



Yu Ming Charter School Student-Family Handbook, 2018-2019 Appendix A: Annual Notifications

Contents

[Introduction](#)

[Attendance Policies](#)

[Excused Absence](#)

[Truancy](#)

[Local School Attendance Review Board \(SARB\) Process](#)

[General Policies](#)

[Directory Information](#)

[Records](#)

[Climate for Learning and Growth](#)

[Non-Discrimination Statement](#)

[Suspension and Expulsion Policy and Procedures](#)

[Student Health & Well-being](#)

[Technology](#)

[Acceptable Use Policy and Agreement](#)

[Upper School Technology Acceptable Use Policy](#)

[Acceptable Use Agreement](#)

[General Principles of Access](#)

[Regulations of Access](#)

[E-mail Policy](#)

[Device Use](#)

[Cyberbullying](#)

[Cybersafety](#)

[Academic Policies](#)

[Academic Integrity](#)

[Comprehensive Sexual Health and HIV Prevention Education](#)

[Pupil Fees](#)

[California Assessment of Student Performance and Progress \(“CAASPP”\)](#)

[Special Needs](#)

[Comprehensive Complaint Policy and Procedures](#)

[Uniform Complaint Policy](#)

[Policy against Unlawful Harassment](#)

[General Complaint Policy](#)

[General Requirements](#)

[Uniform Complaint Procedure Form](#)

[Harassment Complaint Form](#)

[General Complaint Form](#)

Introduction

California state law governs the basic operations of public educational organizations, and the Legislature regularly passes new laws affecting the quality and availability of education, as well as laws mandating that local school districts undertake new responsibilities. Educational organizations, like Yu Ming Charter School, are required by federal and state laws to publish annual notification items to their community. These notifications serve to inform parent/guardians of the opportunities and protections to which they are entitled.

Attendance Policies

Excused Absence

If your student will be late or away from school for any reason, please email attendance@yumingschool.org and your child's teachers as soon as possible. For absences due to any of the reasons listed below, the absence must be documented in writing by the parent or guardian within 5 days of the absence.

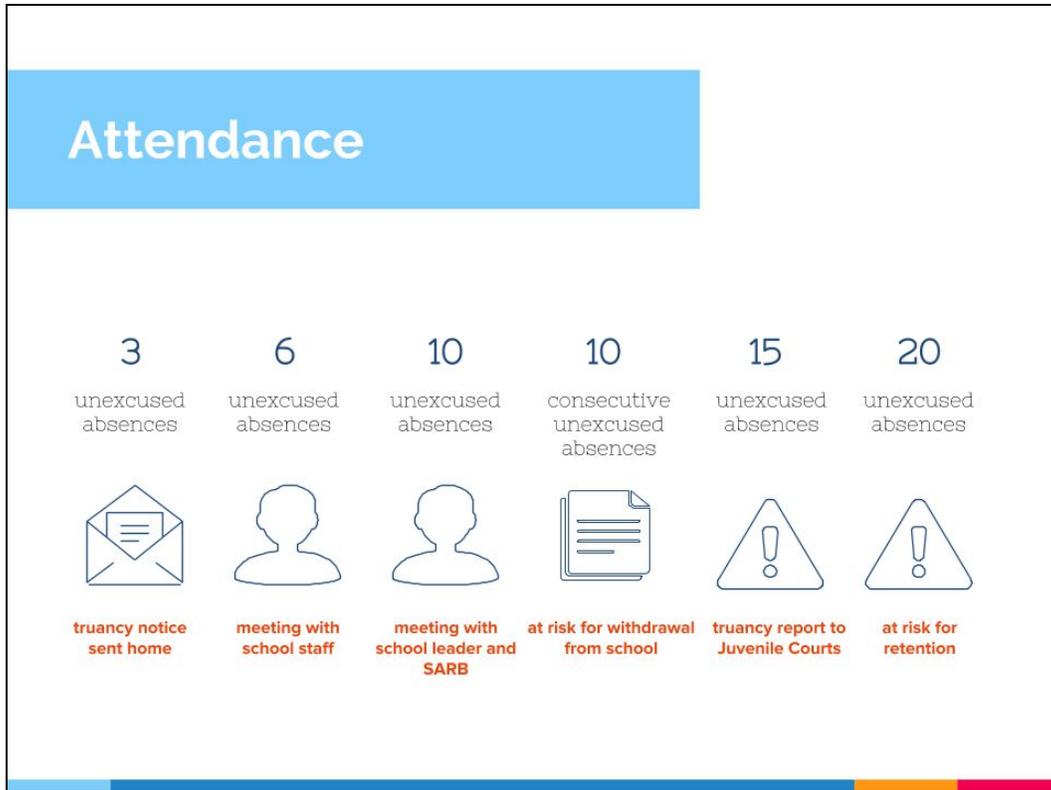
- Illness (A doctor's note may be required by the school)
- Due to quarantine under the direction of a county or city health officer
- Family emergency, illness or death
- Doctor/dentist appointments that cannot be scheduled after school hours
- Observance of a religious holiday. "Excused Absence" for religious observance will be granted for no more than five (5) days total per school year.
- To attend the funeral services of a member of his or her immediate family (no more than one day if the service is in California and no more than three days if the service is conducted outside California)
- Court appearance or other legal proceedings beyond the control of the family;

Truancy

A student is considered truant when a student is: (1) absent from school without a valid excuse three full days in one school year or (2) tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or (3) any combination thereof. The parent/guardian of a student classified as truant shall be notified by certified letter containing the following information and requesting a conference be held with the parent, student, teacher, and director in attendance:

- The student is truant
- The parent/guardian is obligated to compel the student to attend school
- The parent/guardian who fails to meet this obligation may be guilty of an infraction of the law and subject to prosecution.
- The availability of alternative educational programs in the local district
- The right of the parent/guardian to meet with appropriate school personnel to discuss the solution to the student's truancy
- A conference is requested with the parent/guardian and student.

For more details of the California State Law regarding school attendance and truancy go to www.cde.ca.gov/ls/ai/



Local School Attendance Review Board (SARB) Process

If a requested attendance conference is not attended by the parent/guardian and/or the student continues to be truant after **ten (10)** truancy events, the student may be referred to the local SARB. The SARB will consist of the Head of School, a teacher, and a member of the FSO Council. A letter will be sent to the parent/guardian notifying the parent/guardian that the matter is now being referred to the SARB for a hearing. The parents have 10 days in which to respond or the matter will be turned over to the District Attorney’s office.

The SARB will hold a hearing with the parent/guardian and truant student to resolve attendance and truancy problems. At that time if the student continues to be truant and does not follow the SARB’s directive, the matter will be referred to the District Attorney for prosecution and other appropriate action may be taken by the school. A registered/certified letter must be sent to the parent/ guardian informing them of this action.

General Policies

Directory Information

“Directory Information” is information that is generally not considered harmful or an invasion of privacy if released. Directory information can be disclosed to outside organizations without a parent’s prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish year books. The 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. Date and place of birth
9. Dates of attendance
10. Grade level
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 identification 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.)

Parents are asked to notify the office in writing as soon as any change of contact information occurs, including cell phone, work phone, home phone, email address and mailing address. This will ensure that all communication will be received without delay or interruption.

Families may opt to be included in class rosters to enable communication with other families; however Yu Ming Charter School will not publish and distribute family contact information without the family's permission. On a limited basis, the school may allow access to family contact information to leaders of FSO committees and room parents as needed to support the activities and goals agreed with the school.

The following pieces of Directory Information will be made visible on the secure Parentsquare parent communication platform to help parents learn one another's names and contact. The directory is fully searchable by student or parent name, email, phone:

1. Student's name
2. Student's grade
3. Telephone listing
4. Parent's/guardian's electronic mail address

If you do not want Yu Ming Charter School to disclose directory information from your child's education records without your prior written consent, you must notify the School in writing at the time of enrollment or re-enrollment. Please notify the Head of School at office@yumingschool.org.

Records

State law requires that certain information be maintained by the school district. As required, the Cumulative File is the student's academic record from Kindergarten through high school.

Inspection of Records:

Parents, legal guardians, or adult students have a right to review their own or child's pupil records within five (5) business days of the School's receipt of their request. Pupil records are available for review during regular school hours. Written requests for access should be directed to the Head of School, and will be granted within five days from the date of the request. In the case of separated or divorced parents, both parents shall have equal access to school records, unless there is a current restraining, custody, or other court order specifically preventing record access. (A restraining order preventing access to the pupil does not prevent access to records.)

