

# **KIPP Public Schools Northern California**

## **Team and Family Regional Policies**

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## About KIPP

KIPP Public Schools Northern California (hereinafter referred to as “KIPP,” “the Charter School,” or “the School,” is a network of tuition-free, public charter schools open to all students. Our schools are united by a common vision – that every child grows up free to create the future they want for themselves and their communities. Together with families and communities, we create joyful, academically excellent schools that prepare students with the skills and confidence to pursue the paths they choose—college, career, and beyond—so they can lead fulfilling lives and create a more just world. Today, there are over 255 KIPP schools in thirty (30) regions across the country educating over 110,000 students.

KIPP Public Schools Northern California (referred to as “KIPP,” “Charter School,” or “School” in this document) is a nonprofit organization that operates eighteen (18) public elementary, middle, and high schools and a Regional Support Office. Our public charter schools work with more than 7,000 students and their families in East Palo Alto, Oakland, Redwood City, San Francisco, San Lorenzo, San José, and Stockton all within Northern California.

Our KIPP Public Schools Northern California family includes:

- KIPP Bayview Academy (grades 5-8), San Francisco
- KIPP Bayview Elementary School (grades TK-4), San Francisco
- KIPP Bridge Academy (Elementary TK-4 and Middle 5-8), Oakland
- KIPP Esperanza High School (grade 9-11, growing to 9-12), East Palo Alto
- KIPP Excelencia Community Prep (grades TK-8), Redwood City
- KIPP King Collegiate High School (grades 9-12), San Lorenzo
- KIPP Heartwood Academy (grades 5-8), San José
- KIPP Heritage Academy (grades 5-8), San José
- KIPP Navigate College Preparatory (grade 9-12), San José
- KIPP Prize Preparatory Academy (grades 5-8), San José
- KIPP San Francisco Bay Academy (grades 5-8), San Francisco
- KIPP San Francisco College Preparatory (grades 9-12), San Francisco
- KIPP San Jose Collegiate (grades 9-12), San José
- KIPP Stockton Middle School (grades 5-6, growing to 5-8), Stockton
- KIPP Summit Academy (grades 5-8), San Lorenzo
- KIPP University Park Middle School (grade 6, growing to 5-8)
- KIPP Valiant Community Prep (grades TK--8), East Palo Alto
- Regional Support Office, Oakland

### **What Makes KIPP Different**

KIPP Public Schools Northern California’s free public charter schools prepare students for success in college and opportunities in life. We believe every child can grow up free to create the future they want for themselves and their communities.:

- **Sense of belonging:** KIPP provides a positive and supportive learning environment where students of all races, incomes, and abilities are known, respected, and empowered. KIPP Northern California uses trauma-informed practices to ensure an inclusive classroom environment that promotes social-emotional development and affirms the identity, background, and experience of every KIPP student.
- **Academic Excellence:** KIPP fosters a culture of academic excellence and intellectual curiosity through individualized instruction that meets the learning needs of every student. A KIPP education helps students develop the academic skills and character strengths needed to succeed in college and life.
- **Family & Community Partnerships:** KIPP partners with families and local organizations in their communities to support healthy development for children. KIPP joins other educational and community-based groups in advocating for issues that matter to their families, such as immigration rights.

- **Teacher Support & Growth:** KIPP recruits and retains a diverse group of teachers with high expectations who believe in KIPP’s mission and are committed to helping all students reach their full potential. KIPP equips teachers with opportunities for professional growth through individual coaching and specialized professional development.
- **College and Career Guidance:** KIPP prepares students to identify their passion, purpose, and plan for how to thrive in college, shape the future, and positively impact the world. After high school, KIPP advisors help alumni navigate the academic, social, and financial challenges they might encounter while in college or pursuing a career.

## **Academics**

### **Board Policy: Acceleration and Retention**

KIPP expects students to progress through each grade within one (1) school year. To accomplish this, instruction should accommodate the varying interests, learning styles, and growth patterns of individual students and include strategies for addressing academic gaps when needed. Students shall progress through grade levels by demonstrating growth and mastery in learning and meeting grade-level standards of expected student achievement.

Retention and promotion criteria will be objectively based on a student’s ability or inability to meet the grade level KIPP standards of expected student achievement in language arts, mathematics, science, or social science, for students in grades kindergarten (k) through twelve (12), as determined by the KIPP staff as articulated in its California standards-based report card or performance on the California Assessment of Student Performance and Progress (“CAASPP”).

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

Decisions about retention or promotion will not be based on requests for a student to be placed with or avoid a specific teacher or other students.

### ***Promotion/Acceleration***

When a student’s academic mastery exceeds grade-level standards, the School Leader or designee may recommend a student for acceleration into a higher section of the particular course (e.g. 6<sup>th</sup> grade Language Arts instead of 5<sup>th</sup> grade Language Arts). The student’s social and emotional growth shall be taken into consideration in making a determination to accelerate a student.

#### **A. Required Steps Preceding Promotion Decision**

Before promoting a student, KIPP will follow the following steps:

1. If KIPP receives a promotion request from a student’s Parent(s)/Guardian(s), KIPP will schedule and hold an SST meeting for Student.<sup>1</sup> Parent(s)/Guardian(s) will be invited to the SST meeting to discuss student progress on grade level benchmarks and other considerations/concerns for promotion. Parent(s)/Guardian(s) will receive a copy of the SST meeting notes which will serve as notice of proposed student achievement strategies (and interventions, where applicable).
2. If there is disagreement among the SST, the School Leader will make the determination whether to recommend the student for promotion based upon all information discussed at the meeting. The School Leader will send notice of this decision within forty-eight (48) hours of the meeting at the address provided by Parent(s)/Guardian(s) to the Charter School via registered mail unless otherwise agreed to in writing.

### ***Retention***

When a student’s academic mastery is below grade-level standards, the School Leader may recommend a student for retention into a content course section more appropriate for the student’s level (e.g. 5<sup>th</sup> grade Language Arts instead of 6<sup>th</sup> grade Language Arts). This decision must be approved by the school leader manager.

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<sup>1</sup> For students qualified under the Individuals with Disabilities Education Act (“IDEA”), any decisions regarding promotion will be made by the Individualized Education Program (“IEP”) team in an IEP meeting. For Students with a Section 504 Plan, any decisions will be made by the Section 504 team in a 504 meeting.

A student with a disability may also be recommended for retention by the School Leader when the student's academic mastery is below grade level standards. However, the IEP or Section 504 team should consider whether the student's disability adversely impacts the student's potential for learning or rate of learning. The IEP or Plan 504 team should consider whether accommodations or curricular modifications can minimize this impact, and enable the student to be promoted. The decision to retain must be approved by the school leader manager.

Students will not be retained more than two (2) times during their KIPP tenure. Students can be retained up to two (2) non-consecutive years throughout their K-12 experience.

### Identification of Students for Retention

As early as possible in the school year and in students' school tenure, the School Leader shall identify students who should be retained for an entire grade level and who are at risk of being retained in accordance with law and Board policy.

The following indicators shall be used when making retention decisions: the student's grades, overall classroom progress and performance, and other indicators of academic achievement such as national, state, and KIPP placement assessments, and portfolios of student work. Additional factors to be considered shall be academic, physical, social, and emotional readiness for the next grade.

If a student is identified as performing below the minimum standard for promotion, the student shall be retained in his/her current grade level unless the student's regular classroom/homeroom teacher or grade level teaching team determines that retention is not the appropriate intervention for the student's academic deficiencies. Students will not be retained two (2) consecutive years.

#### **A. Required Steps Preceding Retention Decision**

Before retaining a student, KIPP will follow the following steps:

1. Parent(s)/Guardian(s) will receive notice of progress or lack of progress in target areas through mid-semester progress reports and semester report cards. Parents will be notified by the teacher of areas of academic concerns in parent teacher conferences or in writing on progress reports or semester report card. Student achievement will be determined "at risk" as defined by each school site's Specific Grade Level Criteria for Retention or Promotion for one or more semesters. (See Specific Grade Level Criteria for Retention or Promotion. When a student is identified as being at risk for retention, the School Leader shall ensure opportunities for instructional support to assist the student in overcoming his/her academic deficiencies. Such opportunities may include but are not limited to tutorial programs, after-school programs, summer and school programs.
2. KIPP will hold an SST meeting for Student.<sup>2</sup> Parent(s)/Guardian(s) will be invited to the SST meeting to discuss concerns and proposed interventions. Parent(s)/Guardian(s) will receive a copy of the SST meeting notes which will serve as notice of proposed interventions and student achievement strategies.
3. Research based interventions suggested at the SST meeting will be implemented and documented in an ongoing and consistent manner. A recommended interval of six (6) weeks of academic interventions should occur before the initial SST and the recommendation for retention.
4. Following the above interventions, a teacher may make a recommendation for retention. Once made, Parent(s)/Guardian(s) will be invited to conference with the teacher(s), School Leader, and other staff members as deemed necessary ("Retention Team"). Retention Team Conference invitation will be via telephone by teacher to the number Parent(s)/Guardian(s) provided to the Charter School, followed up by a written confirmation sent via US Mail to the address Parent(s)/Guardian(s) provided to the Charter School. Teacher will log all attempts to contact Parent(s)/Guardian(s). If after two (2) documented attempts to schedule a conference by phone, Parent(s)/Guardian(s) do not respond or attend the Retention Team Conference, the conference will be held without their presence.
5. The Retention Team Conference will include:

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<sup>2</sup> For students qualified under the Individuals with Disabilities Education Act ("IDEA"), any decisions regarding retention will be made by the Individualized Education Program ("IEP") team in an IEP meeting. For Students with a Section 504 Plan, any decisions will be made by the Section 504 team in a 504 meeting.

- a. Review of previous SST notes;
  - b. Discussion of previous/current/ongoing interventions, review of intervention logs;
  - c. Review of current work and available assessments;
  - d. Development of a plan for support for the following academic year;
  - e. Determination of student's grade level for the following academic year; and
  - f. If the decision is to retain the Student, appropriate instruction and interventions are targeted for the following year so the student will be supported in meeting the standards the following year in the retained grade.
6. If there is disagreement among the Retention Team, the School Leader will make the determination based upon all information discussed at the meeting.
  7. When a final decision is made, KIPP will send the Parent(s)/Guardian(s) notes from the meeting, a copy of this policy, and the decision of the Retention Team in writing within forty-eight (48) hours of the meeting at the address provided by Parent(s)/Guardian(s) to the Charter School via registered mail unless otherwise agreed to in writing.

## **B. Supplemental Instruction**

Supplemental instructional programs will be available for students who are recommended for retention, retained, or identified as at-risk of retention. Such programs may be offered by KIPP during the summer, after school, on Saturdays and/or during intersession.

The School Leader or designee may require recommended students to participate in supplemental instructional programs. Parents who exclude their students from supplemental instructional programs will be notified in writing by KIPP of their risk of retention for the student's failure to access supplemental instruction.

## **Appeals Process**

If the parent or guardian disagrees with the school's decision to promote or retain their child, they may appeal this decision. To appeal a School Leader's decision, the appealing party shall submit a written request to the Chief of Schools or designee specifying the reasons why the School Leader's decision should be overruled. The appeal must be initiated within ten (10) school days of the determination of retention or promotion and notification to parents/guardians. The School Leader shall be provided an opportunity to state orally and/or in writing the criteria on which their decision was based.

Within thirty (30) days of receiving the request, the Chief of Schools shall determine whether or not to overrule the School Leader's decision. Prior to making this determination, the Chief of Schools or designee may meet with the appealing party and the School Leader. If the Chief of Schools determines that the appealing party has overwhelmingly proven that the School Leader's decision should be overruled, the Chief of Schools shall overrule the School Leader's decision. The decision of the Chief of Schools shall be final.

## **Annual Notice: Availability of Prospectus**

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

## **Annual Notice: Special Education**

Special education is an individualized education program designed to meet the unique needs of any student with a disability who qualifies for special education. Special education services may include specialized academic instruction, related services such as speech or occupational therapy, equipment, assistive technology, and anything else identified by the IEP team to enable your child to make progress in his or her regular education program. These services are available to children and youth through age 21 (inclusive) determined to be eligible for special education.

The IEP team is the team that guides the special education process, from identification (eligibility) to monitoring student progress. The IEP team membership may vary, depending on the purpose; however, parental input is always essential. If your child requires special education and related services because of a disability, you will be involved in the decisions about identification, assessment, or educational placement of your child and other matters relating to your child's FAPE (Free Appropriate Public Education). KIPP provides special education instruction and related services in accordance with the Individuals with Disabilities in Education Improvement Act ("IDEIA"), Education Code requirements, and applicable policies and procedures of the SELPA (SMCOE SELPA for KIPP Esperanza, KIPP Excelencia and KIPP Valiant and EDCOE SELPA for all other schools).

KIPP will ensure that your child's special education services are provided in the least restrictive environment. This means your child will receive special education services in an educational setting with non-disabled students his or her own age, as long as your child's specific needs can be met there. KIPP embraces inclusive education—that is, the participation of all students, including those with disabilities, limited English proficiency, identified gifts and talents, and other special needs—in the general education program, to the maximum extent appropriate in light of the child's unique needs.

SELPA Notices of Procedural Safeguards (parent rights) are available online or from the school office. For more information about special education at your school, please refer to the Parent Handbook for Special Education.

## **Annual Notice: Child Find**

Child Find is an ongoing process used by KIPP to identify children and youth who may be eligible to receive special education and related services because they have developmental delays or disabilities. KIPP is responsible for locating, identifying, and assessing, (with parental consent) students who may have a disability to ensure they receive needed special education and related services. Every child with a disability is entitled to a free appropriate public education (FAPE) designed to meet the child's individual needs. This includes children with disabilities who are homeless or foster youth. KIPP shall not deny nor discourage any student from enrollment solely due to a disability. KIPP will follow all applicable federal and state laws, including the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1400 (2004). If you have a concern about your child, contact your child's KIPP School Leader to request complete information about Child Find. The Child Find process may lead to the formation of a Student Success Team to consider interventions and supports that would benefit your child, or to formal assessment for the identification of a disability. If the SST team recommends assessment for a possible disability, an Individualized Education Program (IEP) team, which always includes the child's parents, will be formed to guide the process to determine if your child qualifies for special education and related services.

## **Annual Notice: Section 504**

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

## **Board Policy: Special Education**

The Board of Directors of KIPP Public Schools Northern California ("KIPP" or the "Charter School") desires to provide full educational opportunities to all students with disabilities. Students with disabilities shall receive a free appropriate public education (FAPE) and,



to the maximum extent possible, shall be educated in the least restrictive environment with nondisabled students. Accordingly, this Policy has been adopted consistent with Education Code section 56195.8.

### **Identification, Referral, and Evaluation for Special Education**

The Charter School shall follow applicable state and federal law and regulations and Special Education Local Plan Area (“SELPA”) policy with respect to the identification, referral, and assessments of students for special education and related services. When assessing students, staff shall use appropriate tests to identify specific information about the specific student's abilities. The student will be assessed in all areas of suspected disability. Materials and procedures used for assessment and placement will not be racially, culturally, or sexually discriminatory. Assessment materials will be provided and administered in the student's native language or mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer.

Charter School shall prevent the inappropriate overidentification or disproportional representation by race and ethnicity of students with disabilities.

### **Individualized Education Program**

For each student with disabilities, an individualized education program (IEP) shall be developed which identifies the special education instruction and related services to be provided to the student. Services will be provided by appropriately credentialed or qualified individuals, including, appropriately certified related service personnel and special education teachers who instruct students with disabilities.

### **Individualized Education Program (“IEP”) Team Meetings**

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

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

### **Procedural Safeguards**

KIPP recognizes its obligation to provide a free appropriate public education (FAPE) to students with disabilities and to uphold the rights of parents/guardians to be involved in educational decisions regarding their child. Parents/guardians of students with disabilities shall receive written notice of their rights under the federal Individuals with Disabilities Education Act, state law and regulation, and SELPA policy. At a minimum, procedural safeguards will be provided upon initial referral for evaluation and at every annual IEP meeting thereafter. Parents/guardians may also request a copy of their procedural safeguards at any time or access the procedural safeguards from the SELPA website.

Whenever there is a dispute between KIPP and the parent/guardian of a student with disabilities regarding the identification, assessment, or educational placement of the student or the provision of FAPE to the student, the KIPP shall encourage the early, informal resolution of the dispute at the school level to the extent possible. KIPP or the parent/guardian may also request mediation and/or a due process hearing in accordance with law, Board policy, and SELPA policy.

Any complaint alleging KIPP's noncompliance with federal or state laws or regulations related to the provision of a free appropriate public education to students with disabilities shall be filed in accordance with 5 CCR 3200-3205.

### **Nonpublic, Nonsectarian Services**

KIPP recognizes its responsibility to provide a free appropriate public education to students with disabilities in accordance with law. When KIPP is unable to provide direct special education and/or related services to students with disabilities, KIPP may enter into a contract with a nonpublic, nonsectarian school or agency (NPS/A) to meet student needs consistent with the comprehensive local plan of the Special Education Local Plan Area.

Prior to entering into a contract to place any student in an NPS/A, KIPP shall verify that the school or agency is certified to provide special education and related services to individuals with disabilities and complies with staff training requirements in accordance with Education Code 56366 and 56366.1. In addition, KIPP shall monitor, on an ongoing basis, the certification of any NPS/A with which KIPP has a contract to ensure that the certification has not expired.

No KIPP student shall be placed in an NPS/A unless the student's individualized education program (IEP) team has determined that an appropriate public education alternative does not exist and that the placement is appropriate for the student. (Education Code 56342.1)

KIPP shall pay to the NPS/A the full amount of the tuition or fees, as applicable, for students with disabilities who are enrolled in programs or receiving services provided by the NPS/A. (Education Code 56365)

In accordance with law, any KIPP student with disabilities placed in an NPS/A shall have all the rights and protections to which students with disabilities are generally entitled, including, but not limited to, procedural safeguards, due process rights, and periodic review of the student's IEP.

During the period when any student with disabilities is placed in an NPS/A, the student's IEP team shall retain responsibility for monitoring the student's progress towards meeting the goals identified in the IEP.

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

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

### **Education Specialist Program**

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

1. Providing instruction and services to students whose needs have been identified in an IEP developed by the IEP team and who are assigned to regular classroom teachers for a majority of the school day. Students shall not be enrolled in an education specialist program for the majority of the school day without approval of the IEP team.
2. Providing information and assistance to students with disabilities and their parents/guardians.
3. Providing consultation, education information, and material regarding students with disabilities to their parents/guardians and regular education staff members.
4. Coordinating special education services with the regular school programs for each student with disabilities enrolled in the education specialist program.
5. Monitoring student progress on a regular basis, participating in the review and revision of IEPs as appropriate, and referring students who do not demonstrate appropriate progress to the IEP team.
6. At the secondary school level, emphasizing academic achievement, career and vocational development, and preparation for adult life.
7. Education specialists shall not simultaneously be assigned to serve as education specialists and to teach regular classes.

KIPP's education specialist program shall be under the direction of a education specialist who possesses:

1. A special education credential or clinical services credential with a special class authorization.
2. Three or more years of teaching experience, including both regular and special education teaching experience, as defined by rules and regulations of the Commission on Teacher Credentialing.
3. Demonstration of competencies required for an education specialist as established by the Commission on Teacher Credentialing.
4. Education specialists who provide instruction to English learners with disabilities have supplementary authorization to provide English language development and primary language support (e.g., CLAD, BCLAD, or equivalent).

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

### **Transportation as a Related Service for Students with Disabilities**

According to state and federal laws, charter schools are not mandated to provide transportation to general education students. In individualized circumstances, an individualized education program (IEP) team may determine a student with a disability requires transportation as a related service on their IEP to benefit from special education.

Charter School shall ensure appropriate, no cost transportation services are provided for students with disabilities as specified in their IEP as a related service when required. The specific needs of the student shall be the primary consideration when an IEP team is

determining the student's transportation needs. Considerations may include, but are not limited to, the student's health needs, travel distances, physical accessibility and safety of streets and sidewalks, accessibility of public transportation systems, midday or other transportation needs, extended-year services, and, as necessary, implementation of a behavioral intervention plan. Mobile seating devices, when used, shall be compatible with the securement systems required by Federal Motor Vehicle Safety Standard No. 222 (49 C.F.R. § 571.222). KIPP shall ensure drivers are trained in the proper installation of mobile seating devices in the securement systems.

The School Leader or designee shall arrange transportation schedules so that students with disabilities do not spend an excessive amount of time on school-provided transportation compared to other students. Arrivals and departures shall not reduce the length of the school day for these students except as may be prescribed on an individual basis.

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

Guide dogs, signal dogs and service dogs trained to provide assistance to disabled persons may be transported in school-provided vehicles when accompanied by disabled students, disabled teachers or persons training the dogs.

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

### **Information on the Number of Individuals with Exceptional Needs**

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

### **Independent Educational Evaluations**

#### **A. IEE at Parent Expense**

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

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

1. The parent disagreed with the Charter School's evaluation and the Charter School received a request within a reasonable time after receipt of the results of the evaluation.
2. The parent timely and upon request provided Charter School with written consent to exchange information with the examiner.
3. The private evaluation meets all criteria contained in this Policy.
4. The parent timely provided a copy of the written evaluation report and all other documents\tests related to the report.

5. The examiner attends the relevant IEP team meeting by phone or in person to discuss his or her findings and provides protocols of all assessments to Charter School.

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

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

#### B. IEE at Public Expense

Charter School recognizes that federal and state laws provide parents/guardians of students with disabilities with the right to obtain an IEE, at public expense, when the parent/guardian disagrees with an assessment conducted by Charter School within the last two (2) years. Parents may only receive one (1) IEE for each assessment area or discipline with which they disagree.

The School Leader or designee(s) shall ensure that when a parent/guardian requests an IEE at public expense, Charter School shall provide the parent/guardian with a copy of their Procedural Safeguards *and*, without unnecessary delay, either:

1. Initiate a due process hearing to show that the evaluation, completed by the Charter School, is appropriate; or
2. Provide the parent/guardian with information about where an IEE may be obtained, the Charter School's criteria applicable for IEEs, and ensure that an IEE is provided at public expense.

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

1. The criteria under which the IEE is obtained at public expense, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that Charter School uses when it initiates an evaluation.
2. Charter School does not impose conditions or timelines related to obtaining an IEE at public expense.
3. All assessments shall be completed by persons competent to perform the assessment as determined by Charter School. Parent has the right to choose the examiner.
4. If the original evaluation completed by Charter School included in-class observation of the student, an equivalent opportunity shall apply to an independent educational assessment of the student in the student's current educational placement and setting.
5. A parent/guardian shall have the opportunity to demonstrate that unique circumstances justify a waiver of any of the criteria listed above as defined by Charter School.
6. The evaluator must prepare and sign a full evaluation report containing:
  - a. A list of all information/data reviewed.
  - b. A clear explanation of the testing and assessment results.
  - c. A complete summary of all test scores, including, for all standardized testing administered, all applicable full scale or battery scores, domain or composite scores, and sub-test scores reported in standard, scaled or T-score format.
  - d. A complete summary of all information obtained or reviewed from sources other than testing conducted by the evaluator.
  - e. Recommendations for IEP team consideration for educational programming and, if appropriate, placement that is educationally relevant and realistic within a public educational setting.

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

1. The cost of an assessment provided by a Charter School employee.
2. The cost of an assessment provided by a neighboring local educational agency.
3. The cost of an assessment provided by a private service provider, with appropriate qualification, within 40 miles from the Charter School.

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

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

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

## **Board Policy: Section 504 Policy and Procedures**

### **A. SECTION 504 POLICY**

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

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

The Charter School's School Leader or designee shall ensure that this policy and set of procedures is implemented and followed. Whenever there is reason to believe that, because of a disability, a student needs regular or special education and/or related aids

and services (and the student has not been found eligible under IDEA) that student will be evaluated under this policy's corresponding procedures.

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

If KIPP does not assess a student after a parent has requested an assessment, the Charter School shall provide notice of the parent's/guardian's procedural safeguards within 15 calendar days. KIPP shall not retaliate in any way against parents/guardians or students who exercise any rights under the procedural safeguards and/or Section 504.

If the student, due to disability, is found to require regular or special education and/or related aids and services under Section 504, the Section 504 Team shall develop a 504 plan for the provision of such services to the student. The student shall be educated with nondisabled students to the maximum extent appropriate to the student's individual needs. The student's parent/guardian shall be provided a copy of the 504 plan and shall receive notice of procedural safeguards guaranteed by law. KIPP shall periodically review the student's progress and placement.

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

## **B. SECTION 504 PROCEDURES**

### **A. Definitions**

1. **Academic Setting** – the regular, educational environment operated by KIPP.
2. **Individual with a Disability under Section 504** – An individual who:
  - a. has a physical or mental impairment that substantially limits one or more major life activities;
  - b. has a record of such an impairment; or
  - c. is regarded as having such an impairment.
3. **Evaluation** – procedures used to determine whether a student has a disability as defined within these Procedures, and the nature and extent of the services that the student needs. The term means procedures used selectively with an individual student and does not include basic tests administered to, or procedures used with, all students in a school, grade or class.
4. **504 Plan** – is a plan developed to identify and document the student's needs for regular or special education and related aids and services for participation in educational programs, activities, and school-sponsored events.
5. **Free Appropriate Public Education ("FAPE")** – the provision of regular or special education and related aids and services that are designed to meet the individual needs of persons with disabilities as adequately as the needs of persons without disabilities are met.
6. **Major Life Activities** - Functions such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. A major life activity also includes the operation of a major bodily

function, including but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions.

**7. Physical or Mental Impairment –**

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

8. **504 Coordinator** – The School Leader shall serve as the Charter School’s Section 504 Coordinator. The parents or guardians may request a Section 504 due process hearing from or direct any questions or concerns to the Section 504 Coordinator at 510-465-5477.

9. **Has a record of such an impairment** - means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

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

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

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

B. Referral, Assessment and Evaluation Procedures

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

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

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

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

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

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



- a. Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel;
  - b. Tests and other evaluation materials including those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and
- c. Tests are selected and administered so as to best ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure.)
7. The evaluation of the student must be sufficient for the 504 Team to accurately and completely describe: (a) the nature and extent of the disabilities; (b) the student's special needs; (c) the impact upon the student's education; and (d) what regular or special education and/or related aids and services are appropriate to ensure that the student receives a free appropriate public education. All significant factors relating to the learning process for that student, including adaptive behavior and cultural and language background, must be considered. The evaluation may include, but is not limited to, classroom and playground observation, performance-based testing, academic assessment information, and data offered by the student's teachers and parent/guardian.
- 8. Mitigating measures cannot be considered when evaluating whether or not a student has a substantially limiting impairment. Mitigating measures could include medications, prosthetic devices, assistive devices, or learned behavioral or adaptive neurological modifications a student uses to eliminate or reduce the effects of an impairment.
  - 9. The parents/guardians shall be given an opportunity in advance of 504 Team meetings to examine assessment results and all other relevant records.
10. If a request for evaluation is denied, the 504 Team shall inform the parents/guardians in writing of this decision and of their procedural rights as described below.

C. 504 Plan

- 1. When a student is identified as having a disability within the meaning of Section 504, the 504 Team shall determine what, if any, services are needed to ensure that the student receives a FAPE.
- 2. The 504 Team responsible for making the placement decision shall include the parents/guardians and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.
- 3. For each identified eligible student, the 504 Team will develop a 504 Plan describing the student's disability and the regular or special education and/or related aids and services needed. The Plan will specify how the special education and/or related aids and services will be provided to the eligible student and by whom. The 504 Plan will also identify the person responsible for ensuring that all the components of the Plan are implemented.
- 4. The student's teacher and any other staff who are to provide services to the student or who are to make modifications in the classroom for the student shall be informed of the services or modifications necessary for the student and, if appropriate, provided a copy of the 504 Plan. A copy of this plan shall be kept in the student's cumulative file in a manner that limits access to those persons involved in the 504 process and/or the provision of services and modifications.
- 5. The eligible student shall be placed in the regular education environment unless it is demonstrated that the student's needs cannot be met in the regular education environment with supplementary aids and services. The student shall be educated with students who are not disabled to the maximum extent appropriate to his/her individual needs.

6. The referral, assessment, evaluation and placement process will be completed within a reasonable time. It is generally not reasonable to exceed fifty (50) school days in completing this process.

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

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

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

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

D. Review of the Student's Progress

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

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

E. Procedural Safeguards

1. Parents/guardians shall be notified in writing of all decisions regarding the identification, evaluation or educational placement of students with disabilities or suspected disabilities. Notifications shall include a statement of their rights to:

- Examine relevant records
- Have an impartial hearing with an opportunity for participation by the parents/guardians and their counsel
- Have the right to file a Uniform Complaint pursuant to school policy
- Seek review in federal court if the parents/guardians disagree with the hearing decision.

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

School Leader

1000 Broadway, Suite 460, Oakland, CA 94607

opsadmin@kipnocal.org

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

3. The School Leader or designee shall maintain a list of impartial hearing officers who are qualified and willing to conduct Section 504 hearings. To ensure impartiality, such officers shall not be employed by or under contract with KIPP or any district within the School's district or the School's County Office of Education in any capacity other than that of hearing officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.

4. If a parent/guardian disagrees with the identification, evaluation or educational placement of a student with disabilities under Section 504, he/she may request a hearing to initiate due process procedures. The parent/guardian shall set forth in writing his/her request for a hearing. A request for hearing should include:

- The specific decision or action with which the parent/guardian disagrees.

- The changes to the 504 Plan the parent/guardian seeks.
- Any other information the parent/guardian believes is pertinent.

5. Within five (5) calendar days of receiving the parent/guardian's request for a hearing, the Charter School may offer the parent/guardian an optional alternative dispute resolution process. However, the timeline for the hearing shall remain in effect unless it is extended by mutual written agreement of the parent/guardian and the Charter School. Alternative dispute resolution options include:

- Mediation by a neutral third party.
- Review of the 504 Plan by the School Leader or designee.

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

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

8. The parent/guardian and the School shall be afforded the rights to:

- Be accompanied and advised by counsel and by individuals with special knowledge or training related to the individual needs of students who are qualified as having a disability under Section 504.
- Present written and oral evidence.
- Question and cross-examine witnesses.
- Receive written findings by the hearing officer.

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

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

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

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

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

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

1. Services During Suspension

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

2. Procedural Safeguards/Manifestation Determination

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

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

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

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

- a. Conduct an FBA and implement a behavioral intervention plan ("BIP") for such child, provided that KIPP had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;
- b. If the child has a BIP, review the BIP and modify it, as necessary, to address the behavior; and
- c. Return the child to the placement from which the child was removed, unless the parent and KIPP agree to a change of placement as part of the modification of the BIP.

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

3. Appeals

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

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

4. Special Circumstances

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

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

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

5. Interim Alternative Educational Setting

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

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

A student who has not been identified as an individual with disabilities pursuant to the IDEA 2004 and who has violated KIPP' disciplinary procedures may assert the procedural safeguards granted under these Procedures only if KIPP had knowledge that the student had a disability before the behavior occurred.

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

If KIPP knew or should have known the student had a disability under any of the three (3) circumstances described above, the student may assert any of the protections available to IDEA 2004-eligible children with disabilities, including the right to stay-put. If KIPP had no basis for knowledge of the student's disability, it shall proceed with the proposed discipline. KIPP shall conduct an expedited evaluation if requested by the parent/guardian; however, the student shall remain in the education placement determined by KIPP pending the results of the evaluation.

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

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

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

You have the right to:

- 1. Have your child take part in and receive benefits from public education programs without discrimination because of his/her disabling condition.
- 2. Have KIPP advise you of your rights under federal law.
- 3. Receive notice with respect to Section 504 identification, evaluation and/or placement of your child.
- 4. Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have KIPP make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
- 5. Have your child educated in facilities and receive services comparable to those provided to non-disabled students.
- 6. Have your child receive special education and related services if he/she is found to be eligible under the Individuals with Disabilities Education Improvement Act (IDEA 2004).
- 7. Have an evaluation, educational recommendation, and placement decision developed by a team of persons who are knowledgeable of the student, the assessment data, and any placement options. This includes the right to an evaluation before the initial placement of the student and before any subsequent significant change in placement.

8. Have your child be given an equal opportunity to participate in non-academic and extracurricular activities offered by KIPP.
9. Examine all relevant records relating to decisions regarding your child's Section 504 identification, evaluation, educational program, and placement.
10. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
11. Obtain a response from KIPP to reasonable requests for explanations and interpretations of your child's records.
12. Request an amendment of your child's educational records if there is reasonable cause to believe they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If KIPP refuses this request for amendment, the Charter School shall notify you within a reasonable time and advise you of your right to an impartial hearing.
13. Request mediation or file a grievance in accordance with Charter School's Section 504 mediation grievance and hearing procedures, outlined above.
14. Request an impartial hearing regarding the Section 504 identification, evaluation, or placement of your child. You and the student may take part in the hearing and have an attorney represent you.
15. File a formal complaint pursuant to the Charter School's Uniform Complaint Policy and Procedures. Please ask the School Leader for a copy of the Charter School's Uniform Complaint Policy and Procedures if you need one.
16. File a formal complaint with the U.S. Department of Education.

Office for Civil Rights, U.S. Department of Education  
 San Francisco Office  
 50 United Nations Plaza  
 San Francisco, CA 94102  
 (415) 486-5555 PHONE  
 (415) 486-5570 FAX  
 Email: [OCR.SanFrancisco@ed.gov](mailto:OCR.SanFrancisco@ed.gov)

17. Be free from any retaliation from KIPP for exercising any of these rights.  
 Please contact School Leader, 504 Coordinator, c/o KIPP Public Schools Northern California ,1000 Broadway, Suite 460, Oakland, CA or email [opsadmin@kippnorcal.org](mailto:opsadmin@kippnorcal.org) with any questions regarding the information contained herein.

### **Annual Notice: Sexual Health Education (Grade Levels 7-12)**

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

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

Anonymous, voluntary, and confidential research and evaluation tools to measure students' health behaviors and risks (including

tests, questionnaires, and surveys containing age-appropriate questions about the student’s attitudes concerning or practices relating to sex) may be administered to any student in grades seven (7) to twelve (12), inclusive. A parent or guardian has the right to excuse their child from the test, questionnaire, or survey through a passive consent (“opt-out”) process. Parents or guardians shall be notified in writing that this test, questionnaire, or survey is to be administered, given the opportunity to review the test, questionnaire, or survey if they wish, notified of their right to excuse their child from the test, questionnaire, or survey, and informed that in order to excuse their child they must state their request in writing to KIPP.

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

### **Annual Notice: Statewide Testing**

California students take several mandated statewide tests. These tests provide parents/guardians, teachers, and educators with information about how well students are learning and becoming college and career ready. The test results may be used for local, state, and federal accountability purposes. KIPP shall annually administer required state testing to the applicable grades (e.g., the California Assessment of Student Performance and Progress [“CAASPP”], the English Language Proficiency Assessments for California [“ELPAC”], and the Physical Fitness Test.) Notwithstanding any other provision of law, a parent’s or guardian’s written request to KIPP officials to excuse his or her child from any or all parts of the CAASPP shall be granted.

The CAASPP tests consist of the following:

#### **Smarter Balanced Assessment Consortium Assessments (“SBAC”)**

The Smarter Balanced computer-based adaptive assessments are aligned with the Common Core State Standards (“CCSS”). English language arts/literacy (“ELA”) and Mathematics tests are administered in grades three through eight and grade eleven to measure whether students are on track to college and career readiness. In grade eleven, results from the ELA and mathematics assessments can be used as an indicator of college readiness.

A student may be exempted from taking the Smarter Balanced assessments in the following three situations:

1. The student is taking the CAAs.
2. The student has been designated as an English learner/Multilingual Learner and is within his or her first 12 months of enrollment in a U.S. school as of April 15 of the previous year. (This exemption applies only to the ELA portion of the Smarter Balanced Summative Assessment.)
3. The parent has expressed in writing that his or her student should be excluded from taking the summative assessments.

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

The computer-based CAST assessment measures students’ achievement of the California Next Generation Science Standards (“CA NGSS”) through the application of their knowledge and skills of the Science and Engineering Practices, Disciplinary Core Ideas, and Crosscutting Concepts. The CAST assessment is administered to all students in grades five and eight and once in high school (i.e., grade ten, eleven, or twelve).

#### **California Alternate Assessments (“CAAs”)**

Only eligible students—students whose individualized education program (IEP) identifies the use of alternate assessments—may participate in the administration of the CAAs. Test examiners administer the computer-based CAAs for ELA, mathematics, and science one-on-one to students. Students in grades three through eight and grade eleven will take the CAA for ELA and mathematics. Test items developed for ELA and mathematics are aligned with the CCSS and are based on the Core Content Connectors.

Students in grades five and eight and once in high school (i.e., grade ten, eleven, or twelve) will take the CAA for Science based on alternate achievement standards derived from the CA NGSS. Students taking the CAA for Science will take three embedded performance tasks in spring 2019.

“According to the CDE, once a student is identified for alternate assessment, they will then take the alternate assessment for all standardized State assessments, including the CAA ELA, Math, and Science assessments, and the Alternate ELPAC (if the student is a Multilingual Learner). Once a student starts any summative assessment, TOMS will lock the student into that assessment type for the remainder of the student’s testing. LEA CAASPP coordinators and LEA ELPAC coordinators should work together to ensure student IEPs match test assignments. If an IEP shows the student should take the alternate assessment for one testing program and the general assessment for the other, the student’s case manager should create an amendment to correct this. If a student who is an English learner has completed the Summative ELPAC, and an IEP requiring the student to take the CAA is completed after testing, the LEA can submit a new STAIRS case for each tested domain using the irregularity incident type “Administered Incorrect Assessment,” with a selection on page 2 for “The student did not receive an alternate assessment as prescribed by the student's IEP or Section 504 plan.” Once the Appeal is approved, the summative assessment will be reset and the student can be registered for the CAA. The student must take the Alternate ELPAC operational field test once the assignments have been changed.”

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

The ELPAC is aligned with the 2012 California English Language Development Standards. It consists of two (2) separate English Language Proficiency (“ELP”) assessments: one for the initial identification of students as English Learners and the other for the annual summative assessment to identify students’ English language proficiency level and to measure their progress in learning English. The Alternative ELPAC will be administered when a student's IEP indicates the use of an alternative assessment.

