination Policies**

Pacific View Charter School is committed to equal opportunity for all individuals in education. PVCS programs and activities will be free from discrimination based on sex, race, color, religion, sexual orientation, national origin, physical or mental disability, or any other unlawful consideration.

**HARASSMENT – A DEFINITION:**

Harassment is unwanted and unwelcome severe or pervasive behavior from other students or staff members that interferes with another individual’s life. When it is based on sex, it is “sexual harassment.” When it is racial in nature, it is "hate-motivated behavior", sometimes called a “hate crime.” Please see the PVCS Title IX, Harassment, Intimidation, Discrimination and Bullying Policy for more information regarding the definition of harassment.

**DISCRIMINATION – A DEFINITION:**

Discrimination is negative or unfair treatment toward an individual based on race, ethnicity, sexual orientation, religion or gender or any other protected characteristic. Please see the PVCS Title IX, Harassment, Intimidation, Discrimination and Bullying Policy for more information regarding the definition of discrimination.

**WHAT YOU SHOULD DO:**

- Don't ignore it. Harassment does not usually “go away.”

- Though it may be hard to do, tell your harasser to stop. You might write a letter that describes the behavior in detail. Keep a copy for yourself and deliver the letter to your Supervisory Teacher or the Executive Director.

- Don't blame yourself and don't feel helpless, trapped or confused.

**COMPLIANCE INFORMATION**

The staff at PVCS will work with parents and students to facilitate success in this educational alternative. Pacific View Charter School has specific policies concerning student suspensions and expulsions as outlined in the Master Agreement. PVCS will follow its Missed Assignment Policy for any involuntary removal. However, you may be asked to voluntarily terminate your enrollment for the following reasons:

**Withdrawing your student:**

If you decide to exit your student from the program, please contact your Supervisory Teacher to set up an appointment to return all books, supplies, and materials. Official transcripts will not be released and credits will be withheld until all books/materials and school property have been returned or paid for by the parent.

**NOTE:** You must turn in all books, technology, materials and equipment at the time of the exit meeting. Credits will be withheld and only unofficial transcripts will be released until all materials have been returned or paid.
• Seek help from someone you trust.

• Keep a written record of every incident.

**NOTE:** PVCS has a Uniform Complaint Procedure Policy as well as a Title IX, Harassment, Intimidation, Discrimination and Bullying Policy that will be followed in cases of alleged harassment or discrimination. Please see these complete policies below. Please contact the Executive Director or a Supervisory Teacher for assistance.
HELPFUL HINTS FOR PARENTS/GUARDIANS GETTING STARTED

1. Read and familiarize yourself with the Parent/Student Handbook.

2. Stay in contact with your Supervisory Teacher.

3. Write down scheduled appointments in a personal calendar and have an up-to-date family calendar to help keep everyone organized.

4. Set up your student’s work area. Decide if it will be at the kitchen table, in the bedroom, or in a “special classroom.” Find an appropriate, permanent work area for you and your student. A quiet place away from distractions is most effective for learning. Make sure that you allow room for storing books, pens, pencils, paper, etc.

5. Be organized! This is a modeled behavior that your student will learn to copy.

6. Devise a record keeping system for tracking student progress.

7. Establish reasonable daily and long-term goals and objectives for your student. Growth and development rates vary from child to child. Avoid comparisons. Be positive and encouraging.

8. Be consistent! Consistency in your daily schedule is a major factor for success.

9. Read for enjoyment.

10. When enrolling in workshops & events, please keep in mind that these classes and activities have limited space. If you plan on participating, please sign up as instructed as soon as a class or activity is announced. Please call if you or your student is unable to attend.

11. Communication is important: talk with your student, not at your student. Praise your student when your student has put in extra effort or attempted to “stretch” educationally. Nothing encourages students more than praise from their parents and teachers.

12. Make sure your student keeps consistent sleeping and eating habits to maximize optimum learning.

13. Stress the significance of getting and maintaining a good education. Look for opportunities to connect school to everyday life.
### Pacific View Charter School

#### Graduation Requirements

**220 credits**

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<tr>
<th>Discipline</th>
<th>Courses</th>
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<tbody>
<tr>
<td><strong>English</strong></td>
<td>40 Credits of English including:</td>
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<td></td>
<td>• Grammar and Composition</td>
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<tr>
<td></td>
<td>• World Literature</td>
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<td>• American Literature</td>
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<tr>
<td></td>
<td>• English Literature</td>
</tr>
<tr>
<td><strong>Mathematics</strong></td>
<td>30 Credits of Mathematics including:</td>
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<td></td>
<td>• Algebra I or Math I</td>
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<tr>
<td><strong>Science</strong></td>
<td>30 Credits of Science including:</td>
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<td></td>
<td>• Biology with lab (10 credits)</td>
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<td></td>
<td>• Any Physical Science Course</td>
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<tr>
<td><strong>Social Science</strong></td>
<td>30 Credits of Social Science including:</td>
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<td></td>
<td>• World History</td>
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<td>• United States History</td>
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<td>• Civics</td>
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<td>• Economics</td>
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<tr>
<td><strong>Foreign Language OR Fine Arts</strong></td>
<td>10 Credits</td>
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<tr>
<td>Health Science</td>
<td>5 Credits of Health Science including:</td>
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<td></td>
<td>• Health</td>
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<tr>
<td>Physical Education</td>
<td>20 Credits</td>
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<tr>
<td>Career/Technology*</td>
<td>10 Credits of Career/Technology including:</td>
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<td>• Introductory Course (1 credit)</td>
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<td>• Exit Course (1.5 credits)</td>
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<td></td>
<td>• Careers (5 credits)</td>
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<td></td>
<td>• Personal Finance (2.5 credits)</td>
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<tr>
<td>Electives</td>
<td>45 Credits of Electives</td>
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</tbody>
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*Graduates of the class of 2024 are required to meet the Career/Technology requirements as listed. Graduates in previous years may meet the requirement as listed or by taking the following: Intro Course, Exit Course, Careers 1 and Careers 2.*
High School Course Catalogs

Click on the links below to see the PVCS High School Course List and Course Descriptions

1. [Oceanside Track 1 Course Catalog](#)
2. [Moreno Valley Track 1 Course Catalog](#)
3. [Oceanside Track 2 Course Catalog](#)
4. [Moreno Valley Track 2 Course Catalog](#)
Annual Notices

SEXUAL HEALTH EDUCATION

The Charter School offers comprehensive sexual health education to its students in grades 7-12. A parent or guardian of a student has the right to excuse their child from all or part of comprehensive sexual health education, HIV prevention education, and assessments related to that education through a passive consent (“opt-out”) process. The Charter School does not require active parental consent (“opt-in”) for comprehensive sexual health education and HIV prevention education. Parents and guardians may:

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

A student may not attend any class in comprehensive sexual health education or HIV prevention education, or participate in any anonymous, voluntary, and confidential test, questionnaire, or survey on student health behaviors and risks, if the Charter School 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.

NONDISCRIMINATION STATEMENT

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

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

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

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

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

The Charter School is committed to providing a work and 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 in Employment Act of 1967; The Age Discrimination Act of 1975; the IDEIA; and Section 504 and Title II of the ADA (mental or physical disability). Charter School also prohibits sexual harassment, including cyber sexual bullying, and harassment based upon pregnancy, childbirth or related medical conditions, race, religion, religious affiliation, creed, color, immigration status, gender, gender identity, gender expression, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal, state, local law, ordinance or regulation. Charter School does not condone or tolerate harassment of any type, including discrimination, intimidation, or bullying, including cyber sexual bullying, by any employee, independent contractor or other person with which Charter School does business, or any other individual, student, or volunteer. This applies to all employees, students, or volunteers and relationships, regardless of position or gender. Charter School will promptly and thoroughly investigate any complaint of harassment and take appropriate corrective action, if warranted. Inquiries, complaints, or grievances regarding harassment as described in this section, above, should be directed to the Charter School Uniform Complaint Procedures (“UCP”) Compliance Officer:

Director of Student Services
3670 Ocean Ranch Blvd, Oceanside, CA 92056
760-757-0161

SCHOOL SAFETY PLAN

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

Animal Dissections

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

The Charter School 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.

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

Cal Grant Program Notice
The Charter School is required by state law to submit the Grade Point Average (“GPA”) of all high school seniors by Oct. 1 of each year, unless the student over age 18 years of age or parent/guardian for those under 18 years of age opt-out. Students currently in eleventh (11th) grade will be deemed a Cal Grant applicant, unless the student (or parent/guardian, if the student is under 18 years of age) has opted out by or before February 1.

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

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 health care provider. If the licensed health care provider determines the athlete has a concussion or head injury, the athlete shall also complete a
graduated return-to-play protocol of no less than 7 days in duration under the supervision of a licensed health care provider. On a yearly basis, a concussion and head injury information sheet must be signed and returned by the athlete and the athlete’s parent or guardian before the athlete initiates practice or competition. This requirement does not apply to an athlete engaging in an athletic activity during the regular school day or as part of a physical education course.

**Diabetes**
The Charter School 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:

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.
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.

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

**Nutritionally Adequate Free or Reduced-Price Meals**
Pursuant to California Law, the Charter School will provide each student who meets federal eligibility criteria for free and reduced-price meals with at least one free or reduced-price, nutritionally adequate meal per each school day on which the eligible student is scheduled for two or more hours of educational activities at a school site, resource center, meeting space or other satellite facility operated by the Charter School. Applications for free or reduced-price meals are included in the first day packets to all families and can also be obtained on the Charter School website and in the main office. All families are encouraged to complete the application form in order to include as many eligible students as possible. Completed application forms can be returned to the main office.

**Human Trafficking Prevention**
California has the highest number of incidents of human trafficking in the U.S., and all students may be vulnerable. Charter School believes it is a priority to inform our students about (1) prevalence, nature of and strategies to reduce the risk of human trafficking, techniques to set healthy boundaries, and how to safely seek assistance, and (2) how social medial and mobile device applications are used for human trafficking.
In accordance with the California Healthy Youth Act, Charter School will provide age-appropriate instruction on the prevention of human trafficking, including sexual abuse, assault, and harassment. You have the right to excuse your child from all or part of the instruction on the prevention of human trafficking. Please see your teacher if you would like to opt-out. 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 Charter School’s website for your review.

**Lost or Damaged School Property**

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

**Mental Health Services**

The Charter School recognizes that when unidentified and unaddressed, mental health challenges can lead to poor academic performance, increased likelihood of suspension and expulsion, chronic absenteeism, student attrition, homelessness, incarceration, and/or violence. Access to mental health services at the Charter School 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 760-757-0161. 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 the Special Education Coordinator at 760-757-0161 to request an evaluation.

- **Prescription medication while on campus** – if your child requires prescription medication during school hours and you would like assistance from School staff in providing this medication to your child, please contact the front office at 760-757-0161.

**Available in the Community:**

**Palomar Family Counseling Services, Inc.**
1002. E. Grand Ave., Escondido, CA 92084    760-741-2660
945 Vale Terrace Dr., Vista, CA 92084  760-630-3505
120 W. Hawthorne St., Fallbrook, CA 92028     760-731-3235
12439 Poway Rd., Ste. B, Poway, CA 92064    858-748-3610

Rady Children's
3605 Vista Way, Suite 258
Oceanside, CA 92056
Phone: 760-758-1480

North County Lifeline
707 Oceanside Blvd,
Oceanside, CA 92054
Phone: 760-757-0118
Youth & Family Counseling: Contact (760) 842-6214

Vista Community Clinic - Behavioral Health
1000 Vale Terrace Drive
Vista, CA 92084
Phone: 844-308-5003

San Diego County Access Line
24/7 support & access to information and resources: 888-724-7240

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 the Charter School 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.

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

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

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

- **Director of Student Services**
  
  3670 Ocean Ranch Blvd, Oceanside CA 92056
  
  760-757-0161

A copy of the UCP is available within this Handbook. 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.

**Sudden Cardiac Arrest Prevention and Automated External Defibrillators**
The Charter School 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/dhdsp/docs/cardiac-arrest-infographic.pdf](https://www.cdc.gov/dhdsp/docs/cardiac-arrest-infographic.pdf).
Pacific View Charter School
Student Policies

TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Student Policy #1:</th>
<th>Admissions and Enrollment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student Policy #2:</td>
<td>Attendance Policy</td>
</tr>
<tr>
<td>Student Policy #3:</td>
<td>Student Complaints</td>
</tr>
<tr>
<td>Student Policy #4:</td>
<td>Student Dress Code</td>
</tr>
<tr>
<td>Student Policy #5:</td>
<td>Records and Student Information</td>
</tr>
<tr>
<td>Student Policy #6:</td>
<td>Pupil Suspension and Expulsion Policy and Procedure</td>
</tr>
<tr>
<td>Student Policy #7:</td>
<td>Health Examinations and Immunizations</td>
</tr>
<tr>
<td>Student Policy #8:</td>
<td>Freedom of Expression</td>
</tr>
<tr>
<td>Student Policy #9:</td>
<td>Policy Against Plagiarism</td>
</tr>
<tr>
<td>Student Policy #11:</td>
<td>Sexual Harassment</td>
</tr>
<tr>
<td>Student Policy #12:</td>
<td>Student Organizations and Clubs</td>
</tr>
<tr>
<td>Student Policy #13:</td>
<td>Activities of Military Recruiters on Campus</td>
</tr>
<tr>
<td>Student Policy #14:</td>
<td>Special Education</td>
</tr>
<tr>
<td>Student Policy #15:</td>
<td>504/SST's</td>
</tr>
<tr>
<td>Student Policy #16:</td>
<td>Promotion/Acceleration/Retention</td>
</tr>
<tr>
<td>Student Policy #19:</td>
<td>Repeat Courses</td>
</tr>
<tr>
<td>Student Policy #20:</td>
<td>Technology Acceptable Use Policy</td>
</tr>
<tr>
<td>Student Policy #21:</td>
<td>Suicide Prevention Policy</td>
</tr>
<tr>
<td>Student Policy #22:</td>
<td>Education of Foster and Mobile Youth Policy</td>
</tr>
<tr>
<td>Student Policy #23:</td>
<td>Education for Homeless Children and Youth Policy</td>
</tr>
<tr>
<td>Student Policy #24:</td>
<td>Uniform Complaint Policy and Procedures</td>
</tr>
<tr>
<td>Student Policy #26:</td>
<td>Transportation Safety Plan</td>
</tr>
<tr>
<td>Curriculum and Instruction Policy #7:</td>
<td>Independent Study Policy</td>
</tr>
<tr>
<td>Curriculum and Instruction Policy #12:</td>
<td>Math Placement</td>
</tr>
<tr>
<td>Curriculum and Instruction Policy #13:</td>
<td>Missed Assignment Policy</td>
</tr>
</tbody>
</table>
Admissions & Enrollment

The goal of this admissions policy is to attract, enroll, and retain at our school the broadest spectrum of students and families representative of the rich diversity existing in the County. The School will be nonsectarian in its programs, admission policies, employment practices, and all other operations; the charter program will not charge tuition and the school will not discriminate in admissions or outreach against any pupil on the basis of ethnicity, national origin, gender or disability.

Our school is open to any student in the state and “if the number of pupils who wish to attend the charter school exceeds the school’s capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing.” Preference shall be extended to pupils currently attending the charter school and the following preferences, which are listed below in order of priority:

- Relatives of the school’s founding families (not to exceed 10% of the school’s total population)
- Students residing within the boundaries of the District.
- Siblings of students admitted to or attending the school
- Relatives of staff and governing board members (not to exceed 10% of the total student population)

Adopted: 12-07-04

Amended:
Pacific View Charter School

Student Policy #2

Attendance

Non-Classroom Based Programs

All attendance for non-classroom based programs shall be in accordance with current law and regulations. Please see the School's Missed Assignment Policy below for more details.

Adopted: 12-07-04

Amended: Policy Retired 7.21.2020
General Complaints Policy

The Charter School has adopted this General Complaint Policy to address concerns about the Charter School generally and/or regarding specific Charter School employees. For complaints regarding unlawful discrimination, harassment, intimidation or bullying, unlawful pupil fees, or other specific perceived violations of state or federal laws, please refer to the Charter School’s Title IX, Harassment, Intimidation, Discrimination, and Bullying Policy and/or the Charter School’s Uniform Complaint Policy and Procedures. For all other complaints, this Policy, the General Complaint Form, and accompanying procedures will be appropriate. For any questions regarding the application of this Policy or the Charter School's other policies, please contact the Executive Director at 760-757-0161.

This Policy shall be used when a non-employee complainant raises a complaint or concern about Charter School generally or a Charter School employee.

If reasonably feasible, third-party complaints shall be resolved at the lowest possible level, including attempts to discuss/resolve concerns with the Charter School employee directly. However, in the event an informal resolution cannot be achieved or is not appropriate, the following steps will be followed:

1. The complainants begin the process by filing a written complaint using a General Complaint Form (sample below) with the office of the Executive Director as soon as possible after the events that give rise to the complainant’s concerns. The written complaint shall set forth in detail the factual basis for the complaint;

2. The Executive Director (or designee) shall use their best efforts to ascertain the facts relating to the complaint. When applicable, the Executive Director (or designee) shall confer with the parties identified in the complaint or persons with knowledge of the particulars of the complaint to ascertain said facts; and

3. In the event that the Executive Director (or designee) finds that a complaint is valid, the Executive Director (or designee) shall take appropriate action to resolve the concern. In the event the complaint is against an employee of the Charter School, the Executive Director (or designee) may take disciplinary action against the employee. As appropriate, the Executive Director (or designee) may counsel or reprimand employees as to their conduct without initiating formal disciplinary measures. The Executive Director's (or designee's) decision relating to the complaint shall be final.

4. If the complaint is about the Executive Director, the complainant may file their complaint by using a General Complaint Form (sample below) and sending it to the Chair of the Board, who will then conduct a fact-finding investigation or authorize a third-party investigator on behalf of the Charter School. The Chair or investigator will report the findings to the Board, in closed session for review and further action, if necessary.
5. The Executive Director or Chair shall draft a written response to the complainant indicating that the matter has been investigated and sufficiently addressed. If appropriate, the response may include general details about the manner of the resolution, but at all times employee and student privacy rights shall be maintained. No response may include any details about adverse action taken against a student or employee.

Confidentiality

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

Non-Retaliation

Complainants will be advised that they complainants be protected against retaliation as a result of the filing of any complaints or participation in any complaint process.

Resolution

The administration will timely investigate complaints appropriately under the circumstances and pursuant to the applicable procedures, and if necessary, take appropriate remedial measures to ensure effective resolution of any complaint.

Adopted: 12-07-04 Amended: 7.21.2020
GENERAL COMPLAINT FORM

Name: ___________________________________________ Date: ________________________

Date of Alleged Incident(s):
___________________________________________________________

Name of Person(s) this complaint is about (if known and applicable):
____________________________________________________________________________

List any witnesses that were present: __________________________________________________
____________________________________________________________________________

Where did the incident(s) occur?
____________________________________________________

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

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

__________________________________________ Date: ________________________
Signature of Complainant

__________________________________________
Print Name

To be completed by School:

Received by: _____________________________ Date: ______________________
Student Policy #4

Student Dress Code

The intent of the dress code is to have students wear clothing that is appropriate for school and the learning environment and to prepare them for college and career.

THE FOLLOWING WILL NOT BE ACCEPTABLE AT PVCS:

❖ Beach wear
❖ Pajamas or slippers
❖ Halter tops/tube tops/ spaghetti strap tops
❖ Bare midriffs that show any skin- front or back
❖ Low cut tops (use “L” rule)
❖ Brief shorts/skirts- (arm's length rule)
❖ See-through outfits
❖ Any skin-tight clothing
❖ Bare feet
❖ Gang related clothing/Clothing with profanity
❖ Undergarments showing
❖ Baggy or sagging clothing
❖ Clothing or products that promote tobacco, alcohol, drugs, gangs or sex
❖ Hats, “doo rags”, sweatshirt hoods, and caps are to be removed while inside PVCS. Head coverings worn for religious reasons will be allowed.
❖ Bandanas
❖ Wearing of sunglasses while in the building

DRESS CODE ENFORCEMENT:
PVCS staff is expected to enforce the dress code in a fair and consistent manner. If a student violates the dress code, he/she may be given an oversized cover-up to wear during the appointment time. Should the student come dressed inappropriately a second time, the teacher will complete the dress code violation form.

Adopted: 12-07-04

Amended: 7.21.2020
# DRESS CODE

<table>
<thead>
<tr>
<th>Unacceptable</th>
<th>Acceptable</th>
</tr>
</thead>
</table>
| **Shorts/Skirts**  
(Length--below fingertips)  
(No Sagging) | ![Unacceptable Shorts](image1)  
![Acceptable Shorts](image2) |
| **Jeans:**  
(No Rips above fingertips - same length as shorts) | ![Unacceptable Jeans](image3)  
![Acceptable Jeans](image4) |
| **Shirts:**  
Straps must be 2 inches thick  
No bare midriff  
No backless, cleavage, or tube tops | ![Unacceptable Shirts](image5)  
![Acceptable Shirts](image6) |

No clothes/items that promote smoking, drugs, alcohol, gangs or sex  
**NO HATS INSIDE THE BUILDING!**  
**BE AWARE OF WHAT YOU WEAR!**
Pacific View Charter School

Educational Records and Student Information Policy

The Board of Directors of Pacific View Charter School ("PVCS" or "Charter School"), a California nonprofit public benefit corporation operating public charter schools, adopts this Educational Records and Student Information Policy to apply to all educational records and student information maintained by PVCS.

Definitions

- "Education Record": An education record is any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche that directly relates to a student and is maintained by PVCS or by a party acting for PVCS. Such information includes, but is not limited to:

  1. Date and place of birth; parent and/or guardian's address, mother’s maiden name and where the parties may be contacted for emergency purposes;
  
  2. Grades, test scores, courses taken, academic specializations and school activities;
  
  3. Special education records;
  
  4. Disciplinary records;
  
  5. Medical and health records;
  
  6. Attendance records and records of past schools attended; and/or
  
  7. Personal information such as, but not limited to, a student's name, the name of a student's parent or other family member, student identification numbers, social security numbers, photographs, biometric record or any other type of information that aids in identification of a student.

An education record does not include any of the following:

  1. Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;

  2. In the case of a person who is employed by PVCS but not in attendance at PVCS, records made and maintained in the normal course of business, relate exclusively to the individual in that individual’s capacity as an employee and are not available for any other purpose;

  3. Records of a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are: a) made or maintained by a physician, psychiatrist,
psychologist, or other recognized professional or paraprofessional acting in their professional capacity or assisting in a paraprofessional capacity; b) made, maintained, or used only in connection with treatment of the student; and c) disclosed only to individuals providing the treatment. For the purpose of this definition, “treatment” does not include remedial educational activities or activities that are part of the program of instruction at PVCS;

4. Records that only contain information about an individual after the individual is no longer a student at PVCS; or

5. Grades on peer-graded papers before they are collected and recorded by a teacher.

- **Personally Identifiable Information**: Personally identifiable information ("PII") is information about a student that is contained in their education records that cannot be disclosed without compliance with the requirements of Family Educational Rights and Privacy Act of 2001 ("FERPA"). PII includes, but is not limited to: a student’s name; the name of a student’s parent or other family member; the address of a student or student’s family; a personal identifier, such as the student’s Social Security number, student number or biometric record; other indirect identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who PVCS reasonably believes knows the identity of the student to whom the education record relates.