Maintenance of Records

A log is maintained for each student's record which lists all persons or organizations requesting or receiving information from that record. Requests to access the log should be directed to the school Head of School.

Release and/or Duplication of Records

The School may permit access to pupil records by a specific person if the parent has filed written authorization specifying the records to be released and identifying the person to whom the records may be released. The recipient must be notified that further transmission of records is prohibited. The consent notice shall be permanently kept with the pupil's record file. Records will be duplicated for a fair cost as determined by the school site (equal to the cost of the copies and labor).

Additionally, the Family Educational Rights and Privacy Act (FERPA) affords parents the right to provide written consent before the 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 School officials with legitimate educational interests. A School official is a person employed by the 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 School board. A School official also may include a volunteer or contractor outside of the School who performs an institutional service of function for which the 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, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another School official in performing his or her tasks. 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.

Upon request, the 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.

Disclosure of PII Without Consent

FERPA permits the disclosure of PII from 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 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 School to record the disclosure. The School may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student —

1. To other School officials, including teachers, within the educational agency or institution whom the School has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1)).
2. To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2)).

3. To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency in the parent or eligible student’s State (SEA). Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35).
4. In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4)).
5. To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7)).
6. To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8)).
7. To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9)).
8. To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10)).
9. Information the School has designated as “directory information” under §99.37. (§99.31(a)(11)). See previous “Directory Information” section in the Handbook for information the School considers “directory information.”

Amendment of Records

Parents have 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.

To challenge a pupil record, a parent must file a written request with the Head of School to correct or remove any information recorded in the written records concerning his or her child.

Within 30 days of receipt of a written request from a parent, the Head of School or the Head of School’s designee must meet with the parent or eligible student and the certificated employee who recorded the information in question, if any. The Head of School must then sustain or deny the parent or eligible student’s request and provide a written statement of the decision to the parent or eligible student.

If the Head of School sustains any or all of the allegations, he or she must order the correction or the removal and destruction of the information. The Head of School or Head of School’s designee must then inform the parent or eligible student of the amendment in writing. However, the Head of School shall not order a pupil’s grade to be changed, unless the teacher who determined the grade is, to the extent practicable, given an opportunity to state orally, in writing, or both, the reasons for which the grade was given and is, to the extent practicable, included in all discussions relating to the changing of the grade.

If the Head of School denies any or all of the allegations and refuses to order the correction or the removal of the information, the Head of School must inform the parent or eligible student of their right to a hearing under FERPA.

The parent or eligible student may, within 30 days of the refusal, appeal the decision in writing to the Board of Directors. Within 30 days of receipt of a written appeal from a parent, the Board of Directors

will hold a formal hearing, in closed session, with the parent, eligible student and the certificated employee who recorded the information in question, if any, and determine whether or not to sustain or deny the allegations. The Board of Directors will give the parent or eligible student notice of the date, time, and place, reasonably in advance of the hearing. The Board of Directors will give the parent or eligible student a full and fair opportunity to present evidence relevant to the requested amendment of pupil records. The parent or eligible student may, at their own expense, be assisted or represented by one or more individuals of their choice, including an attorney.

The Board of Directors will inform the parent or eligible student of its decision in writing within a reasonable period of time. The Board of Directors' decision will be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision. If the Board of Directors sustains any or all of the allegations, it must order the correction or the removal and destruction of the information. However, the Board of Directors shall not order a pupil's grade to be changed unless the teacher who determined the grade is, to the extent practicable, given an opportunity to state orally, in writing or both the reasons for which the grade was given and is, to the extent practicable included in all discussions relating to the changing of the grade.

The decision of the Board of Directors shall be final.

The Head of School or the Board Chairman may convene a hearing panel to assist in making determinations regarding pupil 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 Principal of a public school other than the public school at which the record is on file
2. A certificated employee
3. A parent appointed by the Principal or by the Board of Directors, depending upon who convenes the panel.

If the final decision of the Board of Directors is unfavorable to the parent, or if the parent accepts an unfavorable decision by the Head of School, the parent or eligible student shall be informed of their right to submit a written statement of objections to the pupil record information. This statement shall become a part of the pupil's school record and shall be maintained for as long as the record is maintained.

Right to File a Complaint

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

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

Climate for Learning and Growth

Non-Discrimination Statement

Yu Ming Charter School 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, religion, religious affiliation, sexual orientation, or any other characteristic that is contained in the definition of hate crimes in the California Penal Code.

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

The Charter School 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). The Charter School also prohibits sexual harassment, including cyber sexual bullying, and harassment based upon pregnancy, childbirth or related medical conditions, race, religion, religious affiliation, creed, color, 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. The Charter School does not condone or tolerate harassment of any type, including discrimination, intimidation, or bullying, including cyber sexual bullying, by any employee, independent contractor or other person with which the Charter School does business, or any other individual, student, or volunteer. This applies to all employees, students, or volunteers and relationships, regardless of position or gender. The Charter School will promptly and thoroughly investigate any complaint of harassment and take appropriate corrective action, if warranted. Inquiries, complaints, or grievances regarding harassment as described in this section, above, should be directed to the Yu Ming Charter School Uniform Complaint Procedures (“UCP”) Compliance Officer:

Head of School Sue Park
Yu Ming Charter School I 1086 Alcatraz Ave I Oakland, CA 94608
510-452-2063

Suspension and Expulsion Policy and Procedures

Suspension is intended to remove the student from peers and the class environment. This separation provides the student time to reflect on his/her behavior and plan for a pattern of behavior that will be more positive. A student may be suspended or expelled per the Pupil Suspension and Expulsion Policy below for behaviors that occur during any school activity, including field trips.

This Pupil Suspension and Expulsion Policy has been established in order to promote learning and protect the safety and well-being of all students at the Charter School. In creating this policy, the Charter School has reviewed Education Code Section 48900 *et seq.* which describes the noncharter 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.* The Charter School is committed to annual review of policies and procedures surrounding suspensions and expulsions and, as necessary, modification of the lists of offenses for which students are subject to suspension or expulsion.

When the policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. This policy shall serve as the Charter School’s policy and procedures for student suspension and expulsion and it may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements. Charter School staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This Policy and its Procedures will be printed and distributed as part of the Student Handbook and will clearly describe discipline expectations. 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 policies and procedures. The notice shall state that this Policy and Procedures are available on request at the school office.

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

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 ("IDEIA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to 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.

A. Grounds for Suspension and Expulsion of Students

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

B. Enumerated Offenses

1. Discretionary Suspension Offenses. Students may be suspended for any of the following acts when it is determined the pupil:
 - a) Caused, attempted to cause, or threatened to cause physical injury to another person.
 - b) Willfully used force or violence upon the person of another, except self-defense.
 - c) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code 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.
 - g) Stole or attempted to steal school property or private property.
 - h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
 - i) Committed an obscene act or engaged in habitual profanity or vulgarity.

- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
 - 1. A pupil enrolled in kindergarten or any of grades 1 to 3, inclusive, shall not be suspended for any of the acts enumerated in this subdivision.
- l) Knowingly received stolen school property or private property.
- m) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.
- o) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- q) Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, “hazing” does not include athletic events or school-sanctioned events.
- r) Made terroristic threats against school officials and/or school property. For purposes of this section, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family’s safety, or for the protection of school property, or the personal property of the person threatened or his or her immediate family.
- s) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual’s academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- t) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.

- u) Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading student rights by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- v) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
 - 1) “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
 - i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student’s or those students’ person or property.
 - ii. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
 - iii. Causing a reasonable student to experience substantial interference with his or her academic performance.
 - iv. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
 - 2) “Electronic Act” means the creation and transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
 - i. A message, text, sound, video, or image.
 - ii. A post on a social network Internet Web site including, but not limited to:
 - (a) Posting to or creating a burn page. A “burn page” means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
 - (b) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (1) above. “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
 - (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
 - iii. An act of cyber sexual bullying.
 - (a) For purposes of this clause, “cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to

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

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

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

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

x) Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Head of School 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 Head of School or designee’s concurrence.

3. Discretionary Expellable Offenses: Students 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.

g) Stole or attempted to steal school property or private property.

h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes,

smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.

- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Knowingly received stolen school property or private property.
- 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) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.
- n) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- o) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- p) 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.
- q) Made terroristic threats against school officials and/or school property. For purposes of this section, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family’s safety, or for the protection of school property, or the personal property of the person threatened or his or her immediate family.
- r) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual’s academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- s) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- t) Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading student rights by creating an

intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.