### **Physical Fitness Test**

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

### **Annual Notice: English Learners**

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

### **Board Policy: Independent Study Policy**

This Board Policy applies to all KIPP Public Schools Northern California (collectively, the “Charter Schools”). The following written policies have been adopted by the KIPP Public Schools Northern California Board of Directors (the “Board”) for implementation at the Charter Schools. As of the date of adoption, the charter schools operated by KIPP Public Schools of Northern California include: KIPP Bridge Rising, KIPP Bridge Academy, KIPP Summit Academy, KIPP King Collegiate, KIPP Bayview Elementary, KIPP Bayview Academy, KIPP San Francisco Bay Academy, KIPP San Francisco College Preparatory, KIPP Heartwood Academy, KIPP Heritage Academy, KIPP Prize Preparatory, KIPP San Jose Collegiate, KIPP San Jose College Prep, KIPP Excelencia, KIPP Valiant Community Prep, KIPP Esperanza, KIPP Stockton Middle School:

1. The Board authorizes long-term independent study as an optional alternative instructional strategy for the purpose of allowing students to achieve curriculum objectives and fulfill graduation requirements during periods of extended absence. Long term independent study is defined as independent study for fifteen (15) or more school days in one school year. As the Charter Schools offer classroom based programming, long term independent study is intended to provide ongoing progress towards course objectives despite extenuating circumstances which may include but are not limited to



health conditions which prevent participation in in-person instruction.

2. Long term independent study may be offered at the discretion of the School Leader ("SL"). The SL's considerations may include, but are not limited to, budgetary, staffing and other operational considerations for their school.
3. Independent study is available to Transitional Kindergarten through 12th grade students currently enrolled in the Charter Schools whose health would be put at risk by in-person instruction, as determined by a medical professional or the parent or guardian of the student. A limited number of independent study spaces will be available and therefore priority of available spaces will be determined by the criteria listed below.
  - a. Medical condition of a student that would put them at a health risk by participating in in-person instruction, as verified by a doctor,
  - b. Medical condition of a student that would put them at a health risk by participating in in-person instruction, as attested to by parent or guardian,
  - c. Health concern of parent or guardian that cannot be remedied/addressed by the school
4. While independent study requires a commitment from both parent/guardian and student at all grade levels, as a student gets older, the student assumes a greater portion of the responsibility involved. For each independent study request, the School Leader or designee shall determine that the prospective independent study student is prepared to meet the Charter Schools' requirements for independent study. The School Leader or designee has the right to deny requests should it be determined that independent study is not in the best academic interest of the student. The SL's considerations may include, but are not limited to, the student's current academic standing, the student's grade level, the timing during the grading period, the purpose of the absence for which independent study is requested, previous participation in independent study, and input from teachers, MTSS team or IEP team as applicable. The SL shall not deny a request for independent study on the basis of race, ethnicity, age, gender, mental or physical disability or on the basis of any other protected characteristic, either actual or perceived.
5. For students in all grade levels offered by the School, long-term independent study is applicable to absences extending a minimum of five (5) consecutive school days. No independent study agreement shall be valid for any period longer than one (1) school year. The Charter Schools will consult with the student's parent or guardian to determine the appropriate length of time, and request, but not require, a commitment to participate in independent study that is aligned with the Charter School's grading term or other length of time deemed to be in the best academic interest of the student.
  - For all Charter Schools, the maximum length of time that may elapse between the time an assignment is made and the due date by which the student must complete the assignment shall be:
    - Ten (10) school days for students in grades TK-12
6. The School Leader or designee shall conduct an evaluation to determine whether it is in the best interests of the student to remain in independent study upon the following triggers:
  - a. When any student fails to complete three (3) independent study assignments during any period of ten (10) school days for students in grades TK-8 and fifteen (15) school days for students in grades 9-12 or misses two (2) consecutive appointments with the supervising teacher without valid excuse.
  - b. In the event Student's educational progress falls below satisfactory levels as determined by the Charter Schools' KIPP NorCal Multi-Tiered System of Support which considers ALL of the following indicators:
    - i. The student's achievement and engagement in the independent study program, as indicated by the student's performance on applicable student-level measures of student achievement and student engagement set forth in Education Code Section 52060(d) paragraphs (4) and (5).
    - ii. The completion of assignments, assessments, or other indicators that evidence that the student is working on assignments.
    - iii. Learning required concepts, as determined by the supervising teacher.
    - iv. Progressing toward successful completion of the course of study or individual course, as determined by the supervising teacher.

A written record of the findings of any evaluation conducted pursuant to this policy shall be treated as a mandatory interim student record. The record shall be maintained for a period of three years from the date of the evaluation and, if the student transfers to another California public school, the record shall be forwarded to that school.

7. The Charter Schools shall provide content aligned to grade level standards that is provided at a level of quality and intellectual challenge substantially equivalent to in-person instruction. For high school grade levels this shall include access to all courses offered by the Charter Schools for graduation and approved by the UC or CSU as credible under the A-G admissions criteria.
8. The Charter Schools have adopted tiered reengagement strategies for all students who are not generating attendance for more than three (3) school days or 60% of the instructional days in a school week, or who are in violation of the written agreement pursuant to Education Code Section 51747(g). These procedures are as follow:
  - a. Verification of current contact information for each enrolled student;
  - b. Notification to parents or guardians of lack of participation within one school day of the absence or lack of participation;
  - c. Outreach from the Charter Schools to determine student academic, school culture, or behavioral needs including connection with health and social services as necessary;
  - d. When the evaluation described above under paragraph 6.b. is triggered to consider whether remaining in independent study is in the best interest of the student, a student-parent-education conference shall be required to review a student's written agreement and reconsider the independent study program's impact on the student's achievement and well-being. This conference shall be a meeting involving, at a minimum, all parties who signed the student's written independent study agreement.
9. The following plan shall be in place in accordance with Education Code Section 51747(e) for synchronous instruction and live interaction:
  - a. For students in transitional kindergarten through grade 3, inclusive, the plan to provide opportunities for daily synchronous instruction for all students throughout the school year by each student's assigned supervising teacher shall be as follows: students participating in long-term independent study will be enrolled in a live, daily, scheduled online class where they will engage with peers, and receive synchronous instruction and support.
  - b. For students in grades 4-8, inclusive, the plan to provide opportunities for daily live interaction between the student and a certificated or non-certificated employee of the Charter Schools and at least weekly synchronous instruction for all students throughout the school year by each student's assigned supervising teacher shall be as follows: students participating in long-term independent study will be enrolled in a live, daily, scheduled online class where they will engage with peers, and receive synchronous instruction and support.
  - c. For students in grades 9-12, inclusive, the plan to provide opportunities for at least weekly synchronous instruction for all students throughout the school year by each student's assigned supervising teacher shall be as follows: students participating in long-term independent study will be enrolled in a live, weekly, scheduled online class where they will engage with peers, and receive synchronous instruction and support.
10. The Charter Schools shall assist families to transition students whose families wish to return to in-person instruction from independent study expeditiously, and, in no case, later than five instructional days, back to in-person instruction.
11. A current written agreement shall be maintained on file for each independent study student, including but not limited to, all of the following:
  - a. The manner, time, frequency, and place for submitting a student's assignments, for reporting the student's academic progress, and for communicating with a student's parent or guardian regarding a student's academic progress.
  - b. The objectives and methods of study for the student's work, and the methods used to evaluate that work.

- c. The specific resources, including materials and personnel, that will be made available to the student. These resources shall include confirming or providing access to all students to the connectivity and devices adequate to participate in the educational program and complete assigned work.
- d. A statement of the policies adopted pursuant to Education Code Section 51747 subdivisions (a) and (b) regarding the maximum length of time allowed between the assignment and the completion of a student's assigned work, the level of satisfactory educational progress, and the number of missed assignments allowed before an evaluation of whether or not the student should be allowed to continue in independent study.
- e. The duration of the independent study agreement, including the beginning and ending dates for the student's participation in independent study under the agreement. No independent study agreement shall be valid for any period longer than one school year.
- f. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the student upon completion.
- g. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English learners, individuals with exceptional needs in order to be consistent with the student's individualized education program or plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), students in foster care or experiencing homelessness, and students requiring mental health supports.
- h. The inclusion of a statement in each independent study agreement that independent study is an optional educational alternative in which no student may be required to participate. In the case of a student who is referred or assigned to any school, class, or program pursuant to Section 48915 or 48917, the agreement also shall include the statement that instruction may be provided to the student through independent study only if the student is offered the alternative of classroom instruction.
- i. Each written agreement shall be signed, before the commencement of independent study, by the student, the student's parent, legal guardian, or caregiver, if the student is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the student. For purposes of this paragraph "caregiver" means a person who has met the requirements of Part 1.5 (commencing with Section 6550) of Division 11 of the Family Code.

12. The Charter Schools shall comply with the Education Code sections 51745 through 51749.3 and the provisions of the Charter Schools Act of 1992 and the State Board of Education regulations adopted there under.

13. The School Leader shall establish regulations to implement these policies in accordance with the law.

**14. Limitations:**

- a. A student participating in independent study must fulfill course requirements that are consistent with those for students enrolled in the regular school program.
- b. The Charter Schools function as "classroom-based instruction" as defined in Education Code section 47612.5 (e)(1) and will meet the following conditions:
  - i. The Charter Schools' students are engaged in educational activities required of those students, and the students are under the immediate supervision and control of an employee of the Charter Schools .
  - ii. At least 80 percent of the instructional time offered at the Charter Schools is at the school site.
  - iii. Each of the Charter Schools' school sites are facilities that are used principally for classroom instruction.
  - iv. Each of the Charter Schools require students to be in attendance at the school site at least 80 percent of the minimum instructional time.
- c. Each student's master agreement shall be coordinated, evaluated, and carried out under the supervision of a

certificated employee.

### **Mathematics Course Sequence and Placement Policy (Grades 6 - 11)**

**KIPP Public Schools Northern California** is committed to graduating 100% of students college-ready, which requires developing strong foundational mathematical knowledge and skills, offering a course sequence that satisfies the UC “a-g” subject requirement, “c” for mathematics, and providing opportunities for high achieving students to take an Advanced Placement mathematics course. KIPP has established a standard mathematics course sequence for all students in grades 6 through 11 with opportunities for acceleration in high school. Parents and guardians who have questions about mathematics placement and course sequencing can find more information on our website, or through the school office. The full Policy is available through the school office.

### **Course and Credit Transferability to and from a KIPP High School Information**

Parents/guardians will be notified of the acceptability of credit for transferring into or out of KIPP High School through parent meetings, letters, and emails. The policy adheres to these principles:

#### Parent Notification: Course Eligibility for College

- KIPP’s High School graduation requirements are based on the University of California A-G requirements, and all courses required for graduation will be submitted for approval by the University of California.
- Using PowerSchool, or a similar student information system, the parents and students at KIPP High School will receive specific status updates each year, regarding course eligibility: when KIPP High School proposes courses, their prospective eligibility to the University of California, and when the courses are approved. This will occur via school materials and mailed letters. In addition, the charter authorizer will be provided copies of courses approved by the University of California.

#### Parent Notification: Credit Transferability

- Students seeking to transfer into a KIPP High School may be notified of their prospective credit transferability in person and via a detailed, mailed letter. KIPP proposes the following for credit transferability for all students transferring to a KIPP High School:

#### Course Transferability

| <b>Course at Former School</b>   | <b>Credit Granted at KIPP High School</b>  |
|--|--|
| A grade of C- or higher in a UC-approved course at a previous high school.   | Full credit at KIPP High School.   |
| A grade of C- or higher in non-UC approved course at a previous high school. | Full credit upon KIPP High School’s review of the course description, and determination that the course is comparable with a like KIPP High School course. |
| A grade of D+ or lower in any course at previous school.                     | No credit granted.   |

- KIPP High School will review the transfer student’s completed courses to determine credit transferability and whether completion of a course satisfies a KIPP High School graduation requirement. To graduate, the student must meet KIPP’s High School graduation requirements, even if these requirements are higher than their previous school’s requirements.
- It is expected that local schools will give full course credit to all University of California approved courses, and will give due consideration to elective courses that are offered at a KIPP High School, but are not part of KIPP’s High School

graduation requirements or approved by the University of California. Parents may be notified of these matters via parent meetings, letters, and emails. In addition, information on credit transferability from a KIPP High School may be posted on the school's website.

- KIPP High School also supports eligible students with IEPs on a diploma pathway aligned with state minimum requirements or on a Certificate of Completion pathway. The determination of credit transfer will be considered in light of the student's high school pathway as outlined in their IEP.

### **Annual Notice: Animal Dissections (High School)**

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

### **Annual Notice: Cal Grant Program (High School)**

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

### **Annual Notice: Information Regarding Financial Aid (High School)**

The Charter School shall ensure that each of its students receives information on how to properly complete and submit the 1) Free Application for Federal Student Aid (FAFSA) or 2) the California Dream Act Application as appropriate, at least once before the student enters 12<sup>th</sup> grade. The Charter School will provide a paper copy of the FAFSA or the California Dream Act Application upon request.

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

## **Student Culture and Behavior**

### **Board Policy: Attendance and Attendance Response**

Students are expected to be in class each day and on time so that they are ready to learn. It is the responsibility of the parents/guardians to see that their children attend school regularly and on-time. If there are circumstances that make this expectation difficult to uphold, parents/guardians must communicate this to the school to identify solutions, as partners. Parents/guardians can best support outstanding school attendance by:

- Making sure your child gets enough sleep and a nutritious breakfast each day
- Helping your child develop a positive attitude toward school and learning
- Encouraging your child to participate in school activities

- Teaching the benefits of good attendance and consequences of poor attendance
- Creating backup systems (alternative plans for getting to and from school)
- Creating morning and evening routines
- Posting school calendars, school attendance policy, and schedules in a visible place
- Making your school aware of any issues that may be affecting your child's attendance
- Making sure your child's school has your accurate daytime contact information, including cell phone number and/or e-mail address
- Notifying school staff if your child suffers from a chronic health condition and how this condition is impacting school attendance

School sites shall administer school site-determined initial consequences, including but not limited to, meetings with students and parents/guardians, warnings, or loss of privileges for students who are tardy or absent. As discussed below under the "Procedures for Excessive Unexcused Absences and Tardies," KIPP has established procedures to address repeated absences.

### ***Tardies***

Tardiness can be disruptive to the learning process for the student arriving late, and the other students in the class. It is the policy of KIPP that students arrive to class on time.

Students who arrive thirty (30) minutes after the tardy bell without a valid excuse are considered excessively tardy due to the amount of class instructional time missed. Students who are excessively tardy will be evaluated per the consequences listed in the procedures section, below. Students who arrive late to school must personally come to the main office to document their time of arrival. The student will then be given a tardy pass to admit them into the classroom and will not be allowed into the classroom without this pass for safety and tracking purposes.

When possible, parents/guardians should avoid scheduling appointments during school hours.

The following are excused tardies:

- Medical, dental, optometric or chiropractic appointments (documentation must be provided upon return to school or in advance)
- Funeral Service for an immediate family member

All other tardies will be considered an unexcused tardy, unless excused at the School Leader's sole discretion.

### ***Absences and Tardies***

Students are responsible for collecting and making up any work that was missed during their absence. Repeatedly submitting work late due to absence may have an impact on students' grades as determined by each school site.

Absence and tardiness from school shall be excused only for health reasons, family emergencies and justifiable personal reasons, as permitted by law or this Attendance and Attendance Response Policy. (The Parent/ Guardian must notify the School and provide requested documentation.) A student's absence shall be excused for the following reasons:

- Medical, dental, optometric or chiropractic appointments.\*
  - Students in grades 7-12, inclusive, may be excused from school for the purpose of obtaining confidential medical services without the consent of the student's parent or guardian.
- Personal illness (up to 5, all personal illnesses in excess of 5 will require a doctor's note), including an absence for the benefit of the pupil's mental or behavioral health
- Attendance at funeral service for an immediate family member.
  - Excused absence in this instance shall be limited to one (1) day if the service is conducted in California or three (3) days if the service is conducted out of state.
  - "Immediate family" shall be defined as parent or guardian, grandparent, spouse, son/son-in-law, daughter/daughter-in-law, brother, sister or any other relative living in the student's household.
- Participation in religious instruction or exercises in accordance with Charter School policy.
  - The student shall be excused for this purpose on no more than four (4) school days per school year.
- For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.
- Quarantine under the direction of a county or city health officer.

- For the purposes of jury duty in the manner provided for by law.
- Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent, including absences to care for a sick child for which the school shall not require a note from the doctor.
- To permit the pupil to spend time with an immediate family member who is an active duty member of the uniformed services, as defined in Education Code Section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of KIPP.
- For purpose of serving as a member of a precinct board for an election pursuant to Election Code Section 12302.
- Authorized at the discretion of a school administrator, based on the facts of the student's circumstances, are deemed to constitute a valid excuse.
- Authorized parental leave for a pregnant or parenting student for up to eight (8) weeks, which may be extended if deemed medically necessary by the student's physician.
- A student who holds a work permit to work for a period of not more than five (5) consecutive days in the entertainment or allied industries shall be excused from school during the period that the student is working in the entertainment or allied industry for a maximum of up to five (5) absences per school year subject to the requirements of Education Code Section 48225.5.
- In order to participate with a not-for-profit performing arts organization in a performance for a public-school student audience for a maximum of up to five (5) days per school year provided the student's parent or guardian provides a written note to the school authorities explaining the reason for the student's absence.
- For the purpose of participating in a cultural ceremony or event. "Cultural" for these purposes means relating to the habits, practices, beliefs, and traditions of a certain group of people.
- For the following justifiable personal reasons for a maximum of five (5) school days per school year, upon advance written request by the student's parent or guardian and approval by the School Leader or designee pursuant to uniform standards:
  - Appearance in court.
  - Observance of a holiday or ceremony of the pupil's religion.
  - Attendance at religious retreats.
  - Attendance at an employment conference.
  - Attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization.

A student who is absent due to an excused absence will be allowed to complete all assignments and tests missed during the excused absence that can be reasonably provided and will receive full credit upon satisfactory completion within a reasonable period of time. The teacher of the class from which a student is absent shall determine which tests and assignments are reasonably equivalent to, but not necessarily identical to, the tests and assignments that the student missed during the excused absence.

***\*Note that absences due to medical appointments will not be excused unless accompanied by a doctor's note.***

Student absences may also be excused for the following reasons if approved by a School Leader:

- Medical exclusion or exemption
- Revoked suspension through appeals procedure
- Pre-arranged mental health services (Mental Health Day Treatment)

To excuse an absence, the parent/guardian must call the school the day of the absence and where relevant, provide necessary documentation within 24 hours of the student's return to KIPP's main office.

Please note that if these steps are not followed, this may result in an Attendance Response letter and other forms of intervention in alignment with this Attendance and Attendance Response Policy.

### ***Unexcused Absences and Tardies***

Absence or tardy for reasons not included above shall be reported as "unexcused." Examples of unexcused absences and tardies are:

- Transportation problems
- Vacations or trips

- Weather conditions
- Running errands for family
- Babysitting

**Attendance Response**

Students shall be classified excessively absent if the student is absent from school without a valid excuse three (3) full days, or if the student is tardy for more than any thirty (30) minute period during the school day without a valid excuse on three (3) occasions in one (1) school year, or any combination thereof. After a combination of three (3) qualifying events in one (1) school year, a student is considered habitually absent. Once a student becomes excessively absent, or shows early warning signs of habitual absenteeism, KIPP will initiate various forms of response to help improve attendance and remove barriers to missing school. Please see the section on attendance response below.

**Chronic Absenteeism**

A student shall be classified as chronically absent if the student is absent from school for ten percent (10%) or more of the school days in one school year, from the date of enrollment to the current date. Both excused and unexcused absences contribute to a student reaching the level of chronic absenteeism. Chronic absenteeism has been linked with poor student performance, low academic engagement, and increased risk of high school dropout. Many families are surprised to learn that missing just two (2) days of school per month can lead to a student becoming chronically absent. We are committed to partnering with families to prevent chronic absenteeism. When a student becomes, or is at risk of becoming chronically absent, we will initiate various forms of intervention to help improve attendance and remove barriers to missing school.

**Procedures for Excessive Unexcused Absences and Tardies**

If students struggle to meet our expectations of attendance, to embody our core values and to develop into responsible, college-bound community members, KIPP implements logical consequences where there is a focus on accountability, repairing harm and reintegrating students into the school community.

The objective of our Attendance and Attendance Response Policy is for students to attend school consistently so that they are advancing towards their academic goals and are contributing members of our school community. We have increasing levels of tiered responses to support students and families in meeting this objective.

For students with disabilities (students on an IEP or a 504 plan), excessive unexcused absences and tardies will be addressed through the IEP or 504 process in collaboration with school site leadership and operations teams.

**UA = “unexcused absence”**

**UT30 = “unexcused tardy over 30 minutes”**

|   |  |
|---|--|
| Phone Call<br>1 UA/UT30                 | When a student obtains either one (1) unexcused absence (“UA”) or one (1) unexcused excessive tardy (“UT30”), the parents/guardians will receive a phone call alerting them to their child’s absence or tardiness.   |
| Written Notice<br>3 UAs/UT30s           | When a student obtains either three (3) unexcused absences or three (3) unexcused excessive tardies, or a combination thereof, the parents/guardians will receive a written notice alerting them of their child’s repeated absences and/or tardiness. This letter must be signed by the parent/guardian and returned to the School. This letter shall also be accompanied by a copy of this Attendance Policy. |
| Tier 1: Formal<br>Written Notice<br>and | When a student obtains either five (5) unexcused absences or five (5) unexcused excessive tardies, or a combination thereof, the parents/guardians will receive a Formal Written Notice requesting their attendance at a mandatory meeting with school administrators.   |



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| <p>Attendance Review Meeting</p> <p>5 UAs/UT30s</p>                                   | <p>Both the student and a parent/guardian must attend this meeting. The goal for this Attendance Review Meeting (“ARM”) is for the student and family, working with school staff, to produce a plan of action to ensure that the student’s attendance is in accordance with school and state requirements. If the parent/guardian fails to attend the meeting, the matter will be escalated to KIPP’s Regional Administration Team who will work with the School Leader to determine an appropriate response on a case-by-case basis. Lack of response to either the School administration or regional administration may risk the student’s enrollment in the School.</p>  |
| <p>Tier2: Formal Written Notice and Attendance Review Meeting</p> <p>10 UAs/UT30s</p> | <p>When a student obtains either ten (10) unexcused absences or ten (10) unexcused excessive tardies, or a combination thereof, the parents/guardians will be sent another Formal Written Notice requesting they attend a mandatory Attendance Review Meeting with the Assistant Principal and/or other School Administrators.</p> <p>The goal for this Attendance Review Meeting is for the student and family, working with School staff, to produce a plan of action to ensure that the student’s attendance is in accordance with school and state requirements. If the parent fails to attend the meeting the matter will be escalated to KIPP’s Regional Administration Team who will work with the School Leader to determine an appropriate response on a case-by-case basis. Lack of response to either the School administration or regional administration may risk the student’s enrollment in the School.</p>  |
| <p>Tier 3: Formal Written Notice, Attendance Review Contract</p> <p>15 UAs/UT30s</p>  | <p>When a student obtains either fifteen (15) unexcused absences or fifteen (15) unexcused excessive tardies, or a combination thereof, the parents/guardians will be sent a Formal Written Notice inviting them to a mandatory meeting with the School Leader and other KIPP Public Schools Northern California administrators.</p> <p>The Attendance Review Team (“ART”), comprised of the student, parent(s)/guardian(s), School Leader and KIPP Public Schools Northern California regional administrators, will discuss the absence problem with the Parent/Guardian to work on solutions, develop strategies, discuss appropriate support services for the student and his/her family, and establish an agreed upon contract to resolve the attendance issue.</p> <ul style="list-style-type: none"> <li>● The ART shall direct the parent/guardian that no further unexcused absences or tardies can be tolerated.</li> <li>● The parent shall be required to sign a contract formalizing the agreement by the parents to improve the child’s attendance or face additional administrative action. The contract will identify the corrective actions required in the future, and indicate that the ART shall have the authority to order consequences as necessary to improve the student’s attendance at school, including but not limited to one or more of the following for non-compliance with the terms of the contract: Parent/guardian to attend school with the child for one day; Student retention; After school detention program; Required school counseling; Loss of field trip privileges; Loss of school store privileges; Loss of school event privileges; Required remediation plan as set by the ART; Notification to the District Attorney or Child Protective Services.</li> <li>● The ART may discuss other school placement options.</li> <li>● Notice of action recommended by the Attendance Review Team will be provided in writing to the parent/guardian.</li> </ul> |
| <p>Potential Disenrollment Action</p>   | <p>If the conditions of the ART contract are not met, the student may incur additional administrative action up to and including disenrollment from the school, consistent with the Involuntary Removal Process described below. If the student is disenrolled after the Involuntary Removal Process has been followed, a notification will be sent within thirty (30) days to the student’s last known district of residence.</p>  |

For all communications set forth in this process, the school will use the contact information provided by the parent/guardian in the registration packet. It is the parent's or guardian's responsibility to update the school with any new contact information.

If the student is absent ten (10) or more **consecutive school days** without valid excuse and parent/guardian cannot be reached at the number or address provided in the registration packet and does not otherwise respond to the school's communication attempts, as set forth above, the student will be in violation of the contract, and the Attendance Review Team will recommend that the student be disenrolled in compliance with the Involuntary Removal Process described below. The Involuntary Removal Process can be started immediately upon the Charter School receiving documentation of the student's enrollment and attendance at another public or private school (i.e., a CALPADS report).

### **No Show Policy**

When a student is not in attendance on the first five (5) days of school, KIPP will attempt to reach the parent/guardian on a daily basis for each of the first five (5) days to determine whether the student has an excused absence, consistent with the process outlined in this Handbook and Attendance and Attendance Response Policy. If the student has a basis for an excused absence, parents must notify the school of the absence and provide documentation consistent with the Attendance and Attendance Response Policy below. However, consistent with the process below, students who are not in attendance on the sixth (6<sup>th</sup>) day of the school year due to an unexcused absence will be disenrolled from the school roster after following the Involuntary Removal Process described below, as it will be assumed that the student has chosen another school option.

1. Students who are not in attendance on the first day of school will be contacted by phone to ensure their intent to enroll at KIPP.
2. Students who have indicated their intent to enroll but have not attended by the third (3<sup>rd</sup>) day of the school year and do not have an excused absence will receive a letter indicating the student's risk of disenrollment.
3. Students who have indicated their intent to enroll but have not attended by the fifth (5<sup>th</sup>) day of the school year and do not have an excused absence will receive a phone call reiterating the content of the letter.
4. Students who are not in attendance by the sixth (6<sup>th</sup>) day of the school year and do not have an excused absence will receive an Involuntary Removal Notice and the CDE Enrollment Complaint Notice and Form. KIPP will follow the Involuntary Removal Process described below, which includes an additional five (5) school days for the parent/guardian to respond to the Charter School and request a hearing before disenrollment.
5. The Involuntary Removal Process can be started immediately upon KIPP receiving documentation of Student's enrollment and attendance at another public or private school (i.e. a CALPADS report).
6. KIPP will use the contact information provided by the parent/guardian in the registration packet.
7. Within thirty (30) calendar days of disenrollment, KIPP will send the student's last known school district of residence a letter notifying it of the student's failure to attend KIPP.

### **Involuntary Removal Process**

No student shall be involuntarily removed by KIPP for any reason unless the parent or guardian of the student has been provided written notice of intent to remove the student. The Involuntary Removal Notice must be provided to the parent or guardian no less than five (5) school days before the effective date of the proposed disenrollment date.

The written notice shall be in the native language of the student or the student's parent or guardian or if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder. The Involuntary Removal Notice shall include:

- 1) the charges against the pupil
- 2) an explanation of the pupil's basic rights including the right to request a hearing before the effective date of the action.
- 3) The CDE Enrollment Complaint Notice and Form

The hearing shall be led by KIPP Public Schools Northern California Regional Administrative Team. If the student's parent, guardian, or educational rights holder requests a hearing, the student shall remain enrolled and shall not be removed until KIPP issues a final

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

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

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

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

A hearing that results in a decision not to disenroll does not prevent KIPP from making a similar recommendation in the future should a student’s excessive unexcused absence and tardies continue or reoccur.

### **Referral to Appropriate Agencies**

It is KIPP’s intent to identify and remove all barriers to the student’s success, and KIPP will explore every possible option to address student attendance issues with the family. For any unexcused absence, KIPP may refer the family to appropriate school-based and/or social service agencies.

If a child’s attendance does not improve after an Attendance Review Team contract has been developed according to the procedures above, or if the parents fail to attend a required Attendance Review Team meeting, KIPP may notify the District’s Attorney’s office, which then may refer the matter for prosecution through the court system. Students twelve (12) years of age and older may be referred to the juvenile court for adjudication.

### **Non-Discrimination**

These policies will be enforced fairly, uniformly, and consistently without regard to the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, pregnancy, or association with an individual who has any of the aforementioned characteristics).

## **Annual Notice : Student Discipline - Suspension and Expulsion**

### **Vision Statement Regarding Discipline**

We recognize that certain groups have been historically suspended and expelled at a disproportionately higher rate. We aspire to engage in a fair and equitable process in addressing student behavior, regardless of socio-economic status or any protected class status, including among other things, race, gender, ethnicity, sexual orientation, disability, national origin, and/or immigration status, in order to eliminate this disparity.

### **We Believe**

- We Believe suspensions and expulsions should be used only when student and/or staff safety is a concern.
- We Believe that if a suspension is warranted, it should never be implemented in isolation, but with a combination of consequences and supports to reintegrate the student back into the school community.
- We Believe that in more severe situations, suspension length should be based on time needed by the school to address the issue fully and get the student back into the school community as soon as possible.
- We Believe expulsions should generally be used after all possible supports and consequences that the school can provide have been *exhausted*, except in the most egregious instances.

## Pupil Suspension & Expulsion Policy

KIPP Public Schools Northern California has established a Pupil Suspension and Expulsion Policy in order to promote learning and protect the safety and well-being of all students at our schools. In creating this policy, KIPP has reviewed Education Code Section 48900 et seq., which describes the non-charter schools' list of offenses and procedures to establish its list of offenses and procedures for suspensions and expulsions. The language that follows closely mirrors the language of Education Code Section 48900 et seq., but it is not intended that the Education Code be followed. KIPP is committed to annual review of policies and procedures surrounding suspensions and expulsions and, as necessary, modification of the lists of offenses for which students are subject to suspension or expulsion.

When the Policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. This policy shall serve as KIPP' policy and procedures for student suspension and expulsion and it may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements. Charter School staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This Policy and its Procedures are printed and distributed as part of the Student Handbook and 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 the Policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to school property.

The Charter School administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline and involuntary removal policies and procedures. The notice shall state that this Policy and Procedures are available on request at the School Leader's office.

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

We recognize that students in grades TK-4 are in the earliest stages of development. As a result, we do not suspend students in these grades, except in the most extreme circumstances, where safety is a concern. We believe that there are multiple approaches we can take to address situations with these students that do not involve suspending them from school.

Suspension should also be a last resort for grades 5-12 and is only considered when all other options have been exhausted. When suspension is necessary, however, KIPP requires all schools to have a reintegration process that successfully supports and reconnects the student(s) back into the school community.

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

No student shall be involuntarily removed by the Charter School for any reason unless the parent or guardian of the student has been provided written notice of intent to remove the student no less than five (5) schooldays before the effective date of the action. The written notice shall be in the native language of the student or the student's parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder, and shall inform him or her of the basis for which the student is being involuntarily removed and his or her right to request a hearing to challenge the involuntary removal. If the student's parent, guardian, or educational rights holder requests a hearing, the student shall remain enrolled and shall not be removed until the Charter School issues a final decision. As used herein, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions or expulsions pursuant to the suspension and expulsion procedures described below.

### A. Grounds for Suspension or Expulsion

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

1. **Discretionary Suspension Offenses:** Students in grades 5-12 may be suspended when it is determined the pupil:
  - a. Caused, attempted to cause, or threatened to cause physical injury to another person.
  - b. Willfully used force or violence upon the person of another, except in self-defense.
  - c. Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance (as defined in Health and Safety Code 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 the student's own prescription products by a pupil.
  - i. Committed an obscene act or engaged in habitual profanity or vulgarity.
  - j. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia as defined in Health and Safety Code Section 11014.5.
  - k. Knowingly received stolen school property or private property, which includes, but is not limited to, electronic files and databases.
  - l. Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
  - m. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
  - n. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
  - o. Engaged in, or attempted to engage in, hazing. For the purposes of this policy, "hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this policy, "hazing" does not include athletic events or school-sanctioned events.
  - p. Made terroristic threats against school officials and/or school property, which includes, but is not limited to, electronic files and databases.
    - i. 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 his or her immediate family.
  - q. Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to

be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment.

- 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.
- 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.
- t. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
  - i. "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:
    - 1. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
    - 2. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
    - 3. Causing a reasonable student to experience substantial interference with his or her academic performance.
    - 4. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
  - ii. "Electronic Act" means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
    - 1. A message, text, sound, video, or image.
    - 2. A post on a social network Internet Web site including, but not limited to:
    - 3. 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 (I) above.
    - 4. Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (I) above. "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
    - 5. Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (I) above. "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
  - iii. An act of cyber sexual bullying.
    - 1. For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (I). 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.
    - 2. For purposes of this clause, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
  - iv. Notwithstanding subparagraphs (I) and (II) 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 pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1)(a)-(b).
  - v. Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the School Leader or designee's concurrence.
2. **Non-Discretionary Suspension Offenses:** Students must be suspended and recommended for expulsion for any of the following acts when it is determined the pupil:
- a. Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the School Leader or designee's concurrence.
  - b. Brandishing a knife at another person.
  - c. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900(n).
3. **Discretionary Expellable Offenses:** Students in grades 5-12 may be recommended for expulsion for any of the following acts when it is determined the pupil:
- a. Caused, attempted to cause, or threatened to cause physical injury to another person.
  - b. Willfully used force or violence upon the person of another, except self-defense.
  - c. Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code 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 his or her own prescription products by a pupil.
  - i. Committed an obscene act or engaged in habitual profanity or vulgarity.
  - j. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
  - k. 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 subdivision, "hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, "hazing" does not include athletic events or school-sanctioned events.
  - 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 section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school property, which includes, but is not limited to, electronic files and databases, or the personal property of the person threatened or his or her immediate family.

- q. Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment.
- 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.
- 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.
- t. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
  - i. "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:
    - 1. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
    - 2. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
    - 3. Causing a reasonable student to experience substantial interference with his or her academic performance.
    - 4. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
  - ii. "Electronic Act" means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
    - 1. A message, text, sound, video, or image.
    - 2. A post on a social network Internet Web site including, but not limited to:
    - 3. 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 (I) above.
    - 4. Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (I) above. "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
    - 5. Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (I) above. "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
  - iii. An act of cyber sexual bullying.



1. For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (I). 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.
2. For purposes of this clause, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
- iv. Notwithstanding subparagraphs (I) and (II) 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 pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (3)(a)-(b).
- v. Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the School Leader 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 pupil:
  - a. Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the School Leader or designee's concurrence.
  - b. Brandishing a knife at another person.
  - c. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900(n).

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

The term "firearm" means (a) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (b) the frame or receiver of any such weapon; (c) any firearm muffler or firearm silencer; or (d) any destructive device. Such term does not include an antique firearm.

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

#### A. Suspension Procedure

Suspensions shall be initiated according to the following procedures:

##### I. Conference

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

The conference may be omitted if the School Leader 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 or the central office for the purpose of a conference.

At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against 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 pupil waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with Charter School officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference.

#### II. Notice to Parents/Guardians

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

#### III. Suspension Time Limits/Recommendation for Expulsion

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

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

#### IV. 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.

#### B. 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 following a hearing before a neutral and impartial Administrative Panel, to be assigned by the KIPP Public Schools Northern California Board. The Administrative Panel shall consist of at least three (3) members who are school leaders, assistant principals, deans, teachers, or regional leaders in KIPP. Administrative Panel members shall not include the teacher of the pupil, staff who have been involved in the alleged incident or investigation, or a Board member of the KIPP Board. The Administrative Panel shall be presided over by a designated neutral hearing chairperson. The Administrative Panel may expel any student found to have committed an expellable offense.

#### C. 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 Chief of Schools or designee determines that the pupil has committed an expellable offense and recommends the student for expulsion. The Chief of Schools will convene the Administrative Panel to conduct a hearing upon this determination.

The hearing shall be held in closed session (complying with all pupil confidentiality rules under FERPA) unless the pupil makes a written request for a public hearing in open session three (3) days prior to the date of the scheduled hearing.

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

- a) The date and place of the expulsion hearing;
- b) A statement of the specific facts, charges and offenses upon which the proposed expulsion is based;
- c) A copy of the Charter School's disciplinary rules which relate to the alleged violation;
- d) 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;
- e) 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;
- f) The right to inspect and obtain copies of all documents to be used at the hearing;
- g) The opportunity to confront and question all witnesses who testify at the hearing;
- h) The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses.

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

- a) KIPP may, upon a finding of good cause, determine that the disclosure of either the identity of the witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations that shall be examined only by the Charter School or the hearing officer. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the pupil.
- b) 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.
- c) KIPP must also provide the victim a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.
- d) 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.
- e) 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.
- f) 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.
- g) 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.
- h) If one or both of the support persons is also a witness, the Charter School must present evidence that the witness' presence is both desired by the witness and will be helpful to the Charter School. The entity presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising their discretion to remove a person from the hearing whom they believes is prompting, swaying, or influencing the witness.

- i) The testimony of the support person shall be presented before the testimony of the complaining witness and the complaining witness shall be excluded from the courtroom during that testimony.
- j) Especially for charges involving sexual assault or battery, if the hearing is to be conducted in public at the request of the pupil being expelled, the complaining witness shall have the right to have 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.
- k) Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the person conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstances can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

#### E. 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.

#### F. 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. An order 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 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 accused pupil, the hearing is held at a public meeting, and the charge is committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public. In addition, if any witness is a minor in any case, the hearing shall be closed for the minor's testimony.

#### G. Expulsion Decision

The decision of the Administrative Panel shall be in the form of written findings of fact and a written decision. The final decision by the Administrative Panel shall be made within ten (10) school days following the conclusion of the hearing. The decision of the Administrative Panel is final.

If the Administrative Panel decides not to expel, the pupil shall immediately be returned to their previous educational program.

#### H. Written Notice to Expel

The Chief of Schools or designee, following a decision of the Administrative Panel to expel, shall send written notice of the decision to expel, including the findings of fact, to the student or parent/guardian. This notice shall also include the following:

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

The School Leader 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.

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

#### I. Disciplinary Records

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

#### J. Right to Appeal

If a pupil is expelled from KIPP, the pupil or parent/guardian, within thirty (30) days of the Administrative Panel's decision, may file an appeal with the Grievance Committee of the Board. The Grievance Committee shall hold a hearing within thirty (30) school days following the formal request under this section. The Pupil shall remain expelled during any appeal proceeding, and shall enroll in another educational program pursuant to compulsory education laws, pending the outcome of the appeal process.

