



Shade Canyon
School

**Shade Canyon School TK-3
School Safety Plan
2024-25**

4335 Sylar Lane,
Kelseyville, CA 95451
707-245-7757

**Shade Canyon School
School Safety Plan
Table of Contents**

Table of Contents

I. The School Safety Plan Overview 3

II. General School Information 3

III. Emergency Response Plan 4

 Safety Response Team Members12

 Emergency Drill Schedule12

 Training13

 Emergency Contact Datasheet.....13

IV. SEMS (Standardized Emergency Management System Plan)..... 15

 Roles and Responsibilities15

 Emergency Actions & Responsibilities16

 Training & Preparedness16

V. School Safety Practices, Policies and Procedures 16

 Drop-off And Pick-up Policy16

 Reporting of Dangerous, Violent, or Unlawful Activities17

 School Dress Code18

 Safe Ingress/Egress Procedures18

 Child Abuse and Neglect Reporting.....21

 Suspension and Expulsion Policy and Procedures22

 Notification of Dangerous Pupils.....44

 Anti-Discrimination/Anti-Harassment Policy and Hate Crime Reporting.....45

 Title IX Sex Discrimination and Harassment Complaint Form.....61

I. The School Safety Plan Overview

This School Safety Plan has been prepared to fulfill the obligation of Shade Canyon School as set forth in its charter petition, pursuant to Education Code section 47605(c)(5)(F), to develop a school safety plan addressing the safety topics listed in subparagraphs (A) to (L) of paragraph (2) of subdivision (a) of Education Code section 32282, as applicable. It will be reviewed and updated annually by March 1 by the school administration.

- Development of the School Safety Plan took place in October 2024
- A hearing on the School Safety Plan will be held on February 17, 2025 at 2:30pm at Shade Canyon School.
- The most current copy of the plan will be available in the school office for public review in a redacted form, with all tactical responses, lockdown, and bomb threat procedures removed from the publicly available version.

For additional information on school safety programs, policies, or procedures and how you may become involved locally, please contact:

Tim de la Torre, Administrator
Tel: (707) 234-7757
Email: tim@shadecanyon.org
4335 Sylar Lane, Kelseyville, CA 95451

Reviewed and approved by the undersigned members of the Shade Canyon School Safety Committee:

Authorized Representative Signature	Date
_____ Tim de la Torre, Administrator	_____
_____ Margaret M. Lieb, Vice Principal	_____
_____ Brittany Segal, Office Manager	_____

II. General School Information

School Profile

2024-25 enrollment: [64]
Grades: TK-3
Certificated teachers [4]
Classified staff: [10]

Safe School Mission

Students and staff will have a safe and secure campus where they are free from physical and psychological harm. The administration and staff are committed to maximizing school safety and to creating a positive learning environment that teaches strategies for violence prevention and emphasizes high expectations for student conduct, responsible behavior, and respect for others.

School Safety Committee:

The school safety committee consists of the Administrator, Tim de la Torre, the Vice Principal, Margaret Lieb, and the office manager, Brittany Segal.

III. Emergency Response Plan

Emergency Situation Parent Communication

In an emergency situation, the Administrator will gather members of the Safety Response Team immediately to draft a plan to communicate with families. When deemed necessary, the Safety Response Team will use School Cues or current Student Information System (SIS software), to send out an urgent alert text message and phone call to every parent registered on the platform.

Emergency Supplies

Emergency Backpack Location

- Each classroom (including school office and intervention room)
- Front office

Emergency Backpack Supplies

Item	Recommended Quantity
Backpack	1
Flashlight	1
Batteries	2
Pair of scissors	1
First Aid instruction summary sheet	1
Pad of paper (for name tags, etc.)	1
Pen	1
Pencil	1

Light stick	1
Whistle	1
Sewing kit	1
Package of safety pins	1 package
Package of plastic trash bags	6 packages
Package of small paper bags	2 packages
Package of paper cups	2 packages
Package of pre-moistened towelettes	1 package
Bottle of hydrogen peroxide	1
Small package of Tylenol	2 packages
Package of Tums	1 package
Ammonia inhalants	4
Ziploc sandwich bags	2
Box of Telfa pads	1
Box of Band-Aids	1
Cold packs	2
Roll of adhesive tape	1
Pair of disposable gloves	10
Box of toilet tissue	1

Emergency Response Plans

The safety coordinator (Vice Principal) is responsible for assigning staff to the safety response team, and for ensuring that the list is updated regularly. It is required by fire codes to exhibit an evacuation map specific to the school site in each and every classroom and office room by the door, as well as by each fire extinguisher and fire exits.

Please note: make sure to share the procedures with and collect contact information for any after-school staff. Please instruct any night custodial staff to assist after-school staff with emergency supplies as needed.

Fire Emergency

Fire Emergency Response - Staff Members and Safety Response Team Combined	
Step 1 Fire Alarm	<ul style="list-style-type: none"> If there is a fire and the alarm has not been set off, any member witnessing the fire must initiate the fire alarm.
Step 2 Announcement	<ul style="list-style-type: none"> Safety Response Team Member (Vice Principal or Administrator) will announce via phone speaker and/or walkie talkie <i>"Attention please, leave the building. Evacuate the building. Leave the building. Evacuate the building and listen for further instructions."</i>
Step 3 Walkie Talkie and backpacks	<ul style="list-style-type: none"> If walkie talkies are not already on, turn on walkie talkies to Channel 26. Classroom teachers to take Emergency Backpack and Emergency Contact Roster (student emergency contacts – in the red emergency folder)
Step 4 Evacuate	<ul style="list-style-type: none"> Staff and students will evacuate the building in a quiet and orderly fashion using emergency exit routes. We will meet at the Emergency Meeting Area. North building meet out front in the garden area. South building students meet in the park on the other side of the chainlink fence. Safety Response Team (Office manager and custodial staff) will check north building. will ensure all classrooms, hallways, kitchen, restrooms and offices are empty. Vice Principal and Administrator will check South building and portapotties. Safety Response Team will search for any missing students and staff.
Step 5 Take roll	<ul style="list-style-type: none"> Once you arrive at the Emergency Meeting Area, take roll, and notify the Safety Response Team of any missing students. Stay in meeting area for further instruction.
Step 6 Further instructions & Return	<ul style="list-style-type: none"> Await further instructions from the Fire Department

Earthquake Emergency

Earthquake Emergency Response - Staff Members and Safety Response Team Combined	
Step 1 Announcement	<ul style="list-style-type: none"> At the onset of an earthquake, Safety Response Team Member (Vice Principal or Administrator) will announce via phone speaker and walkie talkie: <i>"Earthquake. Duck and cover. Earthquake. Duck and cover. Earthquake. Duck and cover."</i>
Step 2 Immediate response	<p>If indoors...</p> <ul style="list-style-type: none"> Turn away from windows, suspended objects or outside walls Drop to the floor, take cover under a desk, table or against an interior wall. Make your body as small as possible; cover head and neck while protecting chest. Hold position until the ground stops shaking or the Safety Response Team has announced over radios to begin Evacuation. If an aftershock occurs while you are exiting the building, "Drop, Cover and Hold On" until the shaking stops. <p>If outdoors...</p> <ul style="list-style-type: none"> Teachers get to a clear space (away from buildings, poles, overhead wires and other tall objects) call out to student, "Duck and cover" Students drop to the ground and cover their head and neck with arms. Watch for dangers that may demand movement. Be prepared to duck and cover again due to aftershocks. Hold position until the ground stops shaking or the Safety Response Team has announced over radios to begin Evacuation.

Step 3 Walkie Talkie and backpacks	<ul style="list-style-type: none"> If walkie talkies are not already on, turn on walkie talkies to Channel 26. Classroom teachers to take Emergency Backpack and Emergency Contact Roster
Step 4 Evacuate	<ul style="list-style-type: none"> Staff and students will evacuate the building in a quiet and orderly fashion using emergency exit routes. We will meet at the Emergency Meeting Area: In the park on the other side of the chainlink fence. Safety Response Team (Office manager and custodial staff) will check north building. will ensure all classrooms, hallways, kitchen, restrooms and offices are empty. Vice Principal and Administrator will check South building and portapotties. Safety Response Team will search for any missing students and staff.
Step 5 Take roll	<ul style="list-style-type: none"> Once you arrive at the Emergency Meeting Area, take roll, and notify the Safety Response Team of any missing students. Stay in the meeting area for further instruction.
Step 6 Further instructions & Return	<p>If there is minimal damage:</p> <ul style="list-style-type: none"> Safety Response Team will announce <i>"All Clear. All Clear. Please return to your normal activity."</i> Staff and students will return to classrooms in a quiet and orderly fashion. <p>If there is damage to the campus:</p> <ul style="list-style-type: none"> Safety Response Team will enact the Reunification Plan at the site of evacuation, or where a Law Enforcement Agency indicates.

Active Shooter or Intruder Emergency

Active Shooter Emergency Response - For Staff Members

REDACTED

Active Shooter Emergency Response - For Safety Response Team in drill

REDACTED

Active Shooter Emergency Response - For Safety Response Team in a real active shooting

REDACTED

Bomb Emergency

Bomb Threat (By Phone) Emergency Response

REDACTED

Bomb Threat (By Suspicious Object) Emergency Response

REDACTED

Other Emergency Situations

Flood/Severe Weather

Warnings of severe weather are usually received via public radio or the State Warning Center. If time and conditions permit, students may be sent home. However, if the weather conditions develop during school hours, without sufficient warning, students should be held at school.