- **Directory Information**: Charter School may disclose the PII that it has designated as directory information, consistent with the terms of the annual notice provided by PVCS pursuant to the FERPA (20 U.S.C. § 1232g). PVCS has designated the following information as directory information:
  1. Student’s name
  2. Student’s address
  3. Parent/guardian’s address
  4. Telephone listing
  5. Student’s electronic mail address
  6. Parent/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 SSN, in whole or in part, cannot be used for this purpose.)

- **Parent**: Parent means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.
• "Eligible Student": Eligible student means a student who has reached eighteen (18) years of age.

• "School Official": A school official is a person employed by Charter School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the Board of Directors of PVCS. A school official also may include a volunteer for PVCS or an independent contractor of PVCS or other party who performs an institutional service or function for which PVCS would otherwise use its own employees and who is under the direct control of PVCS 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 school official in performing their tasks.

• "Legitimate Educational Interest": A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility.

Disclosure Of Directory Information

At the beginning of each school year, PVCS shall provide parents and eligible students with a notice containing the following information: 1) The type of PII it designates as directory information; 2) The parent’s or eligible student’s right to require that PVCS not release “directory information” without obtaining prior written consent from the parent or eligible student; and 3) The period of time within which a parent or eligible student must notify PVCS in writing of the categories of “directory information” that it may not disclose without the parent’s or eligible student’s prior written consent. PVCS will continue to honor a valid request to opt out of the disclosure of a former student’s directory information made while the former student was in attendance unless the student rescinds the opt out request.

Annual Notification To Parents And Eligible Students

At the beginning of each school year, in addition to the notice required for directory information, the Charter School shall provide eligible students currently in attendance and parents of students currently in attendance with a notice of their rights under the FERPA. The notice shall inform the parents and eligible students that they have the right to:

1. Inspect and review the student’s education records;

2. Seek amendment of the student’s education records that the parent or eligible student believes to be inaccurate, misleading or otherwise in violation of the student’s privacy rights;

3. Consent to disclosures of PII contained in the student’s education records, except to the extent that disclosure is permitted without prior written consent pursuant to FERPA;

4. File with the U.S. Department of Education a complaint concerning alleged failures by PVCS to comply with the requirements of FERPA and its promulgated regulations; and

5. Request that PVCS not release student names, addresses and telephone listings to military recruiters or institutions of higher education without prior written parental consent.
The notice must also include the following:

1. The procedure for exercising the right to inspect and review educational records;

2. The procedure for requesting amendment of records;

3. A statement that PVCS forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer; and

4. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

Parental And Eligible Student Rights Relating To Education Records

Parents and eligible students have the right to review the student’s education records. In order to do so, parents and eligible students shall submit a request to review education records in writing to the Executive Director. Within ten (10) business days, PVCS shall comply with the request.

1. **Copies of Education Records**

   Charter School will provide copies of requested documents within ten (10) business days of a written request for copies. PVCS may charge reasonable fees for copies it provides to parents or eligible students. However, no charge shall be made for furnishing (1) up to two transcripts of former students’ records or (2) up to two verifications of various records of former students. The charge will not include a fee to search for or to retrieve the education records.

2. **Request for Amendment to Education Records**

   Following the inspection and review of a student's education record, a parent or eligible student may file a written request with the Executive Director to correct or remove any information in the student’s education record that is any of the following:

   a. Inaccurate.
   b. Misleading.
   c. In violation of the privacy rights of the student.

   Charter School will respond within thirty (30) days of the receipt of the request to amend. PVCS’s response will be in writing and if the request for amendment is denied, PVCS will set forth the reason for the denial and inform the parent or eligible student of their right to a hearing challenging the content of the education record.

   If the Executive Director sustains any or all of the allegations, the Executive Director must order the correction or the removal and destruction of the information. The Executive Director or designee must then inform the parent or eligible student of the amendment in writing.

3. **Hearing to Challenge Education Record**

   If Charter School denies a parent or eligible student’s request to amend an education record, the parent or eligible student may, within thirty (30) days of the denial, request in writing that the
parent or eligible student be given the opportunity for a hearing to challenge the content of the student’s education record on the grounds that the information contained in the education record is: inaccurate, misleading, or in violation of the privacy rights of the student.

The Board Chair may convene a hearing panel to assist in making determinations regarding educational record challenges provided that the parent has given written consent to release information from the student’s records to the members of the panel convened. The hearing panel shall consist of the following persons:

a. The principal or designee of a public school other than the public school at which the record is on file;

b. A certificated Charter School employee; and

c. A parent appointed by the Executive Director or by the Board Chair, depending upon who convenes the panel.

The hearing to challenge the education record shall be held within thirty (30) days of the date of the request for a hearing. Notice of the date, time and place of the hearing will be sent by Charter School to the parent or eligible student no later than twenty (20) days before the hearing.

The principal or designee of a public school will serve as the chairman and shall not be required to use formal rules of evidence or procedure. The parent or eligible student will be given a full and fair opportunity to present evidence relevant to the issues relating to the challenge to the education record. The parent or eligible student may also, at their own expense, be assisted or represented by one or more individuals of their choice, including an attorney. The decision of the Board Chair or designee will be based solely on the evidence presented at the hearing and is final.

Within thirty (30) days after the conclusion of the hearing, PVCS’s decision regarding the challenge will be made in writing and will include a summary of the evidence and the reasons for the decision.

If, as a result of the hearing, Charter School decides that the information is inaccurate, misleading, or in violation of the privacy rights of the student, it will amend the record accordingly and inform the parent or eligible student of the amendment in writing.

If, as a result of the hearing, Charter School decides that the information in the education record is not inaccurate, misleading, or in violation of the privacy rights of the student, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why they disagree with the decision of PVCS, or both. If PVCS places a statement by the parent or eligible student in the education records of a student, it will maintain the statement with the contested part of the record for as long as the record is maintained and disclose the statement whenever it discloses the portion of the record to which the statement relates.

Disclosure Of Education Records And Directory Information

Charter School must have a signed and dated written consent from the parent or eligible student before releasing any non-directory information from a student’s education record except as provided below. The written permission must specify the records that may be disclosed, the purpose of the disclosure and the party or class of parties to whom the disclosure may be made. When disclosure is made pursuant to written permission, the parent or eligible student may request a copy of the disclosed records and PVCS shall provide the requestor with a copy of the records disclosed upon
request. Signed and dated written consent may include a record and signature in electronic form if it identifies and authenticates a particular person as the source of the electronic consent and indicates such person’s approval of the information contained in the electronic consent.

PVCS will only disclose PII on the condition that the receiving party not disclose the information to any party without the prior written consent of the parent or eligible student and that the receiving party use the information for the purposes for which the disclosure was made. This restriction does not apply to disclosures that fall within the disclosure exceptions listed below. PVCS must maintain the appropriate records related to these disclosure exceptions, as described below. Except for disclosures pursuant to a warrant, judicial order or lawfully issued subpoena, or directory information or to parents or eligible students, PVCS will inform a receiving party of the requirement that the party not disclose the information to any other party without the prior written consent of the parent or eligible student and that the receiving party use it for the purpose for which the disclosure was made. Note specifically that PVCS will not release information to third parties for immigration-enforcement purposes, except as required by law or court order.

1. Charter School will disclose education records, without prior written consent of the parent or eligible student, to the following parties:

2. School officials who have a legitimate educational interest as defined by 34 Code of Federal Regulations (“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, PVCS 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. PVCS will make a reasonable attempt to notify the parent or eligible student of the request for records at their last known address, unless the disclosure is initiated by the parent or eligible student. Additionally, PVCS 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 pursuant to Section (IV)(3) above;

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 PVCS 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/or 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 PVCS for student and parents, and any individualized education program (“IEP”) or Section 504 plan that may have been developed or maintained by PVCS; 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 final results of the disciplinary proceedings conducted by PVCS with respect to that alleged crime or offense. PVCS may disclose the final results of the disciplinary proceeding, regardless of whether PVCS concluded a violation was committed.

**Record Keeping Requirements**

PVCS will maintain a record of each request for access to and each disclosure of PII from the education records of each student for as long as the records are maintained. For each request, the record must include the following information: the parties who have requested or received the information and the legitimate interests the parties had in requesting or obtaining the information.

For disclosures of PII to institutions that make disclosures of the information on behalf of PVCS in accordance with 34 C.F.R § 99.33(b), the record must include the names of the additional parties to which the receiving party may disclose the information on behalf of PVCS and the legitimate interests that each of the additional parties has in requesting or obtaining the information.

These record keeping requirements do not apply to requests from or disclosure to parents or eligible students, PVCS officials with a legitimate purpose of inspecting the records, a party with written consent from the parent or eligible student, a party seeking directory information, or a party seeking or receiving the records as directed by a court order or subpoena.

The records relating to disclosures of PII may be inspected by parents and eligible students, PVCS officials (or their assistants) responsible for the custody of the records, and parties authorized by regulations for the purpose of auditing the recordkeeping procedures of Charter School.

Student cumulative records may not be removed from the premises of PVCS, unless the individual removing the record has a legitimate educational interest, and is authorized by the Executive Director, or by a majority of a quorum of the Board of Directors at a duly agendized meeting. Employees who remove student cumulative records or other student records from the PVCS premises without a legitimate educational interest and authorization may be subject to discipline. Employees are permitted to take student work-product, or other appropriate student records, off premises without authorization for legitimate academic purposes (e.g. grading work-product, assigning credit, reviewing materials for classroom discussion, etc.).

**Complaints**
Parents and eligible students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by Charter School to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Student Privacy Policy Office
U.S. Department of Education
400 Maryland Avenue. S.W.
Washington, D.C. 20202-5920

Record Retention

Charter School complies with the definition and retention of student records as established in Title 5 of the California Code of Regulations (“CCR”) sections 431 through 438, per the following:

- "Mandatory Permanent Student Records": must be maintained indefinitely or an exact copy thereof for every student who was enrolled in the charter school. These records are defined as:
  1. Legal name of student
  2. Date of birth
  3. Method of verification of birth date
  4. Sex of student
  5. Place of birth
  6. Name and address of parent of minor student
  7. Address of minor student if different than above
  8. An annual verification of the name and address of the parent and the residence of the student
  9. Entering and leaving date of each school year and for any summer session or other extra session
  10. Subjects taken during each year, half year, summer session or quarter
  11. If marks or credit are given, the mark or number of credits toward graduation allows for work taken.
  12. Verification of or exemption from required immunizations
  13. Date of high school graduation or equivalent

The mandatory permanent student record or a copy thereof shall be forwarded by the Charter School upon request of a public or private school in which the student has enrolled or intends to enroll. If the Charter School forwards the original mandatory permanent student record, a copy must be maintained by the Charter School. If the Charter School forwards a copy, the original must be maintained by the Charter School.

- "Mandatory Interim Student Records": Must be maintained until judged to be disposable defined as “when the student leaves the charter school or when their usefulness ceases.” These records may be destroyed during the third (3rd) school year following the determination that the records are disposable (i.e. 2019-2020 records may be destroyed after July 1, 2023). These records are defined as:
  1. A log or record identifying those persons (except authorized school personnel) or organizations requesting or receiving information from the record. The log or record shall be accessible only to the legal parent or guardian or the eligible student, or a dependent adult student, or an adult student, or the custodian of records.
  2. Health information, including Child Health Developmental Disabilities Prevention Program verification or waiver
  3. Participation in special education programs including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge
  4. Language training records
5. Progress slips and/or notices
6. Parental restrictions regarding access to directory information or related stipulations.
7. Parental or adult student rejoinders to challenged records and to disciplinary action
8. Parental authorizations or prohibitions of student participation in specific programs
9. Results of standardized tests administered within the preceding three years

The mandatory interim student record or a copy thereof shall be forwarded by the Charter School upon request of a public school in California in which the student has enrolled or intends to enroll. If the transfer is to an out of state or to a private school, the mandatory interim student record may be forwarded. If the Charter School forwards the original mandatory interim student record, a copy must be maintained by the Charter School until it is destroyed in accordance with this Policy. If the Charter School forwards a copy, the original must be maintained by the Charter School until destroyed in accordance with this Policy.

- “Permitted Student Records”: may be maintained and may be destroyed when their usefulness ceases or after six (6) months following the student’s completion or withdrawal from school. These records are defined as:
  1. Objective counselor and/or teacher ratings
  2. Standardized test results older than three years
  3. Routine discipline data
  4. Verified reports of relevant behavioral patterns
  5. All disciplinary notices
  6. Attendance records not covered in the 5 CCR § 400

Permitted student records may be forwarded upon a request by a public or private school in which a student is enrolling. If the Charter School forwards the original permitted student record, a copy must be maintained by the Charter School until it is destroyed in accordance with this Policy. If the Charter School forwards a copy, the original must be maintained by the Charter School until destroyed in accordance with this Policy.

Adopted: 12-07-04

Amended: 05-03-05;
06-18-06; 7.21.2020
Pacific View Charter School

Students
Policy#6

Student Suspension and Expulsion Policy and Procedure

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

Consistent with this Policy, it may be necessary to suspend or expel a student from regular instruction. However, this Policy implements an alternative approach to student discipline to include a restorative, rather than punitive approach. In some cases, over-reliance on punitive measures involving removal, such as out-of-school suspension and expulsion, deprives students of the chance to receive the education and help that they need, making it more likely that they will drop out of school, enter the criminal justice system, and place their future options in jeopardy. The Charter School believes that in some cases, there is a better way to hold students accountable to their actions while providing support systems to keep students in school.

Every student has a right to be educated in a safe and welcoming environment and to be treated in a manner that respects their human dignity and to be free from disparate or discriminatory discipline. Every educator has a right to be provided with the support and tools to meet the needs of students struggling with social and emotional challenges and to teach in a school environment that provides a structure for teaching and supporting positive behaviors.

The Charter School proposes to adopt the Alternative Student Discipline Implementation Plan, and to develop a Discipline Matrix to guide the actions of all school site leaders with regards to out-of-school suspension or expulsion. This matrix addresses problem school areas (such as the playground) or times of day (such as after lunch), but the elements in this matrix shall be applied equally to all students and data shall be entered and analyzed monthly to ensure equal and objective application. The Executive Director or designee shall review the data entered to ensure that the Matrix is being followed and take appropriate action if discrepancies are found.

Pending adoption of an alternative student discipline program, this policy shall serve as the Charter School’s policy and procedures for student suspension, expulsion and involuntary removal and it may be amended from time to time without the need to seek a material revision of the charter so long as the amendments comport with legal requirements. Charter School staff shall enforce disciplinary policies and procedures fairly and consistently among all students. This Policy and its procedures will be printed and distributed annually as part of the Student Handbook which will clearly describe discipline expectations.
Discipline includes but is not limited to advising and counseling students, conferring with parents/guardians, detention during and after school hours, the use of alternative educational environments, suspension and expulsion. Where a student’s behavior repeatedly fails to meet the standards established by this Policy, the student may be asked to sign a Behavior Contract. A condition of this contract may require the student to satisfy a minimum number of community service hours at the Charter School as well as complete educational coursework related to specific behaviors.

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

The Charter School administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline and involuntary removal policies and procedures. The notice shall state that this Policy and Procedure are available online as well as printed upon request from the Main Office.

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

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

No student shall be involuntarily removed by the Charter School for any reason unless the parent or guardian of the student has been provided written notice of intent to remove the student no less than five (5) schooldays before the effective date of the action. The written notice shall be in the native language of the student or the student’s parent/guardian or, if the student is a foster child or youth or a homeless child or youth, the student’s educational rights holder, and shall inform the student, the student’s parent/guardian, or educational rights holder of the basis for which the student is being involuntarily removed and the student’s parent, guardian, or educational rights holder’s right to request a hearing to challenge the involuntary removal. If a student’s parent, guardian, or educational rights holder requests a hearing, the Charter School shall utilize the same hearing procedures specified below for expulsions, before the effective date of the action to involuntarily remove the student. If the student’s parent, guardian, or educational rights holder requests a hearing, the student shall remain enrolled and shall not be removed until the Charter School issues a final decision. As used herein, “involuntarily removed” includes disenrolled, dismissed, transferred, or terminated, but does not include removals for misconduct which may be grounds for suspension or expulsion as enumerated below. Students may be involuntarily removed for reasons including, but not limited to,
failure to comply with the terms of the student’s independent study Master Agreement pursuant to Education Code Section 51747(c)(4).

Administrative Procedures for Pupil Suspension and Expulsion

A. Definitions (as used in this policy)


2. “Expulsion” means disenrollment from the Charter School due to misconduct.

3. “School day” means a day upon which the Charter School is in session or weekdays during the summer recess.

4. “Suspension” means removal of a pupil from ongoing instruction for adjustment purposes. However, “suspension” does not mean the following:
   a. Reassignment to another education program or class at the Charter School where the pupil will receive continuing instruction for the length of day prescribed by the Charter School Board for pupils of the same grade level.
   b. Referral to a certificated employee designated by the Executive Director to advise pupils.
   c. Removal from the class but without reassignment to another class for the remainder of the class period without sending the pupil to the Executive Director or designee.

5. “Pupil” or “Student” includes a pupil’s parent or guardian or legal counsel or other representative.


B. Grounds for Suspension and Expulsion of Students; Alternatives

A student may be suspended or expelled for prohibited misconduct if the act is related to school activity or school attendance occurring at any time including but not limited to: 1) while on school grounds; 2) while going to or coming from school; 3) during the lunch period, whether on or off the school campus; or 4) during, going to, or coming from a school-sponsored activity.

Alternatives to suspension or expulsion will be first attempted with students who are truant, tardy, or otherwise absent from assigned school activities, and whose conduct does not warrant the use of traditional disciplinary methods. In such cases the student will typically be allowed to avoid out-of-school suspension by agreeing to perform community service and following the other conditions of a behavior contract. Alternative consequences for minor misconduct will be developed further in accordance with the Alternative Student Discipline Implementation Plan.

C. Enumerated Offenses

1. Discretionary Suspension Offenses. Students may be suspended 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, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.

d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.

e) Committed or attempted to commit robbery or extortion.

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

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

h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of a student’s own prescription products by a student.

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

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

k) 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. This section shall only apply to students in any of grades 9-12, inclusive.

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

m) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

n) 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.

o) Unlawfully offered, arranged to sell, negotiated to sell, or sold any prescription drugs.
p) Engaged in, or attempted to engage in hazing. For the purposes of this policy, “hazing” means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this policy, “hazing” does not include athletic events or school-sanctioned events.

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

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

s) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in Education Code Section 233(e). This provision shall apply to pupils in any of grades 4 to 12, inclusive.

t) Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading the rights of either school personnel or volunteers and/or student(s) by creating an intimidating or hostile educational environment. This provision shall apply to pupils in any of grades 4 to 12, inclusive.

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

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

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

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

iii. Causing a reasonable student to experience substantial interference with his or her academic performance.

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

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

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

ii. A post on a social network Internet Web site including, but not limited to:
   (a) Posting to or creating a burn page. A “burn page” means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
   (b) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (1) above. “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
   (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.

iii. An act of cyber sexual bullying.
   (a) For purposes of this policy, “cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
   (b) For purposes of this policy, “cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

3) Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
v) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1)(a)-(b).

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

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

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

   b) Brandishing a knife at another person.

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

   d) Committing or attempting to commit a sexual assault or committing a sexual battery as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289 of former Section 288a of the Penal Code or committed a sexual battery as defined in Penal Code Section 243.4.

3. Discretionary Expellable Offenses: Students may be recommended for expulsion when it is determined the 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, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.

   d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.

   e) Committed or attempted to commit robbery or extortion.

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

h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of a student’s own prescription products by a student.

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

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

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

l) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

m) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.

n) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

o) Engaged in, or attempted to engage in hazing. For the purposes of this policy, “hazing” means a method of initiation or preinitiation into a 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 policy, “hazing” does not include athletic events or school-sanctioned events.

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

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

r) Caused, attempted to cause, threatened to cause or participated in an act of hate violence,
as defined in subdivision (e) of Section 233 of the Education Code. This provision shall
apply to pupils in any of grades 4 to 12, inclusive.

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

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

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

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

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

iii. Causing a reasonable student to experience substantial interference with his
or her academic performance.

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

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

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

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

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

   (b) Creating a credible impersonation of another actual pupil for the purpose
       of having one or more of the effects listed in subparagraph (1) above.

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

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

iii. An act of cyber sexual bullying.

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

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

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

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

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

4. Non-Discretionary Expellable Offenses: Students must be recommended for expulsion when it is determined pursuant to the procedures below that the pupil:

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

b) Brandishing a knife at another person.

c) Unlawfully selling a controlled substance listed in Health and Safety Code Section 11053, et seq.
d) Committing or attempting to commit a sexual assault or committing a sexual battery as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289 of former Section 288a of the Penal Code or committed a sexual battery as defined in Penal Code Section 243.4.

The above list is not exhaustive and depending upon the offense, a pupil may be suspended or expelled for misconduct not specified above.

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

The Charter School will use the following definitions:

- **The term “knife”** means (A) any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing; (B) a weapon with a blade fitted primarily for stabbing; (C) a weapon with a blade longer than 3½ inches; (D) a folding knife with a blade that locks into place; or (E) a razor with an unguarded blade.

- **The term “firearm”** means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

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

## D. Suspension Procedure

Suspensions shall be initiated according to the following procedures:

1) **Informal Conference**

Suspension shall be preceded, if possible, by a conference conducted by the Executive Director or designee with the student and his or her parent/guardian and, whenever practical, the teacher, supervisor or Charter School employee who referred the student to the Executive Director or designee.

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

At the conference, the pupil shall be informed of the reason for the disciplinary action and the
evidence against him or her and shall be given the opportunity to present his or her version and
evidence in his or her defense, in accordance with Education Code Section 47605(c)(5)(J)(i). This
conference shall be held within two (2) school days, unless the pupil waives this right or is physically
unable to attend for any reason including, but not limited to, incarceration or hospitalization. No
penalties may be imposed on a pupil for failure of the pupil’s parent or guardian to attend a
conference with Charter School officials. Reinstatement of the suspended pupil shall not be
contingent upon attendance by the pupil’s parent or guardian at the conference.

2) Notice to Parents/Guardians

At the time of the suspension, an administrator or designee shall make a reasonable effort to contact
the parent/guardian by telephone or in person. Whenever a student is suspended, the
parent/guardian shall be notified in writing of the suspension and the date of return following
suspension. This notice shall state the specific offense(s) committed by the student as well as the date
the student may return to school following the suspension. In addition, the notice may also state the
time when the student may return to school. If Charter School officials wish to ask the
parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that
the parent/guardian respond to such requests without delay.

3) Suspension Time Limits/Recommendation for Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5)
consecutive school days per suspension. Upon a recommendation of expulsion by the Executive
Director or designee, the pupil and the pupil’s parent/guardian or representative will be invited to a
conference to determine if the suspension for the pupil should be extended pending an expulsion
hearing. In such instances when the Charter School has determined a suspension period shall be
extended, such extension shall be made only after a conference is held with the pupil or the pupil’s
parent/guardian, unless the pupil and the pupil’s parent/guardian fail to attend the conference.

This determination will be made by the Executive Director or designee upon either of the following
determinations: 1) the pupil’s presence will be disruptive to the education process; or 2) the pupil
poses a threat or danger to others. Upon either determination, the pupil’s suspension will be
extended pending the results of an expulsion hearing.