- u) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
 - 1) “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
 - i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student’s or those students’ person or property.
 - ii. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
 - iii. Causing a reasonable student to experience substantial interference with his or her academic performance.
 - iv. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
 - 2) “Electronic Act” means the creation and transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
 - i. A message, text, sound, or image.
 - ii. A post on a social network Internet Web site including, but not limited to:
 - (a) Posting to or creating a burn page. A “burn page” means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
 - (b) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (1) above. “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
 - (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
 - iii. Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
- v) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the

victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1).

- w) 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 Head of School 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 students had obtained written permission to possess the item from a certificated school employee, with the Principal or designee's concurrence.

If it is determined by the Board of Directors that a student has brought a fire arm or destructive device, as defined in Section 921 of Title 18 of the United States Code, on to campus or to have possessed a firearm or dangerous device on campus, the student shall be expelled for one year, pursuant to the Federal Gun Free Schools Act of 1994. 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.

C. Suspension Procedure

Suspensions shall be initiated according to the following procedures:

1. Conference

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

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

At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense. This conference shall be held within two school days, unless the pupil waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with Charter School officials.

Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's

parent or guardian at the conference.

2. Notice to Parents/Guardians

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

3. Suspension Time Limits/Recommendation for Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension. Upon a recommendation of expulsion by the Head of School or Head of School's designee, the pupil and the pupil's 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 Head of School 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.

D. Authority to Expel

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

E. Expulsion Procedures

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

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

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

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

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

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

1. The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of his/her right to (a) receive five days' notice of his/her scheduled testimony, (b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she testifies, which may include a parent, guardian, or legal counsel, and (c) elect to have the hearing closed while testifying.
2. The Charter School must also provide the victim a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.
3. At the discretion of the entity conducting the expulsion hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which he or she may leave the hearing room.
4. The entity conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.
5. The entity conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
6. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the person 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 him or her to the witness stand.
7. If one or both of the support persons is also a witness, the Charter School must present evidence that the witness' presence is both desired by the witness and will be helpful to the Charter School. The person presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way.

Nothing shall preclude the presiding officer from exercising his or her discretion to remove a person from the hearing whom he or she believes is prompting, swaying, or influencing the witness.

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

G. Record of Hearing

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

H. Presentation of Evidence

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

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

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

If the Administrative Panel decides not to recommend expulsion, the pupil shall immediately be

returned to his/her educational program.

I. Written Notice to Expel

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

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

J. Disciplinary Records

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

K. No Right to Appeal

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

L. Expelled Pupils/Alternative Education

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

M. Rehabilitation Plans

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

N. Readmission

The decision to readmit a pupil or to admit a previously expelled pupil from another school district or charter school shall be in the sole discretion of the Board of Directors following a meeting with the Head of School or designee and the pupil and 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 Head of School or designee shall make a recommendation to the Board of Directors following the meeting regarding his or her determination. The Board shall then make a final decision regarding readmission in a public meeting consistent with the requirements of the Brown Act. The pupil's readmission is also contingent upon the Charter School's capacity at the time the student seeks readmission.

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

1. Notification of SELPA

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

2. Services During Suspension

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

3. Procedural Safeguards/Manifestation Determination

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

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

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

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

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

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

4. Due Process Appeals

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

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

5. Special Circumstances

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

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

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

6. Interim Alternative Educational Setting

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

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

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

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

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

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

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

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

Student Health & Well-being

Immunizations

California law requires that pupils entering a California school provide a written immunization record showing the date (at least month and year) of each immunization. Entrance requirements are:

POLIO [ages 4 - 6]	4 doses at any age; 3 doses meet requirement if at least one dose was given on or after 4th birthday
POLIO [ages 7-17]	4 doses at any age; 3 doses meet requirement if at least one was given on or after the 2nd birthday.
DPT [age 6 and under]	5 doses at any age; 4 doses meet requirement if at least one was given on or after the 4th birthday
DT,Td [age 7 & older]	4 doses at any age; 3 doses meet requirement if at least one dose was given on or after 2nd birthday
HEPATITIS B	3 doses required for Kindergarten and 7th grade entry.
MEASLES, MUMPS and RUBELLA	2 doses for Kindergarten and 7th grade entry each given on or after 1st birthday. 1 dose for grades 1-12, given on or after 1st birthday. (Mumps immunization is not required for pupils 7 years of age or older.)
TUBERCULOSIS SKIN TEST	Required test is a MANTOUX skin test given within 18 months prior to kindergarten enrollment or transfer, or within 6 months prior to enrollment in grades one through twelve.
VARICELLA (Chicken Pox)	[Kindergarten entry] 1 dose or physician documented varicella disease or immunity and [Grades 1-12] 2 doses are needed if vaccine received after 13th birthday (entering CA school for the first time)

Note: In order to begin 7th grade, students who had a valid personal beliefs exemption on file with a public or private elementary or secondary school in California before 2016 upon entry between kindergarten and 6th grade need to meet all requirements for children 7-17 years old (i.e., polio, MMR, chickenpox and primary series for diphtheria, tetanus, and pertussis), in addition to the 7th grade requirements for Tdap and two (2) doses of MMR.

If Yu Ming Charter discovers that an admitted student who is not exempt from the immunization requirements has not received all required immunizations, Yu Ming will notify his/her parent/guardian. If, within ten (10) school days of the notice, the child does not provide documentation of having received all required immunizations, Yu Ming Charter School shall exclude the student from

attendance. The student shall remain excluded from Yu Ming Charter School until he/she is fully immunized.

Entrance Health Screening and Oral Health Assessment

State law requires that the parent or legal guardian of each pupil provide the school documentary proof that the pupil has received a health screening examination by a doctor within 90 days after entrance to first grade. Pupils may be excluded up to 5 days from school for failing to comply or not providing a waiver. Free health screening is available through the local health department. Students enrolled in kindergarten in a public school or while enrolled in first grade if the pupil was not previously enrolled in kindergarten in a public school are required to have an oral health assessment completed by a dental professional. Dental assessments must be completed in the 12 months prior to entry or by May 31st of the pupil's first school year.

Refusal to Consent to School Physical Examination

A parent or legal guardian may file annually with the Yu Ming Charter School Head of School a written statement that he/she will not consent to a physical examination of his/her child. Thereupon the child shall be exempt from any physical examination. However, a student shall be sent home if, for good reason, it is believed he/she is suffering from a recognized contagious or infectious disease and shall not be permitted to return until school authorities are satisfied the contagious or infectious condition no longer exists.

Sight and Hearing Test

Yu Ming Charter School will provide sight and hearing testing for each enrolled student. Hearing testing will occur in kindergarten or first grade and in second, fifth, or eighth grade and first entry into the California public school system. Sight testing may occur in kindergarten or first grade and in grades two, five, and eight, as well as on enrollment and referral at any grade level.

Emergency Treatment for Anaphylaxis

State law requires school districts, county offices of education, and charter schools to provide emergency epinephrine auto-injectors to school nurses and trained personnel and authorizes them to use epinephrine auto-injectors to provide emergency medical aid to persons suffering or reasonably believed to be suffering from a life-threatening severe allergic reaction (anaphylaxis).

Notification of Use of Pesticide Products

The law requires that Yu Ming Charter School provide to all staff and parents or guardians of students written notification of the name of all pesticide products expected to be applied at the school facility during the upcoming year. The notification shall identify the active ingredient or ingredients in each pesticide product and contain the Internet access address on information about pesticides and pesticide use reduction as found Section 13184 of the Food and Agricultural Code. EC § 17610.1 added in 2005 to prohibit application of certain pesticides on school sites.

Child Abuse Reporting

Because immediate investigation by child protective agencies of suspected abuse may save a student from repeated injuries, any teacher, or other staff member who suspects that a student has been subjected to physical injuries, neglect, sexual abuse or emotional maltreatment, is mandated by the Child Abuse Reporting Law to notify the proper authorities.

Smoke-Free Zone

Parents and visitors are asked to support the school’s effort to maintain a “Smoke Free Zone.” Please refrain from smoking on campus or at any school event or activity.

Alcohol

Yu Ming Charter School also prohibits the consumption of alcohol on school property. Exceptions to this alcohol policy may be approved in advance by the Head of School for a specified time and date, for events such as an evening fundraising dinner, in accordance with the terms of any lease or rental agreements.