1. The administrator or designee will assess the situation.
2. Safety Response Team will make an announcement over the phone speaker and walkie talkie to evacuate, stand by, stay indoors or may release students to go home.
3. Safety Response Team will listen to the battery operated radio for further emergency information.

Electrical/Gas/Water Failure

1. The Administrator or designee will notify the electrical company (PG&E) at [1-877-660-6789](tel:1-877-660-6789), water utility company (Lake County Special Districts) at (707) 263-3836 and/or Kelseyville Fire Department at (707) 279-4268.
2. Safety Response Team will make an announcement over the PA or megaphone to evacuate or stand by.
3. Office staff and classroom teachers turn off computers and other equipment that might be damaged by a power surge when the service is restored.

Chemical Spill/Biological Threat

If substance released indoors:

1. Safety Response Team will make an announcement over the intercom speaker or walkie talkie to evacuate the building.
2. Safety Response Team will call 911 and the local fire department.
3. Safety Response Team locks or ropes off area – DO NOT TOUCH ANYTHING.
4. Evacuate room and TURN OFF air conditioning system.
5. If N95 masks are accessible, all staff and students should place them over their noses and mouths.
6. Any persons who contacted the substance should wash with soap and water in the bathroom. Contaminated clothing should be immediately removed. Contaminated persons should remain in the bathroom separate from the general school population. A list of contaminated persons should be provided to the Administrator or designee.
7. Safety Response Team should check for chemical safety data to determine clean-up procedure with custodians.

If substance released outdoors:

1. Upon hearing of a chemical leak (usually from the fire department or other city office) the Administrator or designee will determine if students should be evacuated.
2. Safety Response Team will make an announcement over the PA or megaphone to evacuate the building or stay indoors.
3. Close doors and windows and TURN OFF air conditioning / HVAC system.
4. If N95 masks are accessible, all staff and students should place them over their nose and mouth.
5. If it is necessary to leave the site, move crosswind, never more directly with or against the wind which may carry fumes.
6. Any persons who contacted the substance should wash with soap and water in the bathroom. Contaminated clothing should be immediately removed. Contaminated persons should remain in the bathroom separate from the general school population. A list of the contaminated people should be provided to the Administrator or designee.
7. Give first aid.
8. Do not reopen the school campus until ALL CLEAR response is activated by the Safety Response Team.

Explosion

If explosion is indoors on school campus:

1. All drop down to the floor and DROP AND COVER.
2. Turn away from the windows.
3. Take cover under a desk or table or against an interior wall.
4. Cover head with arms or hold to the cover.
5. After the initial blast, the Safety Response Team will consider the possibility of another imminent explosion, call 911 and elect the appropriate response which may include staying indoors or evacuating the building.
6. Once safely assembled in the Emergency Meeting Area, Teachers will take roll and report missing persons to the Safety Response Team.

If explosion is outdoors in surrounding areas:

1. Safety Response Team will activate STAY INDOORS.
2. Safety Response Team will call 911.
3. All remain indoors until the ALL CLEAR signal is given by the Safety Response Team.

Death/Suicide

1. Board Leadership and the Administrator will be notified in the event of a death or suicide on campus.
2. Safety Response Team will phone 911 and the County Office of Education.
3. Safety Response Team will activate STAY INDOORS.
4. Administrator will control and organize media.
5. Safety Response Team and/or Administrator will notify relatives where the victim(s) have been taken and not divulge unnecessary details.

6. Assigned person(s) will ensure that counseling services are available as soon as possible.

Adaptation for Students with Disabilities

Students with known disabilities should have emergency response accommodations noted in their 504 or IEP to indicate additional assistance that may need to be implemented in case of various emergencies covered by this safety plan.

In the event of an emergency, students with disabilities may have an additional staff person assigned to their classroom to carry out accommodations and assistance with disaster response procedures. The additional staff person will assist the student and teacher during the emergency response.

General Strategies for Assisting Individuals with Disabilities During an Evacuation

The needs and preferences of non-ambulatory individuals will vary. Those at ground floor locations may be able to exit without help. Others may have minimal ability to move, and lifting may be dangerous. Some non-ambulatory people also have respiratory complications. Remove them from smoke and vapor immediately if safe to do so.

To alert visually impaired individuals

- ❑ Announce the type of emergency.
- ❑ Offer your arm for guidance.
- ❑ Tell the person where you are going, obstacles you encounter.

When you reach safety, ask if further help is needed.

To alert individuals with hearing limitations

- ❑ Turn lights on/off to gain a person's attention -AND/OR-
- ❑ Indicate directions with gestures -OR-

Write a note with **EVACUATION** directions.

To evacuate individuals using crutches, canes or walkers

- ❑ **Evacuate** these individuals as injured persons.
- ❑ Assist and accompany to **EVACUATION** site, if possible -OR-
- ❑ Use a sturdy chair (or one with wheels) to move person -OR-

Help carry individuals to safety.

To evacuate individuals using wheelchairs

- ❑ Give priority assistance to wheelchair users with electrical respirators.
- ❑ Most wheelchairs are too heavy to take downstairs; consult with the person to determine the best carry options.

Reunite the person with the wheelchair as soon as it is safe to do so.

Reunification Plan

After an emergency situation is resolved, if deemed necessary, we will initiate the reunification process where all students must be picked up by a parent, guardian, or authorized caregiver.

Reunification from Classrooms

Step 1 Return	<ul style="list-style-type: none"> Teachers will lead their students to return to homeroom classrooms quietly.
Step 2 Role Assignment	<p>Safety Response Team will assign members to the following roles:</p> <ul style="list-style-type: none"> (1) Identifier: to located at Point of Entry (back door), equipped with a list of students and their parents (Birdie) (2) Runners: to retrieve students from classrooms (Nikki, Michele) (3) Guard at Point of Exit (Garden door): to prevent unauthorized entrance (Tim / Maggie)
Step 3 Area Designation	<p>The Safety Response Team will designate the following areas and mark with signage</p> <ul style="list-style-type: none"> Point of Entry - Back door (Birdie) Reunification Point - Classrooms Point of Exit - Garden door (Tim / Maggie) First Aid Station - Kitchen
Step 4 Student Release Procedure	<ul style="list-style-type: none"> Parents will come to the Point of Entry and fill out a Student Release Form with the student name, grade and class and provide proof of identity. The Identifier (Birdie) on the Safety Response Team will be at the Point of Entry with a list of students and their parents and will verify all information. Once identity is verified, a Runner (Nikki / Michelle) will collect the Student Release Form and retrieve the student from their classroom and bring them to the Reunification Point. The parent will be directed to the Reunification Point as well. Support Services will be available at the Reunification Point Once the parent and the student are ready to leave, they will be escorted through the Point of Exit.

Reunification from Evacuation Point

Step 1 Line-up	<ul style="list-style-type: none"> Students will line up with their homeroom teacher and sit quietly. Classes will be lined up according to grade.
Step 2 Role Assignment	<p>Safety Response Team will assign members to the following roles:</p> <ul style="list-style-type: none"> (1) Identifier: to located at Point of Entry, equipped with a list of students and their parents (Birdie) (2) Runners: to retrieve students (Michelle / Nikki) (3) Point of Exit: to prevent unauthorized entrance (Tim / Maggie)
Step 3 Area Designation	<p>The Safety Response Team will designate the following areas and mark with signage</p> <ul style="list-style-type: none"> Point of Entry - Gate by the park bathroom Reunification Point - County Park (East of park restrooms near picnic table) Point of Exit - Gate at the end of the playground closest to the school. First Aid Station - Picnic table East of park restrooms.
Step 4 Student Release	<ul style="list-style-type: none"> Parents will come to the Point of Entry and fill out a Student Release Form with the student name, grade and class and provide proof of identity.

Procedure	<ul style="list-style-type: none"> • The Identifier (Birdie) on the Safety Response Team will be at the Point of Entry with a list of students and their parents and will verify all information. • Once identity is verified, a Runner (Nikki / Michelle) will collect the Student Release Form and retrieve the student and bring them to the Reunification Point. The parent will be directed to the Reunification Point as well. • Support Services will be available at the Reunification Point. • Once the parent and the student are ready to leave, they will be escorted through the Point of Exit.
-----------	--

Safety Response Team Members

Name	Role
Brittany (Birdie) Segal	Point of Entry Identifier/Office Manager
Tim de la Torre	Point of Exit /Administrator
Maggie Lieb	Point of Exit / Vice Principal
Nikki Carboni	Runner / Teacher's Assistant
Michele Stanley	Runner / Teacher's Assistant

Emergency Drill Schedule

It is the Operations Team's responsibility to schedule emergency drills throughout the year and record the date and time of each drill. The following drills are required:

- **Fire Drill:** At least once per quarter, a fire drill should be conducted in which all pupils, teachers, and other employees are required to vacate the building. The fire alarm should be tested every month, but this can be completed while students are off site in months when a fire drill is not performed.
- **Earthquake Drop & Cover Drill:** This drill should be performed twice per school year.
- **Major Disaster Drill:** This drill should be performed twice per school year so personnel are oriented to the School's Major Disaster Plan.
- **Lock Down Drill:** This drill should be performed twice per school year.