The period within which an appeal is to be filed shall be determined from the date an Administrative Panel votes to expel even if enforcement of the expulsion action is suspended and the pupil is placed in an interim alternative educational setting. A pupil who fails to appeal the original action of the Board within the prescribed time may not subsequently appeal a decision of the Administrative Panel.

The review by the Grievance Committee of the decision of the Administrative Panel shall be limited to the following questions:

1. Whether the Administrative Panel acted without or in excess of its jurisdiction
2. Whether there was a fair hearing before the Administrative Panel.
3. Whether there was a prejudicial abuse of discretion in the hearing.
4. Whether there is relevant and material evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the Administrative Panel.

If the Grievance Committee finds that relevant and material evidence exists which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the administrative panel, it may do either of the following:

1. Remand the matter to the Administrative Panel for reconsideration and may in addition order the pupil reinstated pending the reconsideration.
2. Grant a hearing de novo upon reasonable notice thereof to the pupil and to the Administrative Panel.

If the Grievance Committee determines that the decision of the Administrative Panel is not supported by the written findings, but evidence supporting the required findings exists in the record of the proceedings, the Grievance Committee may remand the matter to the Administrative Panel for adoption of the required findings. This remand for the adoption and inclusion of the required findings shall not result in an additional hearing.

In all other cases, the Grievance Committee shall enter an order either affirming or reversing the decision of the Administrative Panel. The decision of the Grievance Committee shall be final and binding upon the pupil and upon the Charter School. The pupil and the Charter School shall be notified in writing of the final order of the Grievance Committee within ten (10) school days.

The Grievance Committee ("Committee") may act on behalf of the Board in determining student expulsion appeals. The Committee is a Board Committee established under Section 5.10 of the KIPP Bylaws and exercises the authority of the Board subject only to the statutorily enumerated exceptions found in California Corporations Code section 5212(a)(1) – (8). As such, only directors may be members of the Committee. The Committee shall be composed of three (3) directors, and no one who is not a director. The Board shall appoint members of the Committee and a Chair of the Committee to serve for one-year terms. The Chair of the Committee and the Chair of the Board, respectively, shall recommend nominees for appointment to the Committee and appointment as Chair of the Committee, respectively. The Chair of the Board, if not an appointed member of the Committee, will serve as an ex-officio member of the Committee and may attend Committee meetings, but will not have a vote.

The Board may fill vacancies on the Committee from the Board at-large, and anyone on the Board may substitute for a member of

the Committee who is unable to participate in a particular grievance/expulsion appeal.

The Board may remove a Committee member from the Committee at any time, with or without cause.

#### K. Expelled Pupils/Alternative Education

Parents/guardians of pupils who are expelled shall be responsible for seeking alternative education programs including, but not limited to, programs within the County or their school district of residence. Charter school will work together with parent and District to help the student identify a suitable placement.

#### L. Rehabilitation Plans

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

#### M. Readmission

The decision to readmit a pupil or to admit a previously expelled pupil from another school district or charter school shall be in the sole discretion of the Chief of Schools or designee following a meeting with the School Leader and the pupil and parent/guardian or representative to determine whether the pupil has successfully completed the rehabilitation plan and to determine whether the pupil poses a threat to others or will be disruptive to the school environment. The School Leader shall make a recommendation to the Chief of Schools following the meeting regarding his or her determination. The Chief of Schools shall then make a final decision regarding readmission. The pupil's readmission is also contingent upon the Charter School's capacity at the time the student seeks readmission.

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

##### 1. Disciplinary Removals of Less Than 10 Days

- a. The school may remove a student with a disability who violates a code of student conduct from their current placement to an appropriate interim alternative educational setting, another setting, or suspension if the removal is less than 10 consecutive school days or a series of less than 10 removals that constitute a pattern of behavior.

##### 2. Disciplinary Removals of More Than 10 Days:

After a student has been suspended for more than ten (10) school days in a school year, during any subsequent days of removal, KIPP shall provide services to enable the student to continue to participate in the general education curriculum and progress toward goals set out in the student's IEP.

An IEP/504 Plan Team will be held to determine whether the child's misconduct is caused by the disability. As a parent, you will be invited to participate as a member of this IEP/504 Plan team. The IEP/504 Plan team will determine:

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

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

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

- a) Conduct a functional behavioral assessment and implement a behavioral intervention plan for such child, provided that KIPP had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;
- b) If a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and

- c) Return the child to the placement from which the child was removed, unless the parent and KIPP agree to a change of placement as part of the modification of the behavioral intervention plan.

If KIPP, 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 KIPP may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.

3. Due Process Appeals:

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

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent/guardian or KIPP, 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), or until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, unless the parent and KIPP 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 KIPP 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 KIPP 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.

4. Special Circumstances:

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

The School Leader 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.

5. Interim Alternative Educational Setting:

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

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

A student who has not been identified as an individual with disabilities pursuant to IDEA and who has violated KIPP' disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if KIPP had knowledge that the

student was disabled before the behavior occurred.

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

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

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

KIPP 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.

#### O. Notice to Teachers

KIPP shall notify teachers of each pupil 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.

#### P. Involuntary Removal for Excessive Unexcused Absences

As charter schools are schools of choice and as a charter school pupil who fails to attend school is potentially depriving another student of their opportunity to enroll, a student may be involuntarily removed as described within KIPP's Board adopted Attendance Policy for excessive absences and only after KIPP 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 excessive unexcused absences or tardies will be given a rehabilitation plan and will be subject to the readmission procedures set forth herein.

### **Board Policy: Title IX, Harassment, Intimidation, Discrimination & Bullying Policy**

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

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



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

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

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

Chief of Schools  
1000 Broadway, Suite 460  
Oakland, CA 94607  
510-465-5477  
opsadmin@kipnocal.org

**Definitions**

**Prohibited Unlawful Harassment**

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

**Prohibited Unlawful Harassment under Title IX**

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

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

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

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

Sexual harassment may include, but is not limited to:

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

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

### **Prohibited Bullying**

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

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

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

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

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

1. A message, text, sound, video, or image.
2. A post on a social network Internet Web site including, but not limited to:
  - a. Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in the definition of "bullying," above.

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

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

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

**Bullying and Cyberbullying Prevention Procedures**

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

**1. Cyberbullying Prevention Procedures**

KIPP advises students:

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

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

**2. Education**

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

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

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

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

### **3. Professional Development**

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

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

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

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

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

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

## **Grievance Procedures**

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

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

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

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

### **2. Reporting**

All staff are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or become aware of misconduct prohibited by this Policy, to intervene when safe to do so, call for assistance, and report such incidents. The Board requires staff to follow the procedures in this policy for reporting alleged acts of misconduct prohibited by this Policy. Any student who believes they have been subject to misconduct prohibited by this Policy or has witnessed such prohibited misconduct is encouraged to immediately report such misconduct to the Coordinator:

Chief of Schools  
1000 Broadway, Suite 460  
Oakland, CA 94607  
510-465-5477  
opsadmin@kipnocal.org

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

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

Students are expected to report all incidents of misconduct prohibited by this Policy or other verbal, or physical abuses. Any student who feels they are a target of such behavior should immediately contact a teacher, counselor, the Chief Academic Officer, 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.

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

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

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

### **3. Supportive Measures**

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

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

safety of all parties or KIPP's educational environment, or deter sexual harassment. Supportive measures available to complainants and respondents may include but are not limited to counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. KIPP will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of KIPP to provide the supportive measures.

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

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

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

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

- Notice of the Allegations

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

- Emergency Removal

- KIPP may place a non-student employee respondent on administrative leave during the pendency of a formal complaint of sexual harassment grievance process in accordance with KIPP's policies.
- KIPP may remove a respondent from KIPP's education program or activity on an emergency basis, in accordance with KIPP's policies, provided that KIPP undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.
- This provision may not be construed to modify any rights under the IDEA, Section 504, or the ADA.

- Informal Resolution

- If a formal complaint of sexual harassment is filed, KIPP may offer a voluntary informal resolution process, such as mediation, to the parties at any time prior to reaching a determination regarding responsibility. If KIPP offers such a process, it will do the following:
  - Provide the parties with advance written notice of:
    - The allegations;
    - The requirements of the voluntary informal resolution process including the circumstances under which the parties are precluded from resuming a formal complaint of sexual harassment arising from the same allegations;

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

- Any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the complainant; and
- The procedures and permissible bases for appeals.

## 5. Consequences

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

## 6. Right of Appeal

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

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

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

## 7. Recordkeeping

All records related to any investigation of complaints under this Policy are maintained in a secure location.

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

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

## Board Policy: Technology: Internet and Computer Usage

The Internet and other online resources are provided by KIPP to support instructional programs and appropriate student learning. While the Internet can be a powerful educational tool, it is also an unregulated space that contains materials unsuited to the school setting. For this reason, KIPP will make every reasonable effort to ensure that the resources are used responsibly, and will further require that every student and his/her parent/guardian sign the accompanying **Acceptable Internet Use Agreement** before Internet access is granted. In that agreement, the student and his/her parent/guardian shall agree not to hold KIPP or any KIPP staff responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes or negligence. They shall also agree to indemnify and hold harmless KIPP and KIPP personnel for any damages or costs incurred.



## Student and Parent Agreement

It is important to understand that student use of the Internet at KIPP is a privilege. If used properly, this resource can greatly enhance a student's learning experience and provide students with countless hours of exploration. However, anyone who uses the Internet improperly or for purposes inconsistent with the educational program at KIPP may lose all network privileges.

## Acceptable and Unacceptable Uses

The intent of KIPP in providing Internet connectivity is to support learning consistent with our academic programs. We expect students to use the Internet to pursue intellectual activities, to access libraries and other resources, and to further their education at KIPP that is consistent with expectations set by the instruction or program. A student's online conduct is ALWAYS subject to the general code of student conduct at KIPP.

Use of KIPP equipment and access to the Internet via KIPP equipment and resource networks is intended to serve and pursue educational goals and purposes. Student use of the Internet is therefore limited to only those activities that further or enhance the delivery of education. Students and staff have a duty to use KIPP resources only in a manner specified in the Policy.

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

"Educational purpose" means classroom activities, research in academic subjects, career or professional development activities, KIPP approved personal research activities, or other purposes as defined by KIPP from time to time.

"Inappropriate use" means a use that is inconsistent with an educational purpose or that is in clear violation of this Policy and the Acceptable Use Agreement.

## Safety

Some parts of the Internet contain material that is not suited for students and is not supportive of KIPP' educational activities. Students are not allowed to use the Internet at KIPP to access such materials, including sites containing inappropriate or obscene content. It is likewise improper to use the Internet in any manner that supports any illegal or unethical activity, or for commercial or for-profit purposes, or for any purpose that conflicts with the mission of KIPP or its status as a California Public School.

To the extent practical, technology protection measures shall be used to block or filter Internet, or other forms of electronic communications, access to inappropriate information. Specifically, blocking shall be applied to visual depictions of material deemed obscene or child pornography, or to any materials deemed harmful to minors. KIPP utilizes robust technology to filter and monitor Internet activity and prevent student exposure to inappropriate materials. However, while KIPP is able to exercise reasonable control over content created and purchased by KIPP, it has limited control over content accessed via the internet and no filtering system is 100% effective. Neither KIPP nor its staff shall be responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes, misuse or negligence. The student and parent/guardian agree not to hold KIPP or any KIPP staff responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes, misuse or negligence. They also agree to indemnify and hold harmless KIPP and KIPP' personnel for any damages or costs incurred.

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

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

The School Leader or designees shall provide age-appropriate instruction regarding safe and appropriate behavior on social networking sites, chat rooms, and other Internet services. Such instruction shall include, but not be limited to, maintaining the student's online reputation and ensuring their personal safety by keeping their personal information private, the dangers of posting personal information online, misrepresentation by online predators, how to report inappropriate or offensive content or threats, behaviors that constitute cyberbullying, and how to respond when subjected to cyberbullying.<sup>3</sup> Students are expected to follow safe practices when using KIPP technology.

KIPP advises students:

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

Students shall not use the Internet to perform any illegal act or to help others perform illegal acts. Illegal acts include, but are not

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<sup>3</sup> "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils, directed toward one or more pupils that has or can be reasonably predicted to have one or more of the following effects:

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

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

- A message, text, sound, video, or image.
- A post on a social network Internet Web site, including, but not limited to:
  - Posting to or creating a "burn page" (i.e., an Internet Web site created for the purpose of bullying).
  - Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects of bullying. To create a "credible impersonation" means to (knowingly and without consent) impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
  - Creating a false profile for the purpose of having one or more of the effects of bullying. A "false profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
- An act of cyber sexual bullying. The term "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects of bullying. A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act. The term "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

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

Student use of Charter School computers to access social networking sites is not prohibited, but access is limited to educational purposes only. To the extent possible, the School Leader or designee shall block access to such sites on Charter School computers with Internet access.

The School Leader or designee shall oversee the maintenance of the Charter School's technological resources and may establish guidelines and limits on their use.

All employees shall receive a copy of this policy and the accompanying Acceptable Use Agreement describing expectations for appropriate use of the system and shall also be provided with information about the role of staff in supervising student use of technological resources. All employees shall comply with this policy and the Acceptable Use Agreement, in addition to any separate policies governing employee use of technology.

Student use of Charter School's computers, networks, and Internet services is a privilege, not a right. Compliance with the Charter School's policies and rules concerning computer use is mandatory. Students who violate these policies and rules may have their computer privileges limited and may be subject to discipline, including but not limited to suspension or expulsion per school policy.

KIPP' technology, hardware, software and bandwidth are shared and limited resources and all users have an obligation to use those resources responsibly. Students are provided access to the KIPP technology primarily for educational purposes. Students shall not use KIPP technology or equipment for personal activities or for activities that violate school policy or local law. Although the following list is not intended to be comprehensive, it provides a sampling of some of the unacceptable uses of the Internet that could result in the suspension or revocation of a student's online privileges:

- Using the Internet for any illegal activity, including violation of copyright or other laws
- Downloading software, music, movies or other content in violation of licensing requirements, copyright or other intellectual property rights;
- Revealing any personally identifiable information about yourself or any other student or staff member on a social networking website or chat room;
- Engaging in any activity that is harmful to other student(s) or staff, including the use of technology to harass, intimidate, bully, cyber-bully or otherwise disrupt the educational process;
- Sending or displaying offensive pictures or graphics, using obscene language, or harassing, insulting, threatening or abusing others;
- Any online activity that encourages the use of drugs, alcohol or tobacco, or that promotes unethical practices or any activity prohibited by law or KIPP policy;
- Posting, sending or displaying any personally identifiable information of any minor without parental consent;
- Using the Internet for financial or commercial gain;
- Degrading, vandalizing or disrupting equipment, software or system performance or the data of another;
- Accessing or attempting to access resources or systems on the network that the student is not authorized to access;
- Invading the privacy of others or using an account owned by another user;
- Posting anonymous messages or messages with a false identity;
- Downloading, viewing, sharing, storing or printing files or messages, including pornographic, defamatory or otherwise offensive material, that use language that offends or degrades others;
- Playing unauthorized games on the Internet;
- Computer piracy, hacking, or any tampering with hardware or software;
- Using hacking tools on the network or intentionally introducing malicious code or viruses into KIPP' network;
- Using any software or proxy service to obscure either the student's IP address or the sites that the student visits;
- Disabling, bypassing, or attempting to disable or bypass any system monitoring, filtering or other security measures;

- Downloading applications or programs without approval from teachers or administrators;
- Conducting any activity that is in violation of school policy, the student code of conduct or local, state or federal law.

Google Apps for EDU: As part of our mission to ensure all KIPP students will succeed in college, KIPP utilizes Google Apps for Education to promote collaboration and communication between our students and teachers. As a KIPP student, your child may receive a Google Apps user account in the KIPPNORCAL.ORG Google Apps for EDU domain and have access to Gmail and other Google Apps for EDU.

Google Mail (Gmail): KIPP students may receive an account with an email address @studentkipp.org

Google Apps: Google Apps provides word processing, spreadsheet, drawing, and presentation software similar to Microsoft’s Office suite. However, Google’s applications are completely online, allowing access from any location with Internet connectivity. Google Apps also allows students to collaborate with other students and teachers in real-time as well as electronically submit homework items to their teachers.

Google Accounts Access Restriction: If there is reason to believe that violations of the law or of KIPP policies have occurred, a student may be prevented from any computer and account access until such time as an investigation can be completed.

Security: KIPP cannot and does not guarantee the security of electronic files located on the Google Apps system or servers. Although Securely does have a powerful content filter, redundancy and backup solutions in place, KIPP cannot assure that students will not be exposed to unsolicited information nor that student work saved within the Google Apps system will always be available. Neither KIPP nor its staff shall be responsible in the event that student work becomes irretrievable or inaccessible. The student and parent/guardian agree not to hold KIPP or any KIPP staff responsible in the event that student work becomes irretrievable or inaccessible. They also agree to indemnify and hold harmless KIPP and KIPP’ personnel for any damages or costs incurred.

Regarding student information held in its systems of record, KIPP appropriately secures this information from unauthorized access, loss or damage while supporting the open, information-sharing needs of our academic culture. KIPP carefully selects vendors that meet our data security requirements and requires compliance with its data security policies in its contracts with third parties.

Privacy: KIPP reserves the right to access any student account content (email, documents, etc.) without consent from the student or parent/guardian at any time for any reason. If parents/guardians have reason to believe their child is being threatened or bullied in any way, KIPP staff will review the student’s email and respond to any findings according to school policies.

Use of Equipment: All members of the KIPP community, including students, faculty, staff and volunteers are expected to respect our technology resources and use them with care. KIPP will repair or replace damaged equipment resulting from normal use. However, all other replacements and repairs will be the responsibility of the students and/or family.

**\*\*Please see the corresponding Technology Use Agreement Form within the Appendix \*\***

## Public Displays of Affection

We generally do not allow public displays of affection (“PDA”) within our school environments. Students are expected to exercise self-control and respect for the personal space of others. We recognize that these displays of affection vary depending on student age and developmental level, and we will manage behaviors and our responses accordingly. Regardless, PDA and/or inappropriate physical contact, whether affectionate (i.e., hand-holding, kissing) or aggressive (i.e., pushing, grabbing) are not in accordance with policies at KIPP and may result in disciplinary action against the student/s.

## Student Health

KIPP Public Schools Northern California enforce health and safety requirements that ensure that all children are healthy and ready to learn. Our policies also help to manage a safe and healthy school environment for teachers, staff and visitors. All campuses are non-smoking and substance free.

## Annual Notice: Immunizations

To ensure a safe learning environment for all students, the Charter School follows and abides by the health standards pursuant to the

California Health and Safety Code and the California Code of Regulations. All incoming students must provide proof of having received required immunizations before they can attend school unless they meet the requirements for an exemption. Verification of immunizations will be completed by the School by reviewing medical records from the child's doctor or immunization clinic. The immunization status of any students admitted conditionally will be reviewed every thirty (30) days. Those students who are not in compliance with the State requirements must be excluded from attendance until the requirements are met.

If there is good cause to believe that a child has been exposed to a disease and his or her documentary proof of immunization status does not show proof of immunization against that disease, that child may be temporarily excluded from the School until the local health officer is satisfied that the child is no longer at risk of developing or transmitting the disease.

These required immunizations include:

| GRADE                                  | NUMBER OF DOSES REQUIRED OF EACH IMMUNIZATION <sup>1 2 3</sup> |                     |                      |                    |             |
|--|--|---------------------|----------------------|--------------------|-------------|
|  |  |                     |                      |                    |             |
| K-12 Admission                         | 4 Polio <sup>4</sup>   | 5 DTaP <sup>5</sup> | 3 Hep B <sup>6</sup> | 2 MMR <sup>7</sup> | 2 Varicella |
| (7th-12th) <sup>8</sup>                | 1 Tdap   |                     |                      |                    |             |
| 7 th Grade Advancement <sup>9 10</sup> | 2 Varicella <sup>10</sup>                                      | 1 Tdap <sup>8</sup> |                      |                    |             |

<sup>1</sup> Requirements for K-12 admission also apply to transfer pupils.

<sup>2</sup> Combination vaccines (e.g., MMRV) meet the requirements for individual component vaccines. Doses of DTP count towards the DTaP requirement.

<sup>3</sup> Any vaccine administered four or fewer days prior to the minimum required age is valid.

<sup>4</sup> Three doses of polio vaccine meet the requirement if one dose was given on or after the fourth birthday.

<sup>5</sup> Four doses of DTaP meet the requirement if at least one dose was given on or after the fourth birthday. Three doses meet the requirement if at least one dose of Tdap, DTaP, or DTP vaccine was given on or after the 7th birthday. One or two doses of Td vaccine given on or after the seventh birthday count towards the requirement.

<sup>6</sup> For seventh grade admission, refer to Health and Safety Code section 120335, subdivision (c).

<sup>7</sup> Two doses of measles, two doses of mumps, and one dose of rubella vaccine meet the requirement, separately or combined. Only doses administered on or after the first birthday meet the requirement.

<sup>8</sup> For 7th-12th graders, at least one dose of pertussis-containing vaccine is required on or after the seventh birthday.

<sup>9</sup> For children in ungraded schools, pupils 12 years and older are subject to the seventh grade advancement requirements.

<sup>10</sup> The varicella requirement for seventh grade advancement expires after June 30, 2025.

**NOTE:** In order to begin 7th grade, students who had a valid personal belief exemption on file with a public or private elementary or secondary school in California before January 1, 2016 must meet the requirements listed for grades K-12 as well as requirements for 7<sup>th</sup> grade advancement (i.e., polio, MMR, varicella and primary series for diphtheria, tetanus, and pertussis). At least one dose of pertussis-containing vaccine is required on or after the 7th birthday.

## **Board Policy: Immunizations Requirements and Information**

KIPP will adhere to all laws related to legally required immunizations for entering students pursuant to Health and Safety Code Sections 120325-120380, and Title 17, California Code of Regulations Sections 6000-6075.

Per the California Department of Education, all children under eighteen years of age entering a California public or private elementary or secondary school for the first time, or transferring between schools, must present a written immunization record upon enrollment. Written verification from a doctor or immunization clinic must:

- identify the student by name and date of birth,
- show the date (month, day, and year) each required vaccine dose was received,
- show the type of vaccine received,
- include the name of the physician or agency who gave the vaccine.

In accordance with SB 277, these requirements can be waived only if a properly executed CAIR-ME medical exemption is filed with the school. The immunization status of any students admitted conditionally will be reviewed every 30 days. Students who do not meet the State guidelines may be excluded from school until the requirements are met. Students who have been exposed to a communicable disease for which they have not been immunized may be excluded from school at the discretion of KIPP Schools in coordination with the local health department.

To meet California’s school entry requirements, **all students entering TK/kindergarten** and newly admitted students entering grades 1 - 12, who are not exempt from the immunization requirements must show proof of the following immunizations:

| Immunization  | Dosage                       |
|---|------------------------------|
| Diphtheria, Tetanus, and Acellular Pertussis (DTaP) | Five (5) doses <sup>1</sup>  |
| Polio   | Four (4) doses <sup>2</sup>  |
| Measles, Mumps, and Rubella (MMR)                   | Two (2) doses <sup>3 4</sup> |
| Hepatitis B   | Three (3) doses              |
| Varicella (chicken pox)                             | Two (2) doses <sup>4</sup>   |

<sup>1</sup>Four (4) doses of DTaP are allowed if one (1) was given on or after the fourth birthday. Three (3) doses of DTaP meet the requirement if at least one dose of Tdap, DTaP, or DTP vaccine was given on or after the seventh birthday (also meets the 7th-12th grade Tdap requirement.) One or two doses of Td vaccine given on or after the seventh birthday count towards the requirement of DTaP.

<sup>2</sup>Three (3) doses of Polio are allowed if one (1) was given on or after fourth birthday.

<sup>3</sup>MMR doses must be given on or after the first birthday. Two doses of measles, two doses of mumps, and one dose of rubella vaccine meet the requirement, separately or combined.

<sup>4</sup>Combination vaccines (e.g., MMRV) meet the requirements for individual component vaccines.

State law also requires each child’s family to provide, within ninety (90) days of entrance into the **first grade**, a certificate documenting that the child has received a health checkup within the previous eighteen (18) months. Parents may waive the health checkup requirement because they do not want to or are unable to obtain a health screening for their child. Please request a copy of this waiver from the School: [https://www.dhcs.ca.gov/formsandpubs/forms/Forms/ChildMedSvcForms/pm171b\(bi\).pdf](https://www.dhcs.ca.gov/formsandpubs/forms/Forms/ChildMedSvcForms/pm171b(bi).pdf)

To meet California’s school entry requirements, **all students entering seventh (7<sup>th</sup>) grade** who are not exempt from the immunization requirements must show proof of the following immunizations:

| Immunization  | Dosage        |
|---|---------------|
| Tetanus, reduced Diphtheria, and acellular Pertussis (Tdap) | One (1) dose  |
| Varicella (chicken pox)                                     | Two (2) doses |

**NOTE:** In order to begin 7th grade, students who had a valid personal belief exemption on file with a public or private elementary or secondary school in California before January 1, 2016 must meet the requirements listed for grades K-12 as well as requirements for 7<sup>th</sup> grade advancement (i.e., polio, MMR, varicella and primary series for diphtheria, tetanus, and pertussis). At least one dose of pertussis-containing vaccine is required on or after the 7th birthday.

Verification of immunizations will be completed by the School by reviewing medical records from the child’s doctor or immunization clinic. The immunization status of any students admitted conditionally will be reviewed every thirty (30) days. Immunization records shall be part of the mandatory permanent pupil record and shall be kept in accordance with KIPP’s Educational Records and Student Information Policy. KIPP will file a written report on the immunization status of all KIPP students in the required grade spans with the California Department of Public Health, on an annual basis, as required by law.

Any child leaving the United States for a short vacation to or long stay in any country considered by the Center of Disease Control and Prevention (“CDC”) to have increased risk of TB exposure **MUST** contact the County Tuberculosis Clinic for a TB Screening upon return.

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

If KIPP discovers that an admitted student who was previously believed to be in compliance with the immunization requirements is subsequently discovered to not be in compliance with either the unconditional admission requirements or the conditional admission

requirements, KIPP Schools will notify the student's parent/guardian of: 1) the time period within which the doses must be received, which may be no more than ten (10) school days after notification; and 2) that the student shall continue in attendance only if the parent/guardian provides documentation that the immunization requirements have been met within the time period designated by the School. If the student does not provide documentation of having received all required immunizations within the time period designated by the School, KIPP shall exclude this student from attendance. The student shall remain excluded from KIPP until the student is fully immunized as required by law. The student shall also be reported to the School Leader.

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

### Conditional Admittance

Students may be conditionally admitted in accordance with Health and Safety Code Section 120340 and Title 17, California Code of Regulations Section 6035. The School Leader or designee shall notify the student's parents/guardians of the date by which the student must complete all the remaining doses. The School Leader or designee shall review the immunization record of each student admitted conditionally at least every thirty (30) days from the date of admission until that student has received all the required immunizations or submitted an exemption. If a student conditionally admitted fails to fulfill the conditions of admission, KIPP will prohibit the student from further attendance until that student has been fully immunized as required by law.

### Documentary Proof

The School shall maintain the Student's immunization information in the Student's mandatory permanent record and shall file annual immunization status reports as required by the California Department of Public Health.

### Exemptions from Immunization Requirements:

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

- o Students who show proof of a medical exemption by a physician licensed to practice medicine in California pursuant to Health and Safety Code Section 120370;
  - Commencing January 1, 2021, the California Department of Public Health standardized medical exemption form shall be the only documentation of a medical exemption that the School shall accept.
  - On and after July 1, 2021, the School shall not unconditionally admit or readmit, or admit or advance any student to 7th grade, unless the student has been fully immunized or files a California Department of Public Health standardized medical exemption form as required by law.
  - Medical exemptions issued before January 1, 2020 will continue to remain valid until the child enrolls in the next grade span.
- o Students who are enrolled in a home-based private school or independent study program and do not receive any classroom-based instruction;
  - A student who has not received all of the required immunizations will not be eligible to attend classes at a KIPP resource center unless the student is otherwise exempt under #1 or #3.
- o Students who, prior to January 1, 2016, submitted a letter or affidavit on file at a private or public elementary or secondary school in California stating beliefs opposed to immunization, and who provide said letter or affidavit to KIPP, shall be allowed to remain enrolled at KIPP without being fully immunized until the student enrolls in the next grade span pursuant to Health and Safety Code Section 120335(g).
  - "Grade span" means each of the following:
    - Birth to Preschool.
    - Kindergarten and grades 1 to 6, inclusive, including transitional kindergarten.
    - Grades 7 to 12, inclusive.

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

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

### **Annual Notice: Physical Examinations and Right to Refuse**

All pupils are must complete a health screening examination on or before the 90th day after the pupil’s entrance into first grade or such pupils must have obtained a waiver pursuant to Health and Safety Code Sections 124040 and 124085. This examination can be obtained from your family physician or possibly through the services provided by your County Health Department. Information and forms are distributed to pupils enrolled in kindergarten. Failure to obtain an examination or a waiver for your child may result in your child being denied enrollment consistent with the Charter School’s enrollment practices. If your child’s medical status changes, please provide the teacher with a physician’s written verification of the medical issue, especially if it impacts in any way your child’s ability to perform schoolwork.

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

### **Annual Notice: Oral Health Requirement (KG and/or first grade)**

All kindergarten or first grade students enrolled for the first time in public school must have documentation of a dental assessment performed by a licensed dental professional. Documentation must be submitted no later than May 31<sup>st</sup> of the year of entrance to public school. The dental assessment must have been performed no earlier than 12 months before the date of the initial enrollment of the student.

### **Board Policy: Administration of Medicine**

KIPP Public Schools Northern California (“KIPP” or the “Charter School”) staff is responsible for overseeing the administration of medication to students attending KIPP during the regular school day. It is imperative that practices followed in the administration of medication be carefully delineated to ensure the safety of our students and the legal protection of our employees.

#### **Definitions**

- *“Authorized health care provider”* means an individual who is licensed by the State of California to prescribe medication.
- *“Authorizing physician and surgeon”* may include, but is not limited to, a physician and surgeon employed by, or contracting with, a local educational agency, a medical director of the local health department, or a local emergency medical services director.
- *“School nurse”* means an individual who is currently a credentialed and licensed registered nurse employed by the Charter School.
- *“Other designated Charter School personnel”* means an individual employed by the Charter School who has (1) has consented to assist/administer medication to students and (2) may legally assist/administer the medication to students.
- *“Medication”* includes prescription medication, over-the-counter remedies, nutritional supplements, and herbal remedies. Sunscreen is not considered a medication.
- *“Regular school day”* includes during school hours, before- or after-school programs, field trips, extracurricular or co-curricular activities, and camps or other activities that typically involve at least one (1) overnight stay from home.



### **Administration of Medication with Charter School Assistance**

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

In order for a student to be assisted by the school nurse or other designated Charter School personnel in administering medication, Charter School shall obtain both:

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

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

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

### **Staff Training and Emergency Response**

#### **A. Response to Anaphylactic Reaction**

The school nurse or trained personnel who have volunteered may use an EpiPen to provide emergency medical aid to persons suffering, or reasonably believed to be suffering from, an anaphylactic reaction. Charter School will ensure it has the appropriate type of EpiPen on site (i.e., regular or junior) to meet the needs of its students. KIPP will ensure staff properly store, maintain, and restock the EpiPen as needed.

Charter School will ensure any Charter School personnel who volunteer are appropriately trained regarding the storage and emergency use of an EpiPen. Adequate training shall include all of the following:

1. Techniques for recognizing symptoms of anaphylaxis.
2. Standards and procedures for the storage, restocking, and emergency use of EpiPens.
3. Emergency follow-up procedures, including calling the emergency 911 telephone number and contacting, if possible, the student's parent(s)/guardian(s) and physician.
4. Recommendations on the necessity of instruction and certification in cardiopulmonary resuscitation.
5. Instruction on how to determine whether to use an adult EpiPen or a EpiPen, which shall include consideration of a student's grade level or age as a guideline of equivalency for the appropriate student weight determination.
6. Written materials covering the information required pursuant to the training.

KIPP will distribute an annual notice to all staff describing the request for volunteers who will be trained to administer an EpiPen to a person if that person is suffering, or reasonably believed to be suffering from, anaphylaxis. The annual notice shall also describe the training the volunteer will receive.

#### **B. Response to a Diabetic or Hypoglycemic Emergency**

KIPP provides Charter School personnel with voluntary emergency medical training on how to provide emergency medical assistance to students with diabetes suffering from severe hypoglycemia. The volunteer personnel shall provide this emergency care in accordance with standards established herein and the performance instructions set forth by the licensed health care provider of the student. A Charter School employee who does not volunteer or who has not been trained pursuant to this Policy may not be required to provide emergency medical assistance.

Training by a physician, credentialed school nurse, registered nurse, or certificated public health nurse according to the standards established pursuant to this section shall be deemed adequate training. Training established shall include all of the following:

1. Recognition and treatment of hypoglycemia.
2. Administration of glucagon.
3. Basic emergency follow-up procedures, including, but not limited to, calling the emergency 911 telephone number and contacting, if possible, the student's parent(s)/ guardian(s) and licensed health care provider.

A Charter School employee shall notify the School Leader if the employee administers glucagon pursuant to this Policy.

All materials necessary to administer the glucagon shall be provided by the parent(s)/guardian(s) of the student.

In the case of a student who is able to self-test and monitor their own blood glucose level, upon written request of the parent or guardian, and with authorization of the licensed health care provider of the student, a student with diabetes shall be permitted to test their own blood glucose level and to otherwise provide diabetes self-care in the classroom, in any area of the Charter School or Charter School grounds, during any Charter School-related activity, and, upon specific request by a parent or guardian, in a private location.

Designated staff shall establish emergency procedures for specific medical conditions that require an immediate response (i.e. allergies, asthma, diabetes).

### **Storage and Record Keeping**

1. All medication will be kept in a secure and appropriate storage location and administered per an authorized health care provider's instructions by appropriately designated staff.
2. Designated staff shall keep records of medication administered at KIPP. The medication log may include the following:
  - a. Student's name.
  - b. Name of medication the student is required to take.
  - c. Dose of medication.
  - d. Method by which the student is required to take the medication.
  - e. Time the medication is to be taken during the regular school day.
  - f. Date(s) on which the student is required to take the medication.
  - g. Authorized health care provider's name and contact information.
  - h. A space for daily recording of medication administration to the student or otherwise assisting the student in administration of the medication, such as date, time, amount, and signature of the individual administering the medication or otherwise assisting in administration of the medication.
3. Designated staff shall return all surplus, discontinued, or outdated medication to the parent/guardian upon completion of the regimen or prior to extended holidays. If the medication cannot be returned, it will be disposed of at the end of the school year.

### **Illness during School Hours**

If a child becomes ill or injured during the school day and is not well enough to stay in class, the parent/guardian will be called to pick the child up. It is necessary to have updated emergency contact numbers on file in the school office in case the parent/guardian cannot be contacted. In case of emergencies, the school will also call 911.

### **Board Policy: Suicide Prevention and Intervention**

#### **Introduction**

KIPP Public Schools Northern California recognizes that suicide is a leading cause of death among youth and that an even greater amount of youth consider (17 percent of high school students) and attempt suicide (over 8 percent of high school students) (Centers for Disease Control and Prevention, 2015). Additionally, the suicide rate for children ages 10 to 14 has increased and in fact has tripled from 2007 to 2017. In 2018, data from the Centers for Disease Control and Prevention show a 16% increase over the previous year (Centers for Disease Control and Prevention, 2018).

Schools are in a unique position to identify and reach students who may be at risk for suicide. With well-trained staff; social workers; families; and classmates, schools can teach and reinforce resiliency through socio-emotional and restorative practices and provide appropriate suicide prevention, intervention, and postvention strategies.

### **KIPP's Suicide Prevention Policy**

This policy aims to safeguard students and staff against suicide attempts, deaths and other trauma associated with suicide, including ensuring adequate supports for students, staff, and families affected by suicide attempts and loss. Accordingly, KIPP will create and maintain positive school climates; hold high expectations of students; encourage caring relationships between students, staff members, and families; and foster meaningful school involvement; some of the protective factors that decrease a student's risk for suicide. The Suicide Prevention Policy shall be easily accessible and prominently displayed on each KIPP charter school's web page and included in the KIPP Public Schools Northern California Team and Family Regional Handbook.

### **Overall Strategic Plan for Suicide Prevention**

To ensure the policies regarding suicide prevention are properly adopted, implemented, and updated, the Associate Director of Mental Health will serve as the suicide prevention point of contact for the Region. The Associate Director of Mental Health will work in conjunction with KIPP's Mental Health Counselors (MHCs) and School Psychologists (SPs); community-based organizations; and community health providers to evaluate, review, and amend the Suicide Prevention Policy on a regular (not less than annual) basis. Each school's MHC or SP will serve as the liaison from their school to the Associate Director of Mental Health. These staff will coordinate and implement site-specific suicide prevention activities along with a staff, or several staff members on their campus, whom they designate to be assistants in suicide prevention awareness efforts. The Mental Health Clinician (MHC) and each school's suicide prevention liaison shall ensure proper coordination and consultation with the county mental health plan if a referral is made for mental health or related services on behalf of a student who is a Medi-Cal beneficiary.

[The KIPP Suicide Prevention Toolkit](#), developed by the Associate Director of Mental Health is to be used in suicide prevention, intervention, and postvention efforts. The Toolkit includes information for all school staff about the warning signs of suicide; tools for intervention in a mental health crisis - including assessment of, and response to, levels of risk; suggestions for supporting our school communities after an attempt at, or loss to, suicide; information for families and students regarding warning signs of suicide; and online and community mental health resources.

### **Suicide Prevention Activities**

Following is an outline of the suicide prevention, intervention and postvention activities and trainings for KIPP staff, parent/guardians, and students.

#### **For Staff**

Staff will receive professional development led by the MHC or a designated mental health professional on risk and protective factors, warning signs, KIPP's crisis intervention procedures, referrals for mental health services, and resources regarding youth suicide prevention. Trainings will include the following topics:

- **Identifying and Connecting Students at Risk to Mental Health Support**
  - In-person training led by the MHC or a designated mental health professional on the core components of suicide prevention, including:
    - Noticing the risk factors, warning signs, and protective factors.
    - Speaking with a student about thoughts of suicide.
    - Responding appropriately to students who have suicidal thoughts. Such responses shall include constant supervision of any student judged to be at risk for suicide and an immediate referral for a suicide risk

assessment.