Homeless Students

Yu Ming 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 of California 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.

Definitions 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. § 11434(a)):

- 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; are abandoned in hospitals;
- 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;
- Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory children and unaccompanied youth (youth not in the physical custody of a parent or guardian) may be considered homeless if they meet the above definition of “homeless.”

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

School Liaison:

The Head of School or designee designates the following staff person as the School Liaison for homeless students ((42 U.S.C. § 11432(g)(1)(J) & (e)(3)(C).):

Family Liaison, Yu-Shuan Tarango-Sho

Yu Ming Charter School | 1086 Alcatraz Ave. | Oakland, CA 94608
510-452-2063

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

- Homeless students are identified by school personnel and through coordination activities with other entities and agencies.
- Homeless students enroll in, and have a full and equal opportunity to succeed at Charter School.

- Homeless students and families receive educational services for which they are eligible, including Head Start and Even Start programs, and referrals to health care services, dental services, mental health services, and other appropriate services.
- 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.
- Public notice of the educational rights of homeless children is disseminated at places where children receive services, such as schools, shelters, and soup kitchens.
- Enrollment/admissions disputes are mediated in accordance with law, the Charter School charter, and Board policy.
- Parents/guardians and any unaccompanied youth are fully informed of all transportation services, as applicable.
- The School Liaison collaborates with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths.

Enrollment:

Charter School shall immediately admit/enroll the student (subject to the Charter School's capacity and pursuant to the procedures stated in the Charter School charter and Board policy), even if the student lacks records normally required for enrollment. 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 Head of School or designee shall refer the parent/guardian to the School Liaison. The 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).)

Enrollment Disputes:

If a dispute arises over admissions/enrollment, the student shall be immediately admitted, pending resolution of the dispute. (42 U.S.C. § 11432(g)(3)(E).)

The parent/guardian shall be provided with a written explanation of the admission/enrollment decision, including an explanation of the parent/guardian's right to appeal the decision. He/she shall also be referred to the School Liaison. (42 U.S.C. § 11432(g)(3)(E).)

The 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).)

Written Notice:

The Charter School shall provide written notice, at the time any child or youth seeks enrollment in the Charter School, and at least twice annually while the child or youth is enrolled in the Charter School, to the parent or guardian of the child or youth (or, in the case of an unaccompanied youth, the youth) that (42 U.S.C. § 11432(e)(3)(C)):

1. Shall be signed by the parent or guardian (or, in the case of an unaccompanied youth, the youth);
2. Sets forth the general rights provided in this policy;
3. Specifically states:
 - a. The choice of schools homeless children and youths are eligible to attend, as provided in 42 U.S.C Section 11432(g)(3)(A);

- b. That no homeless child or youth is required to attend a separate school for homeless children or youths;
 - c. That homeless children and youths shall be provided comparable services described in this policy, including transportation services, educational services, and meals through school meals programs; and
 - d. That homeless children and youths should not be stigmatized by school personnel; and
4. Provides contact information for the School Liaison and the State Coordinator for Education of Homeless Children and Youths.

Such notice shall be provided to the parent or guardian (or, in the case of an unaccompanied youth, the youth) in a manner and form understandable to such parent or guardian (or youth), including, if necessary and to the extent feasible, in the native language of such parent or guardian (or youth).

Comparable Services:

Each homeless child or youth shall promptly be provided services comparable to services offered to other students in Charter School 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
- Programs in vocational and technical education
- Programs for gifted and talented students
- Title I services
- School nutrition programs

Transportation:

Charter School shall ensure that transportation is provided for homeless students to and from Charter School, at the request of the parent or guardian (or liaison). (42 U.S.C. § 11432(g)(1)(J))

Foster Students

Yu Ming Charter School recognizes that foster 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 necessary for the improvement of the academic achievement of foster youth in the Charter School’s local control and accountability plan (LCAP). Definitions:

- *Foster youth* means a child who has been removed from his/her home pursuant to California Welfare and Institutions Code section 309, is the subject of a petition filed under Welfare and Institutions Code sections 300 or 602, or has been removed from his/her home and is the subject of a petition filed under Welfare and Institutions Code 300 or 602.
- *Person holding the right to make educational decisions* means a parent, guardian, or responsible person appointed by a court to make educational decisions pursuant to Welfare and Institutions Code sections 361 or 726, or Education Code 56055.
- *School of origin* means the school that the foster youth attended when permanently housed or the school in which he/she was last enrolled. If the school the foster youth attended when permanently housed is different from the school in which he/she 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 person holding the right to make educational decisions for the youth, shall determine, and in the best interests of the foster youth, the school is 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.

School Liaison: In order to help facilitate the enrollment, placement, and transfer of foster youth to the Charter School, the Head of School designates the following position as the Charter School's liaison for foster youth:

Family Liaison, Yu-Shuan Tarango-Sho

Yu Ming Charter School | 1086 Alcatraz Ave. | Oakland, CA 94608
510-452-2063

The liaison for foster youth shall:

1. Ensure and facilitate the proper educational placement, enrollment in the Charter School, and checkout from the Charter School of students in foster care.
2. Ensure proper transfer of credits, records, and grades when students in foster care transfer to or from the Charter School.
3. When a student in foster care is enrolling in the Charter School, the Charter School liaison shall contact the school last attended by the student to obtain, within two business days, all academic and other records. When a foster youth is transferring to a new school, the Charter School liaison shall provide the student's records to the new school within two business days of receiving the new school's request.
4. When required by law, notify the foster youth's attorney and the appropriate representative of the county child welfare agency of pending expulsion proceedings if the decision to recommend expulsion is a discretionary act under the Charter School's charter; pending proceedings 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; and, a manifestation determination prior to a change in the foster youth's placement, when he/she is a student with a disability under state and federal special education laws.
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 Head of School or designee and the Governing Board based on indicators identified in the Charter School's local control and accountability plan.
10. This policy does not grant the Charter School liaison authority that supersedes the authority granted under state and federal law to a parent or legal guardian retaining educational rights, a

responsible person appointed by the court to represent the child pursuant to Welfare and Institutions Code sections 361 or 726, a surrogate parent, or a foster parent exercising authority under the Education Code. The role of the Charter School liaison is advisory with respect to placement options and determination of the school of origin.

Enrollment:

A student placed in a licensed children's institution or foster family home shall attend programs operated by the Charter School unless one of the following circumstances applies: (Education Code 48853, 48853.5)

1. The student has an individualized education program requiring placement in a nonpublic, nonsectarian school or agency, or in another local educational agency.
2. The parent/guardian or other person holding the right to make educational decisions for the student determines that it is in the best interest of the student to be placed in another educational program and submits a written statement to the Charter School indicating that determination and that he/she is aware of the following:
 - (a) The student has a right to attend a regular public school in the least restrictive environment.
 - (b) The alternate educational program is a special education program, if applicable.
 - (c) The decision to unilaterally remove the student from the Charter School and to place him/her in an alternate education program may not be financed by the Charter School. Any attempt to seek reimbursement for the alternate education program may be at the expense of the parent/guardian or other person holding the right to make educational decisions for the student.
3. At the initial placement or any subsequent change in placement, the student exercises his/her right to continue in his/her school of origin, as defined above.
 - (a) The student may continue in the school of origin for the duration of the court's jurisdiction.
 - (b) If the court's jurisdiction over a grade K-8 student is terminated prior to the end of a school year, the student may continue in his/her school of origin for the remainder of the academic school year.
 - (c) If the court's jurisdiction is terminated while the student is in high school, the student may continue in his/her school of origin until he/she graduates.
 - (d) If the student is transitioning between school grade levels, he/she shall be allowed to continue in the district of origin in the same attendance area to provide him/her the benefit of matriculating with his/her 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 Charter School liaison may, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, recommend that the youth's right to attend the school of origin be waived and he/she be enrolled in any school that students living in the attendance area of the school district in which the foster youth resides are eligible to attend 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 his/her school of origin, the liaison shall provide the youth and the person holding the right to make educational decisions for the youth

with a written explanation of the basis for the recommendation and how the recommendation serves the youth's best interests.

If the liaison, in consultation with the foster youth and the person holding the right to make educational decisions for the foster youth, agrees that the best interests of the youth would be served by his/her transfer to a school other than the school of origin, the principal or designee of the new school shall immediately enroll the foster youth, consistent with any enrollment procedures if the next school is a charter school. The foster youth shall be immediately enrolled even if he/she:

1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended
2. Does not have clothing normally required by the school, such as school uniforms
3. Is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, and medical records, including, but not limited to, immunization records or other documentation.