Below is the drill schedule for our 2024-25 school year:

Drill	Date	Day	Time
Fire 1	9/10/24	MO	TBD
Fire 2	10/17/24	FR	TBD
Fire 3	11/19/24	TU	TBD
Earthquake 1	12/5/24	TH	TBD
Fire 4	12/12/24	WE	TBD
Fire 5	1/23/25	MO	TBD
Lockdown 1	02/06/25	TH	TBD
Fire 6	2/27/25	TH	TBD
Major Disaster 1	3/13/25	TH	TBD

Fire 7	3/27/25	TH	TBD
Earthquake 2	4/10/24	TH	TBD
Fire 8	4/24/25	TH	TBD
Major Disaster 2	5/1/25	TH	TBD
Fire 9	5/22/25	TH	TBD
Lockdown 2	5/29/25	TH	TBD
Fire 10	6/5/25	TH	TBD

**Dates and times are subject to change.*

Training

We provide training on emergency drills to teachers and staff during our beginning of the year professional learning week as well as on the professional learning day on each Friday before the drill. We also send out email reminders on the drill procedures one day before the drill to remind the teachers.

Teachers conduct training for students according to their own schedule.

Safety Response Team develops checklists for every type of drill. We consolidate feedback for improvement after each drill, update our drill procedures as needed, and re-train the teachers and students accordingly.

Emergency Contact Datasheet

Law Enforcement

Lake County Sheriff's Department (non-emergency)	707-262-4200
Lake County Sherriff's Office of Emergency Services (OES)	707-263-3450
Clearlake Police Department (non-emergency)	707-994-8251
Lakeport Police (non-emergency)	707-263-5491
California Highway Patrol	707-279-0103

Fire Protection Agencies

Northshore	707-274-3100
Kelseyville	707-279-4268
Lakeport	707-263-4396
Lakeshore (Clearlake)	707-994-2170
Pillsbury	707-743-1670
Southlake (Middletown)	707-987-3089

Medical Services

Adventist Health (Redbud) Hospital	707 994-6486
Adventist Health Clearlake Emergency Room	707-995-5890
Rapid Care: Adventist Health	707-263-4630
Sutter Lakeside Hospital	707 262-5000

Crisis Line Counseling
 REACH Air Medical Services
 CALSTAR Air Rescue

800 900-2075
www.REACHair.com/contact
www.CALSTAR.org

Local Contacts

County Office of Emergency Services 707-263-1813
 Lake County Child Protective Services 707-262-0235
 Lake County Red Cross 707-263-8451
 PG&E Lakeport Office 800-743-5000
 American Red Cross of the North Bay 707-577-7600
 Animal Care & Control 707-263-0278
 Special Districts - [Sewer Overflow](#) 707-263-0119

State Contacts

Department of Forestry 707-963-3601
 Department of Fish & Game 800-852-7550
 State Office of Emergency Services 916 262-1843
 California Poison Control System 800-222-1222

Federal Contacts

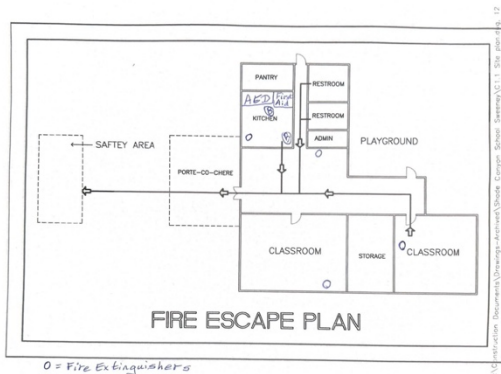
Federal Emergency Management Agency (FEMA) - 24 hours 415 923-7100
 FEMA Disaster Assistance Registration 800 462-9029
 FEMA Disaster Assistance Information 800 525-0321
 National Flood Insurance Program 800 427-4661
 Small Business Disaster Loans 800 488-5323
 Bureau of Land Management (BLM) 707 468-4000
 United States Forest Service 707 275-2361

Emergency Broadcast Stations

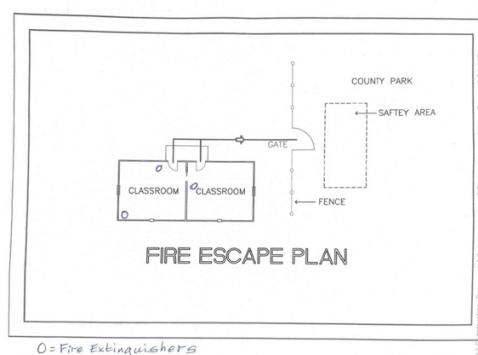
KNTI 99.5 FM: Based in Lakeport, KNTI serves Lake and Mendocino Counties.
 KXBX 98.3 FM: Also located in Lakeport, KXBX offers local news and information.

School Maps

Main Building (Kindergarten)



South Building (1st-3rd grade)



IV. SEMS (Standardized Emergency Management System Plan)

Roles and Responsibilities

Emergency Chain of Command

To ensure a clear and efficient response to emergencies, Shade Canyon School follows a streamlined version of the Standardized Emergency Management System (SEMS), with the following key personnel:

1. Incident Commander (IC):

- **Role:** Oversees all emergency operations and ensures student/staff safety.
- **Primary Person:** Tim de la Torre, Administrator
- **Backup:** Maggie Lieb, Vice Principal

2. Operations & Logistics Chief:

- **Role:** Manages emergency procedures, assigns safety duties, ensures supplies are ready.
- **Primary Person:** Maggie Lieb, Vice Principal
- **Backup:** Brittany Segal, Office Manager

3. Parent Communication & Reunification Coordinator:

- **Role:** Sends emergency messages to families, organizes student release.
- **Primary Person:** Brittany Segal, Office Manager
- **Backup:** Tim de la Torre, Administrator

4. First Aid & Emergency Support:

- **Role:** Provides first aid and ensures student medical needs are met.
- **Primary Person:** Classroom Teachers & Designated Staff with First Aid Training

5. Emergency Response Team Members:

- All staff assist in executing emergency protocols (evacuations, roll call, securing students).
- Each teacher is responsible for their own students **and will assist in** roll call and reunification.

Emergency Actions & Responsibilities

Emergency Type	Who Leads the Response?	Key Actions
Fire	Incident Commander	Initiate alarm, evacuate, take roll
Earthquake	Operations Chief	Drop, cover, hold; evacuate if needed
Lockdown/Intruder	Incident Commander	Lock doors, shelter in place, notify police
Medical Emergency	First Aid Staff & Operations	Administer first aid, call 911, notify parents
Parent Reunification	Parent Communication	Set up student release station, verify IDs

Training & Preparedness

- Staff will receive annual emergency response training during back-to-school professional development.
- Emergency procedures will be reviewed before each drill (fire, lockdown, earthquake, major disaster).
- Emergency kits and supplies will be checked monthly by Operations Staff.

V. School Safety Practices, Policies and Procedures

Drop-off And Pick-up Policy

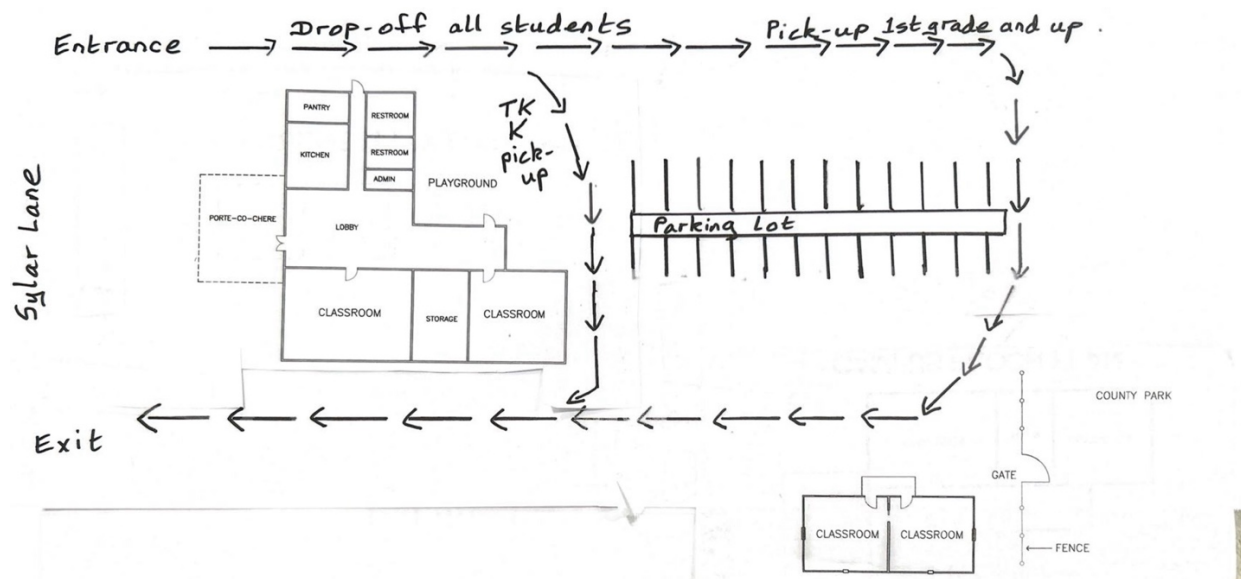
Drop-off Procedures:

Parents are asked to drop off children no earlier than **8:10am**. There is a **one-way traffic flow** through the school from Sylar Lane. Parents are required to enter at the far driveway (eastern) and drive to the back of the property so that they are circling the parking strip divider with the plum trees in it. Parents are asked to let their student out at the play yard and exit at the near driveway (western) to State Street. Parents are also requested to carpool to school whenever possible

Pick up Procedures:

TK and Kindergarten pick-up is at **12:40pm** each day. Parents are required to enter at the far driveway (eastern) as they do at drop off, but circle around the school building rather than the entire parking lot. This is to ensure the safety of the grades students who are on lunch break at this time. Pick-up for the **grades students** is at **2:20pm M-Th and 12:40pm on Fridays**.