- Emphasis on immediately referring (same day) any student who is identified to be at risk of suicide for assessment while staying under constant monitoring by staff member.
  - Emphasis on reducing stigma associated with mental illness and that early prevention and intervention can drastically reduce the risk of suicide.
  - Reviewing the data annually to look for any patterns or trends of the prevalence or occurrence of suicide ideation, attempts, or death. Data from the California School Climate, Health, and Learning Survey (Cal-SCHLS) should also be analyzed to identify school climate deficits and drive program development. See the Cal-SCHLS Web site at <http://cal-schls.wested.org/>.
  - Information regarding groups of students judged by the school, and available research, to be at elevated risk for suicide. These groups include, but are not limited to, the following:
    - Youth affected by suicide or who have a history (or close family history) of suicide ideation or attempts;
    - Youth with disabilities, mental illness, or substance abuse disorders;
    - Lesbian, gay, bisexual, queer, questioning, intersex, and same gender loving youth;
    - Transgender; genderqueer; gender non-conforming; and non-binary youth;
    - Youth experiencing homelessness or in out-of-home settings, such as foster care or a group home;
    - Youth who have suffered and/or continue to suffer through traumatic experiences.
- **Crisis Intervention Procedures Training**
    - In-person training led by the MHC or a designated mental health professional reviewing staff protocol for intervening in student crises and referring students for support. Response for the following crises are included in the training (as developmentally appropriate for the age group): Homelessness/Loss of housing, physical abuse, sexual abuse or assault, neglect, pregnancy, self-harm, suicidal ideation, violent threats, substance use, the impact of trauma (both complex and chronic) on mental health and development.
  - **Mandated Reporter Training**
    - Training on the identification and reporting of child abuse and neglect. Training reviews in-depth signs of abuse/neglect, the process for reporting neglect and abuse, the support provided to families affected by abuse/neglect, and the legal responsibilities of mandated reporters. This training will be conducted annually.

#### **For All Students**

Students will participate in developmentally appropriate activities, workshops, and trainings that will inform them about the warning signs of suicide, symptoms of mental health disorders commonly experienced by adolescents, how to help peers in need of support, local resources for mental health support, and how to access mental health services at KIPP and in the community. These will include the following:

- **Mental Health Awareness and Support**
  - Annual presentation of at least 30 minutes to review signs of mental health issues, reduce stigma around mental health disorders, and orient students to mental health support available on their campus.
  - Issues above will also be covered in advisory periods (i.e. RISE, PRIDE) at least twice a year.
- **Poster Outreach**
  - Visual campaign reminding students of the reasons to seek out mental health support and the available mental health resources on their campus and locally including a list of support hotlines.
- **Mental Health Awareness Month**
  - An annual event with interactive activities promoting well-being including educating students about stress, anxiety, depression, other mental health issues, and available supports both on and off campus.

#### **For Students Determined to be at Possible Higher Risk of Suicide**

To ensure prevention activities and support for students who may be at higher risk of suicidal ideation and/or attempt, each KIPP Bay Area School will provide for the following services as needed: individual counseling; family counseling; drop-in counseling; case management; crisis response; grief and loss support groups; psychoeducational support groups (i.e. girl power, healthy relationships, Gender and Sexuality Alliance club); and referrals/linkages to outside support services.

## **Trainings and Resources for Parents/Guardians**

KIPP will offer the following training and resources for parents/guardians:

- **Mental Health Workshop**
  - In-person training that reviews various mental health issues; risk and protective factors for suicidality; warning signs of depression and suicide; resources for support; and how to refer students for mental health support both on and off campus.
- **Resource Guide**
  - A list of local resources including contact information for local mental health agencies, online suicide and crisis websites, and supports via text messaging. This guide will be disseminated throughout the year at parent/guardian workshops and will be included in family mailings and/or as an addendum to the Parent/Guardian handbook.
- **Mental Health Counselor and/or Associate Director of Mental Health**
  - These staff members will act as liaison between each school and parents/guardians to provide pertinent resources to parents/guardians regarding key mental and emotional health concerns.

## **Intervention, Assessment, and Referral**

When a student is identified by a staff person as potentially suicidal (e.g., verbal suicidal ideation, exhibits self-harm behaviors), KIPP staff members will follow the protocols outlined below.

### **Action Plan for In-School Suicide Attempts**

1. If a suicide attempt is made during the school day on campus, staff will take the following steps to ensure the student's physical safety:
  - Remain calm. Remember the student may be overwhelmed, confused, and emotionally distressed;
  - Move all other students out of the immediate area;
  - Call 911 and give them as much information about any suicide note, medications taken, and access to weapons, if applicable;
  - Immediately contact your Mental Health Counselor and/or School Psychologist and an Administrator. If none are available, send a text message to the Associate Director of Mental Health with the following text "[Your Name], [Your School], suicide attempt on campus, [student age and/or grade], please standby for consultation";
  - If needed and you are able to, provide medical first aid until a medical professional is available;
  - Do not leave the student alone (even if they need to go to the restroom, make sure they are accompanied either by you or another adult);
  - Listen to and encourage the student to talk;
  - Provide comfort to the student by reviewing options for action and support and resources including crisis lines and student's identified supportive staff, peers, family;
  - Be respectful;
  - Promise privacy and help, but do not promise confidentiality;
  - Release student only to a person who is qualified and trained to provide help or parent/guardian.
2. Staff shall document the incident in writing as soon as feasible.
3. Staff shall follow up with the parent/guardian and student in a timely manner to provide referrals to appropriate services as needed and coordinate and consult with the county mental health plan if a referral is made for mental health or related services on behalf of a student who is a Medi-Cal beneficiary.
4. After a referral is made, the school shall verify with the parent/guardian that the follow up treatment has been accessed. Parents/guardians will be required to provide documentation of care for the student. If parents/guardians refuse or neglect to access treatment for a student who has been identified to be at risk for suicide or in emotional distress, the suicide prevention liaisons shall meet with the parent to identify barriers to treatment (e.g., cultural stigma, financial issues) and work to rectify the situation and build understanding of care. If follow up care is still not provided, the school may contact Child Protective Services.
5. Provide access to counselors or other appropriate personnel to listen to and support students and staff who are directly or indirectly involved with the incident at the school.
6. Provide an opportunity for all who respond to the incident to debrief, evaluate the effectiveness of the strategies used, and make recommendations for future actions.

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

#### **Action Plan for Out-of-School Suicide Attempts**

If a suicide attempt made by a student is outside of KIPP property, it is crucial that the school respect the privacy of the student and maintain a confidential record of the actions taken to intervene, support, and protect the student. The following steps should be implemented:

- Contact the parents/guardians and offer support to the family;
- Discuss with the family how they would like the school to respond to the attempt while minimizing widespread rumors among teachers, staff, and students;
- Obtain permission from the parents/guardians to share information to ensure the facts regarding the crisis is correct;
- Designate a staff member to handle media requests and have that person contact the KIPP Director or Associate Director of Marketing & Communications for assistance with media requests;
- Determine and provide appropriate support to affected students;
- Offer information and education to the parent/guardian and student steps for reintegration to school.

#### **Non-Work Hours Crisis Protocol**

If a student texts or calls a KIPP staff member's work phone during non-work hours, since the staff member is no longer on work hours, they are not responsible for triaging the situation.

Therefore, each KIPP school staff member's outgoing voicemail will contain the following information: the hours the staff person is available (i.e. "I am available at this number between 7am-8pm, Monday-Saturday") and the following message: "If this is an emergency, please hang up and dial 911 or go to your nearest emergency room."

If a staff member chooses to respond to a text from a student or parent/guardian who indicates that the student is in crisis, the staff member should respond empathetically (ie. "I'm so sorry you're hurting/this is happening") and with the following "I'm not on work hours. Please call 911 immediately or go to your nearest emergency room."

#### **Re-Entry After a Suicide Attempt**

When a student returns to school after a mental health crisis, an Administrator and the Mental Health Counselor will meet with the student's parent/guardian and the student to discuss the process for re-entry and the student's readiness to return to school. This process will include the following:

- The Mental Health Counselor or designated Administrator will coordinate mental health services with the student, parent/guardian, and external mental health care providers.
- The parent/guardian will provide documentation from a mental health care provider with the student's discharge plan that includes the hospitalization dates and contact information of the treating clinician.
- The Mental Health Counselor or designated Administrator will meet with the CARE Team or leadership team to discuss the support plan for the student.
- The Mental Health Counselor or designated Administrator will share with the student's Grade Level Chair the support plan and accommodations or adjustments that should be put in place to help re-integrate the student back to school including accommodations for making up missed work.
- If needed, the The Mental Health Counselor or designated Administrator will work with the School Psychologist to put in place an IEP or 504 plan for the student.
- The Mental Health Counselor or designated Administrator will assess the students risk level for at least three weeks after hospitalization and will schedule periodic check-ins with the student and parent/guardian to help the student readjust to the school community and address any ongoing concerns.
- The student may engage in mental health treatment on campus if they are not being provided by an external mental health

care provider, however every effort will be made to assist the student and the student's parent/guardian in accessing external mental health services.

### **Postvention: Responding After a Death by Suicide**

A death by suicide in the school community (whether by a student or staff member) can have devastating consequences on students and staff. Therefore, it is important prepared ahead of time in the event of such a tragedy. This action plan incorporates both immediate and long-term steps and objectives.

#### **Immediate Response**

- Identify a staff member to confirm death and cause (school site administrator);
- Identify a staff member to contact deceased's family (within 24 hours);
- Enact the Suicide Postvention Response Plan, include an initial meeting of the region/school Suicide Postvention Response Team;
- Notify all staff members (ideally in-person or via phone, not via e-mail or mass notification);
- Coordinate an all-staff meeting, sharing information that is relevant and which you have permission to disclose to include:
  - Notification (if not already conducted) to staff about suicide death;
  - Emotional support and resources available to staff;
  - Notification to students about suicide death and the availability of support services;
  - Prepare staff to respond to needs of students regarding the following:
    - Review of protocols for referring students for support/assessment;
    - Talking points for staff to notify students;
    - Resources available to students (on and off campus).
- Identify students significantly affected by suicide death and other students at risk of imitative behavior;
- Identify students affected by suicide death but not at risk of imitative behavior;
- Communicate with the larger school community about the suicide death;
- Consider funeral arrangements for family and school community;
- Respond to memorial requests in respectful and non-harmful manner
  - Responses should be handed in a thoughtful way and their impact on other students should be considered;
- Contact Director or Associate Director of Marketing & Communication to act as spokesperson skilled to cover story without the use of explicit, graphic, or dramatic content and utilize and respond to social media outlets:
  - Identify what platforms students are using to respond to suicide death
  - Identify/train staff and students to monitor social media outlets

#### **Longer-term Response**

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

#### **Student Identification Cards**

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

#### **Annual Notice: Counseling Services**

KIPP is committed to ensuring that our students and families are informed about available mental health services on campus and in the community, and how to initiate access to these services. We understand that there may be times when students may benefit from additional emotional support. At KIPP we believe strongly in the value of holistic wellness. We believe that it is important to

ensure that the whole child is well so that they can then be successful in their goals.

KIPP offers the following services on its campuses:

1. School-based counseling services – your student is encouraged to directly contact a school counselor to make an appointment to speak with the Mental Health Counselor. Our Mental Health Counselors support students by providing individual sessions, group or parent consultations whenever a student is having a difficult time due to academic stress, transition to changes in their environment, or social concerns, including isolation. Counseling services, whether provided by our school or by an outside provider listed below, are voluntary.
2. If you would like to pursue local agencies that offer counseling, KIPP Schools can provide local recommendations for mental health services.

If you would like to explore the supports offered by national organizations, here are three renowned organizations:

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

### **Vision and Hearing Screening Information**

Vision and hearing screenings will be conducted in accordance with state mandates. You will be notified when your child is scheduled to be screened for vision and hearing. This screening is a general assessment of your child’s vision and hearing. It may indicate possible difficulties your child may have with vision or hearing; it will not provide a confirmed diagnosis. This screening **is not a substitute for regular medical visits to your child’s doctor and optometrist.**

You will be notified of your child’s screening results only if he or she does not pass the test. At that time, your child will receive a referral for further evaluation by a qualified medical professional. If you choose for your child to not have screening at this time, please submit a signed written request to your site administrator.

### **Annual Notice: Universal Free Meals Program**

The School participates in the National School Lunch Program. Commencing with the 2022-23 school year, the Charter School shall provide two (2) nutritionally adequate meals to each student who requests a meal without consideration of the student’s eligibility for a federally funded free or reduced-price meal, with a maximum of one (1) free meal per meal service (breakfast and lunch) each school day. This shall apply to all pupils in kindergarten through grade twelve (12).

Application Forms for school meals are distributed to all families and can also be obtained on the School website and in the main office. Completed forms can be returned to the main office. All families are encouraged to complete the application form.

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

### **Board Policy: Universal Free Meals Program Policy**

KIPP Public School Northern California (“KIPP” or the “Charter School”) Governing Board (the “Board”) recognizes that adequate nutrition is essential to the development, health, and learning of all students. The School Leader or designee shall facilitate and encourage the participation of students from low-income families in the Charter School’s food service program.

Commencing with the 2022-23 school year, each KIPP school site shall provide two (2) nutritionally adequate meals to each student who requests a meal without consideration of the student’s eligibility for a federally funded free or reduced-price meal, with a



maximum of one free meal per meal service (breakfast and lunch) each school day. This shall apply to all pupils in kindergarten through grade twelve (12).

### **Universal Free Meals Application and Notification**

If the Charter School participates in the National School Lunch Program and/or federal School Breakfast Program, the Charter School will continue to collect meal application forms aligned with federal regulations. However, regardless of eligibility for free or reduced-price meals, ALL students who request meals will receive meals free of charge, consistent with this Policy and Education Code Section 49501.5. The Executive Director or designee shall ensure that the application form for the universal meals program and related materials include the following statements:

1. Applications for school meals may be submitted at any time during a school day.
2. Regardless of federal eligibility for free or reduced-price meals pursuant to NSLP and/or SBP, ALL students will receive meals free of charge.

Children participating in the federal NSLP and/or SBP will not be overtly identified by the use of special tokens, special tickets, special serving lines, separate entrances, separate dining areas, or by any other means.

If KIPP elects to post its school meal application online, it will include the following:

1. Include a link to the Internet Web site on which translated applications are posted by the United States Department of Agriculture, with instructions in that language that inform the applicant how to submit the application.
2. Require completion of only those questions necessary for determining eligibility.
3. Include a clear statement that regardless of federal eligibility for free or reduced-price meals pursuant to NSLP and/or SBP, ALL students will receive meals free of charge.
3. Include clear instructions for families that are homeless or migrant.
4. Comply with the privacy rights and disclosure protections established by Public Laws 113-79 and 105-277.
5. Include links to all of the following:

(i) The online application to CalFresh.

(ii) The online single state application for health care.

(iii) The Internet Web page maintained by the State Department of Public Health entitled "About WIC and How to Apply," or another Internet Web page identified by the State Department of Public Health that connects families to the Special Supplemental Nutrition Program for Women, Infants and Children.

(iv) The Internet Web site of a summer lunch program authorized to participate within the city or school district.

### **Direct Certification**

Although every family should submit an application for school meals, in certain circumstances, the school may be able to determine student eligibility without further application. The school shall directly certify as eligible the following students:

1. Any child who is a member of a household receiving assistance under the supplemental nutrition assistance program as eligible for free lunches and/or free breakfasts under the Child Nutrition Act of 1966.
2. Any child who is a member of a household that receives CalWORKs (also known as Temporary Assistance for Needy Families or "TANF") or CalFresh aid.
3. Any child who is a member of a household that receives the assistance of a Food Distribution program on Indian Reservations.
4. Any child identified as a foster, migrant, homeless or runaway youth, as defined by the California Education Code.

This Policy prohibits the Charter School from disciplining a student which would result in the denial or delay of a nutritionally adequate meal to that student.

### **Confidentiality/Release of Records**

All applications and records related to the universal school meals program shall be confidential and may not be released except as provided by law and authorized by the Board or pursuant to a court order.

The Board authorizes designated employees to use individual records pertaining to student eligibility for the free and reduced-price meal program for the following purposes:

1. Disaggregation of academic achievement data
2. Identification of students eligible for alternative supports in any school identified as a Title 1 program improvement school

If a student transfers from the Charter School to another charter school, district, county office of education program, or private school, the Executive Director or designee may share the student's meal eligibility information to the other educational agency to assist in the continuation of the student's meal benefits.

The Executive Director or designee may release the name and eligibility status of a student participating in the free or reduced-price meal program to another charter school, school district, or county office of education that is serving a student living in the same household as an enrolled student for purposes related to program eligibility and data used in local control funding formula calculations.

The Executive Director or designee may release the name and eligibility status of a student participating in the free or reduced-price meal program to the Superintendent of Public Instruction for purposes of determining funding allocations under the local control funding formula and for assessing accountability of that funding.

The Executive Director or designee may release information on the school lunch program application to the local agency that determines eligibility for participation in the Medi-Cal program if the student has been approved for free meals and if the applicant consents to the sharing of this information.

The Executive Director or designee may also release information on the school lunch application to the local agency that determines eligibility for CalFresh or to an agency that determines eligibility for nutrition assistance programs if the student has been approved for free or reduced-price meals and if the applicant consents to the sharing of this information.

This information released shall adhere to the following requirements:

1. Individual indicators of participation in a free or reduced-price meal program shall not be maintained in the permanent record of any student, unless otherwise authorized by law.
2. The public release of information regarding individual student participation in a free or reduced-price meal program is not permitted.
3. All other confidentiality requirements imposed by law or regulation are met.

### **Board Policy: Student Wellness Policy**

Due to children's need to access healthy foods and opportunities to be physically active in order to grow, learn, and thrive, KIPP is committed to providing school environments that promote and protect children's health, well-being, and ability to learn by supporting healthy eating and physical activity. Therefore, it is the policy that:

- The schools will engage students, parents, teachers, food service professionals, health professionals, and other interested community members in developing, implementing, monitoring, and reviewing school-wide nutrition and physical activity policies.
- All students in grades K-12 will have opportunities, support, and encouragement to be physically active on a regular basis.
- Foods and beverages sold or served at school will meet the nutrition recommendations of the *U.S. Dietary Guidelines for Americans and the CDE NSD*.
- Qualified child nutrition professionals will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students. It will accommodate the religious, ethnic, and cultural diversity of the student body in meal planning, and will provide clean, safe settings and adequate time for students to eat.
- To the maximum extent practicable, all schools will participate in available federal school meal programs (including the School Breakfast Program, National School Lunch Program [including after-school snacks] and CACFP supper program).
- Schools will provide nutrition education and physical education to foster lifelong habits of healthy eating and physical activity, and will establish linkages between health education and school meal programs and with related community services.

### **Creation of Wellness Committee**

KIPP will convene a representative Charter School Wellness Committee organized across all KIPP schools or work within an existing school health committee, that meets at least two (2) times per year to establish goals for and oversee school health and safety policies and programs, including development, implementation and periodic review and update of this Policy.

The Wellness Committee membership will represent all grade/school levels (elementary and secondary schools) and include (to the extent possible), but not be limited to: parents and caregivers; students; representatives of the school nutrition program (e.g., school

nutrition director); physical education teachers; health education teachers; school health professionals (e.g., health education teachers, school health services staff [e.g., nurses, physicians, dentists, health educators, and other allied health personnel who provide school health services], and mental health and social services staff [e.g., school counselors, school psychologists]; school administrators (e.g., assistant principal, school leader); school board members; health professionals (e.g., dietitians, doctors, nurses, dentists); and the general public. When possible, membership will also include Supplemental Nutrition Assistance Program Education coordinators (“SNAP-EDEDSNAP-Ed”). To the extent possible, the Wellness Committee will include representatives from each school site and reflect the diversity of the community.

### **Leadership**

The Executive Director or designee(s) will convene the Wellness Committee and facilitate development of and updates to the Policy and will ensure each KIPP school’s compliance with the Policy.

Additionally, the designated official for oversight of the Wellness Committee is:

Director of Public Accountability and Compliance  
1000 Broadway, Suite 460  
Oakland, CA 94607  
510-465-5477  
opsadmin@kipnocal.org

### **Nutrition and Physical Activity Promotion and Food Marketing**

Meals served through the National School Lunch and Breakfast Programs will:

- Are accessible to all students.
- Are appealing and attractive to children.
- Are served in clean and pleasant settings.
- Meet or exceed current nutrition requirements established by local, state, and Federal statutes and regulations (The Charter School offers reimbursable school meals that meet USDA nutrition standards).
- Promote healthy food and beverage choices using at least ten of the following Smarter Lunchroom techniques:
  - Whole fruit options are displayed in attractive bowls or baskets (instead of chaffing dishes or hotel pans).
  - Sliced or cut fruit is available daily.
  - Daily fruit options are displayed in a location in the line of sight and reach of students.
  - All available vegetable options have been given creative or descriptive names.
  - Daily vegetable options are bundled into all grab-and-go meals available to students.
  - All staff members, especially those serving, have been trained to politely prompt students to select and consume the daily vegetable options with their meal.
  - White milk is placed in front of other beverages in all coolers.
  - Alternative entrée options (e.g., salad bar, yogurt parfaits, etc.) are highlighted on posters or signs within all service and dining areas.
  - A reimbursable meal can be created in any service area available to students (e.g., salad bars, snack rooms, etc.).
  - Student surveys and taste testing opportunities are used to inform menu development, dining space decor and promotional ideas.
  - Student artwork is displayed in the service and/or dining areas.
  - Daily announcements are used to promote and market menu options.

Schools should engage students and parents through taste-tests of new entrees and surveys, in selecting foods sold through the school meal programs in order to identify new, healthful, and appealing food choices. In addition, schools should share information about the nutritional content of meals with parents and students. Such information can be made available on menus, a website, on cafeteria menu boards, placards, or other point-of-purchase materials.

### **Breakfast**

To ensure that all children have breakfast, either at home or at school, in order to meet their nutritional needs and enhance their ability to learn: (rephrase sentence)

- Schools will, to the extent possible, operate the School Breakfast Program.
- Schools will, to the extent possible, arrange bus schedules and utilize methods to serve school breakfasts that encourage participation, including serving breakfast in the classroom, "grab-and-go" breakfast, or breakfast during morning break or recess.
- Schools that serve breakfast to students will notify parents and students of the availability of the School Breakfast Program.
- Schools will encourage parents to provide a healthy breakfast for their children.

### **Meal Times and Scheduling**

Schools:

- will provide students with enough time to consume their meal after it has been served.
- should schedule meal periods at appropriate times, *e.g.*, lunch should be scheduled between 11 a.m. and 1 p.m. whenever possible;
- should not schedule tutoring, club, or organizational meetings or activities during mealtimes, unless students may eat during such activities;
- will schedule lunch periods to follow recess periods (in elementary schools); when reasonable;
- will encourage students to wash or hand sanitize hands before they eat meals or snacks; and
- should take reasonable steps to encourage the tooth-brushing regimens of students with special oral health needs (*e.g.*, orthodontia or high tooth decay risk).

### **Qualifications of School Food Service Staff**

Qualified nutrition professionals will administer the school meal programs. As part of KIPP it is our responsibility to operate a food service program; we will provide continuing professional development for all nutrition professionals in schools. Staff development programs should include appropriate certification and/or training programs for child nutrition directors, school nutrition managers, and cafeteria workers, according to their levels of responsibility.<sup>6</sup>

### **Sharing of Foods and Beverages**

Schools should monitor students sharing their foods or beverages with one another during meal or snack times, given concerns about allergies and other restrictions on some children's diets.

### **Elementary Schools**

The school food service program will approve and provide all food and beverage sales to students in elementary schools. Given young children's limited nutrition skills, food in elementary schools should be sold as balanced meals.

### **Middle/Junior High and High Schools**

In middle/junior high and high schools, all foods and beverages sold individually outside the reimbursable school meal programs (including those sold through a la carte [snack] lines, vending machines, student stores, or fundraising activities) during the school day, or through programs for students after the school day, will meet the following nutrition and portion size standards:

- **Beverages**

**Allowed Beverages:**

- Fruit or Vegetable juice:
  - 100% juice (can be diluted with water, no dilution limit)
  - No added sweeteners
  - 12 fl. oz. serving size or less
- Milk:
  - 1 % (unflavored), nonfat (flavored, unflavored),
  - 12 ounces or less
- Water:
  - No added sweeteners, flavors etc.
  - No serving size
- Other flavored beverages (“no calorie”)

**Allowed Foods:**

- A food item sold individually:
- will have no more than 35% of its calories from fat (excluding nuts, seeds, peanut butter, and other nut butters) and 10% of its calories from saturated and trans fat combined;
- will have no more than 35% of its *weight* from added sugars;<sup>8</sup>
- will contain no more than 230 mg of sodium per serving for chips, cereals, crackers, French fries, baked goods, and other snack items; will contain no more than 480 mg of sodium per serving for pastas, meats, and soups; and will contain no more than 600 mg of sodium for pizza, sandwiches, and main dishes.
- It is encouraged to offer a choice of two fruits and/or non-fried vegetables for sale at any location on the school site where foods are sold. Such items could include, but are not limited to, fresh fruits and vegetables (cooked or dried), canned fruits (light syrup), juice, canned vegetables (that meet the above fat and sodium guidelines).<sup>9</sup>

**Snacks**

Snacks served during the school day or in after-school care or enrichment programs will make a positive contribution to children's diets and health, with an emphasis on serving fruits and vegetables as the primary snacks and water as the primary beverage. Schools will assess if and when to offer snacks based on timing of school meals, children's nutritional needs, children's ages, and other considerations. KIPP will disseminate the guidelines for compliant snacks.

- If eligible, schools that provide snacks through after-school programs will pursue receiving reimbursements through the National School Lunch Program.

**Water**

To promote hydration, free, safe, unflavored drinking water will be available to all students throughout the school day. KIPP will make drinking water available where school meals are served during mealtimes.

**Competitive Foods and Beverages**

The Charter School is committed to ensuring that all foods and beverages available to students on the Charter School campus during the school day support healthy eating. The foods and beverages sold to students on campus during the school day (including the period from the midnight before, to 30 minutes after the end of the official school day) and served outside of the Charter School meal programs (e.g., “competitive” foods and beverages) will meet the USDA Smart Snacks in School nutrition standards, at a

minimum. Smart Snacks aim to improve student health and well-being, increase consumption of healthful foods during the school day and create an environment that reinforces the development of healthy eating habits.

To support healthy food choices and improve student health and well-being, all foods and beverages outside the reimbursable School meal programs that are sold to students on the School campus during the school day will meet or exceed the USDA Smart Snacks nutrition standards. These standards will apply in all locations and through all services where foods and beverages are sold, which may include, but are not limited to, à la carte options in cafeterias, vending machines, school stores and snack or food carts.

### **Rewards**

Schools are encouraged not to use foods or beverages, especially those that do not meet the nutrition standards for foods and beverages sold individually (above), as rewards for academic performance or good behavior,<sup>10</sup> and will not withhold food or beverages (including food served through school meals) as a punishment.

### **Fundraising Activities.**

To support children's health and school nutrition-education efforts, school fundraising activities will not involve food or will use only foods that meet the above nutrition standards for foods and beverages sold individually. Schools will encourage fundraising activities that promote physical activity.

### **Celebrations**

Schools should limit celebrations that involve food during the school day to no more than one party per class per month. It is encouraged that each party include no more than one food or beverage that does not meet nutrition standards for foods and beverages sold individually (above).

### **School-sponsored Events (such as, but not limited to, athletic events, dances, or performances)**

It is encouraged that foods and beverages offered or sold at school-sponsored events outside the school day meet the nutrition standards for meals or for foods and beverages sold individually (above).

## **Nutrition and Physical Activity Promotion and Food Marketing**

### **Nutrition Education and Promotion**

KIPP aims to teach, encourage, and support healthy eating by students. It's encouraged that schools provide nutrition education and engage in nutrition promotion that:

- is offered at each grade level as part of a sequential, comprehensive, standards-based program designed to provide students with the knowledge and skills necessary to promote and protect their health;
- is part of not only health education classes, but also classroom instruction in subjects such as math, science, language arts, social sciences, and elective subjects;
- includes enjoyable, developmentally-appropriate, culturally-relevant, participatory activities, such as contests, promotions, taste testing, farm visits, and school gardens;
- promotes fruits, vegetables, whole grain products, low-fat and fat-free dairy products, healthy food preparation methods, and health-enhancing nutritional practices;
- emphasizes caloric balance between food intake and energy expenditure (physical activity/exercise);
- links with school meal programs, other school foods, and nutrition-related community services;
- teaches media literacy with an emphasis on food marketing; and
- includes training for teachers and other staff.

### **Integrating Physical Activity into the Classroom Setting**

For students to receive the nationally-recommended amount of daily physical activity (*i.e.*, at least 60 minutes per day) and for students to fully embrace regular physical activity as a personal behavior, students need opportunities for physical activity beyond the physical education class. Toward that end:

- classroom health education will complement physical education by reinforcing the knowledge and self-management skills needed to maintain a physically-active lifestyle and to reduce time spent on sedentary activities, such as watching television;
- opportunities for physical activity will be incorporated into other subject lessons; and
- classroom teachers will provide short physical activity breaks between lessons or classes, as appropriate.

### **Communication with Parents**

KIPP/school will support parents' efforts to provide a healthy diet and daily physical activity for their children. KIPP will send home nutrition information, post nutrition tips on school websites, and provide nutrient analyses of school menus when available. Schools should encourage parents to pack healthy lunches and snacks and to refrain from including beverages and foods that do not meet the above nutrition standards for individual foods and beverages.

KIPP/school will provide information about physical education and other school-based physical activity opportunities before, during, and after the school day; and support parents' efforts to provide their children with opportunities to be physically active outside of school.

### **Food Marketing in Schools**

Any foods and beverages marketed or promoted to students on the school campus during the school day will meet or exceed the USDA Smart Snacks in School nutrition standards such that only those foods that comply with or exceed those nutrition standards are permitted to be marketed or promoted to students.

As the Executive Director reviews existing contracts and considers new contracts, equipment and product purchasing (and replacement) decisions should reflect the applicable marketing guidelines established by this Policy.

Schools will limit food and beverage marketing to the promotion of foods and beverages that meet the nutrition standards for meals or for foods and beverages sold individually (above).<sup>11</sup> School-based marketing of brands promoting predominantly low-nutrition foods and beverages<sup>12</sup> is prohibited. The promotion of healthy foods, including fruits, vegetables, whole grains, and low-fat dairy products is encouraged.

Examples of marketing techniques include the following: logos and brand names on/in vending machines, books or curricula, textbook covers, school supplies, scoreboards, school structures, and sports equipment; educational incentive programs that provide food as a reward; programs that provide schools with supplies when families buy low-nutrition food products; free samples or coupons; and food sales through fundraising activities. Marketing activities that promote healthful behaviors (and are therefore allowable) include: sales of healthy food for fundraisers.

### **Staff Wellness**

KIPP highly values the health and well-being of every staff member and will encourage and support personal efforts by staff to maintain a healthy lifestyle.

### **Physical Education and Physical Activity Opportunities**

#### **Physical Education (P.E.) K-9**

All students in grades K-9, including students with disabilities, special health-care needs, and in alternative educational settings, will receive weekly physical education for the entire school year. All physical education will be taught by a physical education teacher. Student involvement in other activities involving physical activity (*e.g.*, interscholastic or intramural sports) will not be substituted for



meeting the physical education requirement. Students will spend at least 50 percent of physical education class time participating in moderate to vigorous physical activity.

- A minimum of 200 minutes for every 10 school days for students in grades 1-6
- A minimum of 400 minutes for every 10 school days for students in grades 7-12
- Schools shall be encouraged to annually administer the physical fitness test designated by the State Board of Education to students in grades 5, 7, and 9.

### **Daily Recess**

All elementary school students will attempt to have at least 20 minutes a day of supervised recess, preferably outdoors, during which schools should encourage moderate to vigorous physical activity verbally and through the provision of space and equipment. Schools should discourage extended periods (*i.e.*, periods of two or more hours) of inactivity. When activities, such as mandatory school-wide testing, make it necessary for students to remain indoors for long periods of time, schools should give students periodic breaks during which they are encouraged to stand and be moderately active.

### **Physical Activity Opportunities Before and After School**

All elementary, middle, and high schools will offer when appropriate extracurricular physical activity programs, such as physical activity clubs or intramural programs. All high schools, and middle schools, when appropriate, will offer interscholastic sports programs. Schools will offer, when feasible, a range of activities that meet the needs, interests, and abilities of all students, including boys, girls, students with disabilities, and students with special health-care needs.

After-school child care and enrichment programs when appropriate will provide and encourage – verbally and through the provision of space, equipment, and activities – daily periods of moderate to vigorous physical activity for all participants.

### **Physical Activity and Punishment**

Teachers and other school and community personnel will not use physical activity (*e.g.*, running laps, pushups) or withhold opportunities for physical activity (*e.g.*, recess, physical education) as punishment.

### **Safe Routes to School**

KIPP will assess and, if necessary and to the extent possible, make needed improvements to make it safer and easier for students to walk and bike to school. When appropriate, KIPP will work together with local public works, public safety, and/or police departments in those efforts. KIPP will explore the availability of federal "safe routes to school" funds, administered by the state department of transportation, to finance such improvements. KIPP will encourage students to use public transportation when available and appropriate for travel to school, and will work with the local transit agency to provide transit passes for students.

### **Monitor and Policy Review**

#### **Policy Review**

To help with the initial development of KIPP wellness policies, each school in KIPP will conduct a baseline assessment of the school's existing nutrition and physical activity environments and policies.<sup>13</sup> The results of those school-by-school assessments will be compiled by the regional KIPP Wellness Committee level to identify and prioritize needs.

#### **Recordkeeping**

KIPP will retain records to document compliance with the requirements of this policy in the main office. Documentation maintained in this location will include but will not be limited to:

- The written Policy.
- Documentation demonstrating that the Policy has been made available to the public.
- Documentation to demonstrate compliance with the annual public notification requirements and community involvement requirements.
- Documentation of the triennial assessment of the Policy.
- Documentation demonstrating the most recent assessment on the implementation of the Policy has been made available to the public.

### **Annual Notification of Policy**

KIPP will actively inform families and the public each year of basic information about this Policy, including its content, any updates to the Policy, and implementation status. KIPP will make this information available via the Charter School website and/or Charter School-wide communications. KIPP will provide as much information as possible about the Charter School nutrition environment. This will include a summary of Charter School's events or activities related to Policy implementation.

Annually, KIPP will also publicize the name and contact information of the Charter School official(s) leading and coordinating the Wellness Committee, as well as information on how the public can get involved with the Wellness Committee.

### **Triennial Progress Assessments**

At least once every three years, KIPP will evaluate compliance with the wellness policy to assess the implementation of the Policy and include:

- The extent to which the Charter School is in compliance with this Policy;
- The extent to which the Charter School's Policy compares to model wellness policies; and
- A description of the progress made in attaining the goals of the Charter School's Policy.

The position/person responsible for managing the triennial assessment and contact information is:

Director of Public Accountability and Compliance

1000 Broadway, Suite 460

Oakland, CA 94607

510-465-5477

opsadmin@kipnocal.org

The Wellness Committee /Executive Director will monitor the Charter School's compliance with this Policy.

KIPP will actively notify households/families of the availability of the triennial progress report.

### **Revisions and Updating the Policy**

KIPP will update or modify this Policy as appropriate based on the results of the annual Charter School Health Index and triennial assessments and/or as Charter School priorities change; community needs change; wellness goals are met; new health science, information, and technology emerges; and new Federal or state guidance or standards are issued. This Policy will be assessed and updated as indicated at least every three (3) years, following the triennial assessment.

### **Community Involvement, Outreach and Communications**

KIPP is committed to being responsive to community input, which begins with awareness of the Policy. KIPP will actively communicate ways in which representatives of Wellness Committee/the Charter School and others can participate in the

development, implementation and periodic review and update of this Policy through a variety of means. KIPP will also inform parents of the improvements that have been made to school meals and compliance with school meal standards, availability of child nutrition programs and how to apply, and a description of and compliance with Smart Snacks in Charter School nutrition standards.

KIPP will use electronic mechanisms, such as email or displaying notices on the Charter School's website, as well as non-electronic mechanisms, such as newsletters, presentations to parents, or sending information home to parents, to ensure that all families are actively notified of the content of, implementation of, and updates to this Policy, as well as how to get involved and support the Policy. The Charter School will ensure that communications are culturally and linguistically appropriate to the community and accomplished through means similar to other ways that other local schools are communicating important school information with parents.

The Charter School will actively notify the public about the content of, the implementation of, and any updates to the Policy annually, at a minimum. KIPP will also use these mechanisms to inform the community about the availability of the annual and triennial reports.

#### Footnotes

<sup>2</sup> To the extent possible, schools will offer at least two non-fried vegetable and two fruit options each day and will offer five different fruits and five different vegetables over the course of a week. Schools are encouraged to source fresh fruits and vegetables from local farmers when practicable.

<sup>3</sup> As recommended by the *Dietary Guidelines for Americans 2010*

<sup>4</sup> A whole grain is one labeled as a "whole" grain product or with a whole grain listed as the primary grain ingredient in the ingredient statement. Examples include "whole" wheat flour, cracked wheat, brown rice, and oatmeal.

<sup>5</sup> It is against the law to make others in the cafeteria aware of the eligibility status of children for free, reduced-price, or "paid" meals.

<sup>6</sup> School nutrition staff development programs are available through the USDA, School Nutrition Association, and National Food Service Management Institute.

<sup>7</sup> Surprisingly, seltzer water may not be sold during meal times in areas of the school where food is sold or eaten because it is considered a "Food of Minimal Nutritional Value" (Appendix B of 7 CFR Part 210).

<sup>8</sup> If a food manufacturer fails to provide the *added* sugars content of a food item, use the percentage of weight from total sugars (in place of the percentage of weight from *added* sugars), and exempt fruits, vegetables, and dairy foods from this total sugars limit.

<sup>9</sup> Schools that have vending machines are encouraged to include refrigerated snack vending machines, which can accommodate

<sup>10</sup> Unless this practice is allowed by a student's individual education plan (IEP).

<sup>11</sup> Advertising of low-nutrition foods and beverages is permitted in supplementary classroom and library materials, such as newspapers, magazines, the Internet, and similar media, when such materials are used in a class lesson or activity, or as a research tool.

<sup>12</sup> Schools should not permit general brand marketing for food brands under which more than half of the foods or beverages do not meet the nutrition standards for foods sold individually or the meals are not consistent with school meal nutrition standards.

<sup>13</sup> Useful self-assessment and planning tools include the *School Health Index* from the Centers for Disease Control and Prevention (CDC), *Changing the Scene* from the Team Nutrition Program of the U.S. Department of Agriculture (USDA), and *Opportunity to Learn Standards for Elementary, Middle, and High School Physical Education* from the National Association for Sport and Physical Education.