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

Transportation:

The Charter School shall not be responsible for providing transportation to allow a foster child to attend school, unless required by federal law. The Charter School is not prohibited from providing transportation, at its discretion, to allow a foster child to attend school.

Effect of Absences on Grades:

The grades of a student in foster care shall not be lowered for any absence from school that is due to either of the following circumstances:

1. 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 he/she left school.
2. A verified court appearance or related court-ordered activity.

Transfer of Coursework and Credits:

When a foster youth transfers into the Charter School, the Charter School shall accept and issue full credit for any coursework that the foster youth has satisfactorily completed while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency and shall not require the foster youth to retake the course. If the foster youth did not complete the entire course, he/she shall be issued partial credit for the coursework completed and shall not be required to retake the portion of the course that he/she completed at his/her previous school. However, the Charter School may require the foster youth to retake the portion of the course completed if, in consultation with the holder of educational rights for the foster youth, the Charter School finds that the foster youth is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a foster youth in any particular course, he/she shall be enrolled in the same or equivalent course, if applicable, so that he/she may continue and complete the entire course.

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

Eligibility for Extracurricular Activities:

A foster youth 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.

Complaints of Noncompliance:

Complaints of noncompliance with this policy shall be governed by the Charter School's Uniform Complaint Procedures policy

Technology

Yu Ming uses technology to support its instructional program and to further student learning. Students and staff are expected to use these resources in a responsible, efficient, ethical, and legal manner. These policies are applied to all students consistently and uniformly.

Acceptable Use Policy and Agreement

New technologies are modifying the way in which information may be accessed, communicated and transferred. Those changes also alter instruction and student learning. Yu Ming offers students access to technologies that may include Internet access, electronic mail, and equipment, such as computers, tablets, or other multimedia hardware. The Governing Board intends that technological resources provided by the school be used in a safe, responsible, and proper manner in support of the instructional program and for the advancement of student learning.

These technologies are provided as a privilege to the user. The School shall notify students and parents/guardians about authorized uses of school computers, user obligations and responsibilities, and consequences for unauthorized use and/or unlawful activities. Accordingly, this Acceptable Use Policy and Agreement describes the school's expectations and the responsibilities of each user.

Educational Purpose

Use of Yu Ming equipment and access to the Internet via Yu Ming 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 School resources only in a manner specified in the Policy.

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

"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.

Access

As part of Yu Ming's educational program, users will have the opportunity to use networked computers, which are connected to the Internet, email, and personal and shared folders. Before a student is authorized to use the School's technological resources, the student and his/her parent/guardian shall sign and return the Acceptable Use Agreement specifying user obligations and responsibilities. In this agreement, the student and his/her parent/guardian shall agree not to hold the School or any 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 School and School personnel for any damages or costs incurred.

Safety and Supervision

Yu Ming shall ensure that all School computers with Internet access have a technology protection measure that blocks or filters Internet access to websites that have no educational purpose and/or contain visual depictions that are obscene, constitute child pornography, or that are harmful to minors. While Yu Ming is able to exercise reasonable control over content created and purchased by the School, and uses a “filter” to help prevent the accessing of inappropriate content and websites, the School has limited control over content access via the Internet and cannot guarantee the accuracy of the information or the appropriateness of any material that a user may encounter, and no filtering system is 100% effective. Neither the Charter School nor its staff shall be responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes or negligence.

To reinforce these measures, the Head of School 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. Teachers shall supervise students while using on-line services at the school site, and may have teaching assistants and volunteers assist in this supervision. The Head of School may establish guidelines and limits on their use.

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

User Responsibilities

Users, including students, must:

- Use the network in accordance with the school's code of conduct.
- Cite sources of information properly. Users must obtain the author's permission before placing copyrighted material on the system and may download copyrighted material for their own use only.
- Use the network only for educational purposes. Commercial, political, and/or personal use unrelated to an educational purpose is strictly prohibited.
- Be courteous and respectful in their messages to others.
- Use appropriate language.

Users, including students, are prohibited from:

- Using the Internet to perform any illegal act or help others perform illegal acts. Illegal acts include, but are not 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 School, other students, or the community.

- Accessing, posting, submitting, publishing or displaying harmful matter or material that is threatening, obscene, disruptive or sexually explicit, or that could be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religion or political beliefs.
- Degrading or disrupting equipment or system performance, including 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. Vandalism will result in the cancellation of user privileges and will be viewed as criminal activity under applicable state and federal law. Vandalism includes the intentional uploading, downloading or creating of computer viruses and/or any malicious attempt to harm or destroy school equipment or materials or the data of any other user.
- Using the system to encourage the use of drugs, alcohol or tobacco, nor promoting unethical practices of any activity prohibited by law or school policy.
- Changing the data or trespassing into the account of another user. Users shall not read other users' mail or files, attempt to interfere with other users' ability to send or receive email, nor shall they attempt to read, delete, copy, modify or forge other users' mail.
- Gaining unauthorized access to resources or entities. 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.

Users are expected to:

- Use only their account and password and keep their password private. Report to a teacher or administrator any unsolicited email, security problems, or information that makes them uncomfortable.
- Recognize that email and computer files are not guaranteed to be private. Yu Ming will make reasonable efforts to protect the electronic files of every user. However, a user's files may be reviewed, collected, and/or used by the school: (a) as required by law, (b) as part of system maintenance activity, (c) when there is reason to believe an account is being used improperly or illegally, or (d) with the permission of the account holder.
- Use the school address and phone number only. Students should refrain from revealing their image, home address or phone numbers, or those of other students or staff members.

Inappropriate Use

Each user is held responsible for his or her actions and activity on the network. Student use of school 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. Unacceptable uses of the network will result in the suspension or revoking of these privileges and/or other appropriate disciplinary or legal action in accordance with the code of student conduct, School policy and applicable laws. The Head of School shall make all decisions regarding whether or not a user has violated these regulations and may deny, revoke or suspend a user's access at any time. The decision of the Head of School shall be final.

Student use of School computers to access social networking sites is not prohibited, but access is limited to educational purposes only. To the extent possible, the Head of School or designee shall block access to such sites on School computers with Internet access. The Head of School or designee shall oversee the maintenance of the Yu Ming's technological resources and may establish guidelines and limits on their use.

Acceptable Use Agreement

Yu Ming believes that providing access to technology enhances the educational experience for students. However, student use of 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 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 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 School is able exercise reasonable control over content created and purchased by the School, it has limited control over content accessed via the internet and no filtering system is 100% effective. Neither the School nor its staff shall be responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes or negligence. The student and parent agree not to hold the School or any School staff responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes or negligence. They also agree to indemnify and hold harmless the School and School personnel for any damages or costs incurred.
4. Inappropriate Use. 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 School technology primarily for educational purposes. Students shall not use School technology or equipment for personal activities or for activities that violate 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 School equipment without the permission of a teacher or other authorized 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 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. Participating in political activities.
 - h. Conducting for-profit business.
 - i. Using hacking tools on the network or intentionally introducing malicious code or viruses into the School's network.

- j. Using any software or proxy service to obscure either the student's IP address or the sites that the student visits.
 - k. Disabling, bypassing, or attempting to disable or bypass any system monitoring, filtering or other security measures.
 - l. 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 School and provided to students for educational purposes. The 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 School reserves the right to access stored computer records and communications, files, and other data stored on School equipment or sent over School networks. Such communications, files, and data are not private and may be accessed during routine system maintenance; during inspection of School equipment at the end of the school year/term or agree to 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 School's network or intentionally damage any School technology resources.
 7. **Unauthorized Networks.** Students may not create unauthorized wireless networks to access the 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 School technology resources and/or other appropriate disciplinary or legal action in accordance with the Student Code of Conduct, School policy, and applicable laws.

Upper School Technology Acceptable Use Policy

Yu Ming Charter School uses technology to support its instructional program and to further student learning. Students and staff are expected to use these resources in a responsible, efficient, ethical, and legal manner. These policies are applied to all students consistently and uniformly.

It is your responsibility to use the internet, computers, and other devices in ways that follow and support this policy. If you know the behaviors and limits set out in this policy, you will become a successful electronic user at school. All electronic usage throughout Yu Ming, including the things you do on a day to day basis, will be governed by this policy document. If you have any questions about the expectations set out in this document, please contact the Head of School.