A pupil may be released only to a parent or guardian of record or to a properly identified person over 18 years of age, authorized in writing by the parent or guardian to act on his/her behalf. A “properly identified” person is someone who has been listed on School Cues by a parent or guardian as authorized to pick up the pupil. School officials may request proof of identification (e.g. driver license, state issued ID, etc). If parents or guardians wish to authorize someone over 18 years of age to pick up their pupil, they must do so via School Cues or in person at the school office.



Safe and Orderly Environment/Disciplinary Procedures

Shade Canyon School maintains a safe and orderly learning environment by, among other things, enforcing its rules and procedures on student discipline as set forth in this safety plan and in the Student Handbook.

Shade Canyon School students are required to adhere to the Student Code of Conduct. In addition, all members of the Shade Canyon School community (including visitors and volunteers) are required to adhere to the Community Code of Conduct. Both policies are posted on the school website.

Reporting of Dangerous, Violent, or Unlawful Activities

Shade Canyon School takes its role in providing a safe and trusted learning environment very seriously. If any student, family member, or member of Shade Canyon School's

extended community learns of any dangerous, violent, or unlawful activity that they believe has occurred, is occurring, or may occur at the school or at or near any school-sponsored or school-related event or location, they are strongly encouraged to report that activity—anononymously if necessary—to the Administrator.

A report can be sent by a legible written note, by email, or by telephone to the following: tim@shadecanyon.org and/or (707) 245-7757. Reports should include place, time, the general nature of the activity being reported, whether any life-threatening activity or weapons are involved, and any other important details. Any report of activity that imminently threatens or involves an imminent potential loss of life should first be made to 9-1-1, immediately.

Shade Canyon School shall promptly review every report received as soon as possible, shall make a record of every report received, and shall make a reasonable inquiry into each, as necessary, to ensure to the greatest reasonable extent that no dangerous, violent, or unlawful act occurs at any school-related or school-sponsored event, or on school-provided transportation to any such event. The investigatory response taken by the school and actions taken will be logged as well.

School Dress Code

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

Any clothing, signs, attire, or paraphernalia which are identified by site administration as being "gang related" or which cause rival gangs to be openly hostile to each other or create an atmosphere of intimidation on campus may be forbidden. Students are prohibited from wearing gang-related apparel, carrying gang paraphernalia, or making gestures that symbolize gang membership when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities.

Safe Ingress/Egress Procedures

Classroom and School Volunteer, Visitation, and Removal Policy

While Shade Canyon School encourages parents/guardians and interested members of the community to visit the charter school and view the educational program. Nevertheless, to ensure the safety of students and staff as well as to minimize interruption of the instructional program, the school has established the following procedures, to facilitate volunteering and visitations during regular school days:

Volunteering

Parents or guardians who are interested in volunteering in the classroom must adhere to the following guidelines:

1. Volunteers who will volunteer outside of the direct supervision of a credentialed employee shall be (1) fingerprinted and (2) receive background clearance prior to volunteering without the direct supervision of a credentialed employee.
2. A volunteer shall also have on file with the school office a certificate showing that, upon initial volunteer assignment, the person submitted to a tuberculosis risk assessment and, if tuberculosis risk factors were identified, was examined and found to be free of infectious tuberculosis. If no risk factors are identified, an examination is not required. At the discretion of the Board of Directors, this paragraph shall not apply to a volunteer whose functions do not require frequent or prolonged contact with pupils.
3. Volunteering must be arranged with the classroom teacher and Administrator or designee, at least forty-eight (48) hours in advance.
4. Except for special circumstances, approved by the Administrator, a volunteer may not volunteer in the classroom for more than three (3) hours per month.
5. Prior to volunteering in the classroom, the volunteer should communicate with the teacher to discuss the expectations for volunteering needs. Classroom volunteers are there to benefit the entire class and are not in class solely for the benefit of their own child. Classroom volunteers must follow the instructions provided by the classroom teacher or aide. Classroom rules also apply to volunteers to ensure minimal distraction to the teacher. If a volunteer is uncomfortable following the direction of the teacher or aid the volunteer may leave their volunteer position for that day.
6. Information gained by volunteers regarding students (e.g. academic performance or behavior) is to be maintained in strict confidentiality.
7. Volunteers shall follow and be governed by all other guidelines indicated elsewhere in this Policy. This includes, but is not limited to, the process of registering and signing out of the campus at the main office as indicated below.
8. This Policy does not authorize the school to permit a parent/guardian to volunteer or visit the campus if doing so conflicts with a valid restraining order, protective order, or order for custody or visitation issued by a court of competent jurisdiction.

Visitation

1. Visits during school hours should first be arranged with the teacher and Administrator or designee, at least forty-eight (48) hours in advance. If a conference is desired, an appointment should be set with the teacher during non-instructional time, at least forty-eight (48) hours in advance. Parents seeking to visit a classroom during school hours must first obtain the approval of the classroom teacher and the Administrator or designee.
2. All visitors shall register in the Visitors Log Book and complete a Visitor's Permit in the main office immediately upon entering any school building or grounds during regular school hours. When registering, the visitor is required to provide his/her

- name, address, age (if under 21), his/her purpose for entering school grounds, and proof of identity.
3. If the visitor is a government officer/official (including but not limited to local law enforcement officers, social workers, district attorneys, or U.S. attorneys) the officer/official will also be asked to produce any documentation that authorizes school access. Shade Canyon School shall make reasonable efforts to notify parents or guardians prior to permitting a student to be interviewed or searched, consistent with the law and/or any court order, warrant or instructions from the officer/official. A copy of the documentation provided by the officer and notes from the encounter may be maintained by the school consistent with the law. The Governing Board and Bureau of Children's Justice in the California Department of Justice, at BCJ@doj.ca.gov, will be timely informed regarding any attempt by a law-enforcement officer to access a school site or a student for immigration-enforcement purposes, as recommended by the Attorney General.
 4. For purposes of school safety and security, the Administrator or designee may design a visible means of identification for visitors while on school premises.
 5. Except for unusual circumstances, approved by the Administrator, visits should not exceed approximately sixty (60) minutes in length and may not occur more than twice per semester.
 6. While on campus, visitors are to enter and leave classrooms as quietly as possible, not converse with any student, teacher, or other instructional assistant unless permitted, and not interfere with any school activity. No electronic listening or recording device may be used in a classroom without the teacher's and Administrator's written permission.
 7. Before leaving campus, the visitor shall return the Visitor's Permit and sign out of the Visitors Log Book in the main office.
 8. The Administrator, or designee, may refuse to register a visitor or volunteer if it is believed that the presence of the visitor or volunteer would cause a threat of disruption or physical injury to teachers, other employees, or students.
 9. The Administrator or designee may withdraw consent to be on campus even if the visitor has a right to be on campus whenever there is reason to believe that the person has willfully disrupted or is likely to disrupt the school's orderly operation. If consent is withdrawn by someone other than the Administrator, the Administrator may reinstate consent for the visitor if the Administrator believes that the person's presence will not constitute a disruption or substantial and material threat to the school's orderly operation. Consent can be withdrawn for up to fourteen (14) days.
 10. The Administrator or designee may request that a visitor who has failed to register, or whose registration privileges have been denied or withdrawn, promptly leave school grounds. When a visitor is directed to leave, the Administrator or designee shall inform the visitor that if he/she reenters the school without following the posted requirements he/she will be guilty of a misdemeanor.
 11. Any visitor that is denied registration or has his/her registration revoked may request a conference with the Administrator. The request shall be in writing, shall state why the denial or revocation was improper, shall give the address to which notice of conference is to be sent, and shall be delivered to the Administrator within

fourteen (14) days of the denial or revocation of consent. The Administrator shall promptly mail a written notice of the date, time, and place of the conference to the person who requested the conference. A conference with the Administrator shall be held within seven (7) days after the Administrator receives the request. If no resolution can be agreed upon, the Administrator shall forward notice of the complaint to the Board of Directors. The Board of Directors shall address the Complaint at the next regular board meeting and make a final determination.

12. At each entrance to the campus, signs shall be posted specifying the hours during which registration is required, stating where the office of the Administrator or designee is located, and what route to take to that office, and setting forth the penalties for violation of this policy.

13. The Administrator or designee shall seek the assistance of the police in managing or reporting any visitor in violation of this Policy.