### **Annual Notice: Access to Public Benefits and Insurance (Medi-Cal)**

This notice is provided to you as parents, legal guardians, caregiving adults, surrogate parents or court appointed responsible adult,

because during the 2021-2022 school year, your child may be receiving medically necessary health related services covered under California's Medicaid State Plan Title XIX and/or receive special education services under the Individuals with Disabilities Education Act (IDEA). School districts are required to provide prior written notice of your rights and protections when it seeks to use your child's public benefits (i.e., Medi-Cal) or insurance to pay for special education and/or and medically necessary related services. This Notice will be given to you before KIPP seeks to use your child's public benefits or insurance for the first time, and annually thereafter. With your written consent, KIPP may submit claims to your child's public benefits or insurance program, such as the California Medi-Cal program (Medicaid) or to your private insurance in order to be reimbursed for the cost of providing the service. Personally identifiable information such as student name, date of birth, gender, and nature and extent of medically necessary services may be disclosed to the third party biller in which the school district contracts with (CFR 99.30 and 34 CFR 300.622). All personally identifiable information is Health Insurance Portability and Accountability Act (HIPAA) and Family Educational Rights and Privacy Act (FERPA) compliant.

KIPP cannot require parents to sign up for or enroll in public benefits or insurance programs in order for your child to receive a free appropriate public education (FAPE) under IDEA. KIPP cannot require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services and reimbursement through Medi-Cal (34 CFR 300.154 [d][2][i]) KIPP cannot use a student's benefits under Medi-Cal if that use would:

- Decrease available lifetime coverage or any other insured benefit
- Result in the family paying for services that would otherwise be covered by the public benefits or insurance program (Medi-Cal) and are required for the child outside of the time the child is in school
- Increase premiums or lead to the discontinuation of public benefits or insurance (Medi-Cal)
- Risk loss of eligibility for home and community-based waivers, based on aggregate health related expenditures (34 CFR 300.154 [d][2][iii][A-D])

You Have The Right To:

Voluntarily provide KIPP with written consent to disclose educational records containing your child's personally identifiable information such as individual educational programs (IEP) or assessment reports to Medi-Cal, other public benefits or insurance programs, or private insurance billing purposes.

Withdraw your consent to the disclosure of your child's personally identifiable information to Medi-Cal, other public benefits or insurance programs, or private insurance at any time.

Refuse to provide consent to the disclosure of your child's personally identifiable information to Medi-Cal, other public benefits or insurance programs, or private insurance for billing purposes. If you withdraw your consent or refuse to provide consent for KIPP to use Medi-Cal, other public benefits or insurance programs, or private insurance to pay for eligible related services, KIPP must continue to ensure that all required special education services are provided at no cost to you

### **Annual Notice: Sudden Cardiac Arrest Prevention and Automated External Defibrillators**

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

<http://cifstate.org/sports-medicine/sca/SCAInformationSheet2017.pdf> (English)

<http://cifstate.org/sports-medicine/sca/SCAParentStudentReviewFormSpanish.pdf> (Spanish)

<https://www.cdc.gov/dhbsp/docs/cardiac-arrest-infographic.pdf>

Because KIPP has elected to offer an athletic program, we must immediately remove from a school-sponsored athletic activity a pupil who passes out or faints while participating in or immediately following an athletic activity, or who is known to have passed out or fainted while participating in or immediately following an athletic activity. The athlete may not return to that activity until he or she is evaluated and cleared to return to participate in writing by a physician, surgeon, nurse practitioner or physician assistant. On a yearly basis, an acknowledgement of receipt of the information on sudden cardiac arrest symptoms and warning signs must be signed and

returned by the athlete and the athlete's parent or guardian before the athlete participates in an athletic activity not governed by the California Interscholastic Federation ("CIF"). This requirement does not apply to an athlete engaging in an athletic activity during the regular school day or as part of a physical education course. Furthermore, schools with athletic programs are required to have access to, regularly test and maintain, at least one automated external defibrillator (AED).

### **Annual Notice: Concussion/Head Injuries**

A concussion is a brain injury that can be caused by a bump, blow, or jolt to the head, or by a blow to another part of the body with the force transmitted to the head. Even though most concussions are mild, all concussions are potentially serious and may result in complications including prolonged brain damage and death if not recognized and managed properly. Those wishing to participate in athletics at KIPP must review the information sheet on concussions via the link below:

[http://www.cifstate.org/sports-medicine/concussions/CIF\\_Concussion\\_Info\\_Sheet.pdf](http://www.cifstate.org/sports-medicine/concussions/CIF_Concussion_Info_Sheet.pdf) (English)

[http://www.cifstate.org/sports-medicine/concussions/CIF\\_Concussion\\_Info\\_Sheet\\_SP.pdf](http://www.cifstate.org/sports-medicine/concussions/CIF_Concussion_Info_Sheet_SP.pdf) (Spanish)

Because KIPP has elected to offer an athletic program, we must immediately remove from a school-sponsored athletic activity for the remainder of the day an athlete who is suspected of sustaining a concussion or head injury during that activity. The athlete may not return to that activity until he or she is evaluated by, and receives written clearance from, a licensed healthcare provider. If the licensed health care provider determines the athlete has a concussion or head injury, the athlete shall also complete a graduated return-to-play protocol of no less than 7 days in duration under the supervision of a licensed health care provider. On a yearly basis, a concussion and head injury information sheet must be signed and returned by the athlete and the athlete's parent or guardian before the athlete initiates practice or competition. This requirement does not apply to an athlete engaging in an athletic activity during the regular school day or as part of a physical education course.

### **Annual Notice: Opioid Information Sheet**

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

<https://www.cdc.gov/drugoverdose/pdf/AHA-Patient-Opioid-Factsheet-a.pdf>

### **Annual Notice: Pregnant and Parenting Students**

The Charter School recognizes that pregnant and parenting pupils are entitled to accommodations that provide them with the opportunity to succeed academically while protecting their health and the health of their children. A pregnant or parenting pupil is entitled to eight (8) weeks of parental leave, or more if deemed medically necessary by the pupil's physician, which the pupil may take before the birth of the pupil's infant if there is a medical necessity and after 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 pupil who gives or expects to give birth and the infant, and to allow the pregnant or parenting pupil to care for and bond with the infant. The Charter School will ensure that absences from the pupil's regular school program are excused until the pupil is able to return to the regular school program or an alternative education program.

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

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

Chief of Schools  
1000 Broadway, Suite 460  
Oakland, CA 94607  
510-465-5477  
[opsadmin@kippnorcal.org](mailto:opsadmin@kippnorcal.org)

A copy of the UCP is available within the KIPP Regional Policies Manual. For further information on any part of the complaint procedures, including filing a complaint or requesting a copy of the complaint procedures, please contact the School Leader.

### **Annual Notice: Diabetes**

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

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

A copy of the information sheet regarding type 2 diabetes is available at: <https://www.cde.ca.gov/ls/he/hn/type2diabetes.asp>. Please contact the Office if you need a copy of this information sheet or if you have any questions about this information sheet.

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

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

A copy of the information sheet regarding type 1 diabetes will be made available when released. Please contact the office if you need a copy of this information sheet or if you have any questions about this information sheet.

### **Annual Notice: Tobacco Free Schools**

Ample research has demonstrated the health hazards associated with the use of tobacco products, including smoking and the breathing of secondhand smoke. KIPP provides instructional programs designed to discourage students from using tobacco products. The KIPP Public Schools Northern California Governing Board ("Board") recognizes that smoking and other uses of tobacco and nicotine products constitute a serious public health hazard and are inconsistent with the goals of all KIPP to provide a healthy environment for students and staff.

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

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

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

Appropriate school officials will monitor KIPP property and facilities for compliance with the Board Policy. The School Leader shall develop and maintain procedures to resolve grievances that may result from alleged non-compliance. A complete copy of this Board Policy can be obtained at the main office.

## **Student Safety**

### **Annual Notice: School Safety Plan**

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

### **Emergency Preparedness Plan and Emergency Contacts Information**

KIPP routinely participates in fire, earthquake, shelter-in-place, and lockdown drills as part of its ongoing commitment to safety and security on campus. Each school has a developed and tested emergency plan specific to the building layout and surrounding community facilities. Plans are updated annually to ensure that emergency response procedures and resources meet industry best practice standards. Each school will communicate the plan to students and families and each school's plan can be reviewed upon request at the main office.

The School will request emergency contact information regularly to ensure that communication during an emergency is consistent. It is imperative that the school have up-to-date emergency contact information on file for all students, and that parents/guardians provide multiple contacts for their child.

With that, throughout the year parents/guardians may receive test and real emergency communication through our Emergency Notification Provider. These messages are sent to inform parents/guardians and maintain an open line of communication throughout an emergency. Generally, these messages will include specific directions on what parents'/guardians' actions should be. In an emergency, it's imperative that parents/guardians follow these directions in order to keep everyone on campus and in the neighborhood safe.

### **Board Policy: School Visitor and Volunteer Policy**

While KIPP Public Schools Northern California ("KIPP" or the "Charter School") encourages parents/guardians and interested members of the community to visit the Charter School and view the educational program, KIPP also endeavors to create a safe environment for students and staff. Additionally, parents volunteering in the classroom can be extremely helpful to our teachers and valuable to our students. We thank all parents for their willingness to volunteer in this manner.

Nevertheless, to ensure the safety of students and staff as well as to minimize interruption of the instructional program, the KIPP Board of Directors has established the following procedures, to facilitate volunteering and visitations during regular school days:

#### **Definitions**

- A "visitor" is defined as any person seeking to enter the school building who is not an employee of the School or a student currently enrolled in the School. All visitors who are not parents or guardians of a student must have a specific and relevant purpose for their visit and contact the School Leader or appropriate staff member beforehand to arrange a visit. The School Leader may refuse to register a visitor if it is believed that the presence of the visitor would cause a threat of disruption or physical injury to teachers, other employees, or students.

- A “volunteer” is defined as any person who voluntarily offers and provides a service to the Charter School with Charter School approval without receiving compensation.

### **Volunteering**

Our parent volunteers give our students the opportunity to have individual attention that is vital to their education and their journey to college. The safety of our students and staff is of the utmost importance at KIPP. It is our policy to approve volunteers prior to having them work with and/or drive our students. There are administrative procedures that have been established with this policy. Parents, guardians or other community members who are interested in volunteering (and have not been cleared within the current school year) must request a *Volunteer Handbook* from the school in which they wish to volunteer. The KIPP school will communicate any additional documentation requests, notices of clearances and scheduled volunteer opportunities. Please note that it may take several weeks for all clearances to be met. We recommend interested volunteers reach out to their school as soon as possible to begin the process.

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 KIPP 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 KIPP Board of Directors, this paragraph shall not apply to a volunteer whose functions do not require frequent or prolonged contact with students.
3. Volunteering must be arranged with the classroom teacher and School Leader or designee, at least forty-eight (48) hours in advance where possible.
4. 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 aide, 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. Volunteers must sign in agreement that they have read and understand and agree to follow the Family Educational Rights and Privacy Act (“FERPA”) Policy.
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.
8. Volunteerism by parents is encouraged but not mandatory. Any volunteer hours are tracked for purposes of maintaining data on the parent participation at the School.

### **Visitation**

1. The School Leader has the authority to determine which visits are to be permitted as well as the discretion to set any appropriate conditions on the nature and extent of such visits. In exercising his/her discretion, the School shall consider the purpose of the visit, the impact of the visitor’s presence and the relationship of any visitor to the students. School personnel shall seek to assure that parents and other visitors are courteously received and that sincere efforts are made to provide them with information as may be needed to foster a cooperative relationship between home, school and



community.

2. ALL visitors, including parents and guardians and volunteers, must check in at the office upon their arrival so that they can sign in and obtain a visitor badge identifying themselves. 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. Visitor badges must be worn at all times while on School premises.
3. If the visitor is a government officer/official (including but not limited to local law enforcement officers, immigration 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. KIPP 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 KIPP, consistent with the law. The KIPP Board of Directors and Bureau of Children's Justice in the California Department of Justice, at [BCJ@doj.ca.gov](mailto: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. Access to classrooms and other instructional areas might be restricted and is at the discretion of the School Leader. We ask that all visitors respect the learning environment by quietly observing classes, and by not distracting the students or teachers. Visitors may be asked to leave a classroom or the school grounds if their presence is a distraction to learning or the school environment. Because classrooms and other instructional areas are the most vulnerable to disruption, specific conditions may be imposed upon visitors, including but not limited to:
  - a. Requiring that the visitor be chaperoned
  - b. Limiting the duration of the visit to particular times or length of time (please see below)
  - c. Limiting the activities of the visitor to a particular purpose(s)
  - d. Designating particular routes of travel in the building or upon the school grounds.
5. Visits during school hours should first be arranged with the teacher and School Leader or designee, at least forty-eight (48) hours in advance whenever possible. 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/guardians seeking to visit a classroom during school hours must first obtain the approval of the classroom teacher and the School Leader or designee.
6. Except for unusual circumstances, approved by the School Leader, KIPP visits should not exceed approximately sixty (60) minutes in length and may not occur more than twice per semester.
7. Visitors must sign out at the end of their visit and return the visitor badge. Visitors may be on school grounds only during open school hours, unless given permission from School Leadership and/or for specific before - or after-school events open to the public.

If any COVID-19 restrictions are enforced pursuant to state, county, or local health orders, pre-approved visitors are subject to a health and exposure screening prior to entering campus and must comply with KIPP's established protocols for reducing the risk of COVID-19 transmission in schools.

#### **Removal from Campus**

The School Leader 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 KIPP's orderly operation. If consent is withdrawn by someone other than the School Leader, the School Leader may reinstate consent for the visitor if the School Leader believes that the person's presence will not constitute a disruption or substantial and material threat to KIPP's orderly operation. Consent can be withdrawn for up to fourteen (14) calendar days.

The School Leader 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 School Leader shall inform the visitor that if he/she reenters the school without following the posted requirements he/she will be guilty of a misdemeanor.

Any visitor that is denied registration or has his/her registration revoked may request a conference with the School Leader. 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 School Leader with fourteen (14) days of the denial or revocation of consent. The School Leader 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 School Leader shall be held within seven (7) days after the School Leader receives the request. If no resolution can be agreed upon, the School Leader shall forward notice of the complaint to the KIPP Board of Directors. The KIPP Board of Directors shall address the Complaint at the next regular Board meeting and make a final determination.

### **Posted Notifications**

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

### **Penalties**

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.

Under California Education Code section 44811, material disruption by a parent, guardian or other person at a school or school sponsored activity is punishable, upon the first conviction, by a fine of 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.

Disruptive conduct may lead to KIPP's 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.

### **Bad Weather or Other Conditions and School Closing Information**

In the event of bad weather or other conditions that may result in a school closure, seek out information about closures applicable to your local school district. KIPP will normally follow the instructions for the local district. If the district schools are closed or school opening is delayed, KIPP will normally also be closed or delayed. In some cases, KIPP may elect to close or remain open independent of the district. The school will make every attempt to communicate this decision in a timely manner through multiple platforms. This may include automated phone call, text and/or email message to families. In the event that weather or other conditions make traveling to school hazardous and unsafe, it is recommended that parents/guardians use their discretion in bringing their child to school. In case of a mid-day school cancellation, parents/guardians will be contacted to pick up their child.

### **Annual Notice: School Bus and Passenger Safety**

All students who are transported in a school bus or school student activity bus shall receive instruction in school bus emergency procedures and passenger safety.

Upon registration, KIPP is required to provide safety regulations to all kindergarten through sixth (6th) grade new students and students who have not previously been transported by school bus. Additionally, if applicable, KIPP must provide safety instruction to all students in kindergarten through eighth (8th) grade who receive home-to-school transportation. Currently, KIPP provides transportation for field trips and provides transportation to and from multiple KIPP schools as needed. A copy of the complete policy is available upon request at the main office.

## Annual Notice: Student Transportation Safety (Volunteer drivers/chaperones)

The safe operation of motor vehicles is very important at KIPP. All employees and volunteers must be cleared to drive by Human Resources and Operations before they can transport students. In addition, employees must have parent/guardian and School administration permission before transporting students.

At all times during the field trip or excursion, teachers, staff and parents will use the safest mode of transportation and the safest and most direct routes of travel. If travel is not by bus, the legal occupancy limit of ten (10) occupants (including the driver) must not be exceeded, all speed notices must be strictly adhered to and students are to be seated with individual seat belts at all times.

The following shall apply to all persons operating school vehicles or operating their own vehicles to transport students for any reason or for school business:

1. KIPP participates in the California Department of Motor Vehicles employer pull notice program. Through this program, KIPP will be able to review employee Motor Vehicle Records periodically and upon notice of new violations. Volunteers are also responsible for providing their own Motor Vehicle Records to KIPP.
2. Employees or volunteers must have a valid driver's license at all times when operating a school vehicle or their own personal vehicle when used for student transportation or school business. Volunteers must also have completed the following before they can transport students.
  - Volunteer application
  - TB (tuberculosis clearance)
  - Fingerprinting background clearance
  - Chaperone agreement (if for a field trip)
3. For employees or volunteers who drive their personal vehicles for student transportation or school business purposes, KIPP requires that the employee or volunteer carry insurance with the following coverage:
  - Liability
    - Bodily Injury - \$100,000 per person; \$300,000 per occurrence
    - Property Damage - \$50,000 per occurrence
    - Alternatively: \$300,000 combined single limit
    - Medical Payments - \$5,000 per person
    - Uninsured Motorist Coverage - Mirrors Liability
  - In the event of an accident, the employee's or volunteer's insurance coverage will act as the primary insurance coverage for damages. Evidence of this insurance as well as a copy of the employee's or volunteer's current motor vehicle report (MVR), a copy of their driver's license, and a copy of their vehicle registration, and a written statement acknowledging that their insurance carrier is the primary agent responsible for insurance during the field trip or excursion must be kept on file. KIPP is not liable for collision damage on an employee's or volunteer's vehicle.
4. Employees and volunteers must maintain a clean driving record and infractions may result in not being approved or the revocation of a driving privilege. Employees or volunteers with driving records with two (2) points or more shall not be permitted to transport students or operate any vehicle for Charter School field trips and excursions
5. Anyone with one or more of the following citations on their record may NOT drive on behalf of the school: Driving under the influence of drugs or alcohol, failure to stop for an accident, homicide, manslaughter or assault arising out of the operation of a motor vehicle, driving with a revoked or suspended license, possession of an opened container of alcohol in a vehicle, speed contest drag or highway racing, attempting to elude a police officer, hit and run, reckless driving, and car safety seat violations. Any employee or volunteer convicted of a felony shall not be permitted to transport Charter School students on Charter School business.
6. Seat belts and child safety seats (when applicable) are an essential element of our driver safety policy/procedures. All employees and volunteers must wear seat belts while transporting students and must make sure that students are wearing seatbelts or are properly secured in a child safety seat (if applicable).
  - Children under age 8 and under 57" must be properly secured in a child restraint system. All other children age 8 to 16 or over 57" must be secured in a properly fitted seat belt.
  - Children under age 8 must be restrained in a child passenger restraint system in the rear seat.
  - California law specifically requires children to be properly restrained, meaning the lap belt is low on the hips, touching the upper thighs, and the shoulder belt is crossing the center of the chest.
  - Children in rear-facing car seats may not ride in front if there is an active passenger airbag.

7. Driving non-employee passengers in school vehicles either during or after normal business hours can be a major liability to KIPP. Therefore, no KIPP employee is allowed to transport non-employees in any KIPP vehicle unless prior approval by management is granted and a waiver of liability is signed by the non-employee.
8. Only authorized employees are allowed to operate the school vehicles and they are for school business use only.

Under no circumstances shall students transport other students.

### **Board Policy: Transportation Safety Plan**

Because KIPP Public Schools Northern California (“KIPP” or the “Charter School”) provides transportation to or from a KIPP school activity, the KIPP Board of Directors (“Board”) approved the following transportation safety plan, which contains procedures for KIPP personnel to follow to ensure the safe transportation of students. A copy of this Plan will be kept at each KIPP school and will be made available upon request to an officer of the Department of the California Highway Patrol. Students shall be informed that any violation of KIPP policies and procedures, including violation of safety procedures on a school bus or school activity bus, could result in discipline pursuant to the KIPP discipline policy.

#### **Definitions**

- “*School bus*” is any motor vehicle designed, used, or maintained for the transportation of a KIPP student at or below the grade 12 level to or from KIPP or to and from KIPP activities. “*School bus*” does not include a passenger vehicle designed for and when actually carrying not more than 10 persons, including the driver, except any vehicle or truck transporting two or more students who use wheelchairs.
- “*School activity bus*” is any motor vehicle, other than the school bus, operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned or operated transit system, or by a passenger charter-party carrier, used under a contractual agreement between KIPP and carrier to transport KIPP students at or below the grade 12 level to or from a KIPP activity, or used to transport students from residential schools, when the students are received and discharged at off-highway locations where a parent or adult designated by the parent is present to accept the student or place the student on the bus.

#### **Determining Whether a Student Requires an Escort**

If the school site or school activity destination is located on the opposite side of the street of the actual bus stop, then KIPP and California Vehicle Code section 22112(d) require the student to be physically escorted by the bus driver across that street and under the bus drivers’ direction and supervision. The bus driver will be required to activate the school bus red flashing crossover lights and if so equipped, the stop arm, and physically get out of the bus to assist the students safely across the street. KIPP requires ALL students who cross the street, be physically escorted by the bus driver with crossover lights and signs being activated.

#### **Procedures for Kindergarten through Eighth Grade Students Regarding Boarding and Exiting the Bus**

KIPP has created the following procedures to govern the safe entry and exit of kindergarten through eighth grade students to and from the school bus. KIPP is not required to use the services of an onboard school bus monitor in addition to the driver to ensure these procedures are followed.

#### **Boarding:**

1. Students shall board or exit the school bus ONLY at their assigned bus stop or school activity destination.
2. Students shall board in an orderly manner and utilize the handrails for their safety while loading and unloading.
3. Students are to find their seat as quickly as possible and sit down facing the front of the bus.

4. Students are to remain seated at all times while the bus is in motion.
5. Students are to maintain a noise level which will allow the bus driver to hear approaching traffic.
6. Students are to follow the directions of the bus driver while they are aboard the bus.
7. Students are responsible to follow all rules and regulations.

**Exiting:**

1. Students shall stay seated until the bus comes to a complete stop.
2. Once the driver has stopped the bus completely and opened the door, students are to unload seat by seat starting with the front of the bus and continuing seat by seat until the bus is empty.
3. Students remaining on the bus are to remain seated until the bus stops at their assigned bus stop or school activity destination.
4. Students will unload in an orderly manner using the handrails.
5. Students shall exit the bus only at their assigned bus stop or school activity destination. Exceptions will only be allowed when the student presents the bus driver with a note signed by the student's parent and endorsed by the School Leader.
6. Students are to move away from the bus as they unload. Students shall not get underneath the bus to retrieve a book, paper or some other article. The student should always tell the bus driver and have the bus driver get the article for them.
7. Students should always use crosswalks and controlled intersections when available and should not cross in the middle of the block.
8. Students must avoid trespassing on other people's property, stay on sidewalks when possible.

**Procedures for All Students to Follow as They Board or Exit a School Bus at KIPP or Other School Activity Location**

KIPP has created the following procedures to govern the safe entry and exit of all students at KIPP or other school activity location.

**Boarding Buses at School Site or School Activity Location:**

1. The school bus driver may not activate the flashing amber warning light system, the flashing red light signal system, and stop signal arm at any school.
2. The driver will monitor the students' entry onto the bus to ensure an orderly and safe entry for all students.
3. The group of students, along with the teacher(s) and any other adult personnel attending a school activity, shall assemble in an area away from the school bus to wait. When the students are ready to load, the KIPP staff shall inform the driver, and the driver will begin the boarding process.
4. Upon completion of the boarding process, the driver will proceed with the bus evacuation and safety presentation, described below. This shall include an explanation and demonstration of all emergency exits, first aid kits, fire extinguishers, etc.
5. Upon completion of the presentation, the driver shall have the KIPP teacher or head chaperone sign a trip sheet, acknowledging the presentation has been given. The driver will then depart when safe to do so.

**Exiting Buses at School Site or School Activity Location:**

1. Upon arrival at KIPP, the driver shall take the bus to the designated student drop off area.
2. Upon reaching the designated area, the driver will park the bus and open the door when it is clear and safe to do so. The flashing red signal lights will not be activated.
3. Upon arrival at the school or school activity destination, the driver will select an area where the bus can be lawfully parked and the boarding/exiting of students can be reasonably controlled.
  - a. The driver will confer with the KIPP teacher/head chaperone regarding the time and location where the group will assemble to reload the bus.
  - b. When it is clear and safe to do so, the driver will have the students disembark the bus. The flashing red signal lights will not be activated.

- c. When the KIPP teacher/head chaperone has confirmed all students are accounted for, the group may proceed to the trip.
4. Students exiting the bus at either KIPP or a school activity location should do so in an orderly, respectful, and appropriate manner, following all instructions from KIPP staff and the bus driver.

#### **Procedures for School Staff to Ensure a Student is Not Left Unattended on a School Bus or School Activity Bus**

KIPP staff members should always be involved and active in the supervision of the loading and unloading of students at KIPP and on activity trips to ensure no student is left unattended on the school bus or school activity bus.

To do this, KIPP staff shall adhere to the following procedures:

1. Before leaving the school site for a school activity, the KIPP teacher/head chaperone for the trip shall ensure they have a copy of the class roster with all student names.
2. Once the bus reaches the destination, a KIPP teacher/head chaperone shall be the first person off the bus and will note each student who exits the bus by comparing the exiting students against the class roster.
3. A KIPP staff member/chaperone shall be the last person to exit the bus at each stop to ensure no students are left on board. Before exiting the bus, the staff member/chaperone will walk up the aisle, checking each seat and area on the floor by each seat to ensure no students are present.
4. Once all students and staff/chaperones have exited the bus, but before leaving for the designated activity, the KIPP teacher/head chaperone will conduct another roll call by calling out each student's name and waiting for verbal and visual confirmation from the student of being present.
5. The KIPP teacher/head chaperone will discuss with the bus driver a way to contact each other in the event it is later discovered a student is still on the bus.

#### **Procedures and Standards for Designating an Adult Chaperone, Other than the Bus Driver, to Accompany Students on a School Activity Bus**

KIPP shall follow its applicable policies and procedures, including its visitor and volunteer policy, for designating an adult chaperone other than the school bus driver to accompany students on a bus or a school activity bus. All appropriate background checks will be conducted on any chaperone prior to the chaperone's attending a school trip or school activity bus.

#### **Instruction in School Bus or School Activity Bus Emergency Procedure and Passenger Safety**

KIPP shall ensure that all students who are transported in a school bus or school activity bus receive instruction in school bus emergency procedures and passenger safety.

#### **Instruction for Students who were not Previously Transported in a School Bus**

Upon registration, the parents/guardians of students who were not previously transported in a school bus or school activity bus and who are in kindergarten through grade 6, inclusive, shall be provided with written information on school bus safety. This information shall include, but not be limited to, the following:

1. A list of school bus stops near the student's home.
2. General rules of conduct at school bus loading zones, such as:
  - a. While waiting for the school bus to arrive, students must stand single file in an orderly and well-behaved line.
  - b. Students are not to play in or be in the street or private property.
  - c. Students shall be on the proper side of the street before the bus arrives at the bus stop.

- d. Students should arrive at their bus stop five minutes prior to the scheduled leaving time.
  - e. If the student is late and needs to cross the street that the bus is stopped on, the student must wait for the bus driver to escort the student across the street.
  - f. Students should not approach the bus until it comes to a complete stop at the stop;
  - g. Students should board and exit the bus in an orderly fashion, with no pushing or shoving.
  - h. Students should understand the bus driver is in charge at all times, and students should follow the bus driver's directions.
  - i. The driver will immediately activate the red flashing crossover lights and stop arm if so equipped.
  - j. Animals, birds, reptiles, fish, insects, breakable containers, weapons, or any object or substance that could be hazardous will not be transported on the bus.
3. Red light crossing instructions, consistent with this Plan.
  4. School bus danger zone(s).
  5. Walking to and from school bus stops.

### **Instruction for all Students Prior to Departure on School Trip**

Finally, prior to departure on a school activity trip, KIPP shall provide safety instruction to all students riding in a school bus or school activity bus. This instruction shall include, but not be limited, to the following:

1. Location of emergency exits; and
2. Use of emergency equipment.
  - a. Instruction may also include responsibilities of passengers seated next to an emergency exit.
3. Instruction on how to use the passenger restraint systems, including but not limited to the following:
  - a. Proper fastening and release of the passenger restraint system;
  - b. Acceptable placement of passenger restraint systems on students;
  - c. Times when the passenger restraint systems should be fastened and released; and
  - d. Acceptable placement of the passenger restraint systems when not in use.

### **Operation of School Bus or School Activity Bus when Visibility Reduced to 200 Feet or Less**

Pursuant to Vehicle Code section 34501.6, KIPP is required to adopt procedures that limit the operation of school buses and school activity buses when atmospheric conditions reduce visibility on the roadway to 200 feet or less during regular home to school transportation service. Bus drivers of school activity buses shall have the authority to discontinue school activity bus operation if the driver determines that it is unsafe to continue operation because of reduced visibility.

For purposes of this Plan, the procedures for school bus drivers shall be as follows:

1. The school bus driver will notify the School Leader that atmospheric conditions have reduced visibility to 200 feet or less.
2. The School leader or designee may consult with legal counsel as needed.
3. The School Leader may direct that school bus activity will be suspended or delayed for a minimum of one (1) hour through an indefinite suspension or delay if required by the conditions. The length of time for the suspension or delay of school bus services shall be at the discretion of the School leader.

### **Annual Notice: Search and Seizure**

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

The California Constitution requires that all students and staff of public schools have the inalienable right to attend campuses which

are safe, secure, and peaceful. As such, Charter School has adopted a Policy outlining the reasonable search of students and their property, student use areas, and/or student lockers and the seizure of illegal, unsafe, unauthorized or contraband items and materials through a search based upon reasonable suspicion.

Student lockers, including P.E. lockers, are school property and remain at all times under the control of the Charter School. Students shall assume full responsibility for the security of their lockers. Student lockers may not be used to store illegal, unauthorized, or contraband materials. The acceptance and use of locker facilities on school campus by any student shall constitute consent by the student to the search of such locker facilities by authorized school personnel and/or law enforcement. Inspections of lockers may be conducted by school personnel and/or law enforcement through the use of trained dogs.

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

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

## **Violence and Weapons**

It is the policy of KIPP that violence or threats of violence in any form are unacceptable and will not be tolerated. KIPP will not tolerate, condone or allow violence, whether engaged in by employees, supervisors, managers, non-employees (including contract workers or vendors), visitors, students, family members or others who interact with KIPP. KIPP encourages the reporting of all incidents or threats of violence regardless of who the offender may be. This policy prohibits all acts or threats of violence, inappropriate aggression, or intimidation in any form, including verbal, written, physical, or any conduct that may be construed as a racial, sexual, ethnic or religious slur, or a slur based upon any Protected Status.

Specific examples of conduct that may constitute threats or acts of violence under this policy include, but are not limited to, the following:

- Threats or acts of physical or aggressive contact directed toward another individual;
- Threats or acts of physical harm directed toward an individual or their family, friends, associates, or property;
- The intentional destruction or threat of destruction of KIPP's property or another student's property;
- Harassing or threatening phone calls;
- Harassing or threatening social media conduct;
- Surveillance;
- Stalking;
- Veiled threats of physical harm or similar intimidation

Any pattern of behavior that seems to indicate violence toward another individual, student to student or staff to student, must be reported to School Administration. No weapons may be brought to school under any circumstances. In addition, nothing that looks like or could be construed as a weapon should be on or around a school campus. We strongly recommend the safe storage and proper security around weapons in the home - especially if one is inviting another child into the home for a party, play date, or other social activities. If a child is feeling unsafe at school, or in their method of transportation to and from school, we encourage a conversation with the School Leadership team to consider options.

## **Confidential disclosure**

In order to have a safe community of trust, students are expected to take responsibility for disclosing any and all knowledge of any weapons, drugs, tobacco, or alcohol on campus or at any school function. Such confidential disclosure should not be considered a betrayal of any other student, or avoided due to fear of reprisal. Instead, the confidential disclosure would be an honest commitment to the health and well-being of every member of the community.



## Police on Campus Policy Information

The purpose of our law enforcement on campus policies is two-fold: First, to support a safe school environment by empowering leadership to coordinate with law enforcement in response to imminent threats to the community. Second, to limit students' exposure to law enforcement and the juvenile justice system when alternative and more restorative practices are available. Please request a full copy of this policy from the school office.

## Board Policy: Guidelines for Safe Staff/KIPPster Interactions

For the purposes of this policy, the term “KIPPster” refers to any current KIPP Student, or alumni still enrolled in a KIPP program, including KIPP Through College (KTC) which extends throughout their college career. KIPP recognizes its responsibility to make and enforce all rules and regulations to bring about the safest environment possible for students, alumni enrolled in KIPP programs, and KIPP Staff.

## Corporal Punishment

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

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

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

- A. Examples of PERMITTED actions (NOT corporal punishment)
  - 1. Stopping a student from fighting with another student;
  - 2. Preventing a pupil from committing an act of vandalism;
  - 3. Defending yourself from physical injury or assault by a student;
  - 4. Forcing a pupil to give up a weapon or dangerous object;
  - 5. Requiring an athletic team to participate in strenuous physical training activities designed to strengthen or condition team members or improve their coordination, agility, or physical skills;
  - 6. Engaging in group calisthenics, team drills, or other physical education or voluntary recreational activities.
  
- B. Examples of PROHIBITED actions (corporal punishment)
  - 1. Hitting, shoving, pushing, or physically restraining a student as a means of control;
  - 2. Making students do push-ups, run laps, or perform other physical acts that cause pain or discomfort as a form of punishment;
  - 3. Paddling, swatting slapping, grabbing, pinching, kicking, or otherwise causing physical pain.

## Professional Boundaries

This policy is intended to guide all faculty and staff in conducting themselves in a way that reflects the highest standards of behavior and professionalism required of school employees and to specify the boundaries between students, alumni, and staff. Trespassing the boundaries of an Employee/KIPPster relationship is deemed an abuse of power and a betrayal of public trust.

All staff must carefully review this policy along with each of the examples given in the policy related to acceptable and unacceptable employee behavior (see examples section below). Although this policy gives specific, clear direction, it is each staff member’s obligation to avoid situations that could prompt suspicion by parents, students, alumni, colleagues, or school leaders. One viable standard that can be quickly applied when the employee is unsure if certain conduct is acceptable is to ask themselves, “Would I be engaged in this conduct if my family or colleagues were standing next to me?”

Some activities may seem innocent from a staff member’s perspective, but can be perceived as flirtation, sexual insinuation, or unprofessional from a student, alumni, or parent’s point of view. The objective of providing the examples of acceptable and unacceptable behaviors listed below is not to restrain innocent, positive relationships between staff and students, but to prevent

relationships that could lead to, or may be perceived as, sexual misconduct or generally unprofessional.

Staff members must understand their own responsibility for ensuring that they do not cross the boundaries as written in this policy. Disagreeing with the wording or intent of the established boundaries will be considered irrelevant for disciplinary purposes. Thus, it is crucial that all employees learn this policy thoroughly and apply the lists of acceptable and unacceptable behaviors to their daily activities. Although sincere, competent interaction with KIPPsters certainly fosters learning, staff interactions with KIPPsters, including alumni receiving services through KIPP Through College (KTC), must respect professional boundaries surrounding potential activities, locations, and intentions.

### Duty to Report

All staff members play an integral role in keeping our KIPPsters safe, and it is an employee's duty to report any concerns related to misconduct to the appropriate authority, even if they don't have full information or context. When any employee becomes aware of another staff member or adult on campus having engaged in unacceptable behaviors as specified in this policy, or behaviors regarding professional boundaries otherwise causing suspicion, they must immediately report the matter to the school administrator and/or to the Human Resources Department at [hr@kipbayarea.org](mailto:hr@kipbayarea.org). All reports shall be as confidential as possible under the circumstances. It is the duty of the administrator or HR Director to investigate and thoroughly report the situation to the CEO. Employees must also report to the administration any awareness or concern of student behavior that crosses boundaries or where a student appears to be at risk for sexual abuse.

### **Examples of Specific Behaviors**

#### **The following examples are not an exhaustive list.**

##### *Examples of Unacceptable Behaviors (Violations of This Policy):*

- Giving gifts to a KIPPster that are of a personal and intimate nature.
- Kissing of any kind.
- Any type of unnecessary physical contact with a KIPPster in a private situation.
- Making or participating in sexually inappropriate comments.
- Sexual jokes.
- Seeking emotional involvement with a KIPPster for the employee's benefit.
- Listening to or telling stories that are sexually oriented.
- Discussing inappropriate personal troubles or intimate issues with a KIPPster in an attempt to gain their support and understanding.
- Becoming involved with a KIPPster so that a reasonable person may suspect inappropriate behavior.
- Having/inviting one student into the employee's home is unacceptable.
- Providing any treatment that could be viewed as preferential or unprofessional (buying lunches, special privileges, etc.)
- Intentionally being alone with a KIPPster away from the school.

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

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

- Giving students a ride to/from school or school activities.
- Being alone in a room with a student at school with the door closed.

##### *Cautionary Staff/Student Behaviors:*

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

- Remarks about the physical attributes or development of anyone.
- Excessive attention toward a particular student.
- Sending emails, text messages or letters to students if the content is not about school activities.
- Having a group of KIPPsters over to your house with school administration and parent/guardian permission.

##### *Examples of Acceptable Behaviors:*

- Emails, text, phone calls and instant messages to KIPPsters that are professional and pertain to school activities or classes.

(Communication should be limited to school technology).

- Keeping the door open when alone with a KIPPster.
- Keeping reasonable space between you and a KIPPster.
- Stopping and correcting a KIPPster if they cross an employee's own personal boundaries.
- Keeping parents informed when a significant issue develops about a student.
- Keeping after-class discussions with a student professional.
- Recognizing the responsibility to stop unacceptable behavior of KIPPsters or coworkers.
- Giving KIPPsters praise and recognition without touching them.
- Pats on the back, high fives and handshakes are acceptable.
- Hugging students is only appropriate if it is done in a public space where others are present, minimal bodily contact is involved (e.g. side or arm around the shoulder hug) and it does not make the student uncomfortable in any way (ask in advance; don't assume). Please be aware of the positive reinforcement methods that are age-appropriate for your students (e.g. elementary students may appreciate a quick hug while middle and high schoolers may not). When in doubt, do not hug a student.
- Asking yourself if your actions are worth your job and career.