Acceptable Use Agreement

Yu Ming believes that providing access to technology enhances the educational experience for students. However, student use of school computers, networks, and Internet services is a privilege, not a right. Each user is held responsible for his or her actions and activity on the network. Compliance with the Yu Ming's policies and rules concerning computer use is mandatory. Unacceptable uses of the network will result in the suspension or revoking of these privileges and/or other appropriate disciplinary or legal action in accordance with the code of student conduct, Yu Ming policy and applicable laws. The Head of School shall make all decisions regarding whether or not a user has

violated these regulations and may deny, revoke or suspend a user's access at any time. The decision of the Head of School shall be final.

General Principles of Access

As part of Yu Ming's educational program, users will have the opportunity to use networked computers, which are connected to the Internet, email, and personal and shared folders. Yu Ming provides access to the internet, including access to e-mail, for its schools, faculty, students, and guests. Guests include but are not limited to parents, student teachers, temporary employees, parent volunteers, and other school volunteers. All Internet access, including the use of e-mail, occurs through Yu Ming's system.

This Technology Acceptable Use Policy governs all electronic activity, including e-mail and access to the Internet, which is undertaken by Yu Ming faculties, students, and parents/guardians either in their official Yu Ming capacity or as part of the educational, instructional or extracurricular programs connected to Yu Ming. No Yu Ming faculty member, student, guest or parent/guardian may engage in activities prohibited by this policy, whether through Yu Ming's Internet service or through any other Internet Service Provider, for whatever reason. Parents are strongly encouraged to discuss and monitor their child's school Internet use and to discuss any issues or concerns that they may have with the school's teacher and administrators. All use of the Internet will be governed by this policy.

Before a student is authorized to use the School's technological resources, the student and his/her parent/guardian shall sign and return the Acceptable Use Agreement specifying user obligations and responsibilities.

Limitation of Liability

Yu Ming makes no warranties of any kind, either express or implied, that the functions or the services provided by or through the Yu Ming system will be error-free or without defect. Yu Ming will not be responsible for any damage users may suffer, including but not limited to, loss of data or interruptions of service. Yu Ming is not responsible for the accuracy or quality of the information obtained through or stored on the system. Yu Ming will not be responsible for financial obligations arising from a user's unauthorized use of the system.

In this agreement, the student and his/her parent/guardian shall agree not to hold Yu Ming or any Yu Ming 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 Yu Ming and Yu Ming personnel for any damages or costs incurred.

Content Filtering

Yu Ming has installed Internet filtering software in a best-effort attempt to block user access to inappropriate and/or harmful content on the Internet. Filtering technology is not perfect and may occasionally interfere with legitimate educational research. Additionally, no filtering software is one hundred percent effective. In the event that the filtering software is unsuccessful and students gain access to inappropriate and/or harmful material, Yu Ming will not be liable.

Families may wish to see how the Yu Ming filter system guidelines adhere to the US Congress enacted CIPA guidelines, with rules updated to 2011. Yu Ming will set its filter system at the most restrictive setting in restricting access to Internet sites that may contain interactive chat or mail or information regarding areas of student restricted use.

<http://www.fcc.gov/guides/childrens-internet-protection-act>

Regulations of Access

1. Important Consequences of Access

- a. Yu Ming will always cooperate fully with local, state, or federal officials in any lawful investigation concerning or relating to any illegal activities conducted through the Yu Ming system.
- b. Internet access is a privilege, not a right, and all students should be aware that Yu Ming may revoke Internet access for any reason. If a student's access is revoked, Yu Ming will provide an explanation for the revocation and the school site will ensure that the student continues to have equal access to participate in the educational program.
- c. It is very important for students and families to understand that violations of this Technology Acceptable Use Policy DO count as disciplinary actions. All violations of this policy will be addressed according to the graduated discipline plan of the school that the student attends. Students and their families WILL have to meet specific concerns related to the violation and cooperate with the school to help the student acquire the specific behaviors necessary to behave appropriately on an electronic network.

2. Privacy

Users of the Yu Ming system should understand that there is no expectation of privacy on this system.

- a. Yu Ming reserves the right to monitor the use of the Internet through its system, at all times. Yu Ming will collect and store information about usage which includes, but may not be limited to, the date and time a user visits the site and information about the user's activities while online. Any information gathered is obtained solely for the purpose of improving Yu Ming services and providing the system with statistical information to assist in improving teaching and learning by teachers and students respectively. Except as otherwise specified in this Technology Acceptable Use Policy, Yu Ming will not use cookies to gather personal identifying information about any of its users (cookies are computer programs that store information about a user on a computer hard drive or disk and allow Yu Ming, among other things, to verify whether a visitor is an authorized user of the Yu Ming system.) Personal identifying information includes, but is not limited to, names, home addresses, e-mail addresses and telephone numbers.
- b. As required by the Children's Internet Protection Act ("CIPA"), Yu Ming will monitor students' online activities. Such monitoring may lead to discovery that the user has violated or may be violating, Yu Ming's Technology Acceptable Use Policy, the student handbook, or the law. Yu Ming also reserves the right to monitor other users (e.g., non students) online activities.
- c. Yu Ming reserves the right to employ and review the results of software that searches, monitors and/or identifies potential violations of the Technology Acceptable Use Policy.
- d. Users should be aware that their personal files may be discoverable in court and administrative proceedings and in accordance with public records laws.
- e. System users should have no privacy expectation in the contents of their personal files and records of their online activity while on the Yu Ming system. Yu Ming does not encourage users to store personal data on the Yu Ming system - Yu Ming cannot be responsible for the loss or damage of such data.

3. Parental Notification and Responsibility

- a. Where appropriate, individual schools will provide students and parents with guidelines and instructions for student safety while using the Internet.
- b. Yu Ming's Technology Acceptable Use Policy contains restrictions on accessing inappropriate material. However, there is a wide range of material available on the Internet, some of which may or may not fit the particular values of students and families. While student use will be

supervised and logged, it is not practically possible for Yu Ming to monitor and enforce a wide range of social values in student use of the Internet. Further, Yu Ming recognizes that parents bear primary responsibility for transmitting their particular set of family values to their children. Yu Ming strongly encourages parents to specify to their child(ren) what material is and is not acceptable for their child(ren) to access through Yu Ming system.

4. Limitations on Internet Usage

a. Personal Safety Violations For Students - Yu Ming strongly recommends that all students follow the two guidelines below, at all times:

- i. Students do not post or transmit photographs or personal contact information about themselves or other people.
- ii. Students do not agree to meet with someone they have met online.

Yu Ming requires that student users promptly disclose to their mentor or other school employee any electronic message they receive that is inappropriate or makes them feel uncomfortable.

b. Illegal Activities - All students should be aware that engaging in any of the following illegal activities will result in disciplinary action by their school.

- i. Users shall not attempt to gain unauthorized access to the Yu Ming system or to any other computer system through the Yu Ming system, or go beyond their authorized access. This prohibition includes intentionally seeking information about passwords belonging to other users, modifying passwords belonging to other users, illegally obtaining wireless passkeys, or attempting to login through another person's account. Further, users may not attempt to access, copy, or modify another user's files. These actions are not permitted and may be illegal, even if only for the purposes of "browsing."
- ii. Users shall not attempt to subvert network security, impair the functionality of the network or bypass restrictions set by network administrators. Users are also prohibited from destroying data by spreading computer viruses or vandalizing data, software or equipment.
- iii. Users shall not use the Yu Ming system to engage in any other illegal act, such as arranging for a drug sale, engaging in criminal gang activity, threatening the safety of a person, etc.
- iv. Users shall not use the Yu Ming system to download illegal music, books, video, and software without payment to the originator.
- v. User shall not use software applications that have a continuous connection to the internet that is streaming steadily and consuming large amount of internet bandwidth (e.g. bit-torrent, etc) for the purpose of obtaining illegal content.

c. System Security

- i. Users are responsible for the use of their individual account if applicable and should take all reasonable precautions to prevent others from being able to use their account. Under no conditions should a user provide their password to another person, except for teachers who may require students to provide their passwords.
- ii. Student users will immediately notify a teacher if they identify a possible security problem (such as disclosure of their password to another person) and other users will immediately notify the technology team. Users should not attempt to uncover security problems because this may be construed as an illegal attempt to gain access.
- iii. Yu Ming will install and maintain anti-virus software on each computer as required. Updates, typically referred to as "virus definitions," will be updated as the manufacturer recommends.