Penalties

1. Pursuant to the California Penal Code, if a visitor does not leave after being asked or if the visitor returns without following the posted requirements after being directed to leave, he/she will be guilty of a crime as specified which is punishable by a fine of up to \$500.00 (five hundred dollars) or imprisonment in the County jail for a period of up to six (6) months or both.
2. Under California Education Code section 44811, disruption by a parent, guardian or other person at a school or school sponsored activity is punishable, upon the first conviction by a fine or no less than \$500.00 (five hundred dollars) and no more than \$1,000.00 (one thousand dollars) or by imprisonment in a County jail for no more than one (1) year, or both the fine and imprisonment.
3. Disruptive conduct may lead to pursuit of a restraining order against a visitor, which would prohibit him/her from coming onto school grounds or attending school activities for any purpose for a period of up to three (3) years.

Child Abuse and Neglect Reporting

California Penal Code section 11166 requires any child care custodian who has knowledge of, or observes, a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse to report the known or suspected instance of child abuse to a child protective agency immediately, or as soon as practically possible, by telephone and to prepare and send a written report thereof within thirty-six (36) hours of receiving the information concerning the incident.

Shade Canyon School will provide annual training on the mandated reporting requirements, using the online training module provided by the State Department of Social Services, to employees who are mandated reporters. Mandated reporter training will also be provided to employees hired during the course of the school year. This training will include information that failure to report an incident of known or reasonably suspected child abuse

or neglect, as required by Penal Code section 11166, is a misdemeanor punishable by up to six (6) months confinement in a county jail, or by a fine of one-thousand dollars (\$1,000), or by both that imprisonment and fine.

All employees required to receive mandated reporter training must provide proof of completing the training within the first six (6) weeks of each school year or within the first six (6) weeks of that employee's employment.

Suspension and Expulsion Policy and Procedures

Policy

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

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

Shade Canyon staff shall enforce disciplinary rules and procedures fairly and consistently among all students. The Policy and its Procedures will be printed and distributed as part of the Family Handbook and will clearly describe discipline expectations.

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

The Charter School administration shall ensure that students and their parents/guardians¹ are

¹ The Charter School shall ensure that a homeless child or youth's educational rights holder; a foster child or youth's educational rights holder, attorney, and county social worker; and an Indian child's tribal social worker and, if applicable, county social worker have the same rights as a parent or guardian to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, involuntary removal notice, and other

notified in writing upon enrollment of all discipline and involuntary removal policies and procedures. The notice shall state that this policy and its procedures are available upon request at the Charter School 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.

Each incident is addressed individually, though previous activities may be taken into account in order to determine the severity of the discipline assigned. Discipline begins with a meeting between the student and the Administrator or his/her designee. Following this meeting, several actions may occur, including but not limited to:

- Warning, both verbal and written
- Loss of privileges (e.g. field trips)
- Notices to parents by telephone or letter
- Request for parent conference (including teachers, counselors, or administrators)
- Behavior contract
- Detention
- Suspension (including in-school suspensions)
- Expulsion

A student identified as an individual with disabilities or for whom Shade Canyon has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act of 2004 (“IDEA”) or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 (“Section 504”) is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to general education students except when federal and state law requires additional or different procedures. Shade Canyon will follow all applicable federal and state laws including but not limited to the applicable provisions of the California Education Code, when imposing any form of discipline on a student identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students. If operating as a public school of the District for purposes of special education, Shade Canyon shall notify KVUSD of the suspension of any student identified under the IDEA (or for whom there may be a basis of knowledge of the same) and work with KVUSD to ensure that all applicable laws related to discipline for students will be provided with the procedural protections as outlined below in this policy.

No student shall be involuntarily removed by the Charter School for any reason unless the parent/guardian of the student has been provided written notice of intent to remove the student no less than five (5) school days before the effective date of the action. The written notice shall be in the native language of the student or the student’s parent/guardian, and shall inform the

documents and related information. For purposes of this Policy and its Procedures, the term “parent/guardian” shall include these parties.

student, and the student's parent/guardian, of the basis for which the student is being involuntarily removed and the student's parent/guardian's, right to request a hearing to challenge the involuntary removal. If a student's parent/ guardian requests a hearing, 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 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).

Procedures

A. Grounds for Suspension and Expulsion of Students

A student may be suspended or expelled for prohibited misconduct if the act is related to school activity or school attendance occurring at Shade Canyon or at any other school or a School-sponsored event at any time including, but not limited to, any of the following:

1. While on school grounds;
2. While going to or coming from school;
3. During the lunch period, whether on or off the Charter School campus; or
4. During, going to, or coming from a school-sponsored activity.

B. Enumerated Offenses

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

- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases.
- g) Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.
- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of a student's own prescription products by a student.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.
- l) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- m) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- n) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- o) Engaged in, or attempted to engage in, hazing. For the purposes of this policy, "hazing" means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. For purposes of this policy, "hazing" does not include athletic events or school-sanctioned events.

- p) Made terroristic threats against school officials and/or school property, which includes but is not limited to, electronic files and databases. For purposes of this policy, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for their own safety or for their immediate family’s safety, or for the protection of school property, which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or their immediate family.
- q) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this policy, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual’s academic performance or to create an intimidating, hostile, or offensive educational environment. This provision shall apply to students in any of grades 4 to 12, inclusive.
- r) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in Education Code Section 233(e). This provision shall apply to students in any of grades 4 to 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 students 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 their age, or for a person of their age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
 - ii. Causing a reasonable student to experience a substantially detrimental effect on their physical or mental health.
 - iii. Causing a reasonable student to experience substantial interference with their academic performance.
 - iv. Causing a reasonable student to experience substantial interference with their ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
- 2) "Electronic Act" means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
- i. A message, text, sound, video, or image.
 - ii. A post on a social network Internet Web site including, but not limited to:
 - (a) Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
 - (b) Creating a credible impersonation of another actual student for the purpose of having one or more of the effects listed in subparagraph (1) above. "Credible impersonation" means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.
 - (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. "False profile" means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.
 - iii. An act of cyber sexual bullying.
 - (a) For purposes of this policy, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a

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

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

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

u) A student who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a student who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1)(a)-(b).

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

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

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

b) Brandished a knife at another person.

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

- d) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289 or former Section 288a of the Penal Code, or committed a sexual battery as defined in Penal Code Section 243.4
3. Discretionary Expellable Offenses: Students may be recommended for expulsion when it is determined the student:
- a) Caused, attempted to cause, or threatened to cause physical injury to another person.
 - b) Willfully used force or violence upon the person of another, except self-defense.
 - c) Unlawfully possessed, used, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
 - d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
 - e) Committed or attempted to commit robbery or extortion.
 - f) Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases.
 - g) Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.
 - h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of a student's own prescription products by a student.
 - i) Committed an obscene act or engaged in habitual profanity or vulgarity.
 - j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
 - k) Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.

- l) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- m) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- n) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- o) Engaged in, or attempted to engage in, hazing. For the purposes of this policy, “hazing” means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. For purposes of this policy, “hazing” does not include athletic events or school-sanctioned events.
- p) Made terroristic threats against school officials and/or school property, which includes but is not limited to, electronic files and databases. For purposes of this policy, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for their own safety or for their immediate family’s safety, or for the protection of school property, which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or their immediate family.
- q) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this policy, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual’s academic performance or to create an intimidating, hostile, or offensive educational environment. This provision shall apply to students in any of grades 4 to 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 students 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 students 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 their age, or for a person of their age with exceptional needs) or students in fear of harm to that student’s or those students’ person or property.
 - ii. Causing a reasonable student to experience a substantially detrimental effect on their physical or mental health.
 - iii. Causing a reasonable student to experience substantial interference with their academic performance.
 - iv. Causing a reasonable student to experience substantial interference with their ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
 - 2) “Electronic Act” means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

- i. A message, text, sound, video, or image.
- ii. A post on a social network Internet Web site including, but not limited to:
 - (a) Posting to or creating a burn page. A “burn page” means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
 - (b) Creating a credible impersonation of another actual student for the purpose of having one or more of the effects listed in subparagraph (1) above. “Credible impersonation” means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.
 - (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. “False profile” means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.
- iii. An act of cyber sexual bullying.
 - (a) For purposes of this policy, “cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
 - (b) For purposes of this policy, “cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
- 3) Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
- u) A student who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be

subject to suspension, but not expulsion, except that a student who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (3)(a)-(b).

- v) Possessed, sold, or otherwise furnished any knife or other dangerous object of no reasonable use to the student unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Administrator or designee's concurrence.
4. Non-Discretionary Expellable Offenses: Students must be recommended for expulsion for any of the following acts when it is determined pursuant to the procedures below that the student:
- a) Possessed, sold, or otherwise furnished any firearm, explosive, or other destructive device unless, in the case of possession of any device of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Administrator or designee's concurrence.
 - b) Brandished a knife at another person.
 - c) Unlawfully sold a controlled substance listed in Health and Safety Code Section 11053, et seq.
 - d) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289, or former Section 288a of the Penal Code or committed a sexual battery as defined in Penal Code Section 243.4.

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

The Charter School will use the following definitions:

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

- The term “firearm” means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.
- The term “destructive device” means any explosive, incendiary, or poison gas, including but not limited to: (A) bomb; (B) grenade; (C) rocket having a propellant charge of more than four ounces; (D) missile having an explosive or incendiary charge of more than one-quarter ounce; (E) mine; or (F) device similar to any of the devices described in the preceding clauses.