*Required safety practices for the protection of staff and students:*

- Obtaining signed parental consent and written approval from the school leader are required for any non-sponsored after school activity.
- Obtaining formal approval to take KIPPsters off school property for activities such as field trips, athletic events or competitions.
- Asking another staff member to be present if the employee will be alone with any type of special needs student.
- Asking another staff member to be present when the employee must be alone with a student after regular school hours.
- Asking for advice from fellow staff or administrators if an employee finds themselves in a difficult situation related to boundaries.
- Involving the employee's supervisor if conflict arises with a KIPPster.
- Informing the employee's School Leader about situations that have the potential to become more severe.
- Making detailed notes about an incident that could evolve into a more serious situation later.
- Keeping your professional conduct a high priority.

### **Board Policy: Mandated Reporting Policy**

California Penal Code section 11166 requires child care custodians who have knowledge of, or observe, a child in their professional capacity or within the scope of their employment whom they know or reasonably suspect 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.

***Please be aware that it is each employee's duty to report the suspicion of child abuse and neglect only. Employees are not required to investigate or substantiate the suspected abuse. CPS and/or law enforcement agencies will be charged with investigating the matter.***

- If an employee believes a child's safety is in immediate danger, they must call 911.
- Call CPS to make an initial verbal report
  - Oakland: (510) 259-1800
  - San Francisco: (800) 856-5553
  - San Jose: (408) 299-2071, (408) 683-0601, (650) 493-1186
  - San Lorenzo and Oakland:(510) 259-1800
  - Redwood City: (650) 802-7922 or (800) 632-4615
  - Stockton: (209) 468-1333 or (209) 468-1330
- The employee must complete a written report and any evidence relating to the incident within thirty-six (36) hours of becoming aware of the information concerning the incident and fax it or mail it in to the name of the Social Worker who took the verbal report. (link written report: [https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss\\_8572.pdf?](https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss_8572.pdf?))

Employees must also report to their School Leader any suspicions of child abuse and neglect in order to enable KIPP to timely intervene, investigate, and remediate as appropriate.

**Child abuse does not include:**

- A mutual altercation between minors
- Self-defense
- Injury caused by reasonable force used by a peace officer acting within the scope of employment
- Use of reasonable force from a certificated/classified employee to maintain order, protect property and protect the health and safety of pupils

Please see the School Leader if you have any questions or concerns.

**Child Custody Agreements Information**

KIPP asks that families with an active child custody agreement in place provide a copy to the School Leader at the start of the school year and any revisions to the agreement as they become available. KIPP will not get involved in family disputes as it is not KIPP’s intention or responsibility to enforce the terms of a child custody order. Rather our expectation is that all custodial parties (1) comply with the terms of the child custody order and work to resolve any such disputes without involving KIPP and (2) remain focused on the student(s)’ education and working cooperatively to resolve any familial disputes without negatively impacting the student(s)’ ability to learn and attend School. KIPP will comply with all terms of a custody order or agreement that has been provided to KIPP.

**Annual Notice: Human Trafficking Prevention**

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

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

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

**Student and Family Rights**

**Admissions and Enrollment Information**

KIPP Public Schools Northern California operates tuition-free, public charter schools open to all students residing in the State of California. KIPP schools are attended by students who have freely chosen to enroll. Students who choose to accept the academic program of a KIPP school agree to abide by the policies of the school. Parents/guardians whose children are in a structured English immersion program have the right to apply for a parental exception waiver. To apply for a waiver, parents/guardians should contact the main office. The complete Admissions and Enrollment Policy is available online and from the school office.

## **Annual Notice: Involuntary Removal Process**

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

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

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

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

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

## **Annual Notice: Nondiscrimination Statement**

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

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

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

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

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

KIPP is committed to providing a work and educational atmosphere that is free of unlawful harassment under Title IX of the Education Amendments of 1972 (sex); Titles IV, VI, and VII of the Civil Rights Act of 1964 (race, color, or national origin); The Age Discrimination in Employment Act of 1967; The Age Discrimination Act of 1975; the IDEIA; and Section 504 and Title II of the ADA

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

Employee Uniform Complaints: Chief People Officer | Phone: 510-465-5477 Email: [HR@kipppnorcal.org](mailto:HR@kipppnorcal.org)

Student Level Uniform Complaints: Chief of Schools | Phone: 510-465-5477 Email: [opsadmin@kipppnorcal.org](mailto:opsadmin@kipppnorcal.org)

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

### **Media Authorization Information**

From time to time, the media (i.e., newspaper, radio, television) may visit KIPP school campuses to photograph, tape record, and/or videotape students or write stories of general public interest regarding KIPP schools, which may involve students. Additionally, KIPP Public Schools Northern California, KIPP Through College, and the KIPP Foundation regularly take pictures and videos of students involved in various school and school-sponsored activities and publishes these images in its own newsletters, marketing collateral, and public relations and professional development materials via print and online media.

By consenting to the media authorization form in your student’s registration packet, parents/guardians understand that under California law, individuals have the legal right to control the use of their name, likeness and images. By consenting you also grant and assign KIPP, its officers, employees, and agents (including third-party photographers), the right to (1) photograph and record your student when he/she is engaged in any KIPP school event or activity; and (2) reproduce, distribute, display, create derivative works of and otherwise use your student’s name, photograph, recording and likeness for and in connection with internal needs (including instruction and character development in classrooms), public relations, fundraising, activities, publicity, and promotional purposes of KIPP schools, including, but not limited to, yearbooks, newspapers, street banners, school related/sponsored websites, brochures, media, public awareness campaigns and displays by any media (print or electronic), and in online forums managed and maintained by KIPP staff for the purpose of learning and/or extra-curricular KIPP activities (including but not limited to Facebook, Instagram, blogs, Twitter, and LinkedIn), that are deemed appropriate. Your consent to media authorization remains in effect even if the student is no longer enrolled at KIPP unless you specifically revoke your authorization and request that KIPP remove your child from its publications.

By consenting to the media authorization form, you agree that you nor your student will receive any compensation for the aforementioned grant and assignment. You further agree that neither you nor your student shall have any right, title or interest, including copyrights, in any material created by KIPP or its agents pursuant to this agreement.

### **Safe School Zones and Immigrant Student Rights**

KIPP is committed to providing a safe, welcoming, and inclusive learning environment for all students, including immigrant students and their families. KIPP is also committed to protecting the rights of immigrant students and their families through policies that prohibit information-sharing with local law enforcement and federal immigration authority to the fullest extent possible under the law. KIPP shall not adopt or implement policies, practices, or procedures that exclude students from school based on their or their parents’ or guardians’ actual or perceived immigration status. Furthermore, KIPP personnel shall treat all students equitably in the receipt of all school services, including but not limited to, the free and reduced lunch program, transportation, and educational instruction.

## Resources and Trainings

KIPP trains all teachers, administrators, and other staff on how to respond to federal immigration authorities who are requesting information about students and families and/or are attempting to enter school property. Please speak to your school office if you would like to know about upcoming trainings.

## Information Collection and Security

KIPP staff shall not require information that relates to a student's or their families' immigration status, such as a social security number, passport, a birth certificate, or other citizenship-related documents. KIPP personnel shall not inquire into a student's or a family member's immigration status. While documents that relate to immigration status may be submitted to meet various requirements of the enrollment process (such as a birth certificate for documenting proof of age), these documents are not required, and families are allowed to use other methods to prove residency and age-eligibility, such as a baptismal certificate or parent affidavit. KIPP will not initiate communication with federal immigration authority or local, state, or federal law enforcement regarding a student's or their family member's personal information; nor shall they disclose personally identifying information found in a student's education records without parental authorization or a judicial order mandating the disclosure. KIPP personnel who learn of information related to a student's or their family member's actual or perceived immigration status must keep that information confidential and shall not record or distribute that information.

## Campus Security

KIPP shall not enter into agreements with state or local law enforcement agencies, federal immigration authority, or any other federal agency for immigration enforcement activities. Absent a judicial warrant or other court order, or otherwise required by law, state or local law enforcement agencies, federal immigration authority, or any other federal agency for immigration enforcement activities will not be permitted access to school sites, to interview a student, or to student records. Any formal requests from state or local law enforcement agencies, federal immigration authority, or any other federal agency for immigration enforcement activities shall be forwarded to the Chief Executive Officer and Legal Counsel for review.

If state or local law enforcement agencies, federal immigration authority, or any other federal agency for immigration enforcement activities request or gain access to a student or their records held by the school or KIPP, KIPP staff must immediately notify the student's parent/guardian that the federal immigration authorities sought access to the student. KIPP shall remind the parent/guardian that they have the right to authorize and send a designee to pick up their child on the parent's/guardian's behalf.

Efforts to contact parents/guardians by the School Leader or designee must include calling all numbers listed on the student's emergency card, including work numbers, cell phone numbers, and all numbers supplied by the student.

## **Board Policy: Student Freedom of Speech and Expression**

The KIPP Public Schools Northern California Board of Directors (the "Board") believes that free inquiry and exchange of ideas are essential parts of a democratic education. The Board respects students' rights to express ideas and opinions, take stands on issues, and support causes, whether controversial or not, through their speech, writing, printed materials, including the right of expression in official publications, and/or the wearing of buttons, badges and other insignia.

## **Definitions**

1. "*Obscenity*": when the (1) average person applying current community standards finds the work as a whole appeals to the prurient interest, (2) the work is patently offensive, and (3) the work lacks serious literary, artistic, political, or scientific value. Examples include pornography or sexually explicit material.
2. "*Defamation*": Libel (written defamation) and Slander (oral defamation), which includes but is not limited to inaccurately attributing a statement to another, either on purpose for public officials (which includes Charter School staff) or by mistake for private officials, that mischaracterizes the statement.

3. *“Discriminatory Material”*: material that demeans a person or group because of the person/group’s mental or physical disability, sex (including pregnancy and related conditions and parental status), sexual orientation, gender, gender identity, gender expression, nationality (including national origin, country of origin, and citizenship), race or ethnicity (including ancestry, color, ethnic group identification, ethnic background, and traits historically associated with race, including but not limited to, hair texture and protective hairstyles such as braids, locks, and twist), immigration status, religion (including agnosticism and atheism), religious affiliation, medical condition, genetic information, marital status, age, or association with a person or group with one or more of these actual or perceived characteristics or any other basis protected by federal, state, local law, ordinance or regulation that has the purpose of humiliating, offending, or provoking a person/group.
4. *“Harassment (including sexual harassment), Intimidation and/or Bullying”*: severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act. Bullying includes one or more acts committed by a student or group of students that may constitute sexual harassment, hate violence, or creates an intimidating and/or hostile educational environment, directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following: (1) placing a reasonable student or students in fear of harm to that student’s or those students’ person or property, (2) causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health, (3) causing a reasonable student to experience a substantial interference with his or her academic performance, (4) causing a reasonable student to experience a substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
5. *“Fighting Words”*: words likely to cause (1) the average person to fight or (2) the creation of a clear and present danger of violence, unlawful acts in violation of lawful school regulations, or the substantial disruption of school.
6. *“Vulgarity and/or Profanity”*: the continual use of curse words by a student, even after warning.
7. *“Violating Privacy”*: publicizing or distributing confidential or private material without permission.

### **On-Campus Expression**

Student free speech rights include, but are not limited to, the use of bulletin boards, the distribution of printed materials or petitions, the wearing of buttons, badges, and other insignia, and the right of expression in official publications, whether or not the publications or other means of expression are supported financially by the school or by use of school facilities.

Student expression on school Internet web sites and online media shall generally be afforded the same protections as in print media within this Policy.

Student freedom of expression shall be limited only as allowed by state and federal law in order to maintain an orderly school environment and to protect the rights, health, and safety of all members of the school community. Unprotected expressions include the following: fighting words; vulgarity and/or profanity; violating privacy; harassment (including sexual harassment), intimidation and/or bullying; discriminatory material; defamation; or obscenity as defined above. Also prohibited shall be material that incites a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations or the substantial disruption of the orderly operation of the Charter School.

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

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

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



school days from the time the unsatisfactory decision was rendered. The Charter School Leader or designee shall notify student(s) if distribution will be granted or denied (and if denied, why distribution is not in compliance with this Policy).

2. Distribution, free or for a fee, may take place before school, after school, and/or during lunch provided there is no substantial disruption in the school programs (as determined by the School Leader). Distribution may not occur during instructional time and should not occur in locations that disrupt the normal flow of traffic within the school or at school entrances.
3. The manner of distribution shall be such that coercion is not used to induce students to accept the printed matter or to sign petitions.
1. The solicitation of signatures must not take place in instructional classes or school offices, nor be substantially disruptive to the school program (as determined by the School Leader or designee).

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

#### B. Official School Publications

Student editors of official school publications shall be responsible for assigning and editing the news, editorial, and feature content of their publications subject to the limitations of this Policy. However, it shall be the responsibility of the journalism staff adviser(s) of student publications to supervise the production of the student staff, to maintain professional standards of English and journalism, and to maintain the provisions of this Policy.<sup>4</sup> The journalism staff adviser(s) shall help the student editors judge the literary value, newsworthiness and propriety of materials submitted for publication.

There shall be no prior restraint of material prepared for official school publications except insofar as it violates this Policy. KIPP officials shall have the burden of showing justification without undue delay prior to a limitation of student expression under this Policy. If the School Leader or designee considers material submitted for publication to violate this Policy, the School Leader shall notify the student, without undue delay, and give specific reasons why the submitted material may not be published. The student should be given the opportunity to modify the material or appeal the decision of the School Leader to the Chief of Schools or designee, in accordance with the appeal procedures outlined below. Prior to any restriction of student speech, school officials shall consider any feasible alternative options to restricting the speech.

To the extent that the School Leader or designee believes that the school and KIPP should be disassociated from a particular idea or opinion, the School Leader or designee may require student articles to include disclaimers.

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

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

#### D. Use of Bulletin Boards

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

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<sup>4</sup> “Official school publications” refers to material produced by students in the journalism, newspaper, yearbook, or writing classes and distributed to the student body either free or for a fee.

#### E. Organized Demonstrations

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

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

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

#### F. Student Speeches

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

#### **Off-Campus Expression**

Off-campus student expression, including but not limited to student expression on off-campus internet web sites, is generally constitutionally protected but shall be subject to discipline when there is a sufficient nexus between the speech and the school.

Relevant considerations include:

- (1) the degree and likelihood of harm to the Charter School (staff, students, volunteers, and/or property) caused or augured by the expression,
- (2) whether it is reasonably foreseeable that the expression would reach and impact the Charter School, and
- (3) the relation between the content and/or context of the expression and the Charter School. There is always a sufficient nexus between the expression and the Charter School when the Charter School reasonably concludes that it faces a credible, identifiable threat of school violence. The Chief of Schools, School Leader, or designee shall document the impact the expression had or could be expected to have on the school program.

The Charter School Leader or designee shall document the impact the expression had or could be expected to have on the educational program. Off-campus expression that results in the material disruption of classwork or involves substantial disorder or invasion of the rights of others may be subject to discipline.

Off-campus expression may result in discipline if the expression involves but is not limited to:

- a. Serious or severe bullying or harassment targeting particular individuals;
- b. Threats aimed at teachers or other students;
- c. The failure to follow rules concerning lessons, the writing of papers, the use of computers, or participation in other online school activities; or

- d. Breaches of school security devices.

## **Appeals**

The following procedures shall be used to address general disputes regarding student freedom of expression. When applied to school-sponsored publications, these procedures are to be supplemental to those outlined within that section:

1. The student and faculty member shall first attempt to resolve the problem internally.
2. If the student and faculty member are unable to resolve the dispute, the student and/or faculty member may bring the matter to the School Leader or designee, who shall hear both sides and strive to resolve the dispute as quickly as possible.
3. If the School Leader or designee is unable to resolve the dispute, or if the student and/or faculty member disagree with the School Leader or designee's decision, the student and/or faculty member may bring the matter to the Chief of Schools or designee, who shall hear both sides and strive to resolve the dispute as quickly as possible. The Chief of Schools or designee's decision shall be final.

## **Enforcement**

1. Upon learning that students are considering actions in the areas covered by this Policy they will be informed of the possible consequences of their action under each specific circumstance. The School Leader shall ensure that due process is followed when resolving disputes regarding student freedom of expression.
2. This Policy does not prohibit or prevent the KIPP Governing Board from adopting otherwise valid rules and regulations relating to oral communications by students upon the KIPP campus.
3. No KIPP employee shall be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect a student engaged in the conduct authorized under this Policy, or refusing to infringe upon conduct that is authorized under this Policy, the First Amendment to the United States Constitution, or Section 2 of Article I of the California Constitution.
4. KIPP shall not make or enforce a rule subjecting a student to disciplinary sanctions solely on the basis of conduct that is speech or other communication that, when engaged in outside of the campus, is protected from governmental restriction by the First Amendment to the United States Constitution or Section 2 of Article I of the California Constitution.

## **Complaints**

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

## **Controversial Issues**

KIPP believes that students should have opportunities to discuss controversial issues which have political, social, or economic significance, and which the students are mature enough to investigate and address. These topics may include, but are not limited to: federal, state and local politics; race; religion; gay, lesbian, and transgender issues; discrimination against protected classes; suicide; war; and local, state, national and/or international current and/or past events in the news, including but not limited to, statements made by political leaders about those events. The study of a controversial issue should help students learn how to gather and organize pertinent facts, discriminate between fact and fiction, draw intelligent conclusions, and respect the opinions of others.

KIPP management works with teachers to ensure they exercise caution and discretion when deciding whether or not a particular issue is suitable for study and discussion, and to ensure all sides of a controversial issue are impartially presented, with adequate and appropriate factual information. Teachers shall not suppress any student's views on any issue so long as its expression is not obscene, libelous, slanderous, malicious, or abusive towards others or otherwise in violation of KIPP's Student Freedom of Speech and Expression Policy. If students, parents, or guardians have questions about this Policy, or the study or discussion of a particular controversial issue, they may reach out to the teacher and/or School Leader. Teachers will endeavor to notify parents/ guardians in advance of controversial topics being discussed when they are part of the school's curriculum or a teacher's lesson plan so that parents can also share their personal views at home. However, since students often make statements or ask questions about these

sorts of topics, or bring in materials and discuss or share them spontaneously, we cannot always notify parents/ guardians in advance of such classroom discussions. Where advance notice is not possible, teachers will endeavor to notify parents/guardians via email or verbally in a timely manner following such classroom discussions. It must be noted that since every parent has a different definition of what would constitute a controversial and/or sensitive topic, the school cannot always guarantee notice to parents/guardians because a teacher might not recognize a topic as generally controversial or sensitive even though it might be controversial and/or sensitive to an individual.

As teachers notify parents/guardians regarding controversial and/or sensitive topics being addressed at school, in accordance with the right to privacy contained in the California State Constitution, parents/guardians will not be notified of any issues involving individual students without the consent of that student’s family. For example, if a student is undergoing cancer treatments and a discussion of this comes up in class, parents/guardians will not be notified that a student in their child’s class has cancer or is undergoing medical treatments. Such information shall not be disclosed by KIPP without consent of that student’s parent/guardian in order to protect the privacy rights of the student as afforded by the California State Constitution. As a result of student privacy rights, parents/guardians may not be notified of all circumstances that led KIPP to choose a particular piece of supplemental instructional material. For example, if KIPP determines that it is necessary to prevent racial harassment or bullying, it might choose to expose students to material on racial discrimination to sensitize students about the need to teach others with respect.

## **Board Policy: Gender Identity Inclusion and Nondiscrimination**

### **PURPOSE:**

California law and KIPP Public Schools Northern California (“KIPP”) require that all programs, activities, and employment practices be free from discrimination based on sex (including pregnancy and related conditions, and parental status), sexual orientation, gender, gender identity, and gender expression. This policy is designed to comply with these mandates to create a safe learning environment for all students and to ensure that every student has equal access to all school programs, activities, and facilities.

The purpose of this policy is to delineate state and federal law as well as Charter School’s practices relating to recognition and protection of each student’s gender identity. This is consistent with Charter School’s goals of reducing stigmatization and ensuring equal access for students. This policy sets out guidelines for KIPP and KIPP staff to address the needs of transgender, gender nonconforming, and queer students in order to protect the legal rights or safety of such students.

This policy does not anticipate every situation that might occur with respect to gender identity and expression and students, and the needs of each student must be assessed on a case-by-case basis. While the needs of each student are unique, in all cases, the goal is to ensure the safety, comfort, and healthy development of all students and their opportunity to thrive and retain equal access to school programs and activities in accordance with their gender identity, while maximizing the student’s social integration and minimizing stigmatization of the student.

This Policy shall apply to all Charter School programs and activities, including those that occur during school hours, before- or after-school programs, field trips, extracurricular or co-curricular activities, and camps or other activities that typically involve at least one (1) overnight stay from home.

### **DEFINITIONS:**

The definitions provided here are not intended to label students but rather are intended as functional descriptions, to assist in understanding this policy and the legal obligations of KIPP staff. Although these are commonly used terms, students may or may not choose to use these terms to describe their gender identity, appearance, or behavior. We encourage students and staff to refrain from sharing information about someone’s gender identity, gender expression, or orientation, or using a specific term to describe someone’s identity, orientation, or expression, unless that person has used the term themselves and given permission for others to use it to describe them.

- **“Gender”** is a person's actual or perceived sex, and includes a person's gender identity and gender expression.
- **“Gender expression”** or **“Gender Presentation”** is an individual’s characteristics and behaviors that are perceived as gendered, such as appearance, dress, mannerisms, speech patterns, and social interactions. Under California law, “gender expression” is defined as a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

- **“Gender Fluid”** refers to persons who do not identify as, or who do not express themselves as, solely one gender.
- **“Gender identity”** is a person’s gender-related identity, appearance or behavior, whether or not different from that traditionally associated with the person’s physiology or assigned sex at birth. Gender identity means each person’s internal understanding of their gender, or the perception of a person’s gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person’s sex assigned at birth, or transgender.
- **“Gender nonconformity”** refers to one’s gender expression, gender characteristics, or gender identity that does not conform to gender stereotypes “typically” associated with one’s legal sex assigned at birth, such as “feminine” boys, “masculine” girls and those who are perceived as androgynous. Sexual orientation is not the same as gender identity. Not all transgender youth identify as gay, lesbian or bisexual, and not all gay, lesbian and bisexual youth display gender-nonconforming characteristics.
- **“LGBTQ”** is an umbrella term that stands for "lesbian, gay, bisexual, transgender, and questioning." The category "questioning" is included to incorporate those that are not yet certain of their sexual orientation and/or gender identity.
- **“Queer,”** refers to a member of the LGBT and/or gender nonconforming community. This term may be used by someone who identifies as a member of the LGBT community, but who does not specifically consider themselves to be lesbian, gay, bisexual, or transgender. This term is also sometimes associated with sexual orientation.
- **“Sex”** refers to the biological condition or quality of being a female or male human being.
- **“Sexual Orientation”** is a person’s emotional and sexual attraction to other people based on the gender of the other person. While KIPP recognizes that people may not identify their sexual orientation with the following terms, sexual orientation as a protected class under California law is defined as heterosexuality, homosexuality, or bisexuality.
- **“Sexualized Bullying”** refers to unwanted or demeaning conduct or comments directed at or about an individual on the basis of actual or perceived gender, gender identity and expression, sex, sexual behavior, sexual orientation, or other related personal characteristics with the intention to humiliate. Anti-gay and sexist epithets are common forms of sexualized bullying.
- **“Transgender”** describes people whose gender identity or gender expression is different from that traditionally associated with their assigned sex at birth. “Transgender boy” and “transgender male” refer to an individual assigned the female sex at birth who has a male gender identity. “Transgender girl” and “transgender female” refer to an individual assigned the male sex at birth who has a female gender identity. An individual can express or assert a transgender gender identity in a variety of ways, which may but do not always include specific medical treatments or procedures. Medical treatments or procedures are not considered a prerequisite for one’s recognition as transgender.

**“Transition”** is the process by which a person goes through to living and identifying as the gender with which identify, rather than the sex assigned to them at birth. Transitions may include physical, social, and/or medical processes, including, but not limited to, changes in name and pronoun usage, facility usage, or undergoing hormone therapy, surgeries, or other medical procedures. The exact steps involved in transition vary from person to person. Transitions are private, and personal information about a transition should not be discussed unless the conversation is initiated and led by the student.

### Guiding Principles and Requirements

Charter School shall accept the gender identity that each student asserts. There are no medical or mental health diagnoses or treatment thresholds that students must meet in order to have their gender identity recognized and respected.

The Charter School shall:

1. Respect all students’ gender identity and gender expression by honoring the right of students to be identified and addressed by their preferred name and pronoun.
2. Prohibit, within academic programming, the separation of students based upon gender unless it serves as a compelling pedagogical (instructional) tool.
3. Permit all students to participate in co-curricular and extracurricular activities in a manner consistent with their gender identity including, but not limited to, intramural and interscholastic athletics.

4. Provide all students access to facilities that best align with students' gender identity.

## Privacy and Confidentiality

All persons, including students, have a right to privacy. This includes the right to keep private one's actual or perceived gender identity and expression at school. Such private information shall be shared only on a need to know basis.

Students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much information to share.

In situations where students have not publicly disclosed their gender identity; school personnel must be mindful of the confidentiality and privacy rights of students when communicating with others, so as to not reveal, imply or refer to a student's gender identity or expression.

Information about a student's transgender status, legal name, or sex assigned at birth also may constitute confidential medical information. KIPP personnel should not disclose information that may reveal a student's transgender status or gender nonconforming presentation to others, including parents and other school personnel, unless

- legally required to do so by a court order,
- there is a significant threat to the health or safety of a student or other individuals, and/or
- the student has authorized such disclosure.

When communicating with a student's parent, legal guardian, or educational rights holder, school personnel *should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise*. There will be instances when Charter School personnel may find it important to discuss a student's gender identity or expression with parents/guardians (if, for example, the student is being bullied based on their gender identity or expression). In such cases, Charter School personnel should consult and work closely with the student to assess the degree to which, if any, the parent/guardian is aware of the student's gender identity or expression and is supportive of the student, and Charter School personnel shall take into consideration the safety, health and well-being of the student in deciding whether to disclose the student's gender identity or expression to parents/guardians. Additionally, KIPP will take measures to ensure that disclosures under the permitted circumstances outlined above are made in a way that reduces or eliminates the risk of re-disclosure and protects the student from harassment and discrimination. Those measures may include providing counseling to the student and the student's family to facilitate the family's acceptance and support of the student's gender identity.

## School Records

Charter School shall use the student's requested name, pronoun, and gender designation unless there is a legal reason not to do so.

KIPP **is required** to maintain a mandatory permanent pupil record ("official record") that includes a student's legal name and legal gender. However, KIPP **is not required** to use a student's legal name and gender on other unofficial school records or documents (e.g. school IDs, announcements, yearbooks, certificates, etc.). To the extent that the school is not legally required to use a student's legal name and gender on other school records or documents, every effort should be made to update student records with the student's chosen name and not circulate records with the student's birth name.

KIPP will change a student's official record to reflect a change in legal name or legal gender upon receipt of documentation that such change has been made pursuant to a court order. Certain education records may still require a school to use a student's legal name. In situations where school staff or administrators are required by law to use or to report a transgender student's legal name or gender, such as for purposes of standardized testing, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information. This may include keeping records that reflect a transgender student's birth name and assigned sex (e.g., a copy of the birth certificate) apart from the student's school records.

The Charter School may change a student's name, gender, or pronoun designation on unofficial student records in the absence of a court order indicating legal name change. Unofficial student records include school-issued identification cards, athletic rosters, certificates, playbills, diplomas, attendance lists, etc.

KIPP may include an "also known as" or a "prefers to be called" field in its electronic data system and list the preferred name/gender identity/pronoun of the student alongside the legal name/assigned sex. This way the preferred name may be cross-referenced with the legal name and administrators will know to use the preferred name when addressing the student.

Nothing in this section changes the obligation of Charter School personnel to **address** the student with the name and pronouns consistent with the student's gender identity. Thus, while a student's records may still indicate the name/sex assigned at birth, upon request of the student, the student should be referred to day-to-day by the name and pronouns that correspond to their gender identity.

### Preferred Names/Pronouns

The Charter School recognizes that name and gender identity are central to most individuals' sense of self and well-being, and that it is important for the school to establish mechanisms to acknowledge and support students' self-identification. A student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity. The Charter School shall accept and respect a student's assertion of their gender identity where the student expresses that identity at school or where there is other evidence that this is a sincerely held part of the student's core identity. The Charter School shall not require a student to provide any particular type of diagnosis, proof of medical treatment, or meet an age requirement as a condition to receiving the protections afforded under California's antidiscrimination statutes. Similarly, there is no threshold step for social transition that any student must meet in order to have his or her gender identity recognized and respected by a school. KIPP personnel should prioritize the safety, confidentiality, and respect of the student in a manner that affirms the law.

The Charter School supports student self-identification by honoring the name and pronouns that students wish to go by, in accordance with the following:

1. Students shall be addressed by the name and pronoun that corresponds to their gender identity asserted at school without obtaining a court order, changing their pupil records or obtaining parent/legal guardian permission.
2. Students may request a meeting with a school counselor to discuss a support plan/Student Safety Plan. The counselor will work with school administration and staff to ensure the desired name and pronouns are used.
3. Charter School may modify its student information system to prevent disclosure of confidential information and ensure, to the best of our abilities, that school personnel use a student's preferred name and pronouns consistent with the student's gender identity.
4. All members of the Charter School community must use a student's chosen name and pronouns. The Charter School shall implement safeguards to reduce the possibility of inadvertent slips or mistakes, particularly among temporary personnel such as substitute teachers. Every effort should be made to use names and pronouns consistent with a student's gender identity. While inadvertent slips or honest mistakes may occur, the intentional and persistent refusal to respect a student's gender identity is a violation of this Policy and may constitute discrimination under State law.
5. There may be situations (e.g., communications with the family, state or federal records, pupil records where a name or gender with which the student identifies isn't authorized, and assessment data) where it may be necessary and recommended for staff to be informed of the student's legal name and gender. In these situations, staff should prioritize safety, confidentiality and respect of the student in a manner consistent with the law.
6. If Charter School personnel are unsure how a student wants to be addressed in communications to home or in conferences with parents/legal guardians/educational rights holders, they may privately ask the student how they want to be referred to when communicating with parents/legal guardians.
7. If a member of the school community, including staff and students, intentionally uses a student's incorrect name and pronoun, persistently refuses to respect a student's chosen name and pronouns, or targets a student based on that student's chosen name and pronouns, that conduct should be treated as harassment, discrimination, and/or bullying and investigation in accordance with the school's *Title IX, Harassment, Discrimination, Intimidation, and Bullying Policy*.

### Equal Access to School Activities and Programs

Students have the right to equitable access to activities and programs in their school. Students may not be excluded from participation in, be denied the benefits of, or be subjected to harassment or other forms of discrimination on the basis of their actual

or perceived gender identity or expression in any program or activity. To the extent possible, KIPP aims to reduce or eliminate the practice of segregating students by gender. Whenever students are separated by gender in school activities or are subject to an otherwise lawful gender-specific rule, policy, or practice, students must be permitted to participate in such activities or conform to such rule, policy, or practice consistent with their gender identity. Examples of such activities may include gym classes, health classes, or intramural activities. Activities that may involve the need for accommodations to address student privacy concerns, such as overnight field trips, will be addressed on a case-by-case basis. In such circumstances, staff shall make a reasonable effort to provide an available accommodation that can address any such concerns.

Participation in sex-segregated school programs and activities, including competitive athletics, intramural sports, athletic teams, competitions and contact sports shall be facilitated in a manner consistent with the student's gender identity. Students who identify as nonbinary should be granted the opportunity to participate in sex-segregated programs and activities that they find best align with their gender identity.

### Restroom Accessibility

Students shall have access to the restroom that corresponds to their gender identity. Students who identify as nonbinary shall be granted access to the facility which they find best aligns with their gender identity.

If a student desires increased privacy, regardless of the reason, the School Leader shall make every effort to provide the student with reasonable access to an alternative restroom, such as a single-stall or all-gender restroom. The use of a restroom should be determined by the student's choice; no student shall be compelled to use an alternative restroom. For safety reasons, students should be given access to a restroom that allows reasonable access for appropriate supervision by staff. Regardless, all students are expected to exemplify appropriate behavior in restrooms. Any alternative arrangement should be provided in a way that protects the student's ability to keep their transgender status confidential.

### Locker Room and Changing-Area Accessibility

If any KIPP school maintains locker rooms and/or changing areas, students shall have access to the locker room and changing areas facility that corresponds to their gender identity, with the goals to provide equal opportunity to participate in physical education classes, competitive athletics, and extracurricular activities. Students who identify as nonbinary should be granted access to the locker rooms/changing facilities with which they find best aligns with their gender identity, including access to reasonable accommodations as indicated below.

If there is a request for increased privacy, regardless of the reason, the School Leader shall make every effort to provide the student with access to a reasonable accommodation such as:

- a) Assignment of a student locker or changing areas in near proximity to the coaches'/staff person's office or a supportive peer group.
- b) Use of a private area within the public area of the locker room facility or changing area (e.g., nearby restroom stall with a door or an area separated by a curtain).
- c) Use of a private area (e.g., a nearby restroom or a nearby health office restroom)
- d) A separate changing schedule (e.g., using the locker room that corresponds to their gender identity before or after other students).

Students seeking any accommodations should direct requests to the School Leader. Any alternative arrangement should be provided in a way that protects the student's privacy and confidentiality.

### Dress Codes

All Charter School students have the right to dress in accordance with their gender identity within the parameters of the Charter School's dress code. A copy of the Charter School Dress Code is available for review at the main office.

### General-Segregated Activities

In rare situations permitted by law, students may be segregated by gender, such as for health education classes. In situations where students are segregated by gender, such as for health education classes, students should be included in the group that corresponds to their consistently asserted gender identity.



## Student Support/Safety Plan

The Charter School shall, wherever possible, meet with a gender-nonconforming student, relevant school personnel, and parents, to discuss and draft a Student Support/Safety Plan. The purpose of the plan shall be to memorialize any specific wishes/needs of the student regarding navigating their gender-confirming status during the regular school-day, and discuss general welfare and safety issues. The plan may include but is not limited to the following, and shall be tailored to the needs of the individual student:

1. Preferred Name/Pronouns
2. The names and contact information of “safe” adults with whom the student can share any concerns, including instances of bullying, discrimination, intimidation, or harassment
3. Assurances that all staff would receive training and instruction regarding Title IX, and that teachers shall teach about anti-bullying and harassment
4. Assurances that the physical education (“PE”) teacher or athletics coach would be the first to enter and last to leave the locker room
5. Assurances that student’s assigned locker would be in direct sight of the PE teacher/athletics coach’s office
6. Assurance regarding access to the student restroom facilities and locker rooms that correspond to the student’s gender identity or biological sex.
7. Accommodations for student’s use of an alternate restroom (i.e. in the health office or elsewhere) if the student is uncomfortable using student restrooms
8. Accommodations for the student’s use of a private changing area if the student is uncomfortable changing in a locker room with other peers.
9. Any other accommodation appropriate for the student

## Addressing Instances of Discomfort

KIPP recognizes that non-staff members of the KIPP community, such as students or parents/guardians, may express discomfort with the guidance and accommodations outlined in this policy, such as restroom or locker room access. This discomfort is not a valid reason to deny or limit the rights of access and expression outlined in this policy. School administrators, teachers, and mental health professionals will work with students to address the discomfort, foster understanding, and create a school culture that respects and values all students.

## Discrimination, Harassment, Bullying, and Student Safety

KIPP shall ensure that all staff who regularly interact with students receive professional development and training opportunities as required and recommended by the California Department of Education (“CDE”) and KIPP’s Title IX, Harassment, Discrimination, Intimidation, and Bullying Policy.

KIPP shall also inform staff about the groups of students determined by Charter school and available research, to be at elevated risk for bullying. These groups include but are not limited to: Students who are lesbian, gay, bisexual, transgender, or questioning youth (“LGBTQ”) and those youth perceived as LGBTQ.

School staff shall take all reasonable steps to ensure safety and access for students and support students’ rights to assert their gender identity and expression. Students shall be informed they have the responsibility to report incidents of discrimination, harassment, bullying or intimidation to the designated site administrator or Title IX Coordinator in cases where they may be a target or witness. School staff and families shall work together to resolve complaints alleging discrimination, harassment, bullying or intimidation based on a student’s actual or perceived gender identity or expression, in accordance with the school’s Title IX, Harassment, Discrimination, Intimidation, and Bullying Policy. A copy of that policy is available for review in this Handbook and/or at each KIPP School office.

Charter School personnel shall immediately intervene, when it is safe to do so, whenever they witness acts of discrimination, harassment, bullying or intimidation on the basis of a student’s gender identity or expression. The Charter School may provide interim safety and emotional support measures as needed. Interim safety measures may include increased monitoring of the parties to a harassment, discrimination, intimidation, or bullying complaint, providing options for the parties to avoid or minimize contact in academic and extracurricular settings, provision of safety plans, training and educational materials to address gender-inclusiveness,

and provision of support resources (e.g., academic support, counseling, health and mental health services).

### **Annual Notice: Education of Foster and Mobile Youth**

The Charter School has adopted a policy governing the education of foster youth, consistent with state and federal law. A copy of the **complete** Policy is available upon request at the main office.

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

- *“Foster youth”* means any of the following:
  1. A child who is the subject of a petition filed pursuant to California Welfare and Institutions Code (“WIC”) section 309 (whether or not the child has been removed from the child’s home by juvenile court).
  2. A child who is the subject of a petition filed pursuant WIC section 602, has been removed from the child’s home by the juvenile court, and is in foster care.
  3. A nonminor under the transition jurisdiction of the juvenile court, as described in WIC section 450, who satisfies all of the following criteria:
    - a. The nonminor has attained 18 years of age while under an order of foster care placement by the juvenile court.
    - b. The nonminor is in foster care under the placement and care responsibility of the county welfare department, county probation department, Indian tribe, consortium of tribes, or tribal organization.
    - c. The nonminor is participating in a transitional independent living case plan.
  4. A dependent child of the court of an Indian tribe, consortium of tribes, or tribal organization who is the subject of a petition filed in the tribal court.<sup>5</sup>
  5. A child who is the subject of a voluntary placement agreement, as defined in WIC section 11400.
- *“Former juvenile court school student”* means a student who, upon completion of the student’s second year of high school, transfers from a juvenile court school to the Charter School.
- *“Child of a military family”* refers to a student who resides in the household of an active duty military member.
- *“Currently Migratory Child”* refers to a child who, within the last 12-months, has moved with a parent, guardian, or other person having custody to the Charter School from another Local Educational Agency (“LEA”), either within California or from another state, so that the child or a member of the child’s immediate family might secure temporary or seasonal employment in an agricultural or fishing activity, and whose parents or guardians have been informed of the child’s eligibility for migrant education services. This includes a child who, without the parent/guardian, has continued to migrate annually to secure temporary or seasonal employment in an agricultural or fishing activity.
- *“Student participating in a newcomer program”* means a student who is participating in a program designed to meet the academic and transitional needs of newly arrived immigrant students that has as a primary objective the development of English language proficiency.