4) Homework Assignments During Suspension

In accordance with Education Code Section 48913.5, upon the request of a parent, a legal guardian or
other person holding the right to make education decisions for the student, or the affected student, a
teacher shall provide to a student in any of grades 1 to 12, inclusive, who has been suspended from school
for two (2) or more school days, the homework that the student would otherwise have been assigned.

In accordance with Education Code Section 48913.5(b), if a homework assignment that is requested
pursuant to Section 48913.5(a) and turned into the teacher by the student either upon the student’s
return to school from suspension or within the timeframe originally prescribed by the teacher, whichever
is later, is not graded before the end of the academic term, that assignment shall not be included in the
calculation of the student’s overall grade in the class.

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

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

F. Expulsion Procedures

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

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

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

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

The Charter School may, upon a finding of good cause, determine that the disclosure of either the identity of the witness or the testimony of that witness at the hearing, or both, would subject the
witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations that shall be examined only by the Charter School or the hearing officer. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the 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 (5) days notice of his/her scheduled testimony, (b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she testifies, which may include a parent, guardian, or legal counsel, and (c) elect to have the hearing closed while testifying.

2. The Charter School must also provide the victim a room separate from the hearing room for the complaining witness’ use prior to and during breaks in testimony.

3. At the discretion of the entity conducting the expulsion hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which the complaining witness may leave the hearing room.

4. The entity conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.

5. The entity conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours the complaining witness is normally in school, if there is no good cause to take the testimony during other hours.

6. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the entity presiding over the hearing from removing a support person whom the presiding person finds is disrupting the hearing. The entity conducting the hearing may permit any one of the support persons for the complaining witness to accompany the complaining witness to the witness stand.

7. If one or both of the support persons is also a witness, the Charter School must present evidence that the witness’ presence is both desired by the witness and will be helpful to the Charter School. The entity presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising 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 entity conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstance can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

H. 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.

I. Presentation of Evidence

While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A recommendation by the Administrative Panel to expel must be supported by substantial evidence that the student committed an expellable offense. Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay. Sworn declarations may be admitted as testimony from witnesses of whom the Board or Administrative Panel determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

If, due to a written request by the expelled 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.

J. Expulsion Decision

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

If the Administrative Panel decides not to recommend expulsion, or the Board of Directors ultimately decides not to expel, the pupil shall immediately be returned to his/her previous educational program.

The Board of Directors may also determine to suspend the enforcement of the expulsion order for a period of not more than one (1) calendar year from the date of the expulsion hearing and return the student to the student’s previous educational program under a probationary status and rehabilitation plan to be determined by the Board. During the period of the suspension of the expulsion order, the student is deemed to be on probationary status. The Board of Directors may revoke the suspension of an expulsion order under this section if the student commits any of the enumerated offenses listed above or violates any of the Charter School’s rules and regulations.
governing student conduct. If the Board revokes the suspension of an expulsion order, the student may be expelled under the terms of the original expulsion order. The Board of Directors shall apply the criteria for suspending the enforcement of the expulsion order equally to all students, including individuals with exceptional needs as defined in Education Code Section 56026. The Board of Directors shall further comply with the provisions set forth under Education Code Section 48917, except as otherwise expressly set forth herein.

K. **Written Notice to Expel**

The Executive Director or designee, following a decision of the Board of Directors to expel, shall send written notice of the decision to expel, including the Board of Directors’ adopted findings of fact, to the student and the student’s parent/guardian. This notice shall also include the following:

1) Notice of the specific offense committed by the student, and

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 Charter School.

The Executive Director or designee shall send a copy of the written notice of the decision to expel to the Student’s District of residence and authorizer. This notice shall include the following: a) The student’s name; and b) The specific expellable offense committed by the student.

L. **Disciplinary Records**

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

M. **No Right to Appeal**

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

N. **Expelled Pupils/Alternative Education**

Parents/guardians of pupils who are expelled shall be responsible for seeking alternative education programs including, but not limited to, programs within the County or their school district of residence. The Charter School shall work cooperatively with parents/guardians as requested by parents/guardians or by the school district of residence to assist with locating alternative placements during expulsion.

O. **Rehabilitation Plans**

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

P. **Readmission or Admission of Previously Expelled Student**
The decision to readmit a pupil after the end of the pupil’s expulsion term or to admit a previously expelled pupil from another school district or charter school who has not been readmitted/admitted to another school or school district after the end of the pupil’s expulsion term shall be in the sole discretion of the Board of Directors following a meeting with the Executive Director or designee and the pupil and parent/guardian or representative to determine whether the pupil has successfully completed the rehabilitation plan and to determine whether the pupil poses a threat to others or will be disruptive to the school environment. The Executive Director or designee shall make a recommendation to the Board of Directors following the meeting regarding the Executive Director’s or designee’s determination. The Board shall then make a final decision regarding readmission or admission of the pupil during the closed session of a public meeting, reporting out any action taken during closed session consistent with the requirements of the Brown Act. The pupil’s readmission is also contingent upon the Charter School’s capacity at the time the student seeks readmission or admission to the Charter School.

Q. Notice to Teachers

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

R. Involuntary Removal for Truancy

In accordance with Education Code Section 51747 and the Charter School's Board policy on independent study, after missing ten (10) high school or fifteen (15) elementary assignments during any period of five (5) school days an evaluation will be conducted by the Executive Director and/or designee and supervising teacher to determine whether it is in the best interests of the pupil to remain enrolled in independent study. If it is determined that it is not in the student's best interest to remain in independent study, the Charter School may involuntarily remove the student after the Charter School follows the requirements of the Missed Assignment Policy and only after providing notice and an opportunity for a parent, guardian, educational rights holder to request a hearing prior to any involuntary removal as forth herein. Students who are involuntarily removed for truancy shall be given a rehabilitation plan and shall be subject to the readmission procedures set forth herein.

S. Special Procedures for the Consideration of Suspension and Expulsion Involuntary Removal of Students of Students with Disabilities

1. Notification of SELPA

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

2. Services During Suspension

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

3. Procedural Safeguards/Manifestation Determination

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

a. If the conduct in question was caused by, or had a direct and substantial relationship to, the child’s disability; or

b. If the conduct in question was the direct result of the local educational agency’s failure to implement the IEP/504 Plan.

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

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

a. Conduct a functional behavioral assessment and implement a behavioral intervention plan for such child, provided that the Charter School had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;

b. If a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and

c. Return the child to the placement from which the child was removed, unless the parent/guardian and the Charter School agree to a change of placement as part of the modification of the behavioral intervention plan.

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

4. Due Process Appeals

The parent/guardian of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or the Charter School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request an expedited administrative hearing through the Special Education Unit of the Office of Administrative Hearings or by utilizing the dispute provisions of the 504 Policy and Procedures.
When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent/guardian or the Charter School, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer in accordance with state and federal law, including 20 U.S.C. Section 1415(k), until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, unless the parent/guardian and the Charter School agree otherwise.

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

In such an appeal, a hearing officer may: (1) return a child with a disability to the placement from which the child was removed; or (2) order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.

5. Special Circumstances

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

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

a. Carries or possesses a weapon, as defined in 18 U.S.C. Section 930, to or at school, on school premises, or to or at a school function;

b. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or

c. Has inflicted serious bodily injury, as defined by 20 U.S.C. Section 1415(k)(7)(D), upon a person while at school, on school premises, or at a school function.

6. Interim Alternative Educational Setting

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

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

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

The Charter School shall be deemed to have knowledge that the student had a disability if one of the following conditions exists:
a. The parent/guardian has expressed concern in writing, or orally if the parent/guardian does not know how to write or has a disability that prevents a written statement, to Charter School supervisory or administrative personnel, or to one of the child’s teachers, that the student is in need of special education or related services.

b. The parent/guardian has requested an evaluation of the child.

c. The child’s teacher, or other Charter School personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education or to other Charter School supervisory personnel.

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

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

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

Adopted: 12-07-04 Amended: 7.20.10; 9.18.18; 7.21.2020
Health Examinations and Immunizations

Health Examinations

The Governing board recognizes that periodic health examinations of students may lead to the detection and treatment of conditions that impact learning. Health examinations also may help in determining whether special adaptations of the school program are necessary.

In addition to verifying that students have complied with legal requirements for health examinations and immunizations before enrolling in the School, the School shall administer tests for vision, hearing and scoliosis as required by law.

The Director, or designee, shall ensure that staff employed to examine students exercise proper care of each student and that examination results are kept confidential. Records related to these examinations shall be available only in accordance with law.

Reports to the Board regarding the number of student found to have physical problems and the effort made to correct them shall in no way reveal the identity of students.

Immunizations

The Pacific View Charter School (“PVCS” or the “Charter School”) will adhere to all laws related to legally required immunizations for entering students pursuant to Health and Safety Code Sections 120325-120380, and Title 17, California Code of Regulations Sections 6000-6075.

Required Immunizations, Records and Reports

California law requires that an immunization record be presented to PVCS staff before a child can be unconditionally enrolled in school. PVCS requires written verification from a doctor or immunization clinic of the following immunizations:

Entering students who are not exempt will need the following immunization requirements:

<table>
<thead>
<tr>
<th>Child’s Grade</th>
<th>Immunization</th>
<th>Dosage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entering Kindergarten¹</td>
<td>Diphtheria, Pertussis, and Tetanus (DTaP)</td>
<td>Five (5) doses</td>
</tr>
<tr>
<td></td>
<td>Polio</td>
<td>Four (4) doses</td>
</tr>
</tbody>
</table>

¹ NOTE: Four doses of DTaP are allowed if one was given on or after the fourth birthday. Three doses 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. 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.
Verifying immunizations will be completed with written medical records from the child’s doctor or immunization clinic. Immunization records shall be part of the mandatory permanent pupil record and shall be kept in accordance with PVCS’s Educational Records and Student Information Policy. Charter School will file a written report on the immunization status of all new entrants to PVCS with the California Department of Public Health, on at least an annual basis, as required by law.

Charter School shall immediately admit a foster child, as defined in Education Code § 48853.5(a), and a homeless child, as defined in Section 11434a(2) of Title 42 of the United States Code, even if the foster or homeless child’s immunization records are not available or are missing. However, this does not alter PVCS’s obligation to obtain immunization records for foster and homeless students or to ensure the full immunization of foster and homeless students as required by law.

If Charter School discovers that an admitted student who was previously believed to be in compliance with the immunization requirements is subsequently discovered to not be in compliance with either the unconditional admission requirements or the conditional admission requirements, PVCS will notify the student’s parent/guardian of: 1) the time period within which the doses must be received, which may be no more than ten (10) school days after notification; and 2) that the student shall continue with classroom-based instruction only if the parent/guardian provides documentation that the immunization requirements have been met within the time period designated by the School. If the student does not provide documentation of having received all required immunizations within the time period designated by the School, PVCS shall exclude this student from classroom-based instruction. The student shall remain excluded from classroom-based instruction at the Charter School until the student is fully immunized as required by law. The student shall also be reported to the School Registrar.

The Executive Director, or designee, may arrange for a licensed physician or a qualified registered nurse to administer immunizations at Charter School to any student whose parent/guardian has consented in writing.

NOTE: In order to begin seventh grade, students who had a valid personal belief exemption on file with a public or private elementary or secondary school in California before January 1, 2016 must meet all requirements for children 7-17 years old (i.e., polio, MMR, chickenpox/varicella and primary series for diphtheria, tetanus, and pertussis), in addition to the seventh grade requirements for Tdap (at least one dose of pertussis-containing vaccine on or after the seventh birthday) and two (2) doses of Varicella (varicella requirement for seventh grade advancement expires after June 30, 2025).
Documentary Proof

The Executive Director shall maintain the student’s immunization information in the student’s mandatory permanent record and shall file annual immunization status reports as required by the California Department of Public Health.

Exemptions from Immunization Requirements

All students must be fully immunized in accordance with the California Health and Safety Code, the California Code of Regulations, and this Policy with the following exceptions:

1. Students who show proof of a medical exemption by a physician licensed to practice medicine in California pursuant to Health and Safety Code Section 120370.
   a. Commencing January 1, 2021, the California Department of Public Health standardized medical exemption form shall be the only documentation of a medical exemption that the School shall accept.
   b. On and after July 1, 2021, the School shall not unconditionally admit or readmit, or admit or advance any student to 7th grade, unless the student has been fully immunized or files a California Department of Public Health standardized medical exemption form as required by law.
   c. Medical exemptions issued before January 1, 2020 will continue to remain valid until the child enrolls in the next grade span, defined below.

2. Students who are enrolled in a home-based private school or independent study program and do not receive any classroom-based instruction.
   a. A student who has not received all of the required immunizations will not be eligible to attend classes at a Charter School resource center unless the student is otherwise exempt under #1 or #3.

3. Students who, prior to January 1, 2016, submitted a letter or affidavit on file at a private or public elementary or secondary school in California stating beliefs opposed to immunization, and who provides said letter or affidavit to PVC, shall be allowed to enroll at the Charter School without being fully immunized until the student enrolls in the next grade span pursuant to Health and Safety Code Section 120335(g).
   a. “Grade span” means each of the following:
      i. Birth to Preschool.
      ii. Kindergarten and grades 1 to 6, inclusive, including transitional kindergarten.
      iii. Grades 7 to 12, inclusive.

If there is good cause to believe that a child has been exposed to a disease listed in subdivision (b) of Section 120335 and his or her documentary proof of immunization status does not show proof of immunization against that disease, that child may be temporarily excluded from classroom-based instruction at the School until the local health officer is satisfied that the child is no longer at risk of developing or transmitting the disease.

This Policy does not prohibit a student who qualifies for an individualized education program (“IEP”), pursuant to federal law and Education Code Section 56026, from accessing any special education and related services required by the student’s IEP.

Adopted: 12-07-04  Amended: 7.21.2020
Pacific View Charter School

Students

Student Policy #8

Freedom of Speech and Expression Policy

The Board of Directors of Pacific View Charter School ("PVCS" or the "Charter School") respects students’ rights to express ideas and opinions, take stands, and support causes, whether controversial or not, through their speech, writing, printed materials, including the right of expression in official publications, and/or the wearing of buttons, badges and other insignia.

Definitions

1. "Obscenity": when the (1) average person applying current community standards finds the work as a whole appeals to the prurient interest, (2) the work is patently offensive, and (3) the work lacks serious literary, artistic, political, or scientific value. Examples include pornography or sexually explicit material.

2. “Defamation”: Libel (written defamation) and Slander (oral defamation), which includes but is not limited to inaccurately attributing a statement to another, either on purpose for public officials (which includes Charter School staff) or by mistake for private officials, that mischaracterizes the statement.

3. “Discriminatory Material”: material that demeans a person or group because of the person/group’s disability, pregnancy, gender, gender identity, gender expression, nationality, ancestry, race or ethnicity, immigration status, religion, religious affiliation, sexual orientation, childbirth or related medical conditions, marital status, age, or association with a person or group with one or more of these actual or perceived characteristics or any other basis protected by federal, state, local law, ordinance or regulation that has the purpose of humiliating, offending, or provoking a person/group.

4. “Harassment (including sexual harassment), Intimidation and/or Bullying”: severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act. Bullying includes one or more acts committed by a student or group of students that may constitute sexual harassment, hate violence, or creates an intimidating and/or hostile educational environment, directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following: (1) placing a reasonable student or students in fear of harm to that student’s or those students’ person or property, (2) causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health, (3) causing a reasonable student to experience a substantial interference with his or her academic performance, (4) causing a reasonable student to experience a substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.

5. “Fighting Words”: words likely to cause (1) the average person to fight or (2) the creation of a clear and present danger of violence, unlawful acts in violation of lawful school regulations, or the substantial disruption of school.

6. “Vulgarity and/or Profanity”: the continual use of curse words by a student, even after warning.
7. “Violating Privacy”: publicizing or distributing confidential or private material without permission.

On-Campus Expression

Student free speech rights include, but are not limited to, the use of bulletin boards, the distribution of printed materials or petitions, the wearing of buttons, badges, and other insignia, and the right of expression in official publications, whether or not the publications or other means of expression are supported financially by the school or by use of school facilities. Student expression on the Charter School website and online media shall generally be afforded the same protections as print media within the Policy.

Student freedom of expression shall be limited only as allowed by state and federal law in order to maintain an orderly school environment and to protect the rights, health, and safety of all members of the school community. Unprotected Expression includes the following: obscenity; defamation; discriminatory material; harassment (including sexual harassment), intimidation and/or bullying; fighting words; vulgarity and/or profanity; or violating privacy as defined above.

A. Distribution of Circulars, Un-Official Newspapers, and Other Printed Matter

Free inquiry and exchange of ideas are essential parts of a democratic education. Students shall be allowed to distribute circulars, leaflets, newspapers, and pictorial or other printed matter, and to circulate petitions, subject to the following specific limitations:

1. Leaflets, pictorial and other printed matter to be distributed shall be submitted to the Charter School Executive Director or designee at least one (1) school day prior to distribution. The Charter School Executive Director or designee shall review material submitted in a reasonable amount of time and shall allow the approved material to be distributed according to the time and manner established by this Policy. Any student may appeal the decision of the Charter School Executive Director or designee to the Board who shall render a decision within a reasonable period of time after receipt of the appeal. The appeal by the student must be made within five (5) school days from the time the unsatisfactory decision was rendered.

2. Distribution, free or for a fee, may take place before school, after school, and/or during lunch provided there is no substantial disruption in the school programs (as determined by the Charter School Executive Director). Distribution may not occur during instructional time and should not occur in locations that disrupt the normal flow of traffic within the school or at school entrances.

3. The manner of distribution shall be such that coercion is not used to induce students to accept the printed matter or to sign petitions.

1. The solicitation of signatures must not take place in instructional classes or school offices, nor be substantially disruptive to the school program (as determined by the Charter School Executive Director or designee).

The Charter School Executive Director or designee shall work with student government representatives in the development of these procedures. Student responsibilities shall be emphasized.

B. Official School Publications
Student editors of official school publications shall be responsible for assigning and editing the news, editorial, and feature content of their publications subject to the limitations of this Policy. However, it shall be the responsibility of the journalism staff adviser(s) of student publications to supervise the production of the student staff, to maintain professional standards of English and journalism, and to maintain the provisions of this Policy. The journalism staff adviser(s) shall help the student editors judge the literary value, newsworthiness and propriety of materials submitted for publication.

There shall be no prior restraint of material prepared for official school publications except insofar as it violates this Policy. PVCS officials shall have the burden of showing justification without undue delay prior to a limitation of student expression under this Policy. If the journalism staff adviser(s) consider material submitted for publication to violate this Policy, he or she will notify the student without undue delay and give specific reasons why the submitted material may not be published. The student should be given the opportunity to modify the material or appeal the decision of the journalism staff adviser to the Charter School Executive Director.

C. Buttons, Badges, and Other Insignia of Symbolic Expression

Students shall be permitted to wear buttons, badges, armbands, and other insignia as a form of expression, subject to the prohibitions enumerated in this Policy.

D. Use of Bulletin Boards

Students will be provided with bulletin boards, upon request and subject to availability, for use in posting student materials on campus locations convenient to student use. Where feasible, the location and quantity of such bulletin boards shall be by mutual agreement of student government representatives and PVCS administration. Posted material must be in compliance with other sections of this Policy, particularly regarding the distribution of materials and prohibited speech. Students may not post or distribute materials regarding the meetings of non-curricular student-initiated groups.

E. Organized Demonstrations

Students have the right to lawful organized on-campus demonstrations, subject to the provisions of this Policy and applicable law. Demonstrations that incite students to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or demonstrations that substantially disrupt the orderly operation of the school are prohibited.

No individual student may demonstrate in the name of the Charter School or as an official school group at any time unless authorized by the Charter School to participate in the activity.

No student may participate in an organized demonstration that occurs during the hours of mandatory school attendance unless sanctioned by the Charter School and supervised by a designated Charter School employee. Missing school to attend an organized demonstration is not an excused absence. The Charter School will follow its Attendance Policy when determining consequences for students which may include but are not limited to detention, a low grade for a missed test, or receiving a

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3 “Official school publications” refers to material produced by students in the journalism, newspaper, yearbook, or writing classes and distributed to the student body either free or for a fee.
truancy letter. The Charter School will follow its Suspension and Expulsion Policy when determining consequences for students if Charter School policy is violated.

F. Student Speeches

If a student is selected to speak at a Charter School sponsored event, including but not limited to graduation or school assemblies, Charter School has the right to review the pre-prepared speech to ensure that unprotected speech is not included. If unprotected speech is included, the student will be given the opportunity to revise the speech or deliver a modified speech. If not revised or removed, the student will not be permitted to speak at the Charter School sponsored event.

Off-Campus Expression

Off-campus student expression, including but not limited to student expression on off-campus internet web sites, is generally constitutionally protected but shall be subject to discipline when such expression poses a threat to the safety of other students, staff, or Charter School property, or substantially disrupts the educational program. The Charter School Executive Director or designee shall document the impact the expression had or could be expected to have on the educational program.

Enforcement

1. Upon learning that students are considering actions in the areas covered by this Policy they will be informed of the possible consequences of their action under each specific circumstance. The Charter School Executive Director shall ensure that due process is followed when resolving disputes regarding student freedom of expression.

2. This Policy does not prohibit or prevent the PVCS Governing Board from adopting otherwise valid rules and regulations relating to oral communications by students upon the PVCS campus.

3. No PVCS employee shall be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect a student engaged in the conduct authorized under this Policy, or refusing to infringe upon conduct that is authorized under this Policy, the First Amendment to the United States Constitution, or Section 2 of Article I of the California Constitution.

4. PVCS shall not make or enforce a rule subjecting a student to disciplinary sanctions solely on the basis of conduct that is speech or other communication that, when engaged in outside of the campus, is protected from governmental restriction by the First Amendment to the United States Constitution or Section 2 of Article I of the California Constitution.

Complaints

A student who feels their freedom of expression was unconstitutionally limited and/or limited on the basis of discrimination may file a complaint with PVCS through following the Charter School’s General Complaint Policies and Procedures.

Adopted: 12-07-04

Amended: 7.21.2020
Students

Pacific View Charter School

Student Policy # 09

Policy Against Plagiarism

Academic Honesty

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

Students, parents/guardians, staff and administrators shall be responsible for creating and maintaining a positive school climate that encourages honesty. Students found to have committed an act of academic dishonesty shall be subject to discipline in accordance with PVCS discipline and Suspension and Expulsion policies.

The Director, or designee, may establish a committee comprised of students, parents/guardians, staff, administrators, and members of the public to develop standards of academic honesty, measures of preventing dishonesty, and specific consequences for acts of dishonesty.

Adopted: 12-07-04

Amended:
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, Pacific View Charter School (“PVCS” 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. PVCS 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 PVCS 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. PVCS 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. PVCS 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”):**

Director of Student Services
3670 Ocean Ranch Blvd, Oceanside CA 92056
760-757-0161
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 PVCS.

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

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

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

Sexual harassment may include, but is not limited to:

- Physical assaults of a sexual nature, such as:
  - Rape, sexual battery, molestation or attempts to commit these assaults.
  - Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another's body, or poking another's body.
- Unwanted sexual advances, propositions or other sexual comments, such as:
Sexually oriented gestures, notices, remarks, jokes, or comments about a person’s sexuality or sexual experience.

- Preferential treatment or promises of preferential treatment to an individual for submitting to sexual conduct, including soliciting or attempting to solicit any individual to engage in sexual activity for compensation or reward or deferential treatment for rejecting sexual conduct.