C. Suspension Procedure

Suspensions shall be initiated according to the following procedures:

1. Conference

Suspension shall be preceded, if possible, by a conference conducted by the Administrator with the student and the student’s parent/guardian and, whenever practical, the teacher or Charter School employee who referred the student to the Administrator or designee. The conference may be omitted if the Administrator or designee determines that an emergency situation exists. An “emergency situation” involves a clear and present danger to the lives, safety or health of students or Charter School personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student’s right to return to school for the purpose of a conference.

At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against the student and shall be given the opportunity to present their version and evidence in their defense, in accordance with Education Code Section 47605(c)(5)(J)(i). This conference shall be held within two (2) school days, unless the student waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. The conference shall be held as soon as the student is physically able to return to school for the conference or by phone if necessary. Penalties shall not be imposed on a student for failure of the student’s parent/guardian to attend a conference with Charter School officials. Reinstatement of the suspended student shall not be contingent upon attendance by the student’s parent/guardian at the conference.

2. Notice to Parents/Guardians

At the time of the suspension, the Administrator shall make a reasonable effort to contact the parent/guardian in person, by email, or by telephone. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension and the date of return following suspension. This notice shall state the specific offense(s) committed by the student as well as the

date the student may return to school following the suspension. 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. Students may be suspended for a maximum of 20 days per school year. The student shall have no right of appeal from suspension from the Charter School as the Administrator's decision to suspend shall be final. Upon a recommendation of expulsion by the Administrator or designee, the student and the student's parent/guardian will be invited to a conference with the Administrator to determine if the suspension for the student should be extended pending an expulsion hearing. In such instances when the Charter School has determined a suspension period shall be extended, such extension shall be made only after a conference is held with the student and the student's parent/guardian, unless the student and the student's parent/guardian fail to attend the conference.

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

4. Homework Assignments During Suspension

In accordance with Education Code Section 47606.2(a), upon the request of a parent, a legal guardian or other person holding the right to make education decisions for the student, or the affected student, a teacher shall provide to a student in any of grades 1 to 12, inclusive, who has been suspended from school for two (2) or more school days, the homework that the student would otherwise have been assigned.

In accordance with Education Code Section 47606.2(b), if a homework assignment that is requested pursuant to Section 47606.2(a) and turned into the teacher by the student either upon the student's return to school from suspension or within the timeframe originally prescribed by the teacher, whichever is later, is not graded before the end of the academic term, that assignment shall not be included in the calculation of the student's overall grade in the class.

D. Authority to Expel

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

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

E. Expulsion Procedures

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

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

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

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

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

Shade Canyon may, upon a finding of good cause, determine that the disclosure of either the

identity of the witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations that shall be examined only by the Charter School or the hearing officer. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the student.

1. The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of their right to (a) receive five (5) days' notice of their scheduled testimony; (b) have up to two (2) adult support persons of their choosing present in the hearing at the time the complaining witness testifies, which may include a parent/guardian or legal counsel; and (c) elect to have the hearing closed while testifying.
2. Shade Canyon 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, Shade Canyon must present evidence that the witness' presence is both desired by the witness and will be helpful to Shade Canyon. The entity presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising their discretion to remove a person from the hearing whom they believe is prompting, swaying, or influencing the witness.

8. The testimony of the support person shall be presented before the testimony of the complaining witness and the complaining witness shall be excluded from the hearing room during that testimony.
9. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in public at the request of the student being expelled, the complaining witness shall have the right to have their testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.
10. Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the entity conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstances can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

G. Record of Hearing

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

H. Presentation of Evidence

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

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

their testimony heard in a session closed to the public.

I. Expulsion Decision

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

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

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

J. Written Notice to Expel

The Administrator or designee, following a decision of the Board to expel, shall send written notice of the decision to expel, including the Board's adopted findings of fact, to the student and student's parent/guardian. This notice shall also include the following: (a) notice of the specific offense committed by the student; and (b) notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with Shade Canyon.

The Administrator or designee shall send a copy of the written notice of the decision to expel to the chartering authority. This notice shall include the following: (a) the student's name; and (b) the specific expellable offense committed by the student.

K. Disciplinary Records

Shade Canyon shall maintain records of all student suspensions and expulsions at Shade Canyon. Such records shall be made available to KVUSD upon request.

L. No Right to Appeal

The student shall have no right of appeal from expulsion from Shade Canyon. The Board of Directors' decision to expel shall be final.

M. Expelled Students/Alternative Education

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

N. Rehabilitation Plans

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

O. Readmission or Admission of Previously Expelled Student

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

P. Notice to Teachers

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

Q. Involuntary Removal for Truancy

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

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

1. Notification of SELPA

Shade Canyon 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 Shade Canyon 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 student's IEP/504 Plan; and receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur. These services may be provided in an interim alternative educational setting.

3. Procedural Safeguards/Manifestation Determination

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

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

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

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

- a. Conduct a functional behavioral assessment and implement a behavioral intervention plan for such student, provided that Shade Canyon 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 student to the placement from which the student was removed, unless the parent/guardian and Shade Canyon agree to a change of placement as part of the modification of the behavioral intervention plan.

If Shade Canyon, 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 Shade Canyon may apply the relevant disciplinary procedures to students with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities. However, Shade Canyon and the District must still provide ongoing education and related services pursuant the student's IEP/504 Plan.

4. Due Process Appeals

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

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent/guardian or Shade Canyon, 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 Shade Canyon 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

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

The Administrator 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 Shade Canyon had knowledge that the student was disabled before the behavior occurred.

Shade Canyon 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 Shade Canyon supervisory or administrative personnel, or to one of the student's teachers that the student is in need of special education or related services.
- b. The parent/guardian has requested an evaluation of the student.
- c. The student's teacher, or other Shade Canyon personnel, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Administrator or to other Charter School supervisory personnel.

If Shade Canyon 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 students with disabilities, including the right to stay-put.

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

Shade Canyon 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.

Notification of Dangerous Pupils

Shade Canyon School desires to provide a safe, orderly working environment for all employees. The school shall ensure that employees are informed, in accordance with law, regarding crimes and offenses by students who may pose a danger in the classroom. Pursuant to Welfare & Institution Code section 827(b) and Education Code section 48267, a criminal court will notify school administration when a student has engaged in certain criminal conduct. This information is forwarded to the School Administrator, who is responsible for prompt notification of the student's teachers, other administrators, and the student's counselor (if one is available at the school). This information must be kept confidential and may not be disseminated by any employee receiving such a notification to any other person.

Additionally, all teachers will be provided with a list of students in their classes who have one or more suspensions of a serious or violent nature in the current year or in the previous three years. This information will be provided at the beginning of the year or semester or whenever new students are enrolled or added to a class. Teachers will be advised that such information is confidential and not to be further disseminated.

Anti-Discrimination/Anti-Harassment Policy and Hate Crime Reporting

Title IX Policy Prohibiting Discrimination On The Basis Of Sex

This Title IX Policy Prohibiting Discrimination on the Basis of Sex (“Policy”) contains the policies and grievance procedures of Shade Canyon Charter School (“Charter School”) to prevent and address sex discrimination, including but not limited to sexual harassment, sex-based hostile environment harassment, discrimination based on pregnancy or related conditions, sex-based discrimination in access to athletics or educational resources, and retaliation against a person who has reported sex discrimination.

Charter School does not discriminate on the basis of sex and prohibits any acts of sex discrimination in any education program or activity that it operates, as required by California law, Title IX (20 U.S.C. § 1681 *et seq.*) and the Title IX regulations (34 C.F.R. Part 106), including in admission and employment.² Charter School will take actions to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects.

This Policy applies to conduct occurring in Charter School’s education programs or activities on or after August 1, 2024 including but not limited to incidents occurring on the school campus, during school-sponsored events and activities regardless of the location, and through school-owned technology, whether perpetrated by a student, parent/guardian, employee, volunteer, independent contractor or other person with whom Charter School does business.

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

Definitions

Prohibited Sex Discrimination

Title IX and California law prohibit discrimination on the basis of sex, including sex-based harassment and differences in the treatment of similarly situated individuals on the basis of sex with regard to any aspect of services, benefits, or opportunities provided by Charter School. Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Prohibited Sex-Based Harassment

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

² Charter School complies with all applicable state and federal laws and regulations and local ordinances in its investigation of and response to reports and complaints of misconduct prohibited by this Policy.

- Quid pro quo harassment occurs when an employee, agent, or other person authorized by Charter School to provide an aid, benefit, or service under Charter School’s education program or activity explicitly or impliedly conditions the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct.
- Hostile environment harassment is unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from Charter School’s education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - The degree to which the conduct affected the complainant’s ability to access Charter School’s education program or activity;
 - The type, frequency, and duration of the conduct;
 - The parties’ ages, roles within Charter School’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - The location of the conduct and the context in which the conduct occurred; and
 - Other sex-based harassment in Charter School’s education program or activity.
- Sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
- Dating violence, meaning violence committed by a person:
 - Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship;
 - The type of relationship; and
 - The frequency of interaction between the persons involved in the relationship.
- Domestic violence, meaning felony or misdemeanor crimes committed by a person who:
 - Is a current or former spouse or intimate partner of the victim under applicable family or domestic violence laws, or a person similarly situated to a spouse of the victim;

- Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- Shares a child in common with the victim; or
- Commits acts against a youth or adult victim who is protected from those acts under applicable family or domestic violence laws.
 - Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - Fear for the person's safety or the safety of others; or
 - Suffer substantial emotional distress.