- d. Inappropriate Language - All students should be aware that using inappropriate language electronically can be damaging to others and may lead to disciplinary action.
 - i. Restrictions against inappropriate language apply to public messages, private messages, and material posted on Web pages.
 - ii. Users will not use obscene, profane, lewd, vulgar, rude, inflammatory, threatening, abusive or disrespectful language.
 - iii. Users will not post information that could interfere with the educational process or cause a danger of disruption in the educational environment.
 - iv. Users will not engage in personal attacks, including prejudicial or discriminatory attacks.
 - v. Users will not harass another person. Harassment is persistently acting in a manner that distresses or annoys another person. If a user is told by a person to stop sending them messages, they must stop.
 - vi. Users will not knowingly or recklessly post false or defamatory information about a person or organization.
 - vii. Users should not repost a message that was sent to them privately without permission of the person who sent them the message.
 - viii. Users should not post private information about another person.
- e. Respecting Resource Limits
 - i. Users will use the system for educational and professional activities.
 - ii. Users will refrain from downloading large files unless absolutely necessary. If necessary, users will download the file at a time when the system is not being heavily used.
 - iii. Users will not post chain letters or engage in "spamming." Spamming is sending an annoying or unsolicited message to many people, except that an unsolicited message sent by a supervisor, relating to work activity does not constitute spamming.
 - iv. Users will check their e-mail frequently and delete unwanted messages.
 - v. Users will not send e-mail containing commercial links unless the link is predominantly instructional in nature.
 - vi. User will not use the system to engage in harming or bullying.
 - vii. User should not expect assistance with exporting or importing their email for transference or archival.
- f. Plagiarism and Copyright Infringement
 - i. Users will not plagiarize works that they find on the Internet. Plagiarism is taking the ideas or writings of others and presenting them as if they were original to the user.
 - ii. Users will respect the rights of copyright owners and not infringe on those rights. Copyright infringement occurs when an individual inappropriately reproduces a work that is protected by a copyright. If a work contains language that specifies acceptable use of that work, the user should follow the expressed requirements. If the user is unsure whether or not they can use a work, they should request permission from the copyright owner.
- g. Access to Inappropriate Material
 - i. Users will not use the Yu Ming system to access material that is profane or obscene (e.g., pornography), that advocates illegal or dangerous acts, or that advocates violence or discrimination towards other people (e.g., hate literature). For students, a special exception may be made if the purpose is to conduct research and is approved by the teacher.
 - ii. If users inadvertently access such information, they should immediately disclose the

inadvertent access in a manner specified by their school. This will protect users against an allegation that they have intentionally violated the Technology Acceptable Use Policy.

- h. Other
 - i. Users will not use the Internet for advertising, promotion, commercial purposes or similar objectives.
 - ii. Users will not use the Internet to conduct for-profit business activities or to engage in religious activities. Users are also prohibited from engaging in any non-governmental-related fund raising or public relations activities such as solicitation for religious purposes, lobbying for political purposes, or soliciting votes. Yu Ming is not responsible for this or any other commercial activity users engage in.
 - iii. Users will not rebroadcast or piggyback on existing systems to create personal micro wifi hotspots at any of the schools.

E-mail Policy

Email resources are available to all Yu Ming users. Every individual assigned a Yu Ming email address will have the responsibility to use this resource in an efficient, effective, ethical and lawful manner. Email Acceptable Use Guidelines - "Acceptable" e-mail activities are those that conform to the purpose, goals, and mission of Yu Ming and to each user's responsibilities. Users shall have no right to privacy while using Yu Ming internet or e-mail system. The following actions are prohibited:

1. Opening unknown e-mail attachments or introducing computer worms or viruses. Users are prohibited from performing any activity that will or may cause the loss or corruption of data or the abnormal use of computing resources (degradation of system/network performance).
2. Using e-mail services for private commercial or business transactions and any activity meant to foster personal gain.
3. Conducting non-Yu Ming fund raising or public relations activities such as solicitation for religious and political causes or not-for-profit activities.
4. Transmitting threatening, offensive harassing information (messages or images) containing defamatory, abusive, obscene, pornographic, sexually oriented, racially offensive, or otherwise biased, discriminatory, or illegal material.
5. Attempting to subvert network security, impair functionality of the network, or bypass restrictions set by the network administrators. Assisting others in violating these rules by sharing information or passwords.
6. Distributing "junk" mail, such as chain letters, advertisements, or unauthorized solicitations.

REMINDER: Yu Ming reserves the right to examine any/all e-mail or Internet correspondence for security and/or network management purposes. Violation of this e-mail policy may result in disciplinary action.

Device Use

The device resources of Yu Ming are available to authorized students and parents for educational, research, and administrative purposes. In order to maintain this policy, it is essential that the users themselves observe reasonable standards of behavior regarding the use of the devices. The following actions are prohibited:

- Any attempt to modify or damage device, network, or software
- Any attempt to modify the original system configurations
- Improper use of the device equipment
- Installation or use of non-academic games on Yu Ming systems
- Recreational game playing
- Unauthorized use of an Yu Ming account belonging to another user

- Unauthorized reading, use of, or deletion of private files or email belonging to another user
- Sharing username and passwords with other users or any other person
- Any attempt to circumvent (hacking/bypass) system protection and security features
- Knowingly using any system to produce system failure or degrade performance
- Engaging in unauthorized duplication, alteration or destruction of data, programs or software
- Transmitting or disclosing data, programs or software belonging to others or duplicating copyrighted materials
- Use of device resources for private purposes, including, but not limited to, the use of device resources for profit making or illegal purposes

Yu Ming reserves the right to investigate any of the above abuses, as well as any other interference with the proper functioning of the Yu Ming network or infringements upon another user's rights. Any violation will result in disciplinary action. Consequences may include suggested payments for damages and or restorative practices if payment is limited or not possible. The school's Executive and/or Assistant Director will make the final decision.

1. Take Home Policy: Technology Acceptable Use Policy continues to be applied to all students. The resources provided are considered essential for student's continued academic success, therefore the policies must be adhered for both safety and compliance.
2. Chromebook Care Manual: All students must adhere to the [care manual](#) to ensure their device is working properly. This guide has been provided to address in-school and out-of-school use. The guide is not comprehensive, rather it focuses on the most common guidelines and practices for taking care of student devices. An electronic version will provided to all families during the start of the new academic year.
 - a. Mini-Sheet Device Care Manual: All students will not alter or damage or discard the [guide](#). The mini-guide is in reference to the Chromebook Care Manual and highlights the most important "to do" to ensure your device is properly working

Cyberbullying

"Cyberbullying involves the use of information and communication technologies such as email, cell phone and pager text messages, instant messaging, defamatory personal Web sites, and defamatory online personal polling Web sites, to support deliberate and hostile behavior by an individual or group that is intended to harm others." --Bill Belsey, President of Bullying.org.

Cyberbullying is all forms of harassment over the Internet or other forms of electronic communications, including cell phones. Students will refrain from using communication devices or school property to harass or stalk another. The school's computer network and the Internet, whether accessed at school or away from school, during or after school hours, may not be used for the purpose of Cyberbullying.

Bullying through the use of technology or any electronic communication (including, but not limited to, a transfer of signs, signals, writing, images, sounds, data or intelligence of any nature) transmitted by the use of any electronic device (including, but not limited to, a computer, telephone, cellular telephone, text messaging device or personal digital assistant) is prohibited. California anti-bullying laws is enforced by the following: California Education Code 32261-32262, 32265, 32270, 35294.2, and 48900.

These actions are prohibited: Flaming; Denigration also known as "dissing"; Bash boards; Impersonation; Outing; Trickery; Exclusion; Harassment; Happy slapping; Text wars or attacks; Negative Online polls; Sending malicious codes; Griefing

Users should always use good digital citizenship when posting or replying on the internet. Always be

kind, have common courtesy, and be considerate to others. Displaying online social behaviors that model good cyber citizenship is important and encouraged.

Cybersafety

Yu Ming believes in ensuring all students and faculty are safe online. All incidents reported will be thoroughly investigated by Yu Ming staff. The outcomes and additional actions will be handled by the Head of School or Directors.

1. *Reporting an incident:* Report all concerns or incidents directly to school leaders.
2. *Follow-up and actions:* School leaders will coordinate and provide follow-up on all incidents or concerns reported.

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.