- Subjecting or threats of subjecting a student or employee to unwelcome sexual attention or conduct or intentionally making the student's or employee's performance more difficult because of the student's or the employee’s sex.

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

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

**Prohibited Bullying**

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

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

**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

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4 “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.
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 PVCS’s education program or activity or signed by the Coordinator alleging sexual harassment against a respondent and requesting that PVCS 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**

PVCS has adopted the following procedures for preventing acts of bullying, including cyberbullying.
1. Cyberbullying Prevention Procedures

PVCS 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.

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

2. Education

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

PVCS’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.

PVCS informs PVCS 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

PVCS 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 PVCS employees who have regular interaction with students.

PVCS 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 PVCS, 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.

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

**Grievance Procedures**

1. **Scope of Grievance Procedures**

PVCS 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 PVCS 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, PVCS 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:

Director of Student Services
3670 Ocean Ranch Blvd, Oceanside CA 92056
760-757-0161

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. PVCS 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.

PVCS 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.

PVCS 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 PVCS’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or PVCS’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. PVCS 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 PVCS 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 PVCS, 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, to provide the complainant with information about the investigation, including any actions necessary to resolve the incident/situation. However, the Coordinator (or administrative designee) will not reveal confidential information related to other students or employees.

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

- **Notice of the Allegations**
  - Upon receipt of a formal complaint of sexual harassment, the Coordinator will give all known parties written notice of its grievance process, including any voluntary informal resolution process. The notice will include:
    - A description of the allegations of sexual harassment at issue and to the extent known, the identities of the parties involved in the incident, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident;
    - A statement that the respondent is presumed not responsible for the alleged conduct until a final decision is reached;
    - A statement that the parties may have an advisor of their choice, who may be an attorney, and may inspect and review evidence; and
    - A statement that PVCS prohibits an individual from knowingly making false statements or knowingly submitting false information during the grievance process.

- **Emergency Removal**
PVCS 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 PVCS’s policies.

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

This provision may not be construed to modify any rights under the IDEA, Section 504, or the ADA.

**Informal Resolution**

If a formal complaint of sexual harassment is filed, PVCS may offer a voluntary informal resolution process, such as mediation, to the parties at any time prior to reaching a determination regarding responsibility. If PVCS 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.

PVCS will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

**Investigation Process**

The decision-maker will not be the same person(s) as the Coordinator or the investigator. PVCS shall ensure that all decision-makers and investigators do not have a conflict of interest or bias for or against complainants or respondents.

In most cases, a thorough investigation will take no more than twenty-five (25) school days. If the investigator determines that an investigation will take longer than twenty-five (25) school days and needs to be delayed or extended due to good cause, the investigator will inform the complainant and any respondents in writing of the reasons for the delay or extension and provide an approximate date when the investigation will be complete.

The parties will be provided with an equal opportunity to present witnesses, to inspect and review any evidence obtained that is directly related to the allegations raised, and to have an advisor present during any investigative meeting or interview.

The parties will not be prohibited from discussing the allegations under investigation or to gather and present relevant evidence.
A party whose participation is invited or expected at an investigative meeting or interview will receive written notice of the date, time, location, participants, and purpose of the meeting or interview with sufficient time for the party to prepare to participate.

Prior to completion of the investigative report, PVCS will send to each party and the party’s advisor, if any, a copy of the evidence subject to inspection and review, and the parties will have at least ten (10) days to submit a written response for the investigator’s consideration prior to the completion of the investigation report.

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

- **Dismissal of a Formal Complaint of Sexual Harassment**
  - If the investigation reveals that the alleged harassment did not occur in PVCS’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 PVCS policy.
  - PVCS 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 PVCS; or
    - The specific circumstances prevent PVCS from gathering evidence sufficient to reach a decision on the formal complaint or the allegations therein.
  - If a formal complaint of sexual harassment or any of the claims therein are dismissed, PVCS will promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to the parties.

- **Determination of Responsibility**
  - The standard of evidence used to determine responsibility is the preponderance of the evidence standard.
  - PVCS 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 PVCS’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 PVCS or termination of employment. The Coordinator is responsible for effective implementation of any remedies ordered by PVCS in response to a formal complaint of sexual harassment.
6. Right of Appeal
Should the reporting individual find PVCS’s resolution unsatisfactory, the reporting individual may, within five (5) business days of notice of PVCS’s decision or resolution, submit a written appeal to the President of the PVCS 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 PVCS will implement appeal procedures equally for both parties.
- PVCS 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.

PVCS 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.

Adopted: 12-07-04
7.21.2020
Amended: 06-07-05;
Pacific View Charter School

Students

Student Policy #12

Student Organizations and Clubs

Board Philosophy

The Board recognizes the importance of allowing students to organize and participate in student organizations and clubs for purposes and activities that will forward the betterment of the school and its community.

Student Government

If appropriate, the School may establish a student government so long as a faculty member credentialed teacher will supervise such activities and ensure compliance with Board requirements and other applicable lawful regulations. The Executive Director or designee may establish a fair process for the nomination and election of officer for President, Vice President, Secretary and Treasurer. There shall be a minimum of one class representative to be selected by procedures to be developed at the discretion of the faculty credentialed teacher of the participating classes. Meetings shall be held in a manner and at times deemed necessary by the student government. The body shall utilize Robert’s Rules of Order. However, the body shall generally determine all other rules for its operation and activities consistent with the established rules of the School and the Board.

Student Organizations

In addition to a student government body, students may establish organizations or clubs so long as the governing board consistent with this policy and, any other applicable requirements, obtains approval.

Approval

The student organization’s constitution and by-laws application may be prepared through the cooperative work of the students and faculty credentialed teacher. A copy of the constitution and by-laws application must be submitted to the Executive Director for initial review to ensure consistency with Board requirements. Once this determination is made, the constitution and by-laws application shall be placed on the Board’s agenda for review and approval.

In reviewing such proposals, the Board shall respect all pupil constitutional and statutory rights. The funds of every student organization shall be deposited, expended and accounted for in accordance with a written procedure developed by the student club, with the assistance of the Executive Director of the School.

Fundraising

All funds raised by any student organization shall be supervised under the name of the School. The School shall also be responsible to periodically audit the funds of the organization. All fundraising
must receive prior approval of the Executive Director and in cases when deemed necessary by the Executive Director, Board approval will be required.

Use of School Facilities

The use of school facilities by student organizations will be subject to reasonable rules approved established by the Board. Students, who are not members of a student organization, interested in initiating a meeting on school premises shall submit a request in writing to the school Executive Director. The request should state the name of the meeting, the number of persons expected to attend, the time requested, and the length of time for the meeting. The Executive Director or designee shall review the written application and determine, which, if any room is available to accommodate the request. Requests for use shall be presented to the Executive Director seven (7) school days in advance of the date requested for use. The Executive Director shall assign a teacher, administrator or other employee to a meeting for “custodial” purposes. The employee shall not participate in the meetings, sponsor the meeting or attempt to influence the form or content of the meeting.

The granting of use of school facilities does not mean the School sponsors or endorses the activities of any student group.

Revocation of Privileges

Student groups and individual students meeting on school property or otherwise at school sponsored event may have their privilege to meet revoked if they engage in conduct which violates this policy, is disruptive to the educational process, damages school property, or violates of any state or federal law or regulation. Student organizations or their members shall not engage in any activity which coerces, pressures, embarrasses or unduly influences other students to participate in any meeting.

Adopted: 12-07-04

Amended: 1-12-16
Pacific View Charter School

Students

Student Policy #13

Activities of Military Recruiters On Campus

Campus Access

The Charter School shall provide military recruiters the same access to the Charter School’s students as is provided generally to post-secondary educational institutions or to prospective employers.

Military Recruiter Access to Student Directory Information

A parent/guardian has the right to request that the Charter School not release student names, addresses, telephone listings to military recruiters or institutions of higher education without prior written parental consent.

Information released is for military recruiting purposes only and must not be disclosed to a third party. The request for information must be in writing on letterhead that clearly identifies the military recruiting organization. Military recruiters must be from one of the following military organizations:

- Air Force
- Air Force Reserve
- Air Force National Guard
- Air Force ROTC
- Army
- Army Reserve
- Army National Guard
- Army ROTC
- Coast Guard
- Coast Guard Reserve
- Navy
- Navy Reserve
- Navy ROTC
- Marine Corps
- Marine Corps Reserve

Procedures

All requests for information will be processed centrally. Military recruiters are to submit their requests to the Custodian of Records. Military recruiters are required to submit their request in writing, on letterhead that clearly identifies their military recruiting organization.

Adopted: 12-07-04

Amended:
Pacific View Charter School

Students

Student Policy #14

Special Education Policy

The Board of Directors of the Pacific View Charter School ("PVCS" or the "Charter School") recognizes the need to identify, evaluate, and serve students with disabilities in order to provide them with a free appropriate public education in the least restrictive environment. Accordingly, this Policy has been adopted consistent with Education Code section 56195.8.

Identification, Referral, and Evaluation for Special Education

Charter School shall follow applicable state and federal law and regulations and El Dorado Charter Special Education Local Plan Area ("SELPA") policy with respect to the identification, referral, and assessments of students for special education and related services.

Individualized Education Program ("IEP") Team Meetings

PVCS shall convene IEP team meetings with the legally required composition within all legally applicable timelines, in accordance with state and federal law and regulations and SELPA policy.

Charter School shall also review, at the request of a student's general or special education teacher, the assignment of an individual with exceptional needs to his/her class and a mandatory meeting of the IEP team shall be convened if the review indicates a change to the student's placement, instruction, related services, or any combination thereof may be required. The Special Education Coordinator shall be responsible for completing the review within fifteen (15) school days of the teacher's request.

Procedural Safeguards

Parents/guardians shall receive written notice of their rights in accordance with state and federal law and regulation, and SELPA policy.

Please see the Special Education Coordinator for a copy of your procedural safeguards.

Nonpublic, Nonsectarian Services

PVCS may contract with state-certified nonpublic, nonsectarian schools or agencies to provide special education services or facilities when an appropriate public education program at PVCS is not available in accordance with Education Code section 56366 and Section 3062 of Title 5 of the California Code of Regulations. When entering into agreements with nonpublic, nonsectarian schools ("NPSs") or agencies ("NPAs"), PVCS shall consider the needs of the individual student and the recommendations of the IEP team. The IEP team shall remain accountable for monitoring the progress of students placed in nonpublic, nonsectarian programs towards the goals identified in each student's IEP.

In accordance with Education Code section 56366.1, when entering into a Master Contract with an NPS where PVCS has not previously placed a student, the Charter School shall conduct an onsite visit
to the NPS at the time of placement. PVCS shall also conduct at least one onsite monitoring visit to
the NPA during each school year in which the Charter School has a student attending pursuant to a
Master Contract. The monitoring visit shall include the following:

- A review of services provided to the student through the individual service agreement
  between PVCS and the NPS;
- A review of progress the student is making toward the student’s IEP goals;
- A review of progress the student is making toward the goals set forth in the student's
  behavior intervention plan;
- If applicable, an observation of the student during instruction;
- A walkthrough of the facility; and
- Any other reviews and/or observations deemed necessary by PVCS.

PVCS shall follow state and federal law and regulations and SELPA policy when contracting with
nonpublic, nonsectarian schools or agencies.

**Resource Specialist Program**

PVCS shall employ or contract with certificated resource specialists to provide services for students
with disabilities which shall include, but not be limited to:

1. Providing instruction and services to students whose needs have been identified in an IEP
developed by the IEP team and who are assigned to regular classroom teachers for a majority
of the school day. Students shall not be enrolled in a resource specialist program for the
majority of the school day without approval of the IEP team.

2. Providing information and assistance to students with disabilities and their
parents/guardians.

3. Providing consultation, resource information, and material regarding students with
disabilities to their parents/guardians and regular education staff members.

4. Coordinating special education services with the regular school programs for each student
with disabilities enrolled in the resource specialist program.

5. Monitoring student progress on a regular basis, participating in the review and revision of
IEPs as appropriate, and referring students who do not demonstrate appropriate progress to
the IEP team.

6. At the secondary school level, emphasizing academic achievement, career and vocational
development, and preparation for adult life.

7. Resource specialists shall not simultaneously be assigned to serve as resource specialists and
to teach regular classes.

PVCS’s resource specialist program shall be under the direction of a resource specialist who
possesses:
1. A special education credential or clinical services credential with a special class authorization.

2. Three or more years of teaching experience, including both regular and special education teaching experience, as defined by rules and regulations of the Commission on Teacher Credentialing.

3. Demonstration of competencies required for a resource specialist as established by the Commission on Teacher Credentialing.

The Executive Director shall ensure that caseloads for special education teachers are within the maximum caseloads established by law, collective bargaining agreement, and/or SELPA policy. No resource specialist shall have a caseload which exceeds twenty-eight (28) students, unless a valid waiver is obtained through the State Board of Education, consistent with Title 5, California Code of Regulations, section 3100.

**Transportation**

Charter School shall ensure appropriate, no cost transportation services are provided for students with disabilities as specified in their IEP as a related service when required. The specific needs of the student shall be the primary consideration when an IEP team is determining the student's transportation needs. Considerations may include, but are not limited to, the student's health needs, travel distances, physical accessibility and safety of streets and sidewalks, accessibility of public transportation systems, midday or other transportation needs, extended-year services, and, as necessary, implementation of a behavioral intervention plan.

When transportation services are required, the Executive Director or designee shall arrange transportation schedules so that students with disabilities do not spend an excessive amount of time on buses compared to other students. Arrivals and departures shall not reduce the length of the school day for these students except as may be prescribed on an individual basis.

When contracting with a nonpublic, nonsectarian school or agency to provide special education services, the Executive Director or designee shall ensure that the contract includes general administrative and financial agreements related to the provision of transportation services if specified in the student’s IEP.

Guide dogs, signal dogs and service dogs trained to provide assistance to persons with disabilities may be transported in a school bus when accompanied by students with disabilities, teachers with disabilities, or persons training the dogs.

Charter School shall ensure that all school buses, school student activity buses, youth buses and childcare motor vehicles, whenever they may be used, are equipped with an operational child safety alert system. Charter School shall ensure that all buses are equipped with a passenger restraint system.

Mobile seating devices, when used, shall be compatible with the securement systems required by Federal Motor Vehicle Safety Standard No. 222 (49 C.F.R. § 571.222). PVCS shall ensure school bus drivers are trained in the proper installation of mobile seating devices in the securement systems.
Information on the Number of Individuals with Exceptional Needs

Information regarding the number of individuals with exceptional needs who are being provided special education and related services shall be provided in accordance with state and federal law and regulation and SELPA policy.

Independent Educational Evaluations

A. IEE at Parent Expense

Charter School acknowledges that a parent/guardian has the right to obtain an independent educational evaluation(s) (“IEE”) at their own expense at any time. In these circumstances, the Executive Director or designee(s) shall ensure that the student’s IEP team shall consider the results of the IEE when determining an offer of a free appropriate public education (“FAPE”) for the student. However, the results of an IEE will not dictate the IEP team’s determinations.

If a parent/guardian requests reimbursement for an IEE assessment obtained by the parent/guardian at their own expense, the Executive Director or designee(s) shall ensure that the unilaterally obtained IEE meets the following criteria:

1. The parent disagreed with the Charter School’s evaluation and the Charter School received a request within a reasonable time after receipt of the results of the evaluation.
2. The parent timely and upon request provided Charter School with written consent to exchange information with the examiner.
3. The private evaluation meets all criteria contained in this Policy.
4. The parent timely provided a copy of the written evaluation report and all other documents\tests related to the report.
5. The examiner attends the relevant IEP team meeting by phone or in person to discuss his or her findings and provides protocols of all assessments to Charter School.

The reimbursement will be in an amount no greater than the actual cost to the parents. Parents may only be reimbursed for one (1) IEE for each assessment area or discipline with which they disagree.

In all cases, if Charter School initiates a due process hearing to show that Charter School’s evaluation is appropriate, no reimbursement shall be made unless ordered by a Hearing Officer.

B. IEE at Public Expense

Charter School recognizes that federal and state laws provide parents/guardians of students with disabilities with the right to obtain an IEE, at public expense, when the parent/guardian disagrees with an assessment conducted by Charter School within the last two (2) years. Parents may only receive one (1) IEE for each assessment area or discipline with which they disagree.
The Executive Director or designee(s) shall ensure that when a parent/guardian requests an IEE at public expense, Charter School shall provide the parent/guardian with a copy of their Procedural Safeguards and, without unnecessary delay, either:

1. Initiate a due process hearing to show that the evaluation, completed by the Charter School, is appropriate; or

2. Provide the parent/guardian with information about where an IEE may be obtained, the Charter School’s criteria applicable for IEEs, and ensure that an IEE is provided at public expense.

Should the Charter School grant the parent’s request for an IEE, the Executive Director or designee(s) shall ensure the following:

1. The criteria under which the IEE is obtained at public expense, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that Charter School uses when it initiates an evaluation.

2. Charter School does not impose conditions or timelines related to obtaining an IEE at public expense.

3. All assessments shall be completed by persons competent to perform the assessment as determined by Charter School. Parent has the right to choose the examiner.

4. If the original evaluation completed by Charter School included in-class observation of the student, an equivalent opportunity shall apply to an independent educational assessment of the student in the student’s current educational placement and setting.

5. A parent/guardian shall have the opportunity to demonstrate that unique circumstances justify a waiver of any of the criteria listed above as defined by Charter School.

6. The evaluator must prepare and sign a full evaluation report containing:
   a. A list of all information/data reviewed.
   b. A clear explanation of the testing and assessment results.
   c. A complete summary of all test scores, including, for all standardized testing administered, all applicable full scale or battery scores, domain or composite scores, and sub-test scores reported in standard, scaled or T-score format.
   d. A complete summary of all information obtained or reviewed from sources other than testing conducted by the evaluator.
   e. Recommendations for IEP team consideration for educational programming and, if appropriate, placement that is educationally relevant and realistic within a public educational setting.

The cost determination for an IEE shall be comparable to the costs incurred by Charter School when it uses its own employees or contractors to complete an assessment, whenever possible and shall reflect reasonable and customary rates for such services in the area. As a result, the Executive Director or designee(s) shall provide a parent/guardian with a recommended cost ceiling. The cost ceiling shall be updated (once every three (3) years) and determined by averaging the cost of the following three factors:
1. The cost of an assessment provided by a Charter School employee.

2. The cost of an assessment provided by a neighboring local educational agency.

3. The cost of an assessment provided by a private service provider, with appropriate qualification, within 40 miles from the Charter School.

The Executive Director or designee(s) shall ensure a parent/guardian may demonstrate that unique circumstances, related to the student’s education need(s), justify a financial waiver of any for the cost as defined by Charter School.

The Executive Director or designee(s) shall ensure a parent/guardian voluntarily have their private health insurance pay the costs of the IEE if covered by their insurance. However, Charter School recognizes that federal and state laws specify that parents/guardians are not required to have private insurance cover the costs of an IEE if the process would result in a financial cost to the parent/guardian including but not limited to:

1. A decrease in available lifetime coverage or any other benefit under an insurance policy;
2. An increase in premiums or the discontinuance of the policy; or
3. An out-of-pocket expense such as payment of a deductible amount incurred in filing a claim.

Adopted: 12-07-04

Amended: 7.21.2020
Pacific View Charter School

Students

Student Policy #15

Section 504: Policy, Procedures, and Parent Rights Regarding Identification, Evaluation, and Education

A. SECTION 504 POLICY
The Board of Directors of the Pacific View Charter School ("PVCS" or the "Charter School") recognizes the need to identify and evaluate students with disabilities in order to provide them with a free, appropriate public education and its legal responsibility to ensure that "no qualified person with a disability shall, solely by reason of their disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." This Policy and the related administrative regulation has been developed to ensure the implementation of Section 504 of the Rehabilitation Act of 1973 ("Section 504"), and its implementing regulations as amended, which pertains to public schools. The intent is to ensure that all students with disabilities, who are eligible under Section 504, are identified and evaluated and have access to a free, appropriate public education ("FAPE").

Under Section 504, individuals with physical or mental impairments that substantially limit one or more major life activities, including learning, are entitled to receive regular or special education and/or related aids and services designed to meet their individual needs as adequately as the needs of nondisabled students are met. Major Life Activities include functions such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working, as well as the operation of a major bodily functions, including functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. Students may be disabled and entitled to services under Section 504 even though they are not eligible for services pursuant to the Individuals with Disabilities Education Act Improvement Act of 2004 ("IDEA").

The Charter School’s Executive Director or designee shall ensure that this policy and set of procedures is implemented and followed. Whenever there is reason to believe that, because of a disability, a student needs regular or special education and/or related aids and services (and the student has not been found eligible under IDEA) that student will be evaluated under this policy's corresponding procedures.

A Section 504 Team will be convened to determine the student’s need for regular or special education and/or related aids and services. The 504 Team will include persons knowledgeable about the Section 504 standards, the student's individual needs and school history, the meaning of evaluation data, and placement options. The student’s parent/guardian shall be invited to participate in this 504 Team and shall receive notice of procedural safeguards guaranteed by law.

If PVCS does not assess a student after a parent has requested an assessment, the Charter School shall provide notice of the parent’s/guardian's procedural safeguards. PVCS shall not retaliate in any way against parents/guardians or students who exercise any rights under the procedural safeguards and/or Section 504.
If the student, due to disability, is found to require regular or special education and/or related aids and services under Section 504, the Section 504 Team shall develop a 504 plan for the provision of such services to the student. The student shall be educated with nondisabled students to the maximum extent appropriate to the student's individual needs. The student's parent/guardian shall be provided a copy of the 504 plan and shall receive notice of procedural safeguards guaranteed by law. PVCS shall periodically review the student’s progress and placement.

The Charter School does not discriminate on the basis of disability or any other characteristic protected under law. PVCS will implement this policy through its corresponding procedures.

B. SECTION 504 PROCEDURES
A. Definitions

1. **Academic Setting** – the regular, educational environment operated by PVCS.

2. **Individual with a Disability under Section 504** – An individual who:
   a. has a physical or mental impairment that substantially limits one or more major life activities;
   b. has a record of such an impairment; or
   c. is regarded as having such an impairment.

3. **Evaluation** – procedures used to determine whether a student has a disability as defined within these Procedures, and the nature and extent of the services that the student needs. The term means procedures used selectively with an individual student and does not include basic tests administered to, or procedures used with, all students in a school, grade or class.

4. **504 Plan** – is a plan developed to identify and document the student’s needs for regular or special education and related aids and services for participation in educational programs, activities, and school-sponsored events.

5. **Free Appropriate Public Education (“FAPE”)** – the provision of regular or special education and related aids and services that are designed to meet the individual needs of persons with disabilities as adequately as the needs of persons without disabilities are met.

6. **Major Life Activities** - Functions such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions.

7. **Physical or Mental Impairment** –
   a. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory; including speech organs; cardiovascular; reproductive; digestive; genitor-urinary; hemic and lymphatic; skin; and endocrine; or
   b. Any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

8. **504 Coordinator** – The 504 Coordinator shall serve as the Charter School’s Section 504 Coordinator. The parents or guardians may request a Section 504 due process hearing from or direct any questions or concerns to the Section 504 Coordinator at
9. **Has a record of such an impairment** - means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

10. **Is regarded as having an impairment** - means

   a. An individual meets the requirement of 'being regarded as having such an impairment' if the individual establishes that they have been subjected to an action prohibited under this Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

   b. Being regarded as having an impairment shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

**B. Referral, Assessment and Evaluation Procedures**

1. PVCS will evaluate any student who, because of disability, needs or is believed to need regular or special education and/or related aids and services.