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

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

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

- 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.
- Retaliation against an individual who has articulated a good faith concern about sex-based harassment.
- Sexual or discriminatory displays or publications anywhere in the work or educational environment, such as:
 - 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 above are not to be construed as an all-inclusive list of sex-based harassment acts prohibited under this Policy.

Complainant means a student or employee who is alleged to have been subjected to conduct that could constitute sex-based discrimination, or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination and who was participating or attempting to participate in Charter School's education program or activity at the time of the alleged sex discrimination. Complaints may also be made by: (1) a parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or (2) Charter School's Title IX Coordinator. For complaints of sex discrimination other than sex-based harassment, complaints can also be made by any student, employee, or other person who was participating or attempting to participate in Charter School's education program or activity at the time of the alleged sex discrimination.

Complaint means an oral or written request to Charter School that objectively can be understood as a request for Charter School to investigate and make a determination about alleged sex discrimination.

Confidential Employee means an employee of Charter School whose communications are privileged or confidential under Federal or State law (e.g., a licensed therapist or psychologist, etc.) or an employee whom Charter School has designated as confidential under Title IX for the purpose of providing services to persons related to sex discrimination.

Party means a complainant or respondent.

Respondent means a person who is alleged to have violated Charter School’s prohibition on sex discrimination.

Supportive Measures are individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to a party to (1) restore or preserve that party’s access to Charter School’s education program or activity, including measures that are designed to protect the safety of the parties or Charter School’s educational environment; or (2) provide support during Charter School’s grievance procedures or during an informal resolution process.

Title IX Coordinator

The Board of Directors of Charter School (“Board”) has designated the following employee as the Title IX Coordinator (“Coordinator”):

Tim de la Torre
Administrator
Shade Canyon School
4335 Sylar Lane, Kelseyville, CA 95451
Tel: (707) 245-7757
Email: tim@shadecanyon.org

In the event the above-named individual becomes unavailable or unable to serve as the Coordinator, the Board has designated the following employee to serve as a temporary or interim Coordinator until a new Coordinator is designated:

Maggie Lieb
Vice Principal
Shade Canyon School
4335 Sylar Lane, Kelseyville, CA 95451
Tel: (707) 245-7757
Email: maggie@shadecanyon.org

The Coordinator is responsible for coordinating Charter School’s efforts to comply with the requirements of Title IX, receiving reports and complaints of sex discrimination and inquiries about the application of Title IX, addressing reports and complaints of sex discrimination and taking other actions as required by this Policy, monitoring for barriers to reporting conduct that reasonably may constitute sex discrimination, and taking steps reasonably calculated to address such barriers.

The Coordinator may serve as an investigator and/or decisionmaker for complaints, except in cases where doing so would constitute a conflict of interest. The Coordinator may delegate one or more of their duties to one or more designees who have received the required Title IX training and do not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. However, the Coordinator must at all times retain ultimate oversight over those responsibilities and ensure Charter School's consistent compliance with Title IX.

Reporting Sex Discrimination

All employees who are not a confidential employee must promptly notify the Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX. This requirement does not apply to an employee when the employee is the person who was subjected to the conduct that reasonably may constitute sex discrimination.

Students are expected to report all incidents of misconduct prohibited by this Policy. Any student who feels they are a target of such behavior should immediately contact a teacher, counselor, the Executive Director, 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.

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 using the UCP to the Coordinator. Charter School will promptly and effectively investigate and respond to all oral and written complaints and reports of misconduct prohibited by this Policy. Reports may be made anonymously, but formal disciplinary action cannot be based solely on an anonymous report.

Privacy

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

Retaliation

Charter School 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 complaint in accordance with the grievance procedures set forth in this Policy.

Nothing in this Policy precludes Charter School from requiring an employee or other person authorized by Charter School to provide aid, benefit, or service under Charter School's education program or activity to participate as a witness in, or otherwise assist with, an investigation or proceeding under this Policy.

Confidential Employees

Contact information for the confidential employees at Charter School, if any, can be found on the Charter School website or obtained from the Coordinator.

A confidential employee's status as confidential, for Title IX purposes, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies or with respect to information received about sex discrimination in connection with providing services to persons related to sex discrimination.

A confidential employee must explain the following to any person who informs them of conduct that reasonably may constitute sex discrimination under Title IX:

- The employee's status as confidential for purposes of Title IX, including the circumstances in which the employee is not required to notify the Coordinator about conduct that reasonably may constitute sex discrimination;
- How to contact the Coordinator and how to make a complaint of sex discrimination; and
- That the Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the grievance procedures.

Coordinator's Response to Reports of Sex Discrimination

When notified of conduct that reasonably may constitute sex discrimination, the Coordinator or designee must:

- Treat complainants and respondents equitably;
- Promptly offer and coordinate supportive measures, as appropriate, for the complainant;
- If grievance procedures are initiated or an informal resolution process is offered; offer and coordinate supportive measures, as appropriate, for the respondent; and
- Notify the complainant or, if the complainant is unknown, the reporting individual, of the grievance procedures and informal resolution process, if available and appropriate. If a complaint is made, the Coordinator will notify the respondent of the same.

In response to a complaint, the Coordinator will initiate the grievance procedures, or the informal resolution process if available, appropriate, and requested by all parties. In the

absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Coordinator must determine whether to initiate a complaint by considering, at a minimum:

- Complainant's request not to proceed with a complaint and the complainant's reasonable safety concerns;
- Risk that additional acts of sex-based discrimination would occur if a complaint is not initiated;
- Severity of the alleged conduct, including whether the discrimination, if established, would require removal or discipline of a respondent to end the discrimination and prevent its recurrence;
- The age and relationship of the parties, including whether the respondent is an employee;
- The scope of the alleged conduct including but not limited to whether there is a pattern, ongoing conduct, or impact to multiple individuals;
- The availability of evidence and the complainant's willingness to participate in the grievance procedures; and
- Whether Charter School could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

The Coordinator may initiate a complaint if the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other person, or prevents Charter School from ensuring equal access on the basis of sex to its education program or activity. The Coordinator or designee must notify the complainant before initiating a complaint and appropriately address reasonable safety concerns, including by providing supportive measures.

The Coordinator will take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within Charter School's education program or activity.

Supportive Measures

Once notified of conduct that reasonably may constitute sex discrimination under Title IX, the Coordinator or designee will promptly contact the complainant to offer and coordinate supportive measures, as appropriate, for the complainant. If the grievance procedures are initiated or informal resolution is offered, the Coordinator or designee will offer and coordinate supportive measures, as appropriate, for the respondent.

Supportive measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to sex-based harassment.

Supportive measures must not unreasonably burden either party or be imposed for punitive or disciplinary reasons. Supportive measures will be designed to protect the safety of the parties or Charter School's educational environment, or to provide support during the grievance procedures or the informal resolution process.

Parties may contact the Coordinator to discuss modification of any supportive measures. Parties also have the opportunity to seek modification or termination of a supportive measure applicable to them if circumstances change materially.

If the party is not satisfied with the Coordinator's decision on the request to modify supportive measures, the party may contact Maggie Lieb, Vice Principal, Shade Canyon School, 4335 Sylar Lane, Kelseyville, CA 95451, Tel: (707) 245-7757, Email: maggie@shadecanyon.org who is an appropriate and impartial employee or who may designate such an employee, to seek modification or reversal of Charter School's decision to provide, deny, modify, or terminate supportive measures applicable to them. The impartial employee is someone other than the Coordinator who made the challenged decision and has the authority to modify or reverse the decision.

If a party is a student with a disability, the Coordinator must consult with one or more members of the student's IEP Team and 504 Team, if any, in the implementation of supportive measures for that student.

Informal Resolution

At any time prior to determining whether sex discrimination occurred under Charter School's Title IX grievance procedures, Charter School may offer an informal resolution process to the parties. Charter School does not offer or facilitate informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student, or when such a process would conflict with Federal, State, or local law.

Before initiation of the informal resolution process, the parties will be provided with notice that explains:

- The allegations;
- The requirements of the informal resolution process;
- The right to withdraw and initiate or resume the grievance procedures;
- That the parties' agreement to a resolution at the conclusion of the informal resolution process precludes the parties' use of the grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement (e.g., restrictions on contact and participation in activities or events)

- including notice that an informal resolution agreement is binding only on the parties;
and
- What information is retained and whether and how it may be disclosed by Charter School for use in grievance procedures if the grievance procedures are initiated or resumed.

Parties will not be required or pressured to agree to participate in the informal resolution process. Charter School will obtain the parties' voluntary consent to participate in the informal resolution process. Parties may end the informal resolution process and proceed with the grievance procedures at any time.

The facilitator of the informal resolution process will not be the same person as the investigator or the decisionmaker in the grievance procedures. The facilitator cannot have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The Coordinator will take appropriate prompt and effective steps to ensure sex discrimination does not continue or recur.

Grievance Procedures

Scope and General Requirements

Charter School has adopted these grievance procedures to provide for the prompt and equitable resolution of complaints of made by students, employees, or other individuals who are participating or attempting to participate in Charter School's education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX. Upon receipt of a complaint, the Coordinator or designee will promptly initiate these grievance procedures, or the informal resolution process if available, appropriate, and requested by all parties.

Charter School requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Coordinator or investigator.

Charter School will treat complainants and respondents equitably. Charter School presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

Charter School may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances.