Within this notice, foster youth, former juvenile court school students , a child of a military family, a currently migratory child, and a student participating in the newcomer program will be collectively referred to as “Foster and Mobile Youth.” Within this notice, a

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<sup>5</sup> The Charter School shall not require an Indian tribe or tribal court representative to certify that any student is a dependent of an Indian tribe, consortium of tribes, or tribal organization.

parent, guardian, or other person holding the educational rights for a Foster and Mobile Youth will be referred to as a “parent/guardian.”

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

Director of Public Accountability and Compliance  
1000 Broadway, Suite 460, Oakland, CA 94607  
opsadmin@kipnncorcal.org  
(510) 394-4705

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

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

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

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

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

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

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

finding that the student is reasonably able to complete the Charter School's graduation requirements by the end of the student's fourth year of high school.

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

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

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

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

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

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

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

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

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

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

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

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

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

In accordance with the Charter School's Educational Records and Student Information Policy, under limited circumstances, the Charter School may disclose student records or personally identifiable information contained in those records to certain requesting parties including but not limited to a foster family agency and state and local authorities within a juvenile justice system, without parent/guardian consent. Students who are 16 years of age or older or have finished 10th grade may access their own school records.

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

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

**Complaints of Noncompliance:** A complaint of noncompliance with any of the requirements outlined above may be filed through the Charter School's Uniform Complaint Procedures.

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

## **Board Policy: Education for Foster Youth Policy**

### **Introduction**

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

### **Definitions**

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

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<sup>6</sup> The Charter School shall not require an Indian tribe or tribal court representative to certify that any student is a dependent of an Indian tribe, consortium of tribes, or tribal organization.

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

- *"Student participating in a newcomer program"* means a student who is participating in a program designed to meet the academic and transitional needs of newly arrived immigrant students that has as a primary objective the development of English language proficiency.
- *"Educational Rights Holder" ("ERH")* means a parent, guardian, responsible adult appointed by a court to make educational decisions for a minor pursuant to WIC sections 319, 361 or 726, or a person holding the right to make educational decisions for the student pursuant to Education Code section 56055.
- *"School of origin"* means the school that the foster youth attended when permanently housed or the school in which the foster youth was last enrolled. If the school the foster youth attended when permanently housed is different from the school in which the student was last enrolled, or if there is some other school that the foster youth attended within the immediately preceding 15 months, the Charter School liaison for foster youth, in consultation with and with the agreement of the foster youth and the ERH for the youth, shall determine, in the best interests of the foster youth, the school that shall be deemed the school of origin.
- *"Best interests"* means that, in making educational and school placement decisions for a foster youth, consideration is given to, among other factors, the opportunity to be educated in the least restrictive educational program and the foster youth's access to academic resources, services, and extracurricular and enrichment activities that are available to all Charter School students.

Within this Policy, foster/juvenile court youth, former juvenile court school students, a child of a military family, a currently migratory child, and a student participating in the newcomer program will be referred to collectively as "Foster and Mobile Youth."

### **Foster and Mobile Youth Liaison**

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

Director of Public Accountability and Compliance  
1000 Broadway, Suite 460, Oakland, CA 94607  
opsadmin@kipnocal.org  
(510) 394-4705

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

1. Ensure and facilitate the proper educational placement, enrollment in the Charter School, and checkout from the Charter School of foster youth.
2. Ensure proper transfer of credits, records, and grades when foster youth transfer to or from the Charter School.

1. When a foster youth is enrolling in the Charter School, the Foster and Mobile Youth Liaison shall contact the school last attended by the student
  3. within two (2) business days to obtain all academic and other records. The last school attended by the foster youth shall provide all required records to the new school regardless of any outstanding fees, fines, textbooks, or other items or moneys owed to the school last attended. When a foster youth is transferring to a new school, the Foster and Mobile Youth Liaison shall provide the student's records to the new school within two (2) business days of receiving the new school's request, regardless of any outstanding fees, fines, textbooks, or other items or moneys owed to the Charter School.
  4. When required by law, notify the foster youth's attorney and the appropriate representative of the county child welfare agency at least ten (10) calendar days preceding the date of the following:
    - a. An expulsion hearing for a discretionary act under the Charter School's charter.
    - b. Any meeting to extend a suspension until an expulsion decision is rendered if the decision to recommend expulsion is a discretionary act under the Charter School's charter. The foster youth's attorney and the agency representative will be invited to participate.
    - c. A manifestation determination meeting prior to a change in the foster youth's placement if the change in placement is due to an act for which the recommendation for expulsion is discretionary and the student is a student with a disability under state and federal special education laws. The foster youth's attorney and the agency representative will be invited to participate.
  5. As needed, make appropriate referrals to ensure that students in foster care receive necessary special education services and services under Section 504 of the federal Rehabilitation Act of 1973.
  6. As needed, ensure that students in foster care receive appropriate school-based services, such as counseling and health services, supplemental instruction, and after-school services.
  7. Develop protocols and procedures for creating awareness for Charter School staff, including but not limited to principals, deans, and attendance clerks, of the requirements for the proper enrollment, placement, and transfer of foster youth.
  8. Collaborate with the county placing agency, social services, probation officers, juvenile court officers, and other appropriate agencies to help coordinate services for the Charter School's foster youth.
  9. Monitor the educational progress of foster youth and provide reports to the Executive Director or designee and the Governing Board based on indicators identified in the Charter School's local control and accountability plan.

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

#### **School Stability and Enrollment**



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

Foster youth, currently migratory children, and children of military families have the right to remain in their school of origin if it is their best interest. The Charter School will immediately enroll a foster youth, a currently migratory child, or child of a military family seeking reenrollment in the Charter School as their school of origin.

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

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

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

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

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

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

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

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**Transportation**

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

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

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

**Effect of Absences on Grades**

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

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

**Transfer of Coursework and Credits**

The Charter School shall accept coursework satisfactorily completed by a Foster and Mobile Youth while attending another public school<sup>7</sup>, a juvenile court school, a charter school, a school in a country other than the United States, or a nonpublic, nonsectarian school or agency even if the student did not complete the entire course and shall issue that student full or partial credit for the coursework completed.

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

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

**Applicability of Graduation Requirements**

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<sup>7</sup> For purposes of coursework completed by a student who is a child of a military family, “public school” includes schools operated by the United States Department of Defense.

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

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

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

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

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

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

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

If a Foster and Mobile Youth is exempted from additional graduation requirements pursuant to this section, the exemption shall continue to apply after the termination of the court's jurisdiction over the student or after the termination of circumstances which make the student eligible while they are enrolled in school or if the student transfers to another school, including a charter school, or school district.

The Charter School shall not require or request a Foster and Mobile Youth to transfer schools in order to qualify for an exemption from additional graduation requirements, and no Foster and Mobile Youth or any person acting on behalf of a Foster and Mobile Youth may request a transfer solely to qualify for an exemption from the Charter School's additional graduation requirements.

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

1. Inform the student and the student's ERH of the student's option to remain in school for a fifth year to complete the Charter School's graduation requirements, consistent with the laws regarding continuous enrollment and satisfactory progress for Charter School students over age 19.
2. Inform the student and the student's ERH how remaining in school for a fifth year will affect the student's ability to gain admission to a postsecondary educational institution.
3. Provide information to the student about transfer opportunities available through the California Community Colleges.
4. Upon agreement with the student or, if the student is under 18 years of age, the ERH, permit the student to stay in school for a fifth year to complete the Charter School's graduation requirements.

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

#### **Eligibility for Extracurricular Activities**

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

#### **Waiver of Fees for Afterschool Programs**

The Charter School shall not charge any student who the Charter School knows is in foster care any family fees associated with an After-School Education and Safety ("ASES") Program operated by the Charter School.

#### **Student Records**

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

In accordance with the Charter School's Educational Records and Student Information Policy, under limited circumstances, the Charter School may disclose student records or personally identifiable information contained in those records to certain requesting

parties including but not limited to a foster family agency and state and local authorities within a juvenile justice system, without parental consent.

### **Complaints of Noncompliance**

Complaints of noncompliance with this Policy shall be governed by the Charter School's Uniform Complaint Procedures.

### **Annual Notice: Education of Homeless Children and Youth**

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

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

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

**School Liaison:** The following staff person is the School Liaison for homeless students (42 U.S.C. § 11432(g)(1)(J)(ii)):

Director of Public Accountability and Compliance  
opsadmin@kipnocal.org

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

1. Homeless students are identified by school personnel and through outreach and coordination activities with other entities and agencies, and through the annual housing questionnaire administered by the Charter School
2. Homeless students enroll in and have a full and equal opportunity to succeed at the Charter School.
3. Homeless students and families receive educational services for which they are eligible, including services through Head Start programs (including Early Head Start programs) under the Head Start Act, early intervention services under part C of the Individuals with Disabilities Education Act, any other preschool programs administered by the Charter School, if any, and referrals to health care services, dental services, mental health services and substance abuse services, housing services, and other appropriate services.
4. Parents/guardians are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children.
5. Public notice of the educational rights of homeless children is disseminated at places frequented by parents or guardians of such youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, and in a manner and form understandable to the parents and guardians of homeless youth and unaccompanied youth.

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

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

**Housing Questionnaire:** Charter School shall administer a housing questionnaire for purposes of identifying homeless children and youth. Charter School shall ensure that the housing questionnaire is based on the best practices developed by the CDE. Charter School shall annually provide the housing questionnaire to all parents/guardians of students and to all unaccompanied youths at Charter School. The housing questionnaire shall include an explanation of the rights and protections a student has as a homeless child or youth or as an unaccompanied youth. The housing questionnaire shall be available in paper form. The housing questionnaire shall be available in the primary language other than English spoken by fifteen (15) percent or more of the students enrolled at Charter School and shall be translated into other languages upon request of a student's parent/guardian or an unaccompanied youth. Charter School shall collect the completed housing questionnaires and annually report to the CDE the number of homeless children and youths and unaccompanied youths enrolled. (Education Code Section 48851.)

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Board Policy: Education of Homeless Children**

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

### **Definition of Homeless Children and Youth**

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

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

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

#### **Charter School Liaison**

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

Director of Public Accountability and Compliance  
1000 Broadway, Suite 460  
Oakland, CA 94607  
opsadmin@kipnocal.org

The Charter School Liaison shall ensure that the following requirements are fulfilled by the Charter School (42 U.S.C. § 11432(g)(6)):

11. Homeless students are identified by Charter School personnel, through outreach and coordination activities with other entities and agencies, and through the annual housing questionnaire administered by the Charter School.
12. Homeless students enroll in and have a full and equal opportunity to succeed at KIPP.
13. Homeless students and families receive educational services for which they are eligible, including: services through Head Start programs (including Early Head Start programs) under the Head Start Act; early intervention services under part C of the Individuals with Disabilities Education Act (“IDEA”); any other preschool programs administered by KIPP, if any; and referrals to health care services, dental services, mental health services, substance abuse services, housing services, and other appropriate services.
14. Parents/guardians are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children.
15. Public notice of the educational rights of homeless children is disseminated at places frequented by parents or guardians of such youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, and in a manner and form understandable to the parents and guardians of homeless youth and unaccompanied youth.



16. Enrollment/admissions disputes are mediated in accordance with law, KIPP charter, and Board policy.
17. Parents/guardians and any unaccompanied youth are fully informed of all transportation services, as applicable.
18. Charter School personnel providing services receive professional development and other support.
19. The Charter School Liaison collaborates with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths.
20. Unaccompanied youth are enrolled in school; have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth; and are informed of their status as independent students and that the youths may obtain assistance from the Charter School Liaison to receive verification of such status for the purposes of the Free Application for Federal Student Aid.

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

### **Enrollment**

KIPP shall immediately admit/enroll the student for which the Charter School is a School of Origin. “School of Origin” means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

KIPP shall also immediately enroll a homeless youth who seeks to enroll in the Charter School, if the youth would otherwise be eligible to attend and subject to the Charter School’s capacity and pursuant to the procedures stated in the KIPP charter and Board policy. A homeless youth who is enrolled will have the right to attend classes and participate fully in school activities, including extracurricular activities.

The youth shall be immediately enrolled even if the student lacks records normally required for enrollment (such as previous academic records, records of immunizations, other required health records, proof of residency) or has missed application or enrollment deadlines during any period of homelessness. Records will immediately be requested from the previous school. (42 U.S.C. § 11432(g)(3)(C); Education Code Section 48850(a)(3)(A).)

If the student needs to obtain immunizations or does not possess immunization or other medical records, the School Leader or designee shall refer the parent/guardian to the Charter School Liaison. The Charter School Liaison shall assist the parent/guardian in obtaining the necessary immunizations or records for the student. (42 U.S.C. § 11432(g)(3)(C).)

A homeless youth may remain in the student’s school of origin for the entire period for which the youth is homeless. If a youth obtains permanent housing during an academic year, the youth will be permitted to remain in the school of origin through the end of the academic year.

### **Enrollment Disputes**

If a dispute arises over admissions/enrollment, the student shall be immediately admitted (subject to Charter School’s capacity and pursuant to the procedures stated in the Charter School charter and Board policy), pending final resolution of the dispute, including

all available appeals. The parent/guardian shall be provided with a written explanation of the admission/enrollment decision, including an explanation of the parent/guardian's right to appeal the decision. The parent/guardian shall also be referred to the Charter School Liaison. The Charter School Liaison shall carry out the Board-adopted dispute resolution and complaint process as expeditiously as possible after receiving notice of the dispute. (42 U.S.C. § 11432(g)(3)(E).)

### **Housing Questionnaire**

KIPP Public Schools Northern California shall administer a housing questionnaire for purposes of identifying homeless children and youth. KIPP shall ensure that the housing questionnaire is based on the best practices developed by the CDE. KIPP shall annually provide the housing questionnaire to all parents/guardians of students and to all unaccompanied youths at KIPP. The housing questionnaire shall include an explanation of the rights and protections a student has as a homeless child or youth or as an unaccompanied youth. The housing questionnaire shall be available in paper form. The housing questionnaire shall be available in the primary language other than English spoken by fifteen (15) percent or more of the students enrolled at KIPP and shall be translated into other languages upon request of a student's parent/guardian or an unaccompanied youth. KIPP shall collect the completed housing questionnaires and annually report to the CDE the number of homeless children and youths and unaccompanied youths enrolled. (Education Code Section 48851.)

### **Comparable Services**

Each homeless child or youth shall promptly be provided services comparable to services offered to other students in KIPP such as (42 U.S.C. § 11432(g)(4)):

- Transportation services
- Educational services for which the child or youth meets eligibility criteria, such as educational programs for students with disabilities and educational programs for students with limited English proficiency
- Charter School nutrition programs

### **Transportation**

In the event that KIPP provides transportation services to all KIPP students, KIPP shall provide comparable transportation services to each homeless child or youth attending KIPP, as noted above. (42 U.S.C. § 11432(g)(4).)

If the KIPP does not otherwise provide transportation services to all KIPP students, KIPP shall ensure that transportation is provided for homeless students to and from KIPP, at the request of the parent or guardian (or Charter School Liaison), if KIPP is the student's school of origin. (42 U.S.C. § 11432(g)(1)(J).) Transportation provided by KIPP will be adequate and appropriate for the Student's situation, but KIPP does not commit to any one method of transportation for all youth.

### **Eligibility for Extracurricular Activities**

A homeless child or youth shall be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities.

### **Waiver of Fees for Afterschool Programs**

The Charter School shall not charge any student who is a homeless youth any family fees associated with an After-School Education and Safety ("ASES") Program operated by the Charter School.

## **Professional Development**

The Charter School Liaison will send verification that the Charter School is participating in the required training in providing services to youth experiencing homelessness at least annually. (Education Code Section 48852.5(c)(2).)

## **High School Graduation Requirements**

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

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

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

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

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

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

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

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

5. Inform the student of the student's option to remain at the Charter School for a fifth year to complete the Charter School's

graduation requirements.

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

### **Acceptance of Course Work**

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

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

### **Notice**

For any homeless student who seeks enrollment at the Charter School, written notice will be provided to the parent/guardian at the time of enrollment and at least twice (2) annually while enrolled at the Charter School. This notice must be signed by the parent/guardian. The notice must outline general rights, include the name of the Charter School Liaison with contact information, and specifically state that (1) the choice of schools homeless children and youth are eligible to attend; (2) that no homeless student is required to attend a separate school for homeless children; (3) that homeless children and youth shall be provided comparable services; and (4) that homeless children should not be stigmatized by Charter School personnel. (42 U.S.C. § 11432(e)(3)(C).)

### **Annual Policy Review**

The Charter School shall annually review and revise any policies that may act as barriers to the identification of homeless children and youths or the enrollment of homeless children and youths at the Charter School. In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship. Special attention shall be given to ensuring the identification, enrollment, and attendance of homeless children and youths who are not currently attending school.

### **School Website Posting**

KIPP shall ensure that the following information is posted, and updated as necessary, on its internet website:

- The name and contact information of the Charter School Liaison(s) for homeless children and youths.

- The contact information of any employee or contractor that assists the Charter School Liaison in completing the liaison's duties.
- Specific information regarding the educational rights and resources available to persons experiencing homelessness.

### **Annual Notice: Parent and Family Engagement Policy**

**KIPP** aims to provide all students in our school significant opportunities to receive a fair, equitable, and high-quality education, and to close educational achievement gaps while abiding by guidelines within the Elementary and Secondary Education Act ("ESEA"). KIPP staff recognize a partnership with families is essential to meet this goal. Each KIPP school has its own Parent and Family Engagement Policy, created with the input of that school site's community and which leverages and promotes active involvement of all families as partners with schools to ensure student success. A copy of each KIPP Charter School's complete Policy is available upon request in that school's main office.

### **Annual Notice: Teacher Qualification Information**

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

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

Upon request, the Charter School will provide the information to the parents/guardians in a timely manner. Parents/guardians may contact the School Leader to obtain this information.

### **Board Policy: General Complaints**

KIPP has established the following grievance protocol, the intent of which is to fairly and promptly resolve any concern, dispute, or complaint brought by parents or guardians against any KIPP policy, practice, procedure, or employee. For complaints regarding harassment or perceived violations of state or federal laws, please refer to the KIPP Title IX, Harassment, Intimidation, Discrimination and Bullying Policy and/or the KIPP Uniform Complaint Procedures.

KIPP takes parent and guardian concerns and complaints seriously. There are no negative consequences for filing a complaint, or asking for assistance in doing so. No reprisals or retaliation shall be invoked against any student, parent or guardian for processing, in good faith, a complaint, either on an informal or formal basis, or for participating in any way in these complaint procedures.

If parents and guardians have questions about the formal process outlined below, or would like assistance with the process, they should contact the office of the Chief of Schools. Requests for assistance can include but are not limited to requests for translation or transcription services, and assistance contacting and scheduling with the appropriate parties.

Every attempt is made to resolve complaints informally and through direct dialogue with the affected parties. In the instances when that is not possible, a formal process is in place.

### Parent and Guardian Complaints

1. **Informal Resolution:** Schedule a conference with the immediately-involved teacher, school leader, or administrator to discuss and informally resolve the issue.
2. **School Site Conference:** If parent(s) or guardian(s) concludes that the initial response/course of action was insufficient:
  - a. If the School Leader is immediately involved in the complaint, move to Regional Management Review.
  - b. Submit a written Grievance Letter to the School Leader that identifies: (a) the issue / concern / complaint; (b) what steps have been taken to resolve the situation; and (c) proposed solutions. If a parent or guardian is unable to put a complaint in writing due to conditions such as a disability or illiteracy, or requires translation services to put a complaint into writing, KIPP staff shall assist him or her in the filing of the complaint.
  - c. Within ten (10) business days of the receipt of a Grievance Letter, the School Leader will reach out to arrange a conference, to take place as soon as possible.
3. **Regional Management Review:** If a resolution cannot be reached with the School Leader, repeat Steps 2b and 2c with the School Leader's manager (Managing Director of Schools and/or Chief of Schools).
4. **Chief Executive Officer's Review:** If a resolution cannot be reached with the Chief of Schools, repeat Steps 2b & 2c with Chief Executive Officer.
5. **Grievance Committee Review:** If a resolution cannot be reached with the Chief Executive Officer, parent(s) may submit a formal Grievance Packet to the Grievance Committee of the Board of Directors. The contents of the packet and process for submission are outlined below.

### Board of Directors' Grievance Committee Resolution Procedures

KIPP Public Schools Northern California' Board of Directors shall annually appoint a Grievance Committee comprised of three (3) Directors and the Chief Executive Officer (the Chief Executive Officer shall not participate in any grievance proceeding in which s/he is the subject of an original grievance).

A parental Grievance Packet should be submitted in writing to the Grievance Committee within thirty (30) days of the last meeting with staff. If a parent or guardian is unable to complete a Grievance Packet in writing due to conditions such as a disability or illiteracy, or requires translation services to put a complaint into writing, KIPP staff shall assist him or her in the filing of the Grievance Packet.

The Grievance Packet should contain:

- The nature and date of the grievance and any related or supporting documents;
- The results of previous discussions to resolve the conflict, including any correspondence;
- The reason for the parent(s) or guardian(s)'dissatisfaction with the decisions previously rendered; and
- A description of the relief sought.

Within thirty (30) days of the submission of a complete Grievance Packet, the Grievance Committee shall:

- Research the nature of the complaint;
- Interview the concerned parties; and
- Render a final ruling on the grievance.

The decision of the Grievance Committee shall be final. The Board of Directors shall, at its next regularly scheduled meeting, be informed of all decisions made by the Grievance Committee.

### General Requirements

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

2. Non-Retaliation: All complainants shall be advised that complainants shall be protected against retaliation as a result of the filing of any complaints or participation in any complaint process.
3. Resolution: KIPP will investigate complaints appropriately under the circumstances, and if necessary, take appropriate remedial measures to ensure effective resolution of any complaint.

**\*\*Please see the corresponding General Complaint Form within the Appendix \*\***

## **Annual Notice: Uniform Complaint Procedure (“UCP”)**

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

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

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



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

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

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

Complaints regarding state preschool health and safety issues in local educational agencies exempt from licensing are governed by 5 C.C.R. sections 4690-4694, except as otherwise indicated. The Charter School may operate the following preschool programs as exempt from licensing pursuant to Health and Safety Code section 1596.792(o) and corresponding Title 5 health and safety regulations: KIPP Stockton K-12. The Charter School is operating the following preschool programs pursuant to Title 22 licensing requirements: KIPP Stockton K-12.

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

Complaints Concerning or Involving KIPP Staff

Chief People Officer  
1000 Broadway, Suite 460  
Oakland, CA 94607  
510-465-5477  
[hr@kipppnorcal.org](mailto:hr@kipppnorcal.org)

Complaints Concerning or Involving KIPP Students

Chief of Schools  
1000 Broadway, Suite 460  
Oakland, CA 94607  
510-465-5477  
[opsadmin@kipppnorcal.org](mailto:opsadmin@kipppnorcal.org)

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

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

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

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

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

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

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

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

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

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

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

## **Board Policy: Uniform Complaint Policy and Procedures**

KIPP complies with applicable federal and state laws and regulations. KIPP is the local agency primarily responsible for compliance with federal and state laws and regulations governing educational programs. Pursuant to this policy, persons responsible for conducting investigations shall be knowledgeable about the laws and programs which they are assigned to investigate.

### **Scope**

This complaint procedure is adopted to provide a uniform system of complaint processing for the following types of complaints:

- (1) Complaints alleging unlawful discrimination, harassment, intimidation or bullying against any protected group, including actual or perceived discrimination, on the basis of the actual or perceived characteristics of age, ancestry, color, mental disability, physical disability, ethnic group identification, gender expression, gender identity, gender, genetic information, nationality, national origin, race or ethnicity, immigration status/citizenship, religion, sex, or sexual orientation, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any KIPP program or activity; and
- (2) Complaints alleging a violation of state or federal law or regulation governing the following programs:
  - Accommodations for Pregnant, Parenting, or Lactating Students
  - Adult Education
  - Career Technical and Technical Education
  - Career Technical and Technical Training
  - Child Care and Development Programs
  - Consolidated Categorical Aid
  - Education of Students in Foster Care, Students who are Homeless, former Juvenile Court Students now enrolled in a public school, Migratory Children and Children of Military Families
  - Every Student Succeeds Act
  - Migrant Education Programs
  - Regional Occupational Centers and Programs and/or
  - School Safety Plans.
  - State Preschool Programs
- (3) Complaints alleging that a pupil enrolled in a public school was required to pay a pupil fee for participation in an educational activity as those terms are defined below.
  - a. "Educational activity" means an activity offered by the charter school that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities.
  - b. "Pupil fee" means a fee, deposit or other charge imposed on pupils, or a pupil's parents or guardians, in violation of Education Code Section 49011 and Section 5 of Article IX of the California Constitution, which require educational activities to be provided free of charge to all pupils without regard to their families' ability or willingness to pay fees or request special waivers, as provided for in *Hartzell v. Connell* (1984) 35 Cal.3d 899. A pupil fee includes, but is not limited to, all of the following:
    - i. A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
    - ii. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, uniform or other materials or equipment.
    - iii. A purchase that a pupil is required to make to obtain materials, supplies, equipment or uniforms associated with an educational activity.
  - c. A pupil fees complaint and complaints regarding local control and accountability plans ("LCAP") only, may be filed anonymously (without an identifying signature), if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with Education Code sections 52060 - 52077, including an

allegation of a violation of Education Code sections 47606.5 or 47607.3, as referenced in Education Code section 52075, regarding local control and accountability plans.

- d. If KIPP finds merit in a pupil fees complaint, or the California Department of Education (“CDE”) finds merit in an appeal, KIPP shall provide a remedy to all affected pupils, parents/guardians that, where applicable, includes reasonable efforts by KIPP to ensure full reimbursement to all affected pupils, parents/guardians, subject to procedures established through regulations adopted by the state board.
  - e. Nothing in this Policy shall be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or KIPP and other entities from providing pupils prizes or other recognition for voluntarily participating in fundraising activities.
- (4) Complaints alleging noncompliance with the requirements governing the Local Control Funding Formula (“LCFF”) or LCAP under Education Code Sections 47606.5 and 47607.3, as applicable. If KIPP adopts a School Plan for Student Achievement in addition to its LCAP, complaints of noncompliance with the requirements of the School Plan for Student Achievement under Education Code sections 64000, 64001, 65000, and 65001 shall also fall under this Policy.
- (5) Complaints alleging noncompliance regarding child nutrition programs established pursuant to Education Code sections 49490-49590 are governed by Title 7, Code of Federal Regulations (“C.F.R.”) sections 210.19(a)(4), 215.1(a), 220.13(c), 225.11(b), 226.6(n), and 250.15(d) and Title 5, California Code of Regulations (“C.C.R.”) sections 15580 – 15584.
- (6) Complaints alleging noncompliance regarding special education programs established pursuant to Education Code sections 56000-56865 and 59000-59300 are governed by the procedures set forth in 5 C.C.R. sections 3200-3205 and 34 C.F.R. sections 300.151-300.153.

KIPP acknowledges and respects every individual’s rights to privacy. Unlawful discrimination, harassment, intimidation or bullying complaints shall be investigated in a manner that protects (to the greatest extent reasonably possible and as permitted by law) the confidentiality of the parties, including but not limited to the identity of the complainant, and maintains the integrity of the process. KIPP cannot guarantee anonymity of the complainant. This includes keeping the identity of the complainant confidential. However, KIPP will attempt to do so as appropriate. KIPP may find it necessary to disclose information regarding the complaint/complainant to the extent required by law or necessary to carry out the investigation or proceedings, as determined by the investigator on a case-by-case basis. KIPP shall ensure that complainants are protected from retaliation.

#### Compliance Officers

The following compliance officer(s) have been designated to receive and assign investigators to complaints and to ensure KIPP’s compliance with law:

##### **Complaints Concerning or Involving KIPP Staff**

Chief People Officer  
1000 Broadway, Suite 460  
Oakland, CA 94607  
510-465-5477  
hr@kippnorcal.org

##### **Complaints Concerning or Involving KIPP Students**

Chief of Schools  
1000 Broadway, Suite 460  
Oakland, CA 94607  
510-465-5477  
opsadmin@kippnorcal.org

The compliance officers shall ensure that employees designated to investigate complaints are knowledgeable about the laws and

programs for which they are responsible. Designated employees may have access to legal counsel as determined by the compliance officers or designee. Should a complaint be filed against one of the compliance officers, the compliance officer for that case shall be the Chief Executive Officer.

### Notifications

KIPP shall make available copies of this Policy free of charge. The annual notice of this Policy may be made available on KIPP's website.

KIPP shall annually provide written notification of KIPP's UCP to employees, students, parents and/or guardians, advisory committees, private school officials and other interested parties as applicable.

The annual notice shall be in English. Whenever necessary under Education Code Section 48985, if fifteen (15) percent or more of the pupils enrolled in the respective KIPP Charter School speak a single primary language other than English, this annual notice for that Charter School will also be provided to the parent or guardian of any such pupils in their primary language.

The annual notice shall include the following:

- (a) A list of the types of complaints that fall under the scope of the UCP and the state and federal provisions that govern complaints regarding child nutrition programs and special education programs.
- (b) A statement clearly identifying any California State preschool programs KIPP is operating as exempt from licensing pursuant to Health and Safety Code section 1596.792(o) and corresponding Title 5 health and safety regulations, and any California State preschool programs that KIPP is operating pursuant to Title 22 licensing requirements.
- (c) A statement that KIPP is primarily responsible for compliance with federal and state laws and regulations.
- (d) A statement that a pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.
- (e) A statement identifying the title of the compliance officer, and the identity(ies) of the person(s) currently occupying that position, if known.
- (f) A statement that if a UCP complaint is filed directly with the CDE and the CDE determines that it merits direct intervention, the CDE shall complete an investigation and provide a written decision to the complainant within sixty (60) calendar days of receipt of the complaint, unless the parties have agreed to extend the timeline or the CDE documents exceptional circumstances and informs the complainant.
- (g) A statement that the complainant has a right to appeal KIPP's decision to the CDE by filing a written appeal within thirty (30) calendar days of the date of KIPP's decision, except if KIPP has used its UCP to address a complaint that is not subject to the UCP requirements.
- (h) A statement that a complainant who appeals KIPP's decision on a UCP complaint to the CDE shall receive a written appeal decision within sixty (60) calendar days of the CDE's receipt of the appeal, unless extended by written agreement with the complainant or the CDE documents exceptional circumstances and informs the complainant.
- (i) A statement that if KIPP finds merit in a UCP complaint, or the CDE finds merit in an appeal, KIPP shall take corrective actions consistent with the requirements of existing law that will provide a remedy to the affected student and/or parent/guardian as applicable.
- (j) A statement advising the complainant of any civil law remedies that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable, and of the appeal pursuant to Education Code section 262.3.
- (k) A statement that copies of KIPP's UCP shall be available free of charge.

### Procedures

The following procedures shall be used to address all complaints which allege that KIPP has violated federal or state laws or regulations enumerated in the section "Scope" above. Compliance officers shall maintain a record of each complaint and subsequent related actions for at least three (3) calendar years.

All parties named shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

#### **Step 1: Filing of Complaint**

Any individual, including a person's duly authorized representative or an interested third party, public agency or organization may file a written complaint of alleged noncompliance or unlawful discrimination, harassment, intimidation, or bullying pursuant to this Policy.

A complaint of unlawful discrimination, harassment, intimidation or bullying may be filed by an individual who alleges that that individual has personally suffered unlawful discrimination, harassment, intimidation or bullying or by one who believes any specific class of individuals has been subjected to unlawful discrimination, harassment, intimidation or bullying, or by a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. An investigation of alleged unlawful discrimination, harassment, intimidation or bullying shall be initiated by filing a complaint no later than six (6) months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying unless the time for filing is extended by the Chief Executive Officer or designee, upon written request by the complainant setting forth the reasons for the extension. Such extension by the Chief People Officer or designee shall be made in writing. The period for filing may be extended by the Chief People Officer or designee for good cause for a period not to exceed ninety (90) calendar days following the expiration of the six-month time period. The Executive Director shall respond immediately upon a receipt of a request for extension.

All other complaints under this Policy shall be filed not later than one (1) year from the date the alleged violation occurred. For complaints relating to the LCAP, the date of the alleged violation is the date on which the KIPP Board of Directors approved the LCAP or the annual update was adopted by KIPP.

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and date stamp.

Complaints filed pursuant to this Policy must be in writing and signed. A signature may be handwritten, typed (including in an email) or electronically generated. Only complaints regarding pupil fees or LCAP compliance may be filed anonymously as set forth in this Policy. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, KIPP staff shall assist him/her in the filing of the complaint.

### **Step 2: Mediation**

Within three (3) business days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make arrangements for this process.

Before initiating the mediation of an unlawful discrimination, harassment, intimidation or bullying complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend KIPP's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

### **Step 3: Investigation of Complaint**

The compliance officer is encouraged to hold an investigative meeting within five (5) business days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint.

A complainant's refusal to provide KIPP's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation.

KIPP's refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a

finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

#### **Step 4: Final Written Decision**

KIPP shall issue an investigation report (the "Decision") based on the evidence. KIPP's Decision shall be in writing and sent to the complainant within sixty (60) calendar days of KIPP's receipt unless the timeframe is extended with the written agreement of the complainant. KIPP's Decision shall be written in English and in the language of the complainant whenever feasible or as required by law.

The Decision shall include:

1. The findings of fact based on evidence gathered.
2. The conclusion providing a clear determination for each allegation as to whether KIPP is in compliance with the relevant law.
3. Corrective actions, if KIPP finds merit in the complaint and any are warranted or required by law.
4. Notice of the complainant's right to appeal KIPP's Decision within thirty (30) calendar days to the CDE except when KIPP has used its UCP to address complaints that are not subject to the UCP requirements.
5. Procedures to be followed for initiating such an appeal

If an employee is disciplined as a result of the complaint, the Decision shall simply state that effective action was taken and that the employee was informed of KIPP's expectations. The Decision shall not give any further information as to the nature of the disciplinary action except as required by applicable law.

#### Appeals to the California Department of Education

If dissatisfied with the Decision, the complainant may appeal in writing to the CDE within thirty (30) calendar days of receiving the Decision. The appeal shall be accompanied by a copy of the complaint filed with KIPP and a copy of the Decision. When appealing to the CDE, the complainant must specify and explain the basis for the appeal, including at least one of the following:

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

Upon notification by the CDE that the complainant has appealed the Decision, the Chief People Officer or designee shall forward the following documents to the CDE within ten (10) calendar days of the date of notification:

1. A copy of the original complaint.
2. A copy of the Decision.
3. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by the parties or gathered by the investigator.
4. A report of any action taken to resolve the complaint.
5. A copy of KIPP's complaint procedures.
6. Other relevant information requested by the CDE.

If the CDE determines the appeal raises issues not contained in the local complaint, the CDE will refer those new issues back to KIPP for resolution as a new complaint. If the CDE notifies KIPP that its Decision failed to address an allegation raised by the complaint and subject to the UCP process, KIPP will investigate and address such allegation(s) in accordance with the UCP requirements and provide the CDE and the appellant with an amended Decision addressing such allegation(s) within twenty (20) calendar days of the CDE's notification. The amended Decision will inform the appellant of the right to separately appeal the amended Decision with respect to the complaint allegation(s) not addressed in the original Decision.

Within thirty (30) calendar days of the date of the CDE's appeal Decision pursuant to 5 C.C.R. section 4633(f)(2) or (3), either party may request reconsideration by the State Superintendent of Public Instruction ("SSPI") or the SSPI's designee. The request for reconsideration shall specify and explain the reason(s) for contesting the findings of fact, conclusions of law, or corrective actions in the CDE's appeal Decision. The SSPI will not consider any information not previously submitted to the CDE by a party during the

appeal unless such information was unknown to the party at the time of the appeal and, with due diligence, could not have become known to the party. Pending the SSPI's response to a request for reconsideration, the CDE appeal Decision remains in effect and enforceable, unless stayed by a court.

The CDE may directly intervene in the complaint without waiting for action by KIPP when one of the conditions listed in Title 5, California Code of Regulations, Section 4650 exists, including but not limited to cases in which through no fault of the complainant, KIPP has not taken action within sixty (60) days of the date the complaint was filed with KIPP.

### Civil Law Remedies

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

**\*\*Please see the corresponding Complaint UCP Form within the Appendix \*\***

### Annual Notice: Student Records, including Records Challenges and Directory Information

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

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

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

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

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

Upon request, the Charter School discloses education records without consent to officials of another school district in which a



student seeks or intends to enroll, or is already enrolled, if the disclosure is for purposes of the student's enrollment or transfer.

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

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

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

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

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

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

or eligible student may seek a protective order;

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

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

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

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

## **Board Policy: Education Records, Student Information and Retention Policy (Including FERPA)**

The Board of Directors of KIPP Public Schools Northern California ("KIPP" or "Charter School") adopts this Educational Records and Student Information Policy to apply to all educational records and student information maintained by KIPP.

### **DEFINITIONS**

- An "education record" is defined as any any information recorded in any way, including, but not limited to, handwriting,

print, computer media, video or audio tape, film, microfilm, and microfiche that directly relates to a student and is maintained by KIPP or by a party acting for KIPP.