2. A student may be referred by anyone, including a parent/guardian, teacher, other school employee or community agency, for consideration as to whether the student qualifies as a student with disabilities under Section 504. Requests for evaluation shall be made in writing, and a copy of said request will remain in the student's file regardless of the final determination. This referral should be made to the Section 504 Coordinator who will convene a 504 Team. Any requests made to another Charter School employee will be forwarded to the Section 504 Coordinator.

3. The Charter School has the responsibility to ensure that students with disabilities are evaluated. Therefore, it is important that students who have or may have a disability are referred to the Section 504 Coordinator so that the assessment process is initiated.

4. The 504 Team convened by the Section 504 Coordinator will be composed of the student’s parents/guardians and other persons knowledgeable about the student (such as the student's regular education teachers), the student's school history, the student's individual needs (such as a person knowledgeable about the student's disabling condition), the meaning of evaluation data, the options for placement and services, and the legal requirements for least restrictive environment and comparable facilities.

5. The 504 Team shall promptly consider the referral and determine what assessments are needed in all suspected areas of disability to evaluate whether the student is a student with a disability under Section 504 and what special needs the student may have. The decision regarding what assessments shall be undertaken shall be based on a review of the student's school records (including academic, social and behavioral records), any relevant medical records, and the student's needs. Students requiring assessment shall be provided appropriate assessments administered by qualified assessment specialists.

6. The 504 Team will consider the following information in its evaluation of the student:

   a. Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel;

   b. Tests and other evaluation materials including those tailored to assess specific areas of educational need and not merely those which are designed
to provide a single general intelligence quotient; and

c. Tests are selected and administered so as to best ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student’s aptitude or achievement level or whatever factor the test purports to measure, rather than reflecting the student’s impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure.)

7. The evaluation of the student must be sufficient for the 504 Team to accurately and completely describe: (a) the nature and extent of the disabilities; (b) the student’s special needs; (c) the impact upon the student’s education; and (d) what regular or special education and/or related aids and services are appropriate to ensure that the student receives a free appropriate public education. All significant factors relating to the learning process for that student, including adaptive behavior and cultural and language background, must be considered. The evaluation may include, but is not limited to, classroom and playground observation, performance-based testing, academic assessment information, and data offered by the student’s teachers and parent/guardian.

8. Mitigating measures cannot be considered when evaluating whether or not a student has a substantially limiting impairment. Mitigating measures could include medications, prosthetic devices, assistive devices, or learned behavioral or adaptive neurological modifications a student uses to eliminate or reduce the effects of an impairment.

9. The parents/guardians shall be given an opportunity in advance of 504 Team meetings to examine assessment results and all other relevant records.

10. If a request for evaluation is denied, the 504 Team shall inform the parents/guardians in writing of this decision and of their procedural rights as described below.

C. 504 Plan

1. When a student is identified as having a disability within the meaning of Section 504, the 504 Team shall determine what, if any, services are needed to ensure that the student receives a FAPE.

2. The 504 Team responsible for making the placement decision shall include the parents/guardians and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.

3. For each identified eligible student, the 504 Team will develop a 504 Plan describing the student’s disability and the regular or special education and/or related aids and services needed. The Plan will specify how the special education and/or related aids and services will be provided to the eligible student and by whom. The 504 Plan will also identify the person responsible for ensuring that all the components of the Plan are implemented.

4. The student’s teacher and any other staff who are to provide services to the student or who are to make modifications in the classroom for the student shall be informed of the services or modifications necessary for the student and, if appropriate, provided a copy of the 504 Plan. A copy of this plan shall be kept in the student’s cumulative file in a manner that limits access to those persons involved in the 504 process and/or the provision of services and modifications.

5. The eligible student shall be placed in the regular education environment unless it is demonstrated that the student’s needs cannot be met in the regular education environment with supplementary aids and services. The student shall be educated with students who are not disabled to the maximum extent appropriate to their individual needs.
6. The referral, assessment, evaluation and placement process will be completed within a reasonable time. It is generally not reasonable to exceed fifty (50) school days in completing this process.

7. The parents/guardians shall be notified in writing of the final decision concerning the student's identification as a person with disabilities, the educational program and services to be provided, if any, and of the Section 504 procedural safeguards, as described below, including the right to an impartial hearing to challenge the decision.

8. If the 504 Team determines that the student has a disability but that no special services are necessary for the student, the 504 Plan shall reflect the identification of the student as a person with a disability under Section 504 and shall state the basis for the decision that no special services are presently needed.

9. The 504 Plan shall include a schedule for annual review of the student's needs and indicate that this review may occur more frequently at the request of the parent/guardian or school staff.

10. PVCS shall immediately implement a student's prior 504 Plan, when a student enrolls at the Charter School. Within thirty (30) days of starting school, PVCS shall schedule a 504 Team meeting to review the existing 504 Plan. PVCS shall request a copy of the prior 504 plan from both the prior school and the parent/guardian.

D. Review of the Student's Progress

1. The 504 Team shall monitor the progress of the eligible student and the effectiveness of the student's 504 Plan. According to the review schedule set out in the student's 504 Plan, the 504 Team shall annually determine whether the services and modifications are appropriate.

2. A reevaluation of the student's needs shall be conducted before any subsequent significant change in placement.

E. Procedural Safeguards

1. Parents/guardians shall be notified in writing of all decisions regarding the identification, evaluation or educational placement of students with disabilities or suspected disabilities. Notifications shall include a statement of their rights to:
   - Examine relevant records
   - Have an impartial hearing with an opportunity for participation by the parents/guardians and their counsel
   - Have the right to file a Uniform Complaint pursuant to school policy
   - Seek review in federal court if the parents/guardians disagree with the hearing decision.

2. Notifications shall also set forth the procedures for requesting an impartial hearing. Requests shall be made to the following:

   504 Coordinator K8, 504 Coordinator High School
   3670 Ocean Ranch Blvd, Oceanside CA 92056
   760-757-0161

   Notifications shall also advise that reimbursement for attorney's fees is available only as authorized by law.

3. The Executive Director or designee shall maintain a list of impartial hearing officers who are qualified and willing to conduct Section 504 hearings. To ensure impartiality, such officers shall not be employed by or under contract with PVCS or any district within the El Dorado Charter SELPA or the San Diego Office of Education. in any capacity other than that of hearing officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.
4. If a parent/guardian disagrees with the identification, evaluation or educational placement of a student with disabilities under Section 504, the parent/guardian may request a hearing to initiate due process procedures. The parent/guardian shall set forth in writing their request for a hearing. A request for hearing should include:
   • The specific decision or action with which the parent/guardian disagrees.
   • The changes to the 504 Plan the parent/guardian seeks.
   • Any other information the parent/guardian believes is pertinent.

5. Within five (5) calendar days of receiving the parent/guardian’s request for a hearing, the Charter School may offer the parent/guardian an optional alternative dispute resolution process. However, the timeline for the hearing shall remain in effect unless it is extended by mutual written agreement of the parent/guardian and the Charter School. Alternative dispute resolution options include:
   • Mediation by a neutral third party.
   • Review of the 504 Plan by the Executive Director or designee.

6. Within ten (10) calendar days of receiving the parent/guardian’s request, the Executive Director or designee shall select an impartial hearing officer. These 10 days may be extended for good cause or by mutual agreement of the parent/guardian and Executive Director.

7. Within thirty-five (35) calendar days of the selection of the hearing officer, the due process hearing shall be conducted. These thirty-five (35) days may be extended for good cause or by mutual agreement of the parent/guardian and Executive Director.

8. The parent/guardian and the School shall be afforded the rights to:
   • Be accompanied and advised by counsel and by individuals with special knowledge or training related to the individual needs of students who are qualified as having a disability under Section 504.
   • Present written and oral evidence.
   • Question and cross-examine witnesses.
   • Receive written findings by the hearing officer.

9. The hearing officer shall issue a written decision within ten (10) calendar days of the hearing.

10. If desired, either party may seek a review of the hearing officer’s decision by a federal court. The decision shall be implemented unless the decision is stayed, modified or overturned by a court.

11. PVCS shall not retaliate in any way against parents/guardians or students who exercise any rights under the procedural safeguards and/or Section 504.

F. Suspension and Expulsion, Special Procedures for Students with Disabilities

PVCS shall follow the suspension and expulsion policy and procedures as set forth in the charter. A pupil who is qualified for services under Section 504 of the Rehabilitation Act of 1973 is subject to the same grounds for disciplinary action, including suspension and expulsion, and is accorded the same due process procedures applicable to regular education pupils except when federal and state law mandates additional or different procedures. PVCS will follow Section 504 and all applicable federal and state laws when imposing any form of discipline on a pupil identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such pupils. The following procedures shall be followed when a student with a disability is considered for suspension or expulsion. These procedures will be updated if there is a change in the law.

1. 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 504 Plan; and receive, as appropriate, a functional behavioral assessment ("FBA") 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.

2. **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, PVCS, the parent, and relevant members of the 504 Team shall review all relevant information in the student’s file, including the child’s 504 Plan, any teacher observations, and any relevant information provided by the parents to determine:

a. If the conduct in question was caused by, or had a direct and substantial relationship to, the child’s disability; or

b. If the conduct in question was the direct result of the local educational agency’s failure to implement the 504 Plan.

If PVCS, the parent, and relevant members of the 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 PVCS, the parent, and relevant members of the 504 Team make the determination that the conduct was a manifestation of the child’s disability, the 504 Team shall:

a. Conduct an FBA and implement a behavioral intervention plan ("BIP") for such child, provided that PVCS had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;

b. If the child has a BIP, review the BIP 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 PVCS agree to a change of placement as part of the modification of the BIP.

If PVCS, the parent, and relevant members of the 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 504 Plan, then PVCS 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.
3. **Appeals**

The parent/guardian of a child with a disability under a 504 Plan who disagrees with any decision regarding placement, or the manifestation determination, or if the Charter School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, either party may request to utilize the appeal process outlined in the Procedural Safeguards section of these Procedures.

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

4. **Special Circumstances**

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

5. **Interim Alternative Educational Setting**

The student’s interim alternative educational setting shall be determined by the student’s 504 Team.

6. **Procedures for Students Not Yet Eligible for Special Education Services**

A student who has not been identified as an individual with disabilities pursuant to the IDEA 2004 and who has violated PVCS’s disciplinary procedures may assert the procedural safeguards granted under these Procedures only if PVCS had knowledge that the student had a disability before the behavior occurred.
PVCS 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 PVCS 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 PVCS personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the Special Education Coordinator or to other PVCS supervisory personnel.

If PVCS 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 2004-eligible children with disabilities, including the right to stay-put. If PVCS had no basis for knowledge of the student’s disability, it shall proceed with the proposed discipline. PVCS shall conduct an expedited evaluation if requested by the parent/guardian; however, the student shall remain in the education placement determined by PVCS pending the results of the evaluation.

PVCS shall not be deemed to have knowledge of 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.

C. PARENT/STUDENT RIGHTS IN IDENTIFICATION, EVALUATION, ACCOMMODATION AND PLACEMENT

The following is a description of the rights granted by federal law to students with disabilities. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions. Please keep this explanation for future reference.

You have the right to:

1. Have your child take part in and receive benefits from public education programs without discrimination because of their disabling condition.

2. Have PVCS advise you of your rights under federal law.

3. Receive notice with respect to Section 504 identification, evaluation and/or placement of your child.

4. Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have PVCS make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.

5. Have your child educated in facilities and receive services comparable to those provided to non-disabled students.
6. Have your child receive special education and related services if your child is found to be eligible under the Individuals with Disabilities Education Improvement Act (IDEA 2004).

7. Have an evaluation, educational recommendation, and placement decision developed by a team of persons who are knowledgeable of the student, the assessment data, and any placement options. This includes the right to an evaluation before the initial placement of the student and before any subsequent significant change in placement.

8. Have your child be given an equal opportunity to participate in non-academic and extracurricular activities offered by PVCS.

9. Examine all relevant records relating to decisions regarding your child’s Section 504 identification, evaluation, educational program, and placement.

10. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.

11. Obtain a response from PVCS to reasonable requests for explanations and interpretations of your child’s records.

12. Request an amendment of your child’s educational records if there is reasonable cause to believe they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If PVCS refuses this request for amendment, the Charter School shall notify you within a reasonable time and advise you of your right to an impartial hearing.

13. Request mediation or file a grievance in accordance with Charter School’s Section 504 mediation grievance and hearing procedures, outlined above.

14. Request an impartial hearing regarding the Section 504 identification, evaluation, or placement of your child. You and the student may take part in the hearing and have an attorney represent you.

15. File a formal complaint pursuant to the Charter School’s Uniform Complaint Policy and Procedures. Please ask the Executive Director for a copy of the Charter School’s Uniform Complaint Policy and Procedures if you need one.

16. File a formal complaint with the U.S. Department of Education.Office for Civil Rights, U.S. Department of Education

San Francisco Office
50 United Nations Plaza
San Francisco, CA 94102
(415) 486-5555 PHONE
(415) 486-5570 FAX
Email: OCR.SanFrancisco@ed.gov

17. Be free from any retaliation from PVCS for exercising any of these rights. Please contact the 504 Coordinator, c/o Pacific View Charter School, 3670 Ocean Ranch Blvd. Oceanside, CA 92056 with any questions regarding the information contained herein.

Adopted: 12-07-04  Amended: 7.21.2020
The Governing Board of Pacific View Charter School ("PVCS" or "Charter School") expects students to progress through each grade within one (1) school year. To accomplish this, instruction should accommodate the varying interests and growth patterns of individual students and include strategies for addressing academic deficiencies when needed.

Students shall progress through the grade levels by demonstrating growth in learning and meeting grade – level standards of expected student achievement that are established by the governing board.

Progress toward high school graduation shall be based on the student’s ability to pass the subjects and electives necessary to earn the required number of credits. The student must also meet the minimum proficiency requirements mandated by the State.

For English Learners, retention cannot be based on the student’s lack of English fluency as related to meeting English standards.

For students qualified under the Individuals with Disabilities Education Act ("IDEA"), any decisions regarding retention will be made by the Individualized Education Program ("IEP") team in an IEP meeting. For Students with a Section 504 Plan, any decisions will be made by the Section 504 team in a 504 meeting.

**Acceleration:**
When high academic achievement is evident, the teacher may recommend a student for acceleration into a higher grade level. The student’s social and emotional growth shall be taken into consideration in making a determination to accelerate a student. A Student Success Team ("SST") meeting will be held to review and recommend the student’s acceleration prior to the Director’s approval.

**Retention: Kindergarten**
Children five (5) years old or older who have completed one (1) year of kindergarten shall be admitted to first grade regardless of age unless the parent/guardian and the teacher agree that the child be retained in kindergarten for not more than one (1) additional school year.

Whenever a student is retained in kindergarten for an additional year, the Director or designee shall secure an agreement, signed by the parent/guardian, stating that the student shall be retained in kindergarten for not more than one (1) additional school year.

**Retention – First through Seventh Grade**
Students shall be considered for retention between grades 1-7.

Students shall be identified on the basis of assessment results, grades, and other indicators of academic achievement. As early as possible in the school year, and in the students’ school career, the teacher shall identify students who should be retained, and those who are at risk of being retained.
When a student is recommended for retention, or is identified as being at risk for retention, an SST meeting will be held to review and recommend the student’s retention prior to the Director’s approval.

**Appeal to Site Administrator:**
A parent or guardian may appeal the retention decision to the school Director. The appeal shall be in writing and shall be made no later than ten (10) days after learning of the decision. The school Director or designee will then investigate the matter and render a decision in a timely manner. The investigation may include interviews of the student, the parent/guardian, any of the student’s teachers, and anyone else who may provide information that would assist in rendering a decision.

**Appeal to Pacific View Charter School Board:**
If the parents or guardians are unhappy with the decision of the school Director, they may appeal the Director’s decision to the Board. This appeal shall be in writing and submitted to the Board no later than ten (10) days after receipt of the Director’s decision. The Board shall investigate the matter and render an opinion at their next regularly scheduled Board Meeting. The Board shall interview anyone he or she deems appropriate for rendering a decision. The decision of the Board shall be in writing and shall be final.

Throughout the appeal process, the burden shall be on the appealing party to show why the decision of the Director should be overruled.

**Retention: High School (Grades 9-12):**
Progress toward graduation shall be based on the student’s ability to pass the assessments, subjects, and electives necessary to earn a minimum number of credits for graduation. The school will endeavor to have all the students meet the State Assessment requirements.

Adopted: February 21, 2006

Amended:
Pacific View Charter School

Student Policy #19

Repeat Courses

Courses to improve a grade with the same course number previously taken at Pacific View Charter School will not receive credit, and will be listed as a repeat course. Students who take the same course with a different course number from Pacific View Charter School or any other accredited educational institution will receive subject credit for the course with the higher grade and elective credit for the other course.

Board Approved: 09-22-10

Amended: 02-15-11
08-16-16
Pacific View Charter School

Student Policy #: 20

Technology Acceptable Use Policy

This Policy is provided to make all users aware of the responsibilities associated with the efficient, ethical, and lawful use of technology resources. If a person violates this policy, privileges may be terminated, access to the school’s technology resources may be denied, and the appropriate disciplinary action(s) shall be applied.

The focus of the Technology Program at Pacific View Charter School ("PVCS" or School) is to provide tools and resources to the 21st century learner. Excellence in education requires that technology is seamlessly integrated throughout the educational program. Increasing access to technology is essential for the future. The individual use of personal electronic devices is a way to empower students to maximize their full potential, and to prepare them for college and the workplace.

PVCS provides its administrators, faculty, and students with access to computers and various information technology resources (including email and Internet access) to enhance the School’s teaching and learning environment, and improve the School’s operations. Students must use these resources in a responsible, ethical, and legal manner.

The Charter School shall notify students and parents/guardians about authorized uses of Charter School computers, user obligations and responsibilities, and consequences for unauthorized use and/or unlawful activities.

Before a student is authorized to use the Charter School’s technological resources, the student and the student’s parent/guardian shall sign and return the 1:1 Technology Agreement specifying user obligations and responsibilities. In that agreement, the student and the student’s parent/guardian shall agree not to hold the Charter School or any Charter School staff responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes or negligence. They shall also agree to indemnify and hold harmless the Charter School and Charter School personnel for any damages or costs incurred.

The use of the School’s technology resources is a privilege, not a right. The privilege of using the technology resources the School provides is not to be transferred or shared by students to people or groups outside the School, and terminates when a student is no longer enrolled in PVCS.

In addition to the 1:1 Technology Agreement, students must abide by the following rules:

1. Respect and protect the privacy of others.
   a. Use only assigned accounts and passwords.
   b. Do not share assigned accounts or passwords with others.
   c. Do not view, use or copy passwords, data or networks to which you are not authorized.
d. Do not share or distribute private information about yourself or others.

e. Students are expected to notify an administrator immediately if they believe their student account has been compromised.

2. Respect and protect the integrity, availability, and security of all technology and electronic resources.

a. Observe all network security practices.
b. Report security risks or violations to Supervisory Teachers, Lab Aides, or the Technology Technician.
c. Do not vandalize, destroy, or damage data, networks, hardware, computer systems or other resources; such activity is considered a crime under state and federal law. This includes tampering with computer hardware or software, vandalizing data, invoking computer viruses, attempting to gain access to restricted or unauthorized network services, or violating copyright laws.
d. Do not disrupt the operation of the network or create or place a virus on the network.
e. Conserve and protect these resources for other students and Internet users.

3. Respect and protect the intellectual property of others.

a. Do not infringe on copyright laws by downloading or copying music, games, movies, or any other materials subject to copyright laws.
b. Do not install unlicensed or unapproved software; use or possession of hacking software is strictly prohibited and violators will be subject to consequences outlined in the Parent/Student Handbook. Violation of applicable state or federal law will result in criminal prosecution and/or disciplinary action by the School.
c. Do not plagiarize.

4. Respect the principles of PVCS.

a. Use technology and electronic resources only in ways that are kind and respectful.
b. Report threatening or discomforting materials to Supervisory Teachers, Lab Aides, or the Technology Technician.
c. Do not access, transmit, copy, or create materials that are not educationally related (such as indecent, threatening, rude, discriminatory or harassing materials or messages).
d. Do not access, transmit, copy, or create materials that are illegal (such as obscene, stolen, or illegally copied materials or messages).
e. Do not use the resources to further any other acts that are criminal or violate state or federal laws.
f. Do not use the resources for non-educational purposes such as visiting chat rooms, social websites or networks (i.e. Facebook, Twitter).
g. Do not send spam, chain letters or other mass unsolicited mailings.
h. Do not buy, sell, advertise, or otherwise conduct business or political campaigning through the use of PVCS technological resources.

5. The use of any type of technology is a privilege and can be revoked at any time.

a. All technology and electronic devices (including, but not limited to Chromebooks, iPads, laptops, net books, cell phones, Smart Phones, calculators, mp3 players,
cameras, video cameras, etc.) can be searched for content (included, but not limited to text messages, chats, pictures, video recordings, audio recordings, online statuses/conversations, etc.) at the request of a teacher or administrator.

b. Any inappropriate content found, the student possessing the inappropriate contact may be subject to disciplinary consequences.

c. Inappropriate media may not be used as a screen-saver, background photo, skin, or case cover. Presence of guns, weapons, pornographic materials, inappropriate language, alcohol, drug, and gang related symbols or pictures will result in disciplinary actions.


   a. No changes can be made to computers (i.e. settings, screen-savers, Control Panel, etc.).
   b. Students may only store files on the Cloud, on their personal USB drive or on sites such as Dropbox. Any files found on the hard drive will be deleted.
   c. Do not unplug or remove any parts of the computer.
   d. The care of, and proper use of any laptop or workstation assigned to a student is expected at all times. If anything is missing, broken, or if your computer is not running properly, it is YOUR responsibility to tell your instructor immediately when the problem is discovered.

7. Personal Electronic Devices.

   a. Students are responsible for the care and maintenance of their personal electronic devices (iPads, laptops, net books, cell phones, Smart Phones, calculators, mp3 players, cameras, video cameras, etc.). Students are responsible for any cost incurred due to damage or theft of your electronic device, including damage or theft occurring when the student is on campus.
   b. Electronic devices are to be used for educational purposes only: NO games or music (CD based or online based) are allowed.
   c. Electronic devices that are lost or stolen must be reported immediately to School Administration. The School recommends that personal devices be labeled so they can be easily identified and/or that each student record the serial number and name of their devices. Under no circumstances should devices be left unattended. If a device is found, it should be taken to the Front Office.
   d. Pictures, video recordings, and audio recordings may not be created while on campus. The campus includes the classrooms, teacher offices, restrooms, exterior of school, and any other area on campus.
   e. There will be no copying of software. If you are caught possessing “bootlegged” or illegal software, the software will be confiscated the student involved may face disciplinary consequences.