Charter School allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay. Requests for extensions must be submitted to the Coordinator in writing at least one (1) business day before the expiration of the timeframe. If a timeframe is extended, the Coordinator or designee will notify the parties of the new timeframe and the reason for the delay.

Charter School will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties shall not engage in retaliation, including against witnesses.

Charter School will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence.³ Credibility determinations will not be based on a person’s status as a complainant, respondent, or witness.

If a party is a student with a disability, the Coordinator or designee must consult with one or more members, as appropriate, of the student’s IEP Team and 504 Team, if any, to determine how to comply with the requirements of the Individuals with Disabilities Education Act (“IDEA”) and Section 504 of the Rehabilitation Act of 1973 (“Section 504”) throughout the grievance procedures.

Dismissal

In most cases, Charter School will determine whether a complaint is dismissed within fifteen (15) business days of receipt of the complaint.

Charter School may dismiss a complaint if:

- Charter School is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in Charter School’s education program or activity and is not employed by Charter School;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Coordinator declines to initiate a complaint, and Charter School determines that, without the complainant’s withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- Charter School determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Prior to dismissing the complaint on this ground, Charter School will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the Coordinator or designee must promptly notify the complainant in writing of the basis for the dismissal and the complainant’s right to appeal the dismissal on the following grounds within five (5) business days of the dismissal notice:

³ Inculpatory means tending to impute guilt or fault, and exculpatory means tending to absolve from guilt or fault.

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination whether sex-based harassment occurred or dismissal was made; and
- The Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal occurs after the respondent has been notified of the allegations, then the Coordinator or designee must also simultaneously notify the respondent in writing of the dismissal, the basis for the dismissal, and the respondent's right to appeal the dismissal on the above grounds within five (5) business days of the dismissal notice.

If the complaint is dismissed, the Coordinator or designee will offer supportive measures to the complainant, as appropriate. The Coordinator or designee will also offer supportive measures to the respondent, as appropriate, if the respondent has been notified of the allegations. The Coordinator will continue to take appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur. Dismissal does not preclude action under another applicable Charter School policy.

Appeal of a Dismissal

If a dismissal is timely appealed in accordance with this Policy, the Coordinator or designee will promptly notify the parties in writing of the appeal, including notice of the allegations if such notice was not previously provided to the respondent, the contact information for the decisionmaker for the appeal, and the parties' right to submit a statement to the decisionmaker of the appeal in support of, or challenging, the outcome within five (5) business days of the appeal notice.

The decisionmaker for the appeal will be someone who has received the required Title IX training and did not take part in an investigation of the allegations or dismissal of the complaint. The appeal procedures will be implemented equally for the parties. Within fifteen (15) business days of the appeal notice to the parties, the decisionmaker will notify the parties in writing of the result of the appeal and the rationale for the result.

Notice of the Allegations

Upon initiation of the grievance procedures, the Coordinator or designee will provide notice of the allegations to the parties whose identities are known. The notice will include:

- Charter School's grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations. Sufficient information includes the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination under Title IX, and the date(s) and location(s) of the alleged incident(s), to the extent that information is available to Charter School;

- A statement that retaliation is prohibited; and
- A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence; and if Charter School provides a description of the evidence, the parties are entitled to an equal opportunity to access to the relevant and not otherwise impermissible evidence upon the request of any party.

Emergency Removal

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

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

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

Investigation

Investigations of complaints will be adequate, reliable, and impartial. In most cases, a thorough investigation will take no more than twenty-five (25) business days. Charter School has the burden to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred. The investigator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance in accordance with Title IX.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be used, accessed or considered, except by Charter School to determine whether one of the exceptions listed below applies, and will not be disclosed), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless Charter School obtains that party's or witness's voluntary, written consent for use in the grievance procedures; and

- Evidence that relates to the complainant’s sexual interests or prior sexual conduct, unless evidence about the complainant’s prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant’s prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant’s consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

The parties will have an equal opportunity to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible and to access such evidence. The parties may submit a written response to the investigator within five (5) business days of being provided with access to the evidence or an accurate description of it. The parties’ timely submitted written responses, if any, will be considered by the investigator and decisionmaker before a determination of responsibility is made.

Charter School will take reasonable steps to prevent and address any unauthorized disclosure of information or evidence by the parties.

Determination of Responsibility

Before making a determination of responsibility, the decisionmaker may question parties and witnesses to adequately assess a party’s or witness’s credibility to the extent credibility is in dispute and relevant to evaluating one or more allegations of sex discrimination.

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

Within fifteen (15) business days of the expiration of the timeframe for the parties to submit a written response to the evidence or an accurate description of it, the decisionmaker will notify the parties in writing of the determination whether sex discrimination occurred including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal.

Appeal of the Determination of Responsibility

Should a party find Charter School’s determination unsatisfactory, the party may, within five (5) business days of notice of Charter School’s determination, submit a written appeal to the Chair of the Charter School Board, who will serve as the decisionmaker for the appeal or designate a decisionmaker for the appeal. The decisionmaker for the appeal must not have taken part in the investigation of the allegations.

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

Consequences

Students or employees who engage in misconduct prohibited by this Policy may be subject to disciplinary action up to and including expulsion from Charter School or termination of employment. If there is a determination that sex discrimination occurred, the Coordinator or designee will coordinate the provision and implementation of any remedies and/or disciplinary sanctions ordered by Charter School including notification to the complainant of any such disciplinary sanctions. The Coordinator will take appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within Charter School's education program or activity.

No party, witness, or other person participating in Charter School's grievance procedures will be disciplined for making a false statement or for engaging in consensual sexual conduct based solely on Charter School's determination whether sex discrimination occurred.

Student Pregnancy and Related Conditions

Charter School will not discriminate against any student or applicant based on their current, potential, or past pregnancy or related conditions. For more information about policies and procedures applicable to employees who are pregnant or have a related condition, please refer to the Charter School employee handbook.

When a student, or a person who can legally act on behalf of the student, informs any employee of the student's pregnancy or related condition, unless the employee reasonably believes that the Coordinator has already been notified, the employee must promptly:

- Provide that person with the Coordinator's contact information; and
- Inform that person that the Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to Charter School's education programs and activities.

If a student, or a person who has a legal right to act on behalf of the student, notifies the Coordinator of the student's pregnancy or related condition, the Coordinator or designee must promptly:

- Inform the student, and if applicable, the person who notified the Coordinator of the student's pregnancy or related conditions and has a legal right to act on behalf of the student, of Charter School's obligations under:
 - 34 C.F.R. § 106.40(b)(1) through (5), which relates to the rights of students who are pregnant or have a related condition; and

- 34 C.F.R. § 106.44(j), which includes rules on disclosures of personal information;
- Provide Charter School’s Title IX notice of nondiscrimination; and
- Consult with the student about potential reasonable modifications to policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access, and if the student accepts an offered reasonable modification, implement the modification.

A student who is pregnant or has a related condition will be provided with a lactation space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used for expressing breast milk or breastfeeding as needed.

A student who is pregnant or has a related condition may voluntarily take a leave of absence for the time deemed medically necessary by the student’s licensed healthcare provider, or if the student so chooses, the time allowed under any Charter School leave policy for which the student qualifies. A pregnant or parenting student is entitled to eight weeks of parental leave, 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.

Upon the student’s return from leave, the student will be reinstated to the academic status, and, as practicable, to the extracurricular status that the student held when the leave began. The student will not be required to provide any kind of certification demonstrating their ability to physically participate in any class, program, or extracurricular activity unless:

- The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
- Such certification is required of all students participating in the class, program, or extracurricular activity; and
- The information obtained is not used as a basis for sex discrimination.

Students who are pregnant or have a related condition will not be required to provide supporting documentation unless necessary and reasonable to determine reasonable modifications or additional actions related to lactation space, leaves of absence, or voluntary access to any available separate and comparable portion of the program.

Training

All supervisors of staff will receive sexual harassment training within six (6) months of their assumption of a supervisory position and will receive further training once every two (2) years thereafter. All employees, Coordinators and designees, investigators, decisionmakers, and other persons who are responsible for implementing Charter School’s grievance procedures or have the authority to modify or terminate supportive measures will receive Title IX and sexual harassment training and/or instruction concerning sexual harassment as required by law.

Recordkeeping

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

- For each complaint of sex discrimination, records documenting the informal resolution process or the grievance procedures, and the resulting outcome.
- For each notification the Coordinator receives of information about conduct that reasonably may constitute sex discrimination, records documenting the actions Charter School took to meet its obligations under 34 C.F.R. § 106.44.
- All materials used to provide required Title IX training. Charter School will make these training materials available upon request for inspection by members of the public.

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

Title IX Sex Discrimination and Harassment Complaint Form

Your Name: _____ Date: _____

Email Address: _____

Date of Alleged Incident(s): _____

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

List any witnesses that were present: _____

Where did the incident(s) occur? _____

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

I hereby authorize 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.

Signature of Complainant

Date: _____

Print Name

To be completed by Charter School:

Received by: _____

Date: _____

Follow up Meeting with Complainant held on: _____

Hate Crime Reporting Procedures

Hate crimes, as defined by California law (Penal Code Section 422.55), are not tolerated at Shade Canyon School. Any incidents should be reported to the Administrator, who will work with local law enforcement if necessary.