Such information includes, but is not limited to:

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

An education record does not include any of the following:

1. Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
  2. Records maintained by a law enforcement unit of KIPP that were created by that law enforcement unit for the purpose of law enforcement;
  3. In the case of a person who is employed by KIPP but not in attendance at KIPP, records made and maintained in the normal course of business, relate exclusively to the individual in that individual's capacity as an employee and are not available for any other purpose;
  4. Records of a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:
    - a) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
    - b) made, maintained, or used only in connection with treatment of the student; and
    - c) disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at KIPP;
  5. Records that only contain information about an individual after he or she is no longer a student at KIPP; or
  6. Grades on peer-graded papers before they are collected and recorded by a teacher.
- "Personally identifiable information ("PII")" is information about a student that is contained in their education records that cannot be disclosed without compliance with the requirements of Family Educational Rights and Privacy Act of 2001 ("FERPA"). PII includes, but is not limited to, (a) the student's name, (b) the name of the student's parent/guardian or other family member, (c) the address of the student or student's family, (d) a personal identifier such as the student's social security number, biometric record, or student number, (e) other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name, (f) other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty, and/or (g) information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.
  - "Directory Information" is information contained in a education records of a student that would not generally be considered harmful or an invasion of privacy if disclosed. KIPP may disclose the PII that it has designated as directory information, consistent with the terms of the annual notice provided by KIPP pursuant to the Family Educational Rights and Privacy Act of 2001 (20 U.S.C. § 1232g) ("FERPA"). KIPP has designated the following information as directory information:
    - Student's name
    - Student's address
    - Parent/guardian's address

- Telephone listing
  - Parent/guardian’s electronic mail address
  - Date and place of birth
  - Dates of attendance
  - Grade level
  - The most recent educational agency or institution attended
  - Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems that cannot be used to access education records without a PIN, password, etc. (A student's SSN, in whole or in part, cannot be used for this purpose.)
  - Student’s email address
  - Participation in officially recognized activities and sports
  - Weight and height of members of athletic teams
  - Degrees, honors, and awards received
  - Photograph/video
- “School Official” is a person employed by KIPP as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the Board of Directors of KIPP. A school official also may include a volunteer for KIPP or an independent contractor of KIPP, a consultant, vendor, or other party who performs an institutional service or function for which KIPP would otherwise use its own employees and who is under the direct control of KIPP with respect to the use and maintenance of personally identifiable information from education records, such as an attorney, auditor, medical consultant, therapist, or contracted provider of digital educational platforms and/or services; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks.
  - “Legitimate Educational Interest” a school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
  - “Parent” includes:
    - o A biological or adoptive parent of a child;
    - o A foster parent;
    - o A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child, including a responsible adult appointed for the child by court order;
    - o An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; and/or
    - o A surrogate parent who has been appointed.
  - “Adult student” or “eligible student” is a person who is or was enrolled in School and who is 18 years of age. Educational rights transfer from the parents to a student who is 18 years old under State law. As such, an adult will have the ability to request his or her own student records, challenge student records, etc.

**Disclosure of Directory Information**

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

### **Annual Notification to Parents/Guardians**

Upon students' initial enrollment and at the beginning of each school year thereafter, KIPP shall notify parents/guardians and eligible students currently in attendance, in writing, of their rights related to student records. The notice shall inform the parents and eligible students that they have the right to:

1. Inspect and review the student's education records;
2. Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading or otherwise in violation of the student's privacy rights;
3. Consent to disclosures of PII contained in the student's education records, except to the extent that disclosure is permitted without prior written consent pursuant to FERPA;
4. File with the U.S. Department of Education a complaint concerning alleged failures by KIPP to comply with the requirements of FERPA and its promulgated regulations; and
5. Request that KIPP not release student names, addresses and telephone listings to military recruiters or institutions of higher education without prior written parental consent.

The notice must also include the following:

1. The procedure for exercising the right to inspect and review educational records;
2. The procedure for requesting amendment of records;
3. A statement that KIPP forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer; and
4. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

### **Parental And Eligible Student Rights Relating To Education Records**

Parents and eligible students have the right to review the student's education records. In order to do so, parents and eligible students shall submit a request to review education records in writing to the School Leader. Within five (5) business days, KIPP shall comply with the request.

#### **1. Copies of Education Records**

Charter School will provide copies of requested documents within five (5) business days of a written request for copies. KIPP may charge reasonable fees for copies it provides to parents or eligible students. However, no charge shall be made for furnishing (1) up to two transcripts of former students' records or (2) up to two verifications of various records of former students. The charge will not include a fee to search for or to retrieve the education records.

#### **2. Request for Amendments to Educational Records:**

- Following the inspection and review of a student's education record, a parent or eligible student may file a written request with the School Leader to correct or remove any information in the student's education record that is any of the following: Inaccurate.
- Misleading.
- In violation of the privacy or other rights of the student.

Within thirty (30) days of receiving a request to correct or remove information from a student record, the School leader shall attempt to meet with the parent/guardian and with the certificated employee (if still employed) who recorded the information in question. The Charter School's response will be in writing, and if the request for amendment is denied, the School leader will set forth the reason for the denial and inform the parent or eligible student of his or her right to a hearing challenging the content of the education record.

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

When a student's grade is challenged, the teacher who gave the grade shall be given an opportunity to state orally, in writing, or both, the reasons for which the grade was given. Insofar as practicable, he/she shall be included in all discussions related to any grade change. In the absence of clerical or mechanical error, fraud, bad faith or incompetency, the student's grade as determined by the teacher shall be final.

If the School Leader sustains the parent or eligible student's request to change the student's name and/or gender, Charter School shall add a new document to the student's record that includes all of the following information:

- a. The date of the request.
- b. The date the requested records were corrected.
- c. A list of the records requested to be corrected.
- d. The type of documentation, if any, provided to demonstrate a legal change to the student's name and/or gender. The parent or guardian of the student is not required to provide documentation of a legal change to the student's name and/or gender.
- e. The name of the employee that completed the request.
- f. The student's corrected and former names and/or genders.

Charter School shall immediately update a **former** student's records to include the student's updated legal name or gender if the Charter School receives government-issued documentation demonstrating that the former student's legal name or gender has been changed. Acceptable government issued identification includes but is not limited to:

- a. State-issued driver's license.
- b. Birth certificate.
- c. Passport.

Social security card.

- d. Court order indicating a name change or a gender change, or both.

If requested by the former student, the Charter School shall reissue any documents conferred upon the former student with the former student's updated legal name or gender. Documents that may be reissued by Charter School include, but are not limited to, a transcript, a high school diploma, a high school equivalency certificate, or other similar documents conferred upon the former student.

If a former student requests that their name or gender be changed and the requested records are reissued, the Charter School shall add a new document to the former student's file that includes all of the following:

- a. The date of the request.
- b. The date the requested records were reissued to the former student.
- c. A list of the records that were requested by, and reissued to, the former student.
- d. The type of documentation provided by the former student in order to demonstrate the legal name or gender change.
- e. The name of the school district, charter school, or county office of education staff person that completed the request.
- f. The current and former name or gender of the former student.

### 3. Hearing to Challenge the Education Record

If the School leader denies a parent or eligible student's request to amend an education record, the parent or eligible student may, within thirty (30) days of the denial, request in writing that he/she be given the opportunity for a hearing to challenge the content of the student's education records on the grounds that the information contained in the education records is: inaccurate, misleading, in violation of the privacy rights of the student, an unsubstantiated personal conclusion or inference; a conclusion or inference outside of the observer's area of competence; or not based on the personal observation of a named person with the time and place of the observation noted.

The Chief of Schools or designee ("Chief of Schools") or the Board Chair may convene a hearing panel to assist in making determinations regarding educational record challenges provided that the parent has given written consent to release information from the pupil's records to the members of the panel convened. The hearing panel shall consist of the following persons:

1. The school leader of a public school other than the public school at which the record is on file;
2. A certificated Charter School employee; and
3. A parent appointed by the Chief of Schools or by the Board of Directors, depending upon who convenes the panel.

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

The hearing will be conducted by the Chief of Schools or his/her designee, who shall not be required to use formal rules of evidence or procedure. The parent or eligible student will be given a full and fair opportunity to present evidence relevant to the issues relating to the challenge to the education record. The parent or eligible student may also, at his/her own expense, be assisted or represented by one or more individuals of his/her choice, including an attorney. The decision of the Chief of Schools or designee will be based solely on the evidence presented at the hearing and is final. Within thirty (30) days after the conclusion of the hearing, KIPP's decision regarding the challenge will be made in writing and will include a summary of the evidence and the reasons for the decision.

If, as a result of the hearing, the KIPP decides that the information is inaccurate, misleading, in violation of the privacy rights of the student, an unsubstantiated personal conclusion or inference, a conclusion or inference outside of the observer's area of competence, or otherwise not based on the personal observation of a named person with the time and place of the observation noted, it will amend the record accordingly and inform the parent or eligible student of the amendment in writing.

If, as a result of the hearing, KIPP decides that the information in the education record is not inaccurate, misleading in violation of the privacy rights of the student, an unsubstantiated personal conclusion or inference, a conclusion or inference outside of the observer's area of competence, or otherwise not based on the personal observation of a named person with the time and place of the observation noted, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he/she disagrees with the decision of KIPP, or both. If KIPP places a statement by the parent or eligible student in the education records of a student, it will maintain the statement with the contested part of the record for as long as the record is maintained and disclose the statement whenever it discloses the portion of the record to which the statement relates.

### Disclosure of Educational Records and Directory Information

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

such person's approval of the information contained in the electronic consent.

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

KIPP will disclose education records, without prior written consent of the parent or eligible student, to the following parties:

1. School employees who have a legitimate educational interest as defined by 34 C.F.R. Part 99;
2. Other schools to which a student seeks or intends to enroll so long as the disclosure is for purposes related to the student's enrollment or transfer. When a student transfers schools, KIPP will mail the original or a copy of a student's cumulative file to the receiving district or private school within ten (10) school days of following the KIPP will make a reasonable attempt to notify the parent or eligible student of the request for records at his/her last known address, unless the disclosure is initiated by the parent or eligible student. Additionally, KIPP will give the parent or eligible student, upon request, a copy of the record that was disclosed and give the parent or eligible student, upon request, an opportunity for hearing pursuant to Section (IV)(3) above;
3. Certain government officials listed in 20 U.S.C. § 1232g(b)(1) in order to carry out lawful functions;
4. Appropriate parties in connection with a student's application for, or receipt of, financial aid if it is necessary to determine eligibility, amount of aid, conditions for aid or enforcing the terms and conditions of the aid;
5. Organizations conducting certain studies for the KIPP in accordance with 20 U.S.C. § 1232g(b)(1)(F);
6. Accrediting organizations in order to carry out their accrediting functions;
7. Parents of a dependent student as defined in section [152 of the Internal Revenue Code](#) of 1986;
8. Individuals or entities, in compliance with a judicial order or lawfully issued subpoena. Subject to the exceptions found in 34 C.F.R. § 99.31(a)(9)(i), reasonable effort must be made to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek a protective order;
9. Persons who need to know in cases of health and safety emergencies;
10. State and local authorities, within a juvenile justice system, pursuant to specific State law;
11. A foster family agency with jurisdiction over a currently enrolled or former student, a short-term residential treatment program staff responsible for the education or case management of a student, and a caregiver (regardless of whether the caregiver has been appointed as the pupil's educational rights holder) who has direct responsibility for the care of the student, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource family, may access the current or most recent records of grades, transcripts, attendance, discipline, and online communication on platforms established by KIPP for student and parents, and any individualized education program ("IEP") or Section 504 plan that may have been developed or maintained by KIPP; and/or
12. A victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include final results of the disciplinary proceedings conducted by KIPP with respect to that alleged crime or offense. KIPP may disclose the final results of the disciplinary proceeding, regardless of whether KIPP concluded a violation was committed.

#### **Solicitation and Disclosure of Student Information for Immigration Purposes**

Charter School shall observe the following:

1. Except as required by state or federal law or as required to administer a state or federally supported education program, Charter School officials and employees will not collect information or documents regarding citizenship or immigration status of students or their family members.
2. If Charter School possesses information that could indicate immigration status, citizenship status, or national origin information, Charter School will not use the acquired information to discriminate against any student or families or bar children from enrolling in or attending school.



3. If parents or guardians choose not to provide information that could indicate their or their children's immigration status, citizenship status, or national origin, Charter School will not use such actions as a basis to discriminate against any students or families or bar children from enrolling or attending school.
4. Charter School will not allow school resources or data to be used to create a registry based on race, gender, sexual orientation, religion, ethnicity, or national origin.
5. During the enrollment process:
  - a. Where permitted by law, Charter School shall accept alternative means to establish residency, age, or other eligibility criteria for enrollment or programs, and those alternative means shall include among them documentation or information that are available to persons regardless of immigration status, citizenship status, or national origin, and that do not reveal information related to citizenship or immigration status.
  - b. Charter School will not inquire specifically about a student's citizenship or immigration status or the citizenship or immigration status of a student's parents or guardians; nor shall personnel seek or require, to the exclusion of other permissible documentation or information, documentation or information that may indicate a student's immigration status, such as a green card, voter registration, a passport, or citizenship papers.
  - c. Charter School will not collect entire social security numbers or cards or a statement that the parent or guardian does not possess a Social Security number for the purposes of enrollment, and failure to provide this information will not bar a student from enrolling or attending Charter School. However, the last four digits of an adult household member's Social Security number may be solicited and/or collected if required to establish eligibility for federal benefit programs such as free or reduced-price meals. This Social Security information will only be collected for the limited purpose of establishing eligibility for federal benefit programs and will not affect student enrollment.
6. Charter School will not release information to third parties for immigration-enforcement purposes, except as required by law or court order. Except for investigations of child abuse, child neglect, or child dependency, or when the subpoena served on the Charter School prohibits disclosure, Charter School shall provide parental or guardian notification of any court orders, warrants, or subpoenas before responding to such requests.

The parent, guardian, or eligible student is not required to sign the consent form. If the parent, guardian or eligible student refuses to provide written consent for the release of student information that this not otherwise subject to release, Charter School shall not release the information. Charter School will permanently keep the consent notice with the record file.

Charter School personnel shall take the following steps upon receiving an information request related to a student's or family's immigration or citizenship status:

1. Notify a designated Charter School official about the information request.
2. Provide students and families with appropriate notice and a description of the immigration officer's request.
3. Document any verbal or written request for information by immigration authorities.
4. Unless prohibited, provide students and parents/guardians with any documents issued by the immigration-enforcement officer.

**Contract for Digital Storage, Management, and Retrieval of Student Records**

The Charter School may enter into a contract with a third party for the digital storage, management, and retrieval of student records and/or to authorize a third party provider of digital software to access, store, and use student records, provided that the contract meets the requirements of Education Code section 49073.1 and other applicable state and federal laws.

## **Record Keeping Requirements**

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

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

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

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

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

## **Complaints**

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

Student Privacy Policy Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202-8520

## **RECORD CLASSIFICATION**

All folders, documents, and items created by KIPP and received from previous schools which are directed related to an individual pupil are all considered to be part of the educational record and will be maintained as follows:

### **Cumulative Folder:**

The cumulative file must contain at a minimum, the following:

- Enrollment Paperwork and Application
- Emergency Contact Information
- Report Cards
- Transcripts
- Standardized Test Scores
- Disciplinary Records (Suspensions and Expulsions)
- Immunization Card
- Health Records

The cumulative file may also contain items regarding student's health such as:

- Record of Doctor Visit
- Record of Dentist Visit
- Results of any School Based Screenings (Vision, Hearing, Scoliosis)

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

#### Confidential Folder

The "Confidential Folder" is kept separate from the cumulative student record to provide additional protection for student privacy and is established when a student is referred for special education screening, a 504 plan has been established, an individual educational program ("IEP") has been established, or for information that is personal or supplemental to student data.

Schools must contact the Education Specialist at their school site or the Director of Special Education for KIPP Public Schools Northern California for clarity of processes around maintenance, location, and access regarding Special Education Student Records within the confidential folder and/or the cumulative records folder. The School's Special Education department should work with the Operations team to manage these confidential files.

#### Record Classification

All student records are classified as "Mandatory Permanent Pupil Records," "Mandatory Interim Pupil Records," or "Permitted Pupil Records." Regulations governing access, transfer, and destruction of records vary according to their classification (*See Retention and Access and Transfer sections for more information.*)

- **Mandatory Permanent Pupil Records:** are those records which are maintained in perpetuity and which schools have been directed to compile by state law, regulation or authorized administrative directive. The mandatory permanent student record or a copy thereof shall be forwarded by the Charter School upon request of a public or private school in which the student has enrolled or intends to enroll. If the Charter School forwards the original mandatory permanent student record, a copy must be maintained by the Charter School. If the Charter School forwards a copy, the original must be maintained by the Charter School.

**Mandatory Interim Pupil Records:** Must be maintained until judged to be disposable defined as "when the student leaves the charter school or when their usefulness ceases." These records may be destroyed during the third (3rd) school year following the determination that the records are disposable (i.e. 2019-2020 records may be destroyed after July 1, 2023). The mandatory interim student record or a copy thereof shall be forwarded by the Charter School upon request of a public school in California in which the student has enrolled or intends to enroll. If the transfer is to an out of state or to a private school, the mandatory interim student record may be forwarded. If the Charter School forwards the original mandatory interim student record, a copy must be maintained by the Charter School until it is destroyed in accordance with this Policy. If the Charter School forwards a copy, the original must be maintained by the Charter School until destroyed in accordance with this Policy.

**Permitted Pupil Records:** may be maintained and may be destroyed when their usefulness ceases or after six (6) months following the student's completion or withdrawal from school. Permitted student records may be forwarded upon a request by a public or private school in which a student is enrolling. If the Charter School forwards the original permitted student record, a copy must be maintained by the Charter School until it is destroyed in accordance with this Policy. If the Charter School forwards a copy, the original must be maintained by the Charter School until destroyed in accordance with this Policy.

*(See Classification of Records Table below)*

| Mandatory Permanent Pupil Records   | Mandatory Interim Pupil Records   | Permitted Pupil Records  |
|---|---|--|
| <ol style="list-style-type: none"> <li>1. Legal name of student.</li> <li>2. Date and place of birth.</li> <li>3. Method of verification of birth date.</li> <li>4. Sex of the student.</li> <li>5. Name and address of parent/guardian of minor student, or address of minor student if different from the above with annual verification of address.</li> <li>6. Enrollment start and end date of each school year and for any summer session or other extra session.</li> <li>7. Subjects taken during each year, half-year, summer session or quarter/trimester, and marks, credits, or grades given.</li> <li>8. Verification of or exemption from required immunizations.</li> <li>9. Date of high school graduation or Equivalent (<i>if applicable</i>).</li> <li>10. If marks or credit are given, the mark or number of credits toward graduation allows for work taken.</li> </ol> | <ol style="list-style-type: none"> <li>1. A log identifying persons or agencies (except authorized school personnel) who request or receive information from the record. The log or record shall be accessible only to the legal parent or guardian or the eligible student, or a dependent adult student, or an adult student, or the custodian of records.</li> <li>2. Health records and information, including Child Health and Disability Prevention Program verification or waiver.</li> <li>3. Information on participation in Special Education programs, including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge.</li> <li>4. Language training records</li> <li>5. Progress slips/notices</li> <li>6. Parental restrictions/stipulations regarding access to directory information.</li> <li>7. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action.</li> <li>8. Parent/guardian authorization or denial of student participation in specific programs.</li> <li>9. Results of standardized tests administered within the past three years.</li> <li>10. Attendance verification documentation needed to fiscal audit</li> <li>11. Work permits/Permits to Employ (<i>if applicable</i>)</li> </ol> | <p>Permitted Record may be destroyed six (6) months after the student completes or withdraws from the educational program, including:</p> <ol style="list-style-type: none"> <li>1. Objective counselor/teacher ratings (e.g. Student success documents).</li> <li>2. Standardized test results older than three (3) years.</li> <li>3. Routine disciplinary data (e.g. KIPP Paychecks).</li> <li>4. Verified reports of relevant behavioral patterns.</li> <li>5. All disciplinary notices.</li> <li>6. Attendance records not covered in the Administrative Code Section 400.</li> </ol> |

## **MAINTENANCE**

### **Regional Roles & Responsibilities:**

KIPP recognizes the importance of keeping accurate, comprehensive student records as required by law. KIPP Public Schools Northern California's regional office will be responsible for developing and providing to schools a description of the policies and procedures for proper maintenance and transfer of student records.

These procedures and regulations in this Policy will also apply if a School within KIPP closes. In addition, KIPP Public Schools Northern California's regional office will ensure a final audit of the School to determine the disposition of all assets and liabilities of the School, as well as the compliant process for disposition, and the maintenance and transfer of student records.

At each school, a designee shall act as custodian of records for students enrolled at that school. Each school site is held responsible to adhering all the procedures and regulations stated in this Policy regarding all files and documentation identified as a student record. All student records, electronic and physical, will be managed and kept at each appropriate school site where the student's current enrollment is held. Each school site shall be responsible for the coordination of information security for student data and records. KIPP will designate an employee to serve as custodian of records, with responsibility for student records at the regional level.

### **Security & Confidentiality:**

#### **Safe Location**

Records for each individual student shall be maintained and stored in a central file at the school site attended by the student. When records are maintained in different locations, a notation in the central file as to where such other records may be found is required. The location of the central file must be a secure location.

Other student records for students that have left the school or been promoted must be retained for the required period of time, must also be maintained and stored in a central file at the appropriate school site. These records must also be stored in a secure location, as well as labeled appropriately up until the scheduled date for destruction (*see Retention section for more information.*)

#### **Procedures for Confidentiality**

The custodian of record is the administrator/school official of the site in which the documents are held. The following guidelines must be enforced at each school site where student records are held:

1. Maintain all records in a locked filing cabinet or room.
2. Records should not be left out unattended. The public should not be able to view any student information including student's names on files, binders, or documents.
3. Individual files are to be checked out using an insert that identifies the student, the date, and employee accessing the files.
4. Records sent to other school sites and/or other public or private schools need to be clearly marked confidential and tracked as to when they were sent, by whom, and when received.
5. Files kept by authorized educators with confidential information also need to be treated with the same process to protect student information.

The staff designee at each School site shall be responsible for the security of student records and shall assure that access is limited to authorized persons. The designee shall prevent the alteration, damage, or loss of original records during inspection of a parent or authorized third party. Each school site shall ensure the confidentiality of records as required by law and shall establish additional regulations if necessary to safeguard data against damage or loss. Parents may request copies of their student's record by submitting the required documentation.

#### **Sensitive Records Defined**

Documentation within a student record can be considered "sensitive" and may be stored in either electronic or printed format

within the central file. Records shall be defined as “sensitive” if they contain an individual’s first name or first initial and last name in combination with any one of the following data elements, when either the name or the elements are not encrypted or redacted:

- Social security number
- Driver’s license number
- Home address\*
- Salary information
- Student attendance or grade data\*
- Medical information
- Bank account or credit card account number
- Date of birth\*
- Home phone number\*
- Maiden name

\* Student “directory information” shall not be defined as “sensitive records.” Any document that is part of a student record marked “Confidential,” “Sensitive,” or otherwise similarly labeled shall be treated as a “sensitive record”.

**RETENTION:**

Guidelines

Records retention is the holding (period) of records and/or documents for further use. The retention periods indicated are to assist school sites in both the retention of records and the timely destruction of documents. Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction.

No original student record that is required for auditing purposes shall be destroyed prior to the second month of July succeeding the completion of the audit. School sites should use due diligence in handling and protecting confidential files and written documents included in student records prior to or during the process of disposing.

Schedule of Disposition

Materials (such as miscellaneous notes, duplicate report cards, obsolete tests, etc.) that may not fall into any classification of records and no longer serve an educational purpose shall be destroyed at the end of the school year or if the student withdraws for any reason prior to transfer of student record (*see the sections on Classification of Records*).

| SCHEDULE OF DISPOSITION           |  |
|-----------------------------------|--|
| Record Classification or Type     | Retention Time Period  |
| Mandatory Permanent Pupil Records | <b>Must</b> be maintained In perpetuity  |
| Mandatory Interim Pupil Records   | <b>Must</b> be maintained until judged to be disposable defined as “when the student leaves the charter school or when their usefulness ceases.” These records may be destroyed during the third (3rd) school year following the determination that the records are disposable (i.e. 2019-2020 records may be destroyed after July 1, 2023). |
| Permitted Pupil Records           | <b>May</b> be maintained and may be destroyed when their usefulness ceases or after six (6) months following the student’s completion or withdrawal from school.   |
|                                   |  |

For Special Education records, IDEA requires that parents receive notice when KIPP determines that the mandatory interim pupil records with personally identifiable information are no longer needed to provide educational services to the student. Any notices under the IDEA must be provided to parents even after the student turns 18. This notice may be provided to both parent and

student once the student turns 18 (unless the student has been deemed incompetent under state law.)

Notice should be provided to the last known address of the student/parent with a reminder that the records may be needed by the parents/student for other purposes so that the parent can request copies before the records are destroyed. A deadline will be provided for the parent to request copies.

#### Electronic Copies

The original of any records of which a photographic, microfilm, or electronic copy has been made may be destroyed according to the regulations in this Policy. At that time, provision must also be made for adhering to the regulations of permanently maintaining such photographic, microfilm, or electronic copies for the required time period according to the schedule of disposition.

If created photographic, microfilm, or electronic copies will be disposed of after required retention time period, care shall be taken to properly erase these records from electronic files when they are no longer needed or when computer hardware containing such records is discarded.

### **TRANSFERS:**

#### New Parent Notification

If a student transfers from any other school, district or private school and is enrolled, the School site shall provide to the parent/guardian the rights regarding student records, including the right to review, challenge and receive a copy of student records.

#### Transfer Requests Received (From KIPP to another school)

When a request for a student record is received, the KIPP custodian of records shall forward the appropriate student records to the requesting school, district, or private school within ten (10) school days. The school site shall require a written request on an official letterhead and send the student records in a secure packaging to the requesting school's address.

The custodian of records at each school site shall forward student *mandatory permanent records* as requested by the other school, district, or private school. The original mandatory permanent records, or a paper or electronic copy, shall be retained permanently by the school Site. If the transfer is to another California public school, the student's entire *mandatory interim record* shall be forwarded and *permitted records* may be forwarded. If the transfer is out of state or to a private school, the *mandatory interim record* may be forwarded.

Materials (such as miscellaneous notes, duplicate report cards, obsolete tests, etc.) that may not fall into any classification of records, shall be removed from the student record prior to transferring of student record. The school site is responsible for ensuring that all student records are updated before they are transferred.

#### Transfer Requests Sent (From another school to KIPP)

When sending a request for student records, the KIPP custodian of records shall contact the prior school of enrollment directly. If the prior school is closed, KIPP shall contact the local school district, county office of education, or governing body of the school for assistance.

#### Log of Transfers

All transfers of student records must be recorded in a record or log of requests for information. The log or record must be open to the inspection of a parent and the school officials and kept separate from student records. The log or record must contain the following information:

- The name and address of the requesting school or agency
- Date of request
- First and last name of student
- Student DOB

#### Record Holds

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian.

Transcripts and grades may be withheld from students who willfully fail to return school property which they have been lent. If the school is withholding grades, diploma, or transcripts from the student because of willful damage or loss of school property, this information shall be sent to the requesting school or district or private school along with the student's records.

#### Court and Law Enforcement Orders

Prior to disclosing a record pursuant to a court order, the School leader or designee shall, unless otherwise instructed by the order, give the parent/guardian or adult student at least three (3) days' notice of the name of the requesting agency and the specific record requested if lawfully possible within the requirements of the judicial order.

When authorized by law to assist law enforcement in investigations of suspected kidnapping, the custodian of records and School leader shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another district or private school within the state. The information shall be released only to designated peace officers, federal criminal investigators and federal law enforcement officers whose names have been submitted by their law enforcement agency in writing.

#### Health Institutions

The School leader or designee may release a student's immunization record information to local health departments operating countywide immunization information and reminder systems and the State Department of Health Services. The following information may be released:

- Name of the student
- Name of student's parent/guardian
- Types and dates of immunizations received by the student
- Manufacturer and lot number of the immunization received
- Adverse reaction to the immunization
- Other non-medical information necessary to establish the student's unique identity and record
- Current address and telephone number for the student and parent/guardian
- Student's gender
- Student's place of birth

#### Duplications

To provide copies of any student record, the School site can charge a reasonable fee not to exceed the actual cost of furnishing the copies. The School designee or administrative staff shall set a fee and update the amount annually if actual costs change.

No charge shall be made for providing up to two (2) transcripts or up two (2) verifications of various records for any former student. No charge shall be made to locate or retrieve any student record.

#### **Annual Notice: Use of Student Information Learned from Social Media**

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



## **Appendix:**

- I. General Complaint Form
- II. Uniform Complaint Procedures Form
- III. Title IX, Harassment, Intimidation, Discrimination & Bullying Complaint Form
- IV. Team and Family Handbook Acknowledgement Form
- V. Student and Family Technology Use Agreement
- VI. Promotion or Retention Appeal Request Form

**KIPP Public Schools Northern California General Complaint Form**

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

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

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

List any witnesses that were present:

\_\_\_\_\_  
\_\_\_\_\_

Where did the incident(s) occur?

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

Signature of Complainant

\_\_\_\_\_

Printed Name

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

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

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

**KIPP Public Schools Northern California Uniform Complaint Procedures Form**

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_

Student (if applicable): \_\_\_\_\_ Grade: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Full Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Work Phone: \_\_\_\_\_

Date of Alleged Violation: \_\_\_\_\_ School of Alleged Violation : \_\_\_\_\_

For allegations of noncompliance, please check the program or activity referred to in your complaint, if applicable:

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Adult Education  | <input type="checkbox"/> Education of Students in Foster Care, Students who are Homeless, former Juvenile Court Students now enrolled in a Public School, Migratory Children and Children of Military Families | <input type="checkbox"/> Regional Occupational Centers and Programs |
| <input type="checkbox"/> Career Technical and Technical Education/Career Technical and Technical Training | <input type="checkbox"/> Every Student Succeeds Act  | <input type="checkbox"/> School Plans for School Achievement        |
| <input type="checkbox"/> Child Care and Development   | <input type="checkbox"/> Local Control Funding Formula/ Local Control and Accountability Plan  | <input type="checkbox"/> School Safety Plan                         |
| <input type="checkbox"/> Consolidated Categorical Aid Programs  | <input type="checkbox"/> Migrant Education Programs  | <input type="checkbox"/> Pupil Fees                                 |
|   |  | <input type="checkbox"/> Pregnant, Parenting or Lactating Students  |

For allegations of unlawful discrimination, harassment, intimidation and/or bullying (employee-to-student, student-to student and third party-to-student), please check the protected classes (actual or perceived), upon which the alleged conduct was based, listed below:

- |  |                               |   |
|--|-------------------------------|---|
| Age  | Genetic Information           | Sex (Actual or Perceived)   |
| Ancestry                                     | Immigration                   | Sexual Orientation (Actual or Perceived)  |
| Color  | Status/Citizenship            | Based on association with a person or group with one or more of these actual or perceived characteristics |
| Disability (Mental or Physical)              | Marital Status                |   |
| Ethnic Group Identification                  | Medical Condition             |   |
| Gender / Gender Expression / Gender Identity | Nationality / National Origin |   |
|  | Race or Ethnicity             |   |
|  | Religion                      |   |



**KIPP Public Schools Northern California**

**Title IX, Harassment, Intimidation, Discrimination & Bullying Complaint Form**

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

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

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

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

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

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

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

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

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

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

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

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

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

**KIPP Public Schools Northern California Team and Family Handbook Acknowledgement Form**

Please initial the following statements, complete and sign the information below *in pen*, and return this entire page to your student’s homeroom teacher.

- \_\_\_\_\_ I have read the 2021-2022 KIPP Public Schools Northern California Team and Family Regional (“Handbook”). I understand that KIPP is a public charter school, and therefore, a school of choice. Choosing to send my student to KIPP means that I am also choosing to adhere to the policies outlined in the Handbook, with the understanding that they are rooted in the identity and philosophy of KIPP.
- \_\_\_\_\_ I understand that consistent daily attendance at KIPP is mandatory. Because I understand the importance of consistent daily attendance, I will also use the calendar as a reference when planning appointments and/or vacations. If my child has to miss school for any reason, I will call or write the office within 24 hours to excuse the absence.
- \_\_\_\_\_ I will support the teachers and staff of KIPP and will do whatever it takes for my child to succeed both academically and behaviorally. This means that I will make myself available by phone, in person, and will sit with my child during class, if necessary.
- \_\_\_\_\_ I realize that the administration reserves the right to interpret, revise, amend, or withdraw policies and procedures at its discretion.

Student Name (print): \_\_\_\_\_

Student Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Parent/Guardian Name (print): \_\_\_\_\_

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## KIPP Public Schools Northern California Student and Family Internet & Technology Use Agreement

The Charter School believes that providing access to technology enhances the educational experience for students. However, student use of Charter School computers, networks, and Internet services is a privilege, not a right. To make that experience successful for everyone, students must abide by the following terms and conditions:

1. **Security.** Students shall not impair the security of Charter School technology resources. Students are expected to:
  - a. Safeguard all personal passwords. Students should not share passwords with others and should change passwords frequently. Students are expected to notify an administrator immediately if they believe their student account has been compromised.
  - b. Access technology only with their account or with a shared account as directed by their teacher and not to allow others to use their account or to use the accounts of others, with or without the account owner's authorization.
2. **Authorized Use.** Students may use Charter School technology resources when directed by a teacher, when technology has been designated for open student use (e.g., computers in the library), and for other educational purposes.
3. **Protection Measures.** While the Charter School is able to exercise reasonable control over content created and purchased by the Charter School, it has limited control over content accessed via the internet and no filtering system is 100% effective. Neither the Charter School nor its staff, employees, officers, directors or volunteers shall be responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes, misuse or negligence. The student and parent/guardian agree not to hold the Charter School or any Charter School staff, employees, officers, directors or volunteers responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes, misuse or negligence. They also agree to indemnify and hold harmless the Charter School, Charter School staff, employees, officers, directors and volunteers for any damages or costs incurred. Parents/guardians are required to supervise and monitor their child's use of KIPP equipment including but not limited to their child's access to the internet and any online services through such equipment any and all times during which any KIPP equipment is being used by their child outside school facilities or school hours to ensure compliance with this policy.
4. **Inappropriate Use.** Charter School technology, hardware, software and bandwidth are shared and limited resources and all users have an obligation to use those resources responsibly. Students are provided access to the Charter School technology primarily for educational purposes. Students shall not use Charter School technology or equipment for personal activities or for activities that violate Charter School policy or local law. These include but are not limited to:
  - a. Playing games or online gaming.
  - b. Downloading software, music, movies or other content in violation of licensing requirements, copyright or other intellectual property rights.
  - c. Installing software on Charter School equipment without the permission of a teacher or other authorized Charter School staff person.
  - d. Downloading, viewing or sharing inappropriate content, including pornographic, defamatory or otherwise offensive material.
  - e. Conducting any activity that is in violation of Charter School policy, the student code of conduct or local, state or federal law.
  - f. Engaging in any activity that is harmful to other student(s), including the use of technology to harass, intimidate, bully or otherwise disrupt the educational process.
  - g. Conducting for-profit business.
  - h. Using hacking tools on the network or intentionally introducing malicious code or viruses into the Charter School's network.
  - i. Using any software or proxy service to obscure either the student's IP address or the sites that the student visits.

- j. Disabling, bypassing, or attempting to disable or bypass any system monitoring, filtering or other security measures.
  - k. Accessing or attempting to access material or systems on the network that the student is not authorized to access.
5. **No Expectation of Privacy.** Student acknowledges that computer equipment, Internet access networks, email accounts, and any other technology resources are owned by Charter School and provided to students for educational purposes. The Charter School may require staff to monitor and supervise all access to computer equipment, Internet access networks, and email accounts. To facilitate monitoring of activities, computer screens may be positioned so that they are visible to the staff member supervising the students. The Charter School reserves the right to access stored computer records and communications, files, and other data stored on Charter School equipment or sent over Charter School networks. Such communications, files, and data are not private and may be accessed during routine system maintenance; during inspection of Charter School equipment at the end of the school year/term or agreed upon use period; and review of individual files or monitoring of individual activity when there is a reasonable suspicion that the student is engaging in an inappropriate use.
  6. **Disruptive Activity.** Students should not intentionally interfere with the performance of the Charter School’s network or intentionally damage any Charter School technology resources.
  7. **Unauthorized Networks.** Students may not create unauthorized wireless networks to access the Charter School’s network. This includes establishing wireless access points, wireless routers and open networks on personal devices.
  8. **Consequences of Inappropriate Use.** Students who violate this Agreement will be subject to discipline, which may include loss of access to Charter School technology resources and/or other appropriate disciplinary or legal action in accordance with the Student Code of Conduct and applicable laws.
  9. **Technology Systems/Equipment Care.** Students are not permitted to have food or drink near computers/other technology and must keep equipment and assigned areas free of vandalism.

After reading the Student Use of Technology Policy and the Acceptable Use Agreement, please complete this form to indicate that you agree with the terms and conditions provided. The signature of both the student and parent/guardian are mandatory before access may be granted to the technologies available. This document, which incorporates the Use Procedure, reflects the entire agreement and understanding of all parties. KIPP encourages parents/guardians to discuss this Policy with their children to ensure their children understand and comply with this Policy.

**As a user of Charter School technologies, I have read Student Use of Technology Policy and hereby agree to comply with it and the Acceptable Use Agreement.**

I understand that computer use is a privilege and not a right. I understand that students who violate this policy in any way will be subject to a referral and possible suspension or expulsion. I understand that if a student willfully damages KIPP’s property, including but not limited to KIPP’s technology, equipment and networks, or fails to return KIPP’s property that has been loaned to the student, the student’s parents/guardians are liable for all damages caused by the student’s misconduct up to an amount not to exceed ten thousand dollars (\$10,000), adjusted annually for inflation. After notifying the student’s parent or guardian in writing of the student’s alleged misconduct and affording the student due process, KIPP may withhold the student’s grades, transcripts, and diploma until the damages have been paid or the property has been returned. If the student and the student’s parent/guardian are unable to pay for the damages or to return the property, KIPP will provide a program of voluntary work for the minor in lieu of the payment of monetary damages. Upon completion of the voluntary work, the student’s grades, transcripts and diploma will be released. A student over the age of majority shall be liable for the same. (Ed. Code § 48904).

Student Name (please print): \_\_\_\_\_ Grade: \_\_\_\_\_

Student Signature: \_\_\_\_\_ Date: \_\_\_\_\_



Parent/Guardian Name (Please Print): \_\_\_\_\_

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ **For School Employees Only** \_\_\_\_\_

I have read, understand and agree to abide by the Student Use of Technology Policy and the Acceptable Use Agreement. I understand that the Charter School's policies, procedures, rules, and regulations which apply to students also apply to me as an adult user of the Charter School's technology, in addition to any separate policies governing employee use of technology.

Employee Signature: \_\_\_\_\_

Employee Name (Please Print) \_\_\_\_\_

**KIPP Public Schools Northern California Promotion or Retention Appeal Request Form**

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

Name of Student: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Grade: \_\_\_\_\_

Appealing the decision for (please circle one): Retention      Promotion

As outlined in the (KIPP) Promotion and Retention Policy, my child was recommended for retention/promotion by the KIPP Retention Team or promotion by the SST. I do not agree with this recommendation and wish to appeal this decision to the KIPP Board of Directors.

Please explain your disagreement: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

I am aware that this appeal must be made within ten (10) school days of my receipt of the recommendation to retain or promote my child and should be submitted to the School Leader. This appeal will go before the KIPP Board of Directors and it will make a final determination regarding retention or promotion.

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

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date