8. Internet/Network.

Student Responsibilities

1. **Use Limited to an Educational Purpose.** The student acknowledges that access to the Internet via Charter School equipment and resource networks is intended to serve and pursue educational goals and purposes. Student use of the Internet is therefore limited to only those
activities that further or enhance the delivery of education. The Student recognizes that he or she has a duty to use Charter School equipment and resource networks only in a manner specified in the policy.

a. Educational Purpose

“Educational purpose” means classroom activities; research in academic subjects, career or professional development activities, Charter School approved personal research activities, or other purposes as defined by the Charter School from time to time.

b. Inappropriate Use

An “inappropriate use” is one that is inconsistent with an educational purpose or that is in clear violation of Charter School policy.

2. Plagiarism. Researching information and incorporating that information into a student’s work is an acceptable educational use, but students have an obligation to credit and acknowledge the source of information. Accordingly, the Student acknowledges that plagiarism is inappropriate and unacceptable. Plagiarism means the copying of a phrase, a sentence, or a longer passage from a source written by someone else and claiming the work as the student’s original work. Student agrees that when quoting from information obtained on the Internet, he or she will acknowledge the source through quotation or any academically accepted form of notation.

3. Rules of Conduct. Student agrees that he or she will Charter School equipment or resource networks or Charter School email accounts in the following manner:

a. Student will not post on newsgroups or other message posting systems, any communication containing profanity, racially disparaging remarks, or lewd and/or obscene language. Students will abide by the Charter School’s Student Freedom of Speech and Expression Policy.

b. Student will not at any time use speech that is not appropriate for an educational setting. Examples of speech that is not appropriate for an educational setting includes, but is not limited to, inflammatory language, profanity, personal attacks, harassment, threats to do personal harm or other criminal activity, and language that is intended to be racially derogatory.

c. Student will not make threats against, intimidate, or harass others.

d. Student will not reveal personal information about others.

e. Student will not use email to send chain letters or “spam” email to a list of people or to an individual.

f. Student will not place illegal information on the Internet, nor will student use the Internet in any way that violated federal, state or local law.

g. All communications will be polite and respectful of others.

h. Student will not give out to any other Internet user or post on the Internet his or her name, address, or telephone number unless expressly authorized by the Charter School in writing.
i. Students will not make any disparaging or derogatory remarks concerning another person on the basis of that person’s disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics.

4. **Illegal and Dangerous Activities.** Student shall not use the Internet to perform any illegal act or to help others perform illegal acts by local, state, and federal law. Student shall not access information designed to further criminal or dangerous activities. Such information includes, but is not limited to information that if acted upon could cause damage, present a danger, or cause a disruption to the Charter School, other students, or the community. Damaging, debilitating or disabling computers, computer networks or systems through the intentional or overuse of electronic distribution or the spreading of computer viruses or other harmful programs shall be prohibited. Any unauthorized online access to other computers by means of hacking into other computers, downloading hacker tools such as port scanners and password crackers designed to evade restrictions shall also be strictly prohibited.

5. **Obscene Materials.** Student acknowledges that obscene materials do not further an educational purpose. Accordingly, Student shall not use the Internet to access obscene materials or images. Obscene materials include, but are not limited to; materials that offend generally accepted social standards. This includes the access of or retrieval of any sexually explicit materials. Students are to exercise their best judgment when encountering sexually explicit or obscene materials. As a general rule, if the material could not be openly displayed in a classroom setting without violating generally accepted social standards, the material is obscene for purposes of this Policy and must not be accessed. Student further agrees that he or she will not access any Internet site which requires the Student to state that he or she is eighteen years of age or older as a condition of accessing the site.

6. **Privacy.** Computer equipment, Internet access networks, and email accounts are owned by the Charter School, and provided to students for educational purposes only. The Charter School reserves the right to access stored computer records and communications, files, and other data stored on Charter School equipment or sent over Charter School networks to assure compliance with this Policy. Such communications, files, and data over Charter School owned networks are not private. Such communications, files, and data may be accessed under, but not limited to, the following circumstances:

   a. Routine system maintenance.

   b. General inspection or monitoring, with or without notice to Student, if there is suspicion of widespread inappropriate use.

   c. Specific review of individual files or monitoring of individual activity, with or without notice to Student, if there is suspicion that Student is engaging in inappropriate use.

7. **Commercial Activities.** Student agrees that student will not use the Internet to buy or sell or attempt to buy or sell any service or product unless authorized to do so in writing by the Charter School in writing.

8. **Information About Other.** Student will not make any statement or post any communication on the Internet about another person that he or she knows or suspect to be untrue.

9. **Violation of Policy.** Violation of this Policy can result in a loss of all Internet access and email privileges.
SAFETY

The Charter School shall ensure that all Charter School computers with Internet access have a technology protection measure that blocks or filters Internet access to websites that have no educational purpose and/or contain visual depictions that are obscene, constitute child pornography, or that are harmful to minors. While the Charter School is able exercise reasonable control over content created and purchased by the Charter School, it has limited control over content accessed via the internet and no filtering system is 100% effective. Neither the Charter School nor its staff shall be responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes, misuse or negligence.

To reinforce these measures, the Executive Director or designee shall implement rules and procedures designed to restrict students’ access to harmful or inappropriate matter on the Internet and to ensure that students do not engage in unauthorized or unlawful online activities. Staff shall monitor students while they are using Charter School computers, laptops, or tablets to access the Internet or online services on a Charter School campus and may have teacher aides, student aides, and volunteers assist in this monitoring. Parents/guardians are required to supervise and monitor their child’s use of Charter School equipment including but not limited to their child’s access to the Internet and any online services through such equipment any and all times during which any Charter School equipment is being used by their child outside school facilities or school hours to ensure compliance with this policy.

The Executive Director or designee also shall establish regulations to address the safety and security of students and student information when using email, chat rooms, and other forms of direct electronic communication.

The Executive Director or designees shall provide age-appropriate instruction regarding safe and appropriate behavior on social networking sites, chat rooms, and other Internet services. Such instruction shall include, but not be limited to, maintaining the student’s online reputation and ensuring their personal safety by keeping their personal information private, the dangers of posting personal information online, misrepresentation by online predators, how to report inappropriate or offensive content or threats, behaviors that constitute cyberbullying, and how to respond when subjected to cyberbullying. Students are expected to follow safe practices when using Charter School

5 “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 pupil or group of pupils, directed toward one or more pupils that has or can be reasonably predicted to have one or more of the following effects:

○ Placing a reasonable pupil or pupils in fear of harm to that pupil’s or those pupil’s person or property.
○ Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
○ Causing a reasonable pupil to experience substantial interference with his or her academic performance.
○ Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the school.

As used in connection with “bullying,” an “electronic act” means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

○ A message, text, sound, video, or image.
○ A post on a social network Internet Web site, including, but not limited to:
  ■ Posting to or creating a “burn page” (i.e., an Internet Web site created for the purpose of bullying).
  ■ Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects of bullying. To create a “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.
technology.

**CONSEQUENCES FOR NONCOMPLIANCE WITH THE TECHNOLOGY ACCEPTABLE USE POLICY.**

The Administrator will judge an offense as either major or minor. The Supervisory Teacher will normally deal with a first minor offense. Additional offenses are regarded as major offenses. Violations of these policies are dealt with in the same manner as violations of other school policies and may result in disciplinary review for expulsion. In such a review, the full range of disciplinary sanctions is available including the loss of any computer and technology use privileges, expulsion from PVCS, and legal action. Violations of some of the policies may constitute a criminal offense.

**Board Approval Date: 08/24/2012**  
**Amended: 6.17.14; 7.21.2020**

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- Creating a false profile for the purpose of having one or more of the effects of bullying. A “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.
- An act of cyber sexual bullying. The term “cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects of bullying. 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. The term “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.
Pacific View Charter School

Youth Suicide Prevention Policy

The purpose of this policy is to protect the health and well-being of all Pacific View Charter School (“PVCS” or Charter School”) students by having procedures in place to prevent, assess the risk of, intervene in, and respond to suicide. PVCS:

(a) recognizes that physical, behavioral, and emotional health is an integral component of a student’s educational outcomes,
(b) further recognizes that suicide is a leading cause of death among young people,
(c) has an ethical responsibility to take a proactive approach in preventing deaths by suicide, and
(d) acknowledges the school’s role in providing an environment which is sensitive to individual and societal factors that place youth at greater risk for suicide and one which helps to foster positive youth development.

In an attempt to reduce suicidal behavior and its impact on students and families, the Executive Director or Designee shall develop strategies for suicide prevention, intervention, and postvention, and the identification of the mental health challenges frequently associated with suicidal thinking and behavior. These strategies shall include professional development for all school personnel in all job categories who regularly interact with students or are in a position to recognize the risk factors and warning signs of suicide.

In compliance with Education Code section 215, this policy has been developed in consultation with PVCS and community stakeholders, PVCS 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 PVCS’ strategies for suicide prevention and intervention. PVCS must work in conjunction with local government agencies, community-based organizations, and other community supports to identify additional resources.

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

Overall Strategic Plan for Suicide Prevention

To ensure the policies regarding suicide prevention are properly adopted, implemented, and updated, the school shall appoint the Director of Student Services to serve as the suicide prevention point of contact for the school. The suicide prevention point of contact for PVCS and the Executive Director 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.
Prevention

A. Suicide Prevention Training and Education
PVCS, 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.

All staff will receive annual professional development on risk factors, warning signs, protective factors, response procedures, referrals, postvention, and resources regarding youth suicide prevention.

The professional development will include additional information regarding groups of students at elevated risk for suicide, including those living with mental and/or substance use disorders, those who engage in self harm or have attempted suicide, those in out-of-home settings, such as foster care, those experiencing homelessness, American Indian/Alaska Native students, LGBTQ (lesbian, gay, bisexual, transgender, and questioning) students, students bereaved by suicide, and those with medical conditions or certain types of disabilities.

B. Employee Qualifications and Scope of Services
Employees of PVCS and their partners 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.

C. Parents, Guardians, and Caregivers Participation and Education
To the extent possible, parents/guardians/caregivers will be included in all suicide prevention efforts. Parents/guardians/caregivers will have access to PVCS’ suicide prevention policy and procedures.

This suicide prevention policy shall be prominently displayed on the PVCS Web page and included in the student/parent handbook.

Parents/guardians/caregivers are invited to provide input on the development and implementation of this policy.

E. Student Participation and Education
PVCS, along with its partners has carefully reviewed available student curricula to ensure it promotes the mental health model of suicide prevention and does not encourage the use of the stress model to explain suicide.
Under the supervision of the Director of Student Services and Director of Curriculum, developmentally-appropriate, student-centered education materials will be integrated into the curriculum of all K-12 health classes. The content of these age-appropriate materials will include:

1) the importance of safe and healthy choices and coping strategies,
2) how to recognize risk factors and warning signs of mental disorders and suicide in oneself and others,
3) help-seeking strategies for oneself or others, including how to engage school resources and refer friends for help.

In addition, PVCS may provide supplemental small group suicide prevention programming for students.

PVCS 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 Weeks, Peer Counseling Programs, Freshman Success Programs, and National Alliance on Mental Illness on Campus High School Clubs).

**Intervention, Assessment, Referral**

**A. Staff**
The Director of Student Services and the School Counselor, who have received advanced training in suicide intervention shall be designated as the primary and secondary suicide prevention liaisons. Whenever a staff member suspects or has knowledge of a student's suicidal intentions, they shall promptly notify the primary designated suicide prevention liaison. If this primary suicide prevention liaison is unavailable, the staff shall promptly notify the secondary suicide prevention liaison.

Under normal circumstances, the primary and/or secondary contact persons shall notify the Executive Director or another school administrator, if different from the primary and secondary contact persons.

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

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

Whenever a staff member suspects or has knowledge of a student's suicidal intentions, they shall promptly notify the primary or secondary suicide prevention liaisons.
Students experiencing suicidal ideation shall not be left unsupervised.

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

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

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

C. Students
Students shall be encouraged to notify a staff member when they are experiencing emotional distress or suicidal ideation, or when they suspect or have knowledge of another student’s emotional distress, suicidal ideation, or attempt.

D. Parental Notification and Involvement
PVCS shall identify a process to ensure continuing care for the student identified to be at risk of suicide. The following steps will be followed to ensure continuity of care:

- 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.
- After a referral is made for a student, school staff shall verify with the parent/guardian/caregiver that follow-up treatment has been accessed. Parents/guardians/caregivers will be required to provide documentation of care for the student.
- If parents/guardians/caregivers refuse or neglect to access treatment for a student who has been identified to be at-risk for suicide or in emotional distress, the suicide point of contact (or other appropriate school staff member) will meet with the parents/guardians/caregivers to identify barriers to treatment (e.g., cultural stigma, financial issues) and work to rectify the situation and build understanding of the importance of care. If follow-up care for the student is still not provided, school staff will consider contacting Child Protective Services (“CPS”) to report neglect of the youth.

E. Action Plan for In-School Suicide Attempts
If a suicide attempt is made during the school day on campus, it is important to remember that the health and safety of the student and those around him/her is critical. In the event a suicide occurs
or is attempted on the PVCS campus, the suicide prevention liaison shall follow the crisis intervention procedures contained in PVCS’ safety plan. The following steps will be implemented:

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

F. Action Plan for Out-of-School Suicide Attempts
If a suicide attempt by a student is outside of PVCS’ property, it is crucial that the LEA protects the privacy of the student and maintain a confidential record of the actions taken to intervene, support, and protect the student. The following steps will be implemented:

- Contact the parents/guardians/caregivers and offer support to the family;
- Discuss with the family how they would like the school to respond to the attempt while minimizing widespread rumors among teachers, staff, and students;
- Obtain permission from the parents/guardians/caregivers to share information to ensure the facts regarding the crisis is correct;
- Designate a media spokesperson if needed;
- Provide care and determine appropriate support to affected students;
- Offer to the student and parents/guardians/caregivers steps for re-integration to school.

G. Supporting Students after a Mental Health Crisis
It is crucial that careful steps are taken to help provide the mental health support for the student and to monitor their actions for any signs of suicide. The following steps will be implemented after the crisis has happened:

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

H. Re-Entry to School After a Suicide Attempt
For students returning to school after a mental health crisis (e.g., suicide attempt or psychiatric hospitalization), in which the school has been made aware, the Director of Student Services, or designee will meet with the student’s parent or guardian, and if appropriate, meet with the student to discuss re-entry and appropriate next steps to ensure the student’s readiness for return to school.
1. The Director of Student Services or other designee will be identified to coordinate with the student, their parent or guardian, and any outside mental health care providers.
2. The parent or guardian will provide documentation from a mental health care provider that the student has undergone examination and that they are no longer a danger to themselves or others.
3. The designated staff person will periodically check in with student to help the student readjust to the school community and address any ongoing concerns.

I. Responding After a Suicide Death (Postvention)
A death by suicide in the school community (whether by a student or staff member) can have devastating consequences on students and staff. Therefore, it is vital that we are prepared ahead of time in the event of such a tragedy. Primary and Secondary Suicide Prevention Liaisons for PVCS shall ensure that each school site adopts an action plan for responding to a suicide death as part of the general Crisis Response Plan. The Suicide Death Response Action Plan (Suicide Postvention Response Plan) will incorporate both immediate and long-term steps and objectives.

· Suicide Postvention Response Plan shall:
  o Identify a staff member to confirm death and cause (school site administrator);
  o Identify a staff member to contact deceased’s family (within 24 hours);
  o Enact the Suicide Postvention Response Plan, include an initial meeting of the school Suicide Postvention Response Team;
  o Notify all staff members (ideally in-person or via phone, not via e-mail or mass notification).

· Coordinate an all-staff meeting, to include:
  o Notification (if not already conducted) to staff about suicide death;
  o Emotional support and resources available to staff;
  o Notification to students about suicide death and the availability of support services (if this is the protocol that is decided by administration);
  o Share information that is relevant and that which you have permission to disclose.

· Prepare staff to respond to needs of students regarding the following:
Review of protocols for referring students for support/assessment;
Talking points for staff to notify students;
Resources available to students (on and off campus).

· Identify students significantly affected by suicide death and other students at risk of imitative behavior;

· Identify students affected by suicide death but not at risk of imitative behavior;

· Communicate with the larger school community about the suicide death;

· 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;

· Identify media spokesperson if needed.

· Include long-term suicide postvention responses:
  o Consider important dates (i.e., anniversary of death, deceased birthday, graduation, or other significant event) and how these will be addressed
  o Support siblings, close friends, teachers, and/or students of deceased
  o Consider long-term memorials and how they may impact students who are emotionally vulnerable and at risk of suicide

J. 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. PVCS 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.

Board Approval Date: 7.21.2020

Amended:
Pacific View Charter School

Student Policy #22

Education of Foster and Mobile Youth Policy

Introduction
The Governing Board of Pacific View Charter School ("PVCS" or the "Charter School") recognizes that Foster and Mobile Youth may face significant barriers to achieving academic success due to their family circumstances, disruption to their educational program, and their emotional, social, and other health needs. To enable such students to achieve state and charter school academic standards, the Charter School shall provide them with full access to the Charter School's educational program and implement strategies identified as required by law and necessary for the improvement of the academic achievement of foster youth in the Charter School's local control and accountability plan ("LCAP").

Definitions

- **"Foster youth"** means a child who has been removed from their home pursuant to California 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.

- **"Former juvenile court school pupil"** means a pupil who, upon completion of the pupil's second year of high school, transfers from a juvenile court school to the Charter School.

- **"Child of a military family"** refers to a student who resides in the household of an active duty military member.

- **"Currently Migratory Child"** refers to a child who, within the last 12-months, has moved with a parent, guardian, or other person having custody to the Charter School from another Local Educational Agency ("LEA"), either within California or from another state, so that the child or a member of the child's immediate family might secure temporary or seasonal employment in an agricultural or fishing activity, and whose parents or 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.

- **"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.

- **"Educational Rights Holder" ("ERH")** means a parent, guardian, responsible adult appointed by a court to make educational decisions for a minor pursuant to Welfare and Institutions Code sections 319, 361 or 726, or a person holding the right to make educational decisions for the pupil pursuant to Education Code section 56055.

- **"School of origin"** means the school that the foster youth attended when permanently housed
or the school in which the foster youth was last enrolled. If the school the foster youth
attended when permanently housed is different from the school in which the student was last
enrolled, or if there is some other school that the foster youth attended within the
immediately preceding 15 months, the Charter School liaison for foster youth, in consultation
with and with the agreement of the foster youth and the ERH for the youth, shall determine,
in the best interests of the foster youth, the school that shall be deemed the school of origin.

- “Best interests” means that, in making educational and school placement decisions for a foster
  youth, consideration is given to, among other factors, the opportunity to be educated in the
  least restrictive educational program and the foster youth’s access to academic resources,
services, and extracurricular and enrichment activities that are available to all Charter School
students.

Within this Policy, foster/juvenile court 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 referred to collectively as “Foster and Mobile Youth.”

**Foster and Mobile Youth Liaison**

In order to help facilitate the enrollment, placement, and transfer of Foster and Mobile Youth to the
Charter School, the Governing Board shall designate a Foster and Mobile Youth liaison. The
Governing Board designates the following position as the Charter School’s liaison for Foster and
Mobile Youth:

Director of Student Services
3670 Ocean Ranch Blvd, Oceanside CA 92056
760-757-0161

The Foster and Mobile Youth Liaison shall be responsible for the following:

1. Ensure and facilitate the proper educational placement, enrollment in the Charter School,
   and checkout from the Charter School of foster youth.

2. Ensure proper transfer of credits, records, and grades when foster youth transfer to or from
   the Charter School.

3. When a foster youth is enrolling in the Charter School, the Foster and Mobile Youth Liaison
   shall contact the school last attended by the student within two (2) business days to obtain
   all academic and other records. The last school attended by the foster youth shall provide all
   required records to the new school regardless of any outstanding fees, fines, textbooks, or
   other items or moneys owed to the school last attended. When a foster youth is transferring
   to a new school, the Foster and Mobile Youth Liaison shall provide the student’s records to
   the new school within two (2) business days of receiving the new school’s request,
   regardless of any outstanding fees, fines, textbooks, or other items or moneys owed to the
   Charter School.

4. When required by law, notify the foster youth’s attorney and the appropriate
   representative of the county child welfare agency at least ten (10) calendar days preceding
   the date of the following:
a. An expulsion hearing for a discretionary act under the Charter School’s charter.

b. Any meeting to extend a suspension until an expulsion decision is rendered if the decision to recommend expulsion is a discretionary act under the Charter School’s charter. The foster youth’s attorney and the agency representative will be invited to participate.

c. A manifestation determination meeting prior to a change in the foster youth’s placement if the change in placement is due to an act for which the recommendation for expulsion is discretionary and the student is a student with a disability under state and federal special education laws. The foster youth’s attorney and the agency representative will be invited to participate.

5. As needed, make appropriate referrals to ensure that students in foster care receive necessary special education services and services under Section 504 of the federal Rehabilitation Act of 1973.

6. As needed, ensure that students in foster care receive appropriate school-based services, such as counseling and health services, supplemental instruction, and after-school services.

7. Develop protocols and procedures for creating awareness for Charter School staff, including but not limited to directors, leads, front office staff of the requirements for the proper enrollment, placement, and transfer of foster youth.

8. Collaborate with the county placing agency, social services, probation officers, juvenile court officers, and other appropriate agencies to help coordinate services for the Charter School’s foster youth.

9. Monitor the educational progress of foster youth and provide reports to the Executive Director or designee and the Governing Board based on indicators identified in the Charter School’s local control and accountability plan.

This Policy does not grant the Foster and Mobile Youth Liaison authority that supersedes the authority granted under state and federal law to a parent or legal guardian retaining educational rights, a responsible person appointed by the court to represent the child pursuant to Welfare and Institutions Code sections 319, 361 or 726, a surrogate parent, or a foster parent exercising authority under Education Code section 56055. The role of the Foster and Mobile Youth Liaison is advisory with respect to placement options and determination of the school of origin.

**School Stability and Enrollment**

The Charter School will work with foster youth and their ERH to ensure that each foster youth is placed in the least restrictive educational programs and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all students, including, but not limited to, interscholastic sports. All decisions regarding a foster youth’s education and placement will be based on the best interest of the child and shall consider, among other factors, educational stability and the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress.
Foster youth, currently migratory children, and children of military families have the right to remain in their school of origin if it is their best interest. The Charter School will immediately enroll a foster youth, a currently migratory child, or child of a military family seeking reenrollment in the Charter School as their school of origin.

A foster youth, currently migratory child, or child of a military family who seeks to transfer to the Charter School will be immediately enrolled (subject to the Charter School's capacity, if the Charter School is not the student's school of origin, and pursuant to the procedures stated in the Charter School's charter and Board policy) even if the student has outstanding fees, fines, textbooks, or other items or monies due to the school last attended or is unable to meet normal enrollment documentation or school uniform requirements (e.g. producing medical records or academic records from a previous school).

At the initial detention or placement, or any subsequent change in placement, a foster youth may continue in their school of origin for the duration of the court's jurisdiction. A currently migratory child or child of a military family may continue in their school of origin as long as the student meets the definition of a currently migratory child or child of a military family as described above. 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 court's jurisdiction or termination of the child's status as a currently migratory child or child of a military family, as follows:

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

If the foster youth, currently migratory child or child of a military family is transitioning between school grade levels, the youth shall be allowed to continue in the district of origin in the same attendance area to provide the youth the benefit of matriculating with their peers in accordance with the established feeder patterns of school districts. A student who is transitioning to a middle school or high school shall be allowed to enroll in the school designated for matriculation in another school district.

The Foster and Mobile Youth Liaison may, in consultation with and with the agreement of the foster youth and the ERH for the foster youth, recommend that the foster youth's right to attend the school of origin be waived and the student be enrolled in any district school that the student would otherwise be eligible to attend as a resident of the school district or in the Charter School consistent with current enrollment procedures. All decisions shall be made in accordance with the foster youth's best interests.

Prior to making any recommendation to move a foster youth from their school of origin, the Foster and Mobile Youth Liaison shall provide the foster youth and the foster youth's ERH with a written explanation of the basis for the recommendation and how the recommendation serves the foster youth's best interests.

If any dispute arises regarding a foster youth's request to remain in the Charter School as the foster youth's school of origin, the foster youth has the right to remain in the Charter School pending resolution of the dispute. The dispute shall be resolved in accordance with the existing Charter School dispute resolution process.
**Transportation**

The Charter School shall not be responsible for providing transportation to allow a foster youth to attend school, unless there is an agreement with a local child welfare agency that the Charter School assumes part or all of the transportation costs in accordance with Section 6312(c)(5) of Title 20 of the United States Code, or unless required by federal law. The Charter School is not prohibited from providing transportation, at its discretion, to allow a foster youth to attend school.

In accordance with Section 6312(c)(5) of Title 20 of the United States Code, the Charter School shall collaborate with local child welfare agencies to develop and implement clear written procedures to address the transportation needs of foster youth to maintain them in their school of origin, when it is in the best interest of the youth.

For any student who has an individualized education program ("IEP"), the student’s IEP team will determine if the student requires special education transportation as a related service regardless of the student’s status.

**Effect of Absences on Grades**

The grades of a foster youth shall not be lowered for any absence from the Charter School that is due to either of the following circumstances:

a. A decision by a court or placement agency to change the student’s placement, in which case the student’s grades shall be calculated as of the date the student left school.

b. A verified court appearance or related court-ordered activity.

**Transfer of Coursework and Credits**

The Charter School shall accept coursework satisfactorily completed by a Foster and Mobile Youth while attending another public school, a juvenile court school, a charter school, a school in a country other than the United States, or a nonpublic, nonsectarian school or agency even if the student did not complete the entire course and shall issue that student full or partial credit for the coursework completed.

If the Foster and Mobile Youth did not complete the entire course, the student shall be issued partial credit for the coursework completed and shall not be required to retake the portion of the course that the student completed at another school unless the Charter School, in consultation with the student’s ERH, finds that the student is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a Foster and Mobile Youth in any particular course, the student shall be enrolled in the same or equivalent course, if applicable, so that the student may continue and complete the entire course.

In no event shall the Charter School prevent a Foster and Mobile Youth from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California.

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6 For purposes of coursework completed by a student who is a child of a military family, “public school” includes schools operated by the United States Department of Defense.
**Applicability of Graduation Requirements**

To obtain a high school diploma from the Charter School, a student must complete all courses required by the Charter School and fulfill any additional graduation requirements prescribed by the Board. However, Foster and Mobile Youth who transfer to the Charter School any time after the completion of their second year of high school, and pupils participating in a newcomer program who are in their third or fourth year of high school, shall be exempt from any of the Charter School’s graduation requirements that are in excess of the California minimum graduation requirements specified in Education Code section 51225.3 (“additional graduation requirements”) unless the Charter School makes a finding that the student is reasonably able to complete the Charter School’s graduation requirements by the end of the student’s fourth year of high school.

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

Within thirty (30) calendar days of the date that a student who may qualify for exemption under the above requirements transfers into the Charter School, the Charter School shall notify the student, the ERH, and where applicable, the student’s social worker or probation officer, of the availability of the exemption and whether the student qualifies for the exemption. If the Charter School fails to provide timely notice of the availability of the exemption, the Foster and Mobile Youth shall be eligible for the exemption from the additional graduation requirements once notified, even if that notification occurs after the termination of the court’s jurisdiction over the student, if the foster youth otherwise qualifies for the exemption.

If a student is exempted from the Charter School’s additional graduation requirements pursuant to this Policy and completes the statewide coursework requirements specified in Educational Code section 51225.3 before the end of their fourth year of high school and that student would otherwise be entitled to remain in attendance at the Charter School, the Charter School shall not require or request that the student graduate before the end of their fourth year of high school.

The Executive Director or designee shall notify a Foster and Mobile Youth and their ERH if the Charter School grants an exemption from the additional graduation requirements, how any requirements that are waived will affect the student’s ability to gain admission to a postsecondary educational institution, and shall provide information about transfer opportunities available through the California Community Colleges.

A Foster and Mobile Youth who would otherwise be entitled to remain in attendance at the Charter School shall not be required to accept the exemption from additional graduation requirements or be denied enrollment in, or the ability to complete, courses for which the student is otherwise eligible, including courses necessary to attend an institution of higher education, regardless of whether those courses are required for statewide graduation requirements.

If an eligible student is not exempted from additional graduation requirements or has previously declined the exemption pursuant to this Policy, the Charter School shall exempt the student at any time if an exemption is requested by the youth and the youth qualifies for the exemption. Likewise, if the youth is exempted, the Charter School may not revoke the exemption.

If a Foster and Mobile Youth is exempted from additional graduation requirements pursuant to this section, the exemption shall continue to apply after the termination of the court’s jurisdiction over the student or after the termination of circumstances which make the Student eligible while he or she is enrolled in school or if the student transfers to another school, including a charter school, or school district.
The Charter School shall not require or request a Foster and Mobile Youth to transfer schools in order to qualify for an exemption from additional graduation requirements, and no Foster and Mobile Youth or any person acting on behalf of a Foster and Mobile Youth may request a transfer solely to qualify for an exemption from the Charter School’s additional graduation requirements.

Upon making a finding that a Foster and Mobile Youth is reasonably able to complete the Charter School’s graduation requirements within the student’s fifth year of high school, the Executive Director or designee shall:

1. Inform the student and the student’s ERH of the student’s option to remain in school for a fifth year to complete the Charter School’s graduation requirements, consistent with the laws regarding continuous enrollment and satisfactory progress for Charter School students over age 19.

2. Inform the student and the student’s ERH how remaining in school for a fifth year will affect the student’s ability to gain admission to a postsecondary educational institution.

3. Provide information to the student about transfer opportunities available through the California Community Colleges.

4. Upon agreement with the student or, if the student is under 18 years of age, the ERH, permit the student to stay in school for a fifth year to complete the Charter School’s graduation requirements.

If a juvenile court youth satisfies the requirements for high school graduation while enrolled at a juvenile court school but has elected to decline the issuance of the diploma for the purpose of taking additional coursework, the Charter School will not prevent the juvenile court youth from enrolling in the Charter School and pursuing additional coursework if requested by the youth or by the youth’s ERH.

**Eligibility for Extracurricular Activities**
A student who is in foster care whose residence changes pursuant to a court order or decision of a child welfare worker shall be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities.

**Waiver of Fees for Afterschool Programs**
The Charter School shall not charge any student who the Charter School knows is currently in foster care any family fees associated with an After-School Education and Safety (“ASES”) Program operated by the Charter School.

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

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

**Complaints of Noncompliance**
Complaints of noncompliance with this Policy shall be governed by the Charter School's Uniform Complaint Procedures. A copy of the Uniform Complaint Policy and Procedures is available within the student Handbook.

**Board Approval Date:** 7.21.2020

**Amended:**
Pacific View Charter School

Student Policy #23

Education for Homeless Children and Youth Policy

The Pacific View Charter School ("PVCS" or the "Charter School") Governing Board desires to ensure that homeless children and youth are provided with equal access to its educational program, have an opportunity to meet the same challenging State academic standards, are provided a free and appropriate public education, are not stigmatized or segregated on the basis of their status as homeless, and to establish safeguards that protect homeless students from discrimination on the basis of their homelessness.

Definition of Homeless Children and Youth

The term "homeless children and youth" means individuals who lack a fixed, regular and adequate nighttime residence and includes children and youth 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.

Charter School Liaison

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

Director of Student Services
3670 Ocean Ranch Blvd, Oceanside CA 92056
760-757-0161

The Charter School Liaison shall ensure that the following requirements are fulfilled by the Charter School (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 PVCS.

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 ("IDEA"); any other preschool programs administered by PVCS, if any; and referrals to health care services, dental services, mental health services, 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, PVCS 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 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.

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/

**Enrollment**

PVCS shall immediately admit/enroll the student for which the Charter School is a School of Origin. “School of Origin” means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

PVCS shall also immediately enroll a homeless youth who seeks to enroll in the Charter School, if the youth would otherwise be eligible to attend and subject to the Charter School’s capacity and pursuant to the procedures stated in the PVCS charter and Board policy. A homeless youth who is enrolled will have the right to attend classes and participate fully in school activities, including extracurricular...
activities.

The youth shall be immediately enrolled even if the student lacks records normally required for enrollment (such as previous academic records, records of immunizations, other required health records, proof of residency) or has missed application or enrollment deadlines during any period of homelessness. Records will immediately be requested from the previous school. (42 U.S.C. § 11432(g)(3)(C); Education Code Section 48850(a)(3)(A).)

If the student needs to obtain immunizations or does not possess immunization or other medical records, the Executive Director or designee shall refer the parent/guardian to the Charter School Liaison. The Charter School Liaison shall assist the parent/guardian in obtaining the necessary immunizations or records for the student. (42 U.S.C. § 11432(g)(3)(C).)

A homeless youth may remain in the student’s school of origin for the entire period for which the youth is homeless. If a youth obtains permanent housing during an academic year, the youth will be permitted to remain in the school of origin through the end of the academic year.

**Enrollment Disputes**

If a dispute arises over admissions/enrollment, the student shall be immediately admitted (subject to Charter School’s capacity and pursuant to the procedures stated in the Charter School charter and Board policy), pending final resolution of the dispute, including all available appeals. (42 U.S.C. § 11432(g)(3)(E).)

The parent/guardian shall be provided with a written explanation of the admission/enrollment decision, including an explanation of the parent/guardian’s right to appeal the decision. He/she shall also be referred to the Charter School Liaison. (42 U.S.C. § 11432(g)(3)(E).)

The Charter School Liaison shall carry out the Board-adopted dispute resolution and complaint process as expeditiously as possible after receiving notice of the dispute. (42 U.S.C. § 11432(g)(3)(E).)

**Comparable Services**

Each homeless child or youth shall promptly be provided services comparable to services offered to other students in PVCS such as (42 U.S.C. § 11432(g)(4)):

- Educational services for which the child or youth meets eligibility criteria, such as educational programs for students with disabilities and educational programs for students with limited English proficiency
- Programs in vocational and technical education
- Programs for gifted and talented students
- Charter School nutrition programs

**Transportation**

In the event that PVCS provides transportation services to all PVCS students, PVCS shall provide comparable transportation services to each homeless child or youth attending PVCS, as noted above. (42 U.S.C. § 11432(g)(4).)

If the PVCS does not otherwise provide transportation services to all PVCS students, PVCS shall
ensure that transportation is provided for homeless students to and from PVCS, at the request of the
parent or guardian (or Charter School Liaison), if PVCS is the student's school of origin. (42 U.S.C. §
11432(g)(1)(J).) Transportation provided by PVCS will be adequate and appropriate for the
Student's situation, but PVCS does not commit to any one method of transportation for all youth.

Professional Development

All administrators, teachers and employees of PVCS will be provided professional development on
the identification, services, and sensitivity necessary when dealing with homeless children and youth.
(42 U.S.C. § 11433(d)(3).) All identified or suspected homeless children and youth will be referred to
the Charter School Liaison.

High School Graduation Requirements

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

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

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

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

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

The Charter School shall not require or request that a student transfer schools in order to qualify the
student for the exemption. Nor shall a student, a student’s parent/guardian or educational rights
holder, or a student’s social worker or probation officer request a transfer solely to qualify for an
exemption from the Charter School’s additional graduation requirements.
If a student who is exempted from the Charter School's additional graduation requirements completes the California minimum coursework requirements specified in Education Code section 51225.3 before the end of the student's fourth year of high school and would otherwise be entitled to remain in attendance at the Charter School, the Charter School shall not require or request that the student graduate before the end of the student's fourth year of high school.

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

1. Inform the student of the student's option to remain at the Charter School for a fifth year to complete the Charter School's graduation requirements.

2. Inform the student, and the educational rights holder for the student, about how remaining in school for a fifth year to complete the Charter School's graduation requirements will affect the student's ability to gain admission to a postsecondary educational institution.

3. Provide information to the student about transfer opportunities available through the California Community Colleges.

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

**Acceptance of Course Work**

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

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

**Notice**

For any homeless student who seeks enrollment at the Charter School, written notice will be provided to the parent/guardian at the time of enrollment and while the student is enrolled at the Charter School in alignment with the law. (42 U.S.C. § 11432(e)(3)(C).)

**Board Approval Date:** 7.21.2020  
**Amended:**
Uniform Complaint Policy and Procedures

Pacific View Charter School ("PVCS" or "Charter School") complies with applicable federal and state laws and regulations. PVCS is the local agency primarily responsible for compliance with federal and state laws and regulations governing educational programs. Pursuant to this policy, persons responsible for compliance and/or conducting investigations shall be knowledgeable about the laws and programs, which they are assigned to investigate.

Scope

This complaint procedure is adopted to provide a uniform system of complaint processing ("UCP") 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 PVCS 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; Career Technical and Technical Education;
   - 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;
   - School Safety Plans.

3. Complaints alleging that a student enrolled in a public school was required to pay a pupil fee for participation in an educational activity as those terms are defined below.
   a. “Educational activity” means an activity offered by the charter school that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities.
   b. “Pupil fee” means a fee, deposit or other charge imposed on students, or a student's parents/guardians, in violation of Education Code section 49011 and Section 5 of Article IX of the California Constitution, which require educational activities to be provided free of charge to all students without regard to their families' ability or willingness to pay fees or request special waivers, as provided for in Hartzell v.
Connell (1984) 35 Cal.3d 899. A pupil fee includes, but is not limited to, all of the following:

i. A fee charged to a student as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory or is for credit.

ii. A security deposit, or other payment, that a student is required to make to obtain a lock, locker, book, class apparatus, musical instrument, uniform or other materials or equipment.

iii. A purchase that a student is required to make to obtain materials, supplies, equipment or uniforms associated with an educational activity.

c. A pupil fees complaint and complaints regarding local control and accountability plans ("LCAP") only, may be filed anonymously (without an identifying signature), if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with Education Code sections 52060 - 52077, including an allegation of a violation of Education Code sections 47606.5 or 47607.3, as referenced in Education Code section 52075, regarding local control and accountability plans.

d. If PVCS finds merit in a pupil fees complaint, or the California Department of Education ("CDE") finds merit in an appeal, PVCS shall provide a remedy to all affected students, parents/guardians that, where applicable, includes reasonable efforts by PVCS to ensure full reimbursement to all affected students and parents/guardians, subject to procedures established through regulations adopted by the state board.

e. Nothing in this Policy shall be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or PVCS and other entities from providing student prizes or other recognition for voluntarily participating in fundraising activities.

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

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.
PVCS acknowledges and respects every individual’s rights to privacy. Unlawful discrimination, harassment, intimidation or bullying complaints shall be investigated in a manner that protects (to the greatest extent reasonably possible and as permitted by law) confidentiality of the parties, including but not limited to the identity of the complainant, and maintains the integrity of the process. PVCS cannot guarantee anonymity of the complainant. This includes keeping the identity of the complainant confidential. However, PVCS will attempt to do so as appropriate. PVCS may find it necessary to disclose information regarding the complaint/complainant to the extent required by law or necessary to carry out the investigation or proceedings, as determined by the Executive Director or designee on a case-by-case basis. PVCS shall ensure that complainants are protected from retaliation.

Compliance Officer

The Board of Directors designates the following compliance officer(s) to receive and investigate complaints and to ensure PVCS’s compliance with law:

Director of Student Services
3670 Ocean Ranch Blvd, Oceanside CA 92056
760-757-0161

The Executive Director or designee shall ensure that the compliance officer(s) designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. The compliance officer may have access to legal counsel as determined by the Executive Director or designee.

Should a complaint be filed against the Executive Director, the compliance officer for that case shall be the President of the PVCS Board of Directors.

Notifications

The Executive Director or designee shall make available copies of this Policy free of charge. The annual notice of this Policy may be made available on PVCS’s website.

PVCS shall annually provide written notification of PVCS’s UCP to employees, students, parents/guardians, advisory committees, private school officials or representatives, and other interested parties as applicable.

The annual notice shall be in English. When necessary under Education Code section 48985, if fifteen (15) percent or more of the students enrolled in PVCS speak a single primary language other than English, this annual notice will also be provided to the parent/guardian of any such students in their primary language.

The annual notice shall include the following:

1. A list of the types of complaints that fall under the scope of the UCP and the state and federal provisions that govern complaints regarding child nutrition programs and special education programs.

2. A statement clearly identifying any California State preschool programs that PVCS is operating as exempt from licensing pursuant to Health and Safety Code section 1596.792(o)
and corresponding Title 5 health and safety regulations, and any California State preschool
programs that PVCS is operating pursuant to Title 22 licensing requirements.

3. A statement that PVCS is primarily responsible for compliance with federal and state laws
and regulations.

4. A statement that a student enrolled in a public school shall not be required to pay a pupil fee
for participation in an educational activity.

5. A statement identifying the title of the compliance officer, and the identity(ies) of the
person(s) currently occupying that position, if known.

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

7. A statement that the complainant has a right to appeal PVCS’s decision to the CDE by filing a
written appeal within thirty (30) calendar days of the date of PVCS’s decision, except if PVCS
has used its UCP to address a complaint that is not subject to the UCP requirements.

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

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

10. A statement advising the complainant of any civil law remedies that may be available under
state or federal discrimination, harassment, intimidation or bullying laws, if applicable, and
of the appeal pursuant to Education Code section 262.3.

11. A statement that copies of PVCS’s UCP shall be available free of charge.

Procedures

The following procedures shall be used to address all complaints which allege that PVCS has violated
federal or state laws or regulations enumerated in the section “Scope,” above. The compliance officer
shall maintain a record of each complaint and subsequent related actions for at least three (3)
calendar years.

All parties named shall be notified when a complaint is filed, when a complaint meeting or hearing is
scheduled, and when a decision or ruling is made.

• Step 1: Filing of Complaint

Any individual, including a person’s duly authorized representative or an interested third party,
public agency, or organization may file a written complaint of alleged noncompliance or unlawful
discrimination, harassment, intimidation or bullying pursuant to this Policy.

A complaint of unlawful discrimination, harassment, intimidation or bullying may be 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 unlawful discrimination, harassment, intimidation or bullying, or by a duly authorized
representative who alleges that an individual student has been subjected to discrimination,
harassment, intimidation, or bullying. An investigation of alleged unlawful discrimination,
harassment, intimidation or bullying shall be initiated by filing a complaint no later than six (6)
months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or
the complainant first obtained knowledge of the facts of the alleged discrimination, harassment,
intimidation or bullying unless the time for filing is extended by the Executive Director or designee,
upon written request by the complainant setting forth the reasons for the extension. Such extension
by the Executive Director or designee shall be made in writing. The period for filing may be extended
by the Executive Director or designee for good cause for a period not to exceed ninety (90) calendar
days following the expiration of the six-month time period. The Executive Director shall respond
immediately upon a receipt of a request for extension.

All other complaints under this Policy shall be filed not later than one (1) year from the date
the alleged violation occurred. For complaints relating to the LCAP, the date of the alleged violation is the
date on which the PVCS Board of Directors approved the LCAP or the annual update was adopted by
PVCS.

The complaint shall be presented to the compliance officer who shall maintain a log of complaints
received, providing each with a code number and date stamp.

Complaints filed pursuant to this Policy must be in writing and signed. A signature may be
handwritten, typed (including in an email) or electronically generated. Only complaints regarding
pupil fees or LCAP compliance may be filed anonymously as set forth in this Policy. If a complainant
is unable to put a complaint in writing due to conditions such as a disability or illiteracy, PVCS staff
shall assist the complainant in the filing of the complaint.

• **Step 2: Mediation**

Within three (3) business days of receiving the complaint, the compliance officer may informally
discuss with the complainant the possibility of using mediation. If the complainant agrees to
mediation, the compliance officer shall make arrangements for this process.

Before initiating the mediation of an unlawful discrimination, harassment, intimidation or bullying
complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to
related confidential information.

If the mediation process does not resolve the complaint to the satisfaction of the complainant, the
compliance officer shall proceed with the investigation of the complaint.

The use of mediation shall not extend PVCS’s timelines for investigating and resolving the complaint
unless the complainant agrees in writing to such an extension of time.
• **Step 3: Investigation of Complaint**

The compliance officer is encouraged to hold an investigative meeting within five (5) business days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or the complainant’s representative to repeat the complaint orally.

The complainant and/or the complainant’s representative shall have an opportunity to present evidence or information leading to evidence to support the allegations in the complaint.

A complainant’s refusal to provide the compliance officer with documents or other evidence related to the allegations in the complaint, or a complainant’s failure or refusal to cooperate in the investigation or the complainant’s engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation.

PVCS’s refusal to provide the compliance officer with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

• **Step 4: Final Written Decision**

PVCS shall issue an investigation report (the “Decision”) based on the evidence. PVCS’s Decision shall be in writing and sent to the complainant within sixty (60) calendar days of PVCS’s receipt unless the timeframe is extended with the written agreement of the complainant. PVCS’s Decision shall be written in English and in the language of the complainant whenever feasible or as required by law.

The Decision shall include:

1. The findings of fact based on evidence gathered.
2. The conclusion providing a clear determination for each allegation as to whether PVCS is in compliance with the relevant law.
3. Corrective actions, if PVCS finds merit in the complaint and any are warranted or required by law.
4. Notice of the complainant’s right to appeal PVCS’s Decision within thirty (30) calendar days to the CDE, except when PVCS has used its UCP to address a complaints that are not subject to the UCP requirements.
5. Procedures to be followed for initiating such an appeal.

If an employee is disciplined as a result of the complaint, the Decision shall simply state that effective action was taken and that the employee was informed of PVCS’s expectations. The Decision shall not give any further information as to the nature of the disciplinary action except as required by applicable law.

Appeals to the CDE
If dissatisfied with the Decision, the complainant may appeal in writing to the CDE within thirty (30) calendar days of receiving the Decision. The appeal shall be accompanied by a copy of the complaint filed with PVCS and a copy of the Decision. When appealing to the CDE, the complainant must specify and explain the basis for the appeal, including at least one of the following:

1. PVCS failed to follow its complaint procedures.

2. Relative to the allegations of the complaint, PVCS’s Decision lacks material findings of fact necessary to reach a conclusion of law.

3. The material findings of fact in PVCS’s Decision are not supported by substantial evidence.

4. The legal conclusion in PVCS’s Decision is inconsistent with the law.

5. In a case in which PVCS’s Decision found noncompliance, the corrective actions fail to provide a proper remedy.

Upon notification by the CDE that the complainant has appealed the Decision, the Executive Director or designee shall forward the following documents to the CDE within ten (10) calendar days of the date of notification:

1. A copy of the original complaint.


3. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by the parties or gathered by the investigator.

4. A report of any action taken to resolve the complaint.

5. A copy of PVCS’s complaint procedures.

6. Other relevant information requested by the CDE.

If the CDE determines the appeal raises issues not contained in the local complaint, the CDE will refer those new issues back to PVCS for resolution as a new complaint. If the CDE notifies PVCS that its Decision failed to address an allegation raised by the complaint and subject to the UCP process, PVCS will investigate and address such allegation(s) in accordance with the UCP requirements and provide the CDE and the appellant with an amended Decision addressing such allegation(s) within twenty (20) calendar days of the CDE’s notification. The amended Decision will inform the appellant of the right to separately appeal the amended Decision with respect to the complaint allegation(s) not addressed in the original Decision.

Within thirty (30) calendar days of the date of the CDE’s appeal Decision pursuant to 5 C.C.R section 4633(f)(2) or (3), either party may request reconsideration by the State Superintendent of Public Instruction (“SSPI”) or the SSPI’s designee. The request for reconsideration shall specify and explain the reason(s) for contesting the findings of fact, conclusions of law, or corrective actions in the CDE’s appeal Decision. The SSPI will not consider any information not previously submitted to the CDE by a party during the appeal unless such information was unknown.
to the party at the time of the appeal and, with due diligence, could not have become known to the party. Pending the SSPI's response to a request for reconsideration, the CDE appeal Decision remains in effect and enforceable, unless stayed by a court.

The CDE may directly intervene in the complaint without waiting for action by PVCS when one of the conditions listed in 5 C.C.R. section 4650 exists, including but not limited to cases in which through no fault of the complainant, PVCS has not taken action within sixty (60) calendar days of the date the complaint was filed with PVCS.

Civil Law Remedies

A complainant may pursue available civil law remedies outside of PVCS'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 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 PVCS has appropriately, and in a timely manner, apprised the complainant of their right to file a complaint.

Board Approval Date: 7.21.2020

Amended:
PACIFIC VIEW CHARTER SCHOOL

UNIFORM COMPLAINT PROCEDURE FORM

Last Name: ____________________________ First Name/MI: ____________________________
Student Name (if applicable): ____________________________ Grade: ______ Date of Birth: ______
Street Address/Apt. #: ____________________________ City: ____________________________ State: ______ Zip Code: ______
Home Phone: ____________________________ Cell Phone: ____________________________ Work Phone: ____________________________
School/Office of Alleged Violation: _____________________________________________________________

For allegation(s) of noncompliance, please check the program or activity referred to in your complaint, if applicable:

☐ Career Technical and Technical Education/Career Technical and Technical Training
☐ 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
☐ Local Control Funding Formula/Local Control and Accountability Plan
☐ Migrant Education Programs
☐ School Plans for School Achievement
☐ School Safety Plan
☐ Pupil Fees
☐ Pregnant, Parenting or Lactating Students

For allegation(s) of unlawful discrimination, harassment, intimidation or bullying, please check the basis of the unlawful discrimination, harassment, intimidation or bullying described in your complaint, if applicable:

☐ Age
☐ Ancestry
☐ Color
☐ Disability (Mental or Physical)
☐ Ethnic Group Identification
☐ Gender / Gender Expression / Gender Identity
☐ Genetic Information
☐ Immigration Status/Citizenship
☐ Marital Status
☐ Medical Condition
☐ Nationality / National Origin
☐ Race or Ethnicity
☐ Religion
☐ Sex (Actual or Perceived)
☐ Sexual Orientation (Actual or Perceived)
☐ Based on association with a person or group with one or more of these actual or perceived characteristics

1. Please give facts about the complaint. Provide details such as the names of those involved, dates, whether witnesses were present, etc., that may be helpful to the complaint investigator.

________________________________________________________________________________________
________________________________________________________________________________________

2. Have you discussed your complaint or brought your complaint to any PVCS personnel? If you have, to whom did you take the complaint, and what was the result?

_____________________________________________________________________________________________
_____________________________________________________________________________________________
_____________________________________________________________________________________________
_____________________________________________________________________________________________
_____________________________________________________________________________________________
_____________________________________________________________________________________________
_____________________________________________________________________________________________
_____________________________________________________________________________________________
_____________________________________________________________________________________________

3. Please provide copies of any written documents that may be relevant or supportive of your complaint.
I have attached supporting documents.    ☐ Yes    ☐ No

Signature:   ____________________________________________ Date: _____________

Mail complaint and any relevant documents to the Compliance Officer:

Director of Student Services
3670 Ocean Ranch Blvd, Oceanside CA 92056
760-757-0161
Pacific View Charter School

Student Policy #26

Transportation Safety Plan

Because Pacific View Charter School ("PVCS" or the "Charter School") provides transportation to or from a PVCS school activity, the PVCS Board of Directors ("Board") approved the following transportation safety plan, which contains procedures for PVCS personnel to follow to ensure the safe transportation of students. A copy of this Plan will be kept at each PVCS school and will be made available upon request to an officer of the Department of the California Highway Patrol. Students shall be informed that any violation of PVCS policies and procedures, including violation of safety procedures on a school bus or school activity bus, could result in discipline pursuant to the PVCS discipline policy.

Definitions

- "School bus" is any motor vehicle designed, used, or maintained for the transportation of a PVCS pupil at or below the grade 12 level to or from PVCS or to and from PVCS activities. "School bus" does not include a passenger vehicle designed for and when actually carrying not more than 10 persons, including the driver, except any vehicle or truck transporting two or more pupils who use wheelchairs.

- "School activity bus" is any motor vehicle, other than the school bus, operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned or operated transit system, or by a passenger charter-party carrier, used under a contractual agreement between PVCS and carrier to transport PVCS pupils at or below the grade 12 level to or from a PVCS activity, or used to transport students from residential schools, when the students are received and discharged at off-highway locations where a parent or adult designated by the parent is present to accept the student or place the student on the bus.

Determining Whether a Student Requires an Escort

If the school site or school activity destination is located on the opposite side of the street of the actual bus stop, then PVCS and California Vehicle Code section 22112(d) require the student to be physically escorted by the bus driver across that street and under the bus drivers' direction and supervision. The bus driver will be required to activate the school bus red flashing crossover lights and if so equipped, the stop arm, and physically get out of the bus to assist the students safely across the street. PVCS requires ALL students who cross the street, be physically escorted by the bus driver with crossover lights and signs being activated.

Procedures for Kindergarten through Eighth Grade Pupils Regarding Boarding and Exiting the Bus

PVCS has created the following procedures to govern the safe entry and exit of kindergarten through eighth grade students to and from the school bus. PVCS is not required to use the services of an onboard school bus monitor in addition to the driver to ensure these procedures are followed.

Boarding:
1. Students shall board or exit the school bus ONLY at their assigned bus stop or school activity destination.
2. Students shall board in an orderly manner and utilize the handrails for their safety while loading and unloading.
3. Students are to find their seat as quickly as possible and sit down facing the front of the bus.
4. Students are to remain seated at all times while the bus is in motion.
5. Students are to maintain a noise level which will allow the bus driver to hear approaching traffic.
6. Students are to follow the directions of the bus driver while they are aboard the bus.
7. Students are responsible to follow all rules and regulations.

Exiting:

1. Students shall stay seated until the bus comes to a complete stop.
2. Once the driver has stopped the bus completely and opened the door, students are to unload seat by seat starting with the front of the bus and continuing seat by seat until the bus is empty.
3. Students remaining on the bus are to remain seated until the bus stops at their assigned bus stop or school activity destination.
4. Students will unload in an orderly manner using the handrails.
5. Students shall exit the bus only at their assigned bus stop or school activity destination. Exceptions will only be allowed when the student presents the bus driver with a note signed by his/her parent and endorsed by the Executive Director.
6. Students are to move away from the bus as they unload. Students shall not get underneath the bus to retrieve a book, paper or some other article. The student should always tell the bus driver and have the bus driver get the article for them.
7. Students should always use crosswalks and controlled intersections when available and should not cross in the middle of the block.
8. Students must avoid trespassing on other people’s property, stay on sidewalks when possible.

Procedures for All Students to Follow as They Board or Exit a School Bus at PVCS or Other School Activity Location

PVCS has created the following procedures to govern the safe entry and exit of all students at PVCS or other school activity location.

Boarding Buses at School Site or School Activity Location:

1. The school bus driver may not activate the flashing amber warning light system, the flashing red light signal system, and stop signal arm at any school.
2. The driver will monitor the students’ entry onto the bus to ensure an orderly and safe entry for all students.
3. The group of students, along with the teacher(s) and any other adult personnel attending a school activity, shall assemble in an area away from the school bus to wait. When the students are ready to load, the PVCS staff shall inform the driver, and the driver will begin the boarding process.
4. Upon completion of the boarding process, the driver will proceed with the bus evacuation and safety presentation, described below. This shall include an explanation and demonstration of all emergency exits, first aid kids, fire extinguishers, etc.

5. Upon completion of the presentation, the driver shall have the PVCS teacher or head chaperone sign a trip sheet, acknowledging the presentation has been given. The driver will then depart when safe to do so.

Exiting Buses at School Site or School Activity Location:

1. Upon arrival at PVCS, the driver shall take the bus to the designated student drop off area.
2. Upon reaching the designated area, the driver will park the bus and open the door when it is clear and safe to do so. The flashing red signal lights will not be activated.
3. Upon arrival at the school or school activity destination, the driver will select an area where the bus can be lawfully parked and the boarding/exiting of students can be reasonably controlled.
   a. The driver will confer with the PVCS teacher/head chaperone regarding the time and location where the group will assemble to reload the bus.
   b. When it is clear and safe to do so, the driver will have the students disembark the bus. The flashing red signal lights will not be activated.
   c. When the PVCS teacher/head chaperone has confirmed all students are accounted for, the group may proceed to the trip.
4. Students exiting the bus at either PVCS or a school activity location should do so in an orderly, respectful, and appropriate manner, following all instructions from PVCS staff and the bus driver.

Procedures for School Staff to Ensure a Student is Not Left Unattended on a School Bus or School Activity Bus

PVCS staff members should always be involved and active in the supervision of the loading and unloading of students at PVCS and on activity trips to ensure no student is left unattended on the school bus or school activity bus.

To do this, PVCS staff shall adhere to the following procedures:

1. Before leaving the school site for a school activity, the PVCS teacher/head chaperone for the trip shall ensure he/she has a copy of the class roster with all student names.
2. Once the bus reaches the destination, a PVCS teacher/head chaperone shall be the first person off the bus and will note each student who exits the bus by comparing the exiting students against the class roster.
3. A PVCS staff member/chaperone shall be the last person to exit the bus at each stop to ensure no students are on left board. Before exiting the bus, the staff member/chaperone will walk up the aisle, checking each seat and area on the floor by each seat to ensure no students are present.
4. Once all students and staff/chaperones have exited the bus, but before leaving for the designated activity, the PVCS teacher/head chaperone will conduct another roll call by calling out each student’s name and waiting for verbal and visual confirmation from the student that he/she is present.
5. The PVCS teacher/head chaperone will discuss with the bus driver a way to contact each other in the event it is later discovered a student is still on the bus.
Procedures and Standards for Designating an Adult Chaperone, Other than the Bus Driver, to Accompany Students on a School Activity Bus

PVCS shall follow its applicable policies and procedures, including its visitor and volunteer policy, for designating an adult chaperone other than the school bus driver to accompany students on a bus or a school activity bus. All appropriate background checks will be conducted on any chaperone prior to the chaperone’s attending a school trip or school activity bus.

Instruction in School Bus or School Activity Bus Emergency Procedure and Passenger Safety

PVCS shall ensure that all students who are transported in a school bus or school activity bus receive instruction in school bus emergency procedures and passenger safety.

Instruction for Students who were not Previously Transported in a School Bus

Upon registration, the parents/guardians of students who were not previously transported in a school bus or school activity bus and who are in kindergarten through grade 6, inclusive, shall be provided with written information on school bus safety. This information shall include, but not be limited to, the following:

1. A list of school bus stops near the student’s home;
2. General rules of conduct at school bus loading zones, such as:
   a. While waiting for the school bus to arrive, students must stand single file in an orderly and well-behaved line;
   b. Students are not to play in or be in the street or private property
   c. Students shall be on the proper side of the street before the bus arrives at the bus stop;
   d. Students should arrive at their bus stop five minutes prior to the scheduled leaving time;
   e. If the student is late and needs to cross the street that the bus is stopped on, he/she must wait for the bus driver to escort him/her across the street;
   f. Students should not approach the bus until it comes to a complete stop at the stop;
   g. Students should board and exit the bus in an orderly fashion, with no pushing or shoving;
   h. Students should understand the bus driver is in charge at all times, and students should follow his/her directions;
   i. The driver will immediately activate the red flashing crossover lights and stop arm if so equipped;
   j. Animals, birds, reptiles, fish, insects, breakable containers, weapons, or any object or substance that could be hazardous will not be transported on the bus.
3. Red light crossing instructions, consistent with this Plan;
4. School bus danger zone(s);
5. Walking to and from school bus stops.

Instruction for all Students Prior to Departure on School Trip

Finally, prior to departure on a school activity trip, PVCS shall provide safety instruction to all students riding in a school bus or school activity bus. This instruction shall include, but not be limited, to the following:
1. Location of emergency exits; and
2. Use of emergency equipment.
   a. Instruction may also include responsibilities of passengers seated next to an emergency exit.
3. Instruction on how to use the passenger restraint systems, including but not limited to the following:
   a. Proper fastening and release of the passenger restraint system;
   b. Acceptable placement of passenger restraint systems on students;
   c. Times when the passenger restraint systems should be fastened and released; and
   d. Acceptable placement of the passenger restraint systems when not in use.

**Operation of School Bus or School Activity Bus when Visibility Reduced to 200 Feet or Less**

Pursuant to Vehicle Code section 34501.6, PVCS is required to adopt procedures that limit the operation of school buses and school activity buses when atmospheric conditions reduce visibility on the roadway to 200 feet or less during regular home to school transportation service. Bus drivers of school activity buses shall have the authority to discontinue school activity bus operation if the driver determines that it is unsafe to continue operation because of reduced visibility.

For purposes of this Plan, the procedures for school bus drivers shall be as follows:

1. The school bus driver will notify the Executive Director that atmospheric conditions have reduced visibility to 200 feet or less.
2. The Executive Director may consult with legal counsel as needed.
3. The Executive Director may direct that school bus activity will be suspended or delayed for a minimum of one (1) hour through an indefinite suspension or delay if required by the conditions. The length of time for the suspension or delay of school bus services shall be at the discretion of the Executive Director.

**Board Approval Date:** 7.21.2020

**Amended:**
Independent Study Policy

Instruction:

The Governing Board ("Board") of Pacific View Charter School ("Charter School") authorizes independent study as an optional alternative instructional strategy by which students may reach curriculum objectives and fulfill graduation requirements. Independent study shall offer a means of individualizing the educational plan for students whose needs may be best met through study outside of the regular classroom setting. The Charter School shall provide appropriate existing services and resources to enable students to complete their independent study successfully.

Independent study entails a commitment by both the parent/guardian and the student, and as the student gets older, the student assumes a greater portion of the responsibility involved. The Executive Director or designee shall determine that the prospective independent student understands and is prepared to meet the school’s requirements for independent study.

The Board recognizes that independent study may be used as an option to encourage students to remain in school. Each student’s Independent Study shall be coordinated, implemented, and continuously evaluated under the general supervision of an assigned certificated employee(s).

Contracts and assignments will stipulate amounts of time allowed to complete assignments for elementary, middle and high school students. Specific programs will establish appropriate checkpoints during the assignment period in order to monitor student progress.

The following written policies have been adopted by the Board for implementation at the Charter School:

1. For students in all programs and in all grade levels at the Charter School, the maximum length of time that may elapse between the time an assignment is made and the date by which the student must complete the assigned work shall be five (5) school days.

2. When any pupil fails to complete ten (10) assignments for high school and fifteen (15) assignments for elementary during any period of five (5) school days, the Executive Director or designee shall conduct an evaluation to determine whether it is in the best interest of the pupil to remain in independent study. A written record of the findings of any evaluation conducted pursuant to this Policy shall be treated as a mandatory interim pupil record. This record shall be maintained for a period of three (3) years from the date of the evaluation and
if the pupil transfers to another California public school, the record shall be forwarded to that school.

3. A current written agreement shall be maintained on file for each independent study pupil, including but not limited to, all of the following:

- The manner, time, frequency, and place for submitting a pupil’s assignments and for reporting the pupil’s progress.
- The objectives and methods of study for the pupil’s work, and the methods utilized to evaluate that work.
- The specific resources, including materials and personnel, that will be made available to the pupil.
- A statement of the policies adopted herein regarding the maximum length of time allowed between the assignment and the completion of a pupil’s assigned work, and the number of missed assignments allowed prior to an evaluation of whether or not the pupil should be allowed to continue in independent study.
- The duration of the independent study agreement, including beginning and ending dates for the pupil’s participation in independent study under the agreement. No independent study agreement shall be valid for any period longer than one school year.
- A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the pupil upon completion.
- The inclusion of a statement in each independent study agreement that independent study is an optional educational alternative in which no pupil may be required to participate. In the case of a pupil who is referred or assigned to any school, class or program pursuant to Education Code Section 48915 or 48917, the agreement also shall include the statement that instruction may be provided to the pupil through independent study only if the pupil is offered the alternative of classroom instruction.

Each written agreement shall be signed, prior to the commencement of independent study, by the pupil, the pupil’s parent, legal guardian, or care giver, if the pupil is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the pupil. For purposes of this paragraph "caregiver" means a person who has met the requirements of Part 1.5 (commencing with Section 6550) of the Family Code.

5. The Executive Director shall establish regulations to implement these policies in accordance with the law.

Adopted: 11-02-04  
Amended: 11-17-11  
5-19-2020
Pacific View Charter School
Curriculum and Instruction Policy #12

Math Placement

Pacific View Charter School is committed to providing access to high quality mathematics education to all students regardless of race, ethnicity, gender or socioeconomic background.

Student placement in 9th grade will be designed around looking at multiple measures including the math course in which the student completed during 8th grade, math grades, scores on the school’s math assessment and performance on the California Assessment of Student Performance and Progress (CAASPP).

Placement Criteria

1. Students who earn a C or higher in Math 8 will be enrolled in Math 1.
2. Students who earned a D or below in Math 8, but score Math 1 ready on the school assessment will be enrolled in Math 1.
3. Students who earned a D or F in Math 8 and earn scores on school assessment indicating not Math 1 ready will be placed in the appropriate math intervention course.
4. Students in any of the situations above whose CAASPP 8th grade assessment indicates that they exceed the standards will be enrolled in Math 1.
5. Students who earn a C or higher in Math 1 during 8th grade will be enrolled in Math 2.
6. Students who earned a D in Math 1, but score Math 2 ready on the school assessment will be enrolled in Math 2.
7. Students who earned a D or F in Math 1 and earn scores on school assessment indicating not Math 2 ready will be placed in Math 1.
8. Students who earn a C or higher in Math 2 during 8th grade will be enrolled in Math 3.
9. Students who earned a D in Math 2, but score Math 3 ready on the school assessment will be enrolled in Math 3.
10. Students who earned a D or F in Math 2 and earn scores on the school assessment indicating not Math 3 ready will be placed in Math 2.

In an effort to prevent misplacement, each 9th grade math student’s placement will be reevaluated within the first 2 weeks of their first math course. Reevaluation by the math teachers will examine multiple measures including new school assessment scores, progress in math class, and previous recommendation.

When a student’s placement is still questionable, the student will be placed in the higher math option, and be reevaluated for support or a lower math class at the end of the semester.

Board Adopted: 6/27/16
Pacific View Charter School

Curriculum and Instruction Policy #13

Missed Assignment Policy

Per California Education Code Section 51747, Pacific View Charter School ("Charter School") maintains a board policy providing that when any pupil fails to complete ten (10) assignments for high school or fifteen (15) assignments for elementary during any period of five (5) school days, an evaluation will be conducted to determine whether it is in the best interest of the pupil to remain in independent study.

Evaluation After Missed Assignments

After missing ten (10) high school or fifteen (15) elementary assignments during any period of five (5) school days an evaluation will be conducted by the Executive Director and/or designee and supervising teacher to determine whether it is in the best interests of the pupil to remain enrolled in independent study. The evaluation may include but is not limited to the review of the following:

1. Attendance based on completion of assignments as quantified by the assigned supervising teacher;
2. Demonstration of skills on assignments;
3. Standardized test scores;
4. Written tests and reports if appropriate;
5. Oral or written presentations;
6. Pupil's attitude toward learning and achievement;
7. Punctual attendance at scheduled appointments;
8. Ability to meet scheduled appointments;
9. Preparedness for scheduled appointments;
10. Pupil demonstration of adequate and appropriate progress toward Common Core State Standards;
11. Appropriate learning environment; and/or
12. Parent(s) ability to support pupil learning in the home.

As part of the evaluation process, the pupil, parent(s), guardian(s), or if the pupil is a foster child or youth or a homeless child or youth, the pupil's educational rights holder (all generally referred throughout as “Parent(s)”) will be invited to present evidence to the individual or individuals conducting the evaluation. During this meeting, the Charter School will determine whether it is in the best interest of the pupil to remain in independent study. A written record of the findings of any evaluation made pursuant to this subdivision Policy shall be maintained in the pupil's mandatory interim record.

Additional Consideration for Pupils with a Section 504 Plan or IEP

If the Charter School recommends removal from independent study as a result of the evaluation, above, and the pupil has a Section 504 Plan or individualized education program ("IEP"), the Charter School shall schedule an IEP meeting or Section 504 meeting (as applicable) following applicable legal timelines, to determine the following:
1. Whether the missed assignments were caused by or had a direct and substantial relationship to the pupil’s disability; or

2. Whether the missed assignments were the direct result of the Charter School’s failure to implement the IEP or Section 504 Plan, as applicable.

If the answer to either (1) or (2), above, is yes, then the missed assignments are a manifestation of the pupil’s disability and the Charter School will follow applicable state and federal laws to ensure that the pupil is offered a free appropriate public education. If the answer to both (1) and (2), above, is no, then the pupil may be removed from independent study consistent with this Policy.

This meeting may be combined with the evaluation meeting, referenced above, at the discretion of the Charter School.

**Notice of Decision and Opportunity to Request a Hearing Prior to Removal**

Once the evaluation is complete, if it is determined that it is not in the best interest of the pupil to remain enrolled in the independent study program, the Parent(s) shall be notified in writing of the Charter School’s intent to remove the pupil as it is not in their best interest to remain in independent study. The Notice shall be in the native language of the Parent(s) and provided no less than five (5) schooldays before the effective date of pupil’s removal. The Notice shall include the following:

1. The Charter School’s intent to remove the pupil as it is not in their best interest to remain in independent study.

2. The opportunity of the Parent(s) to request a hearing that follows the same procedures as the Charter School’s disciplinary hearing. Parent(s) (or the pupil if over 18) must submit the request for hearing writing within five (5) calendar days from the date of the Notice.

3. If Parent(s) or pupil over 18 requests a hearing:
   a. It will be scheduled following the Charter School’s expulsion hearing procedures as outlined in the Charter School’s approved charter and Suspension and Expulsion Policy.
   b. The pupil shall remain enrolled and shall not be removed until the Charter School issues a final decision.
   c. 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) calendar days.
   d. A hearing decision not to disenroll the student does not prevent the Charter School from making a similar recommendation in the future should student truancy occur or re-occur.

4. If no hearing is requested, the pupil shall be removed from the school on the date listed on the notice.

**Board Approved: 5.19.2020**