To indicate your agreement with this Acceptable Use Agreement, please sign the acknowledgement page attached to this Handbook.

Academic Policies

Academic Integrity

Academic integrity is an important part of being a Yu Ming student. Students are expected to do their own homework, to test without external resources, and to submit original work for all assignments. Students are expected to deny all requests to copy from their own work.

Consequences for Violating Academic Integrity

All test papers, quizzes, or assignments will be taken from the student(s) violating the policy. A student found cheating may receive, at the discretion of the teacher, a failing grade for the test, quiz, or assignment.

Parents will be notified and a parent conference will be arranged if the teacher deems it necessary. The Directors will be notified.

An incident of cheating and/or plagiarism will result in removal from any academic recognition opportunities for that semester.

Repeated violations or a single serious violation may lead to more serious disciplinary actions.

Comprehensive Sexual Health and HIV Prevention Education

Yu Ming may provide comprehensive sexual health and HIV prevention education to students in grades 4 - 8. A parent or guardian may request a copy of the California Healthy Youth Act and may request to see the written and audiovisual materials the school plans to use with any such education. A parent/guardian has the right to submit a written request to School officials that his or her child not receive comprehensive sexual health and HIV prevention education.

Pupil Fees

Yu Ming does not require students to pay any fees, deposits, or other charges for their participation in an educational activity which constitutes an integral fundamental part of the school's educational program, including curricular and extracurricular activities. As necessary, Yu Ming may approve fees, deposits, and other charges, which are specifically authorized by

law. Parents may file a complaint of noncompliance with the Head of School when they believe the school is not in compliance. (See “Complaint Procedure.”)

California Assessment of Student Performance and Progress (“CAASPP”)

California's new statewide student assessment system known as CAASPP (California's Assessment of Student Performance and Progress) was established January 1, 2014. The School shall annually administer required state testing to the applicable grades (e.g., the California Assessment of Student Performance and Progress.) Notwithstanding any other provision of law, a parent's or guardian's written request to School officials to excuse his or her child from any or all parts of the state assessments shall be granted. Parent(s)/guardians will be asked to ensure their children attend school, eat a healthy breakfast, and get adequate sleep during the testing period.

SBAC (Smarter Balanced Assessment Consortium)

The Smarter Balanced Assessment Consortium is a multistate consortium working collaboratively to develop a student assessment system aligned with a common core of academic content standards for English language arts/literacy and mathematics. As a Smarter Balanced governing state, California is a decision-making member. Smarter Balanced assessments are administered to all students and designed to measure student progress toward college and career readiness. Scores from these assessments will be the basis for calculating the school's Academic Performance Index (API), a number between 200 and 1000 that indicates students' overall performance. Based on the API, the state also ranks schools in deciles, overall and compared to demographically similar school. Although these tests are not the only measures of student performance and school success, the SBAC results are important for charter renewal, fund-raising, and family enrollment decisions; accordingly.

Additional tests for some students

California English Language Development Test (CELDT)

The CELDT is given to students whose primary language is not English. They take the CELDT when they first enroll in school and each year after that until school officials determine that they have become English proficient. The CELDT evaluates a student's ability to listen, speak, read, and write in English.

Special Needs

Section 504 Plan

Section 504 of the Rehabilitation Act of 1973 states that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, 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. Any student who has an objectively identified disability that substantially limits a major life function, including but not limited to learning, is eligible for accommodations.

Compliance monitored by the Office of Civil Rights.

Applies to all institutions receiving federal financial assistance, such as public schools.

Schools are obligated to provide a "free appropriate public education" (FAPE) to children with a disability.

Section 504 prohibits discrimination while assuring that disabled students have educational opportunities and benefits equal to those provided to non-disabled students.

If you would like to know more about 504 Plans or other types of assistance that may be available to your student, please contact your Director of Student Support Services Meredith Hansen Favero at mfavero@yumingschool.org.

Special Education

We are dedicated to the belief that all students can learn and must be guaranteed equal opportunity to become contributing members of the academic environment and society. The School provides special education instruction and related services in accordance with the Individuals with Disabilities in Education Improvement Act (“IDEIA”), Education Code requirements, and applicable policies and procedures of the El Dorado County Charter SELPA (<http://www.edcoecharterselpa.org/parents>). These services are available for special education students enrolled at the School. We offer high quality educational programs and services for all our students in accordance with the assessed needs of each student.

Federal law requires that a free and appropriate education shall be offered in the least restrictive environment to all eligible students who are disabled. This right applies to students eligible for Special Education services as defined under the IDEIA. “Developmental screening and/or comprehensive assessments for children who are suspected of having a disability which could adversely affect their educational development are available at no cost to you.

Determination for eligibility for special education and services may come from teachers, parents, agencies, appropriate professional persons, and from other members of the public. Special Education referrals will be coordinated with school site procedures for referral of pupils with needs that cannot be met with modifications of the regular instructional program, including referrals from student intervention teams, such as the Student Success Team (SST). A pupil shall be referred for special education and services after the resources of the regular education program have been considered and, where appropriate, utilized.

Any Yu Ming Charter School family with questions or concerns with regard to an enrolled student receiving special education services, or questions about how to have a student referred for assessment, has the right to request assistance in addition to copies of policies, procedures, evaluations, plans and reports. If you have any questions about special education services or eligibility, please contact Meredith Hansen Favero, Director of Student Support Services, mfavero@yumingschool.org.

Comprehensive Complaint Policy and Procedures

Uniform Complaint Policy

Yu Ming Charter School (the “Charter School”) policy is to comply with applicable federal and state laws and regulations. The Charter School 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. This complaint procedure is adopted to provide a uniform system of complaint processing for the following types of complaints:

1. Complaints of unlawful discrimination, intimidation, harassment, or bullying against any protected group including actual or perceived, discrimination on the basis of the actual or perceived characteristics of age, sex, sexual orientation, gender, gender expression, gender identity, genetic information, ethnic group identification, race or ethnicity, ancestry, nationality, national origin, religion, color, or mental or physical disability, 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; and
2. Complaints of violations of state or federal law and regulations governing the following programs including but not limited to: adult education programs, special education programs, consolidated categorical aid, migrant education, career technical and technical education training programs, Foster and Homeless Youth Services, child care and development programs, and child nutrition programs.
 3. A complaint may also be filed 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 a school, school district, charter school or county office of education 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 Section 49011 of the Education Code 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 may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to pupil fees.
 - d. If the Charter School finds merit in a pupil fees complaint the Charter School shall provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts by the Charter School to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.
 - e. Nothing in this section shall be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or school districts, school, and other entities from providing pupils prizes or other recognition for voluntarily participating in fundraising activities.
 4. Complaints of noncompliance with the requirements governing the Local Control Funding Formula or Sections 47606.5 and 47607.3 of the Education Code, as applicable.
 5. Complaints of noncompliance with the requirements of Education Code Section 222 regarding the rights of lactating pupils on a school campus. If the Charter School finds merit in a complaint, or if the Superintendent finds merit in an appeal, the Charter School shall provide a remedy to the affected pupil.

The Charter School acknowledges and respects every individual's rights to privacy. Unlawful discrimination, intimidation, harassment, or bullying complaints shall be investigated in a manner that protects (to the greatest extent reasonably possible) the confidentiality of the parties and the integrity of the process. The Charter School cannot guarantee anonymity of the complainant. This includes keeping the identity of the complainant confidential. However, the Charter School will attempt to do so as appropriate. The Charter School may find it necessary to disclose information regarding the complaint/complainant to the extent necessary to carry out the investigation or proceedings, as determined by the Head of School or designee on a case-by-case basis.

The Charter School prohibits any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of unlawful discrimination, intimidation, harassment, or bullying. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

Compliance Officers

The Governing Board designates the following compliance officer(s) to receive and investigate complaints and to ensure the School's compliance with law:

Head of School Sue Park
Yu Ming Charter School I 1086 Alcatraz Ave I Oakland, CA 94608
510-452-2063

The Head of School or designee 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 Head of School or designee.

Should a complaint be filed against the Head of School, the compliance officer for that case shall be the President of the Charter School Governing Board.

Notifications

The Head of School or designee shall annually provide written notification of the School's uniform complaint procedures to students, employees, parents/guardians, the Governing Board, appropriate private officials or representatives, and other interested parties.

The annual notice shall be in English, and when necessary, in the primary language, pursuant to section 48985 of the Education Code if fifteen (15) percent or more of the pupils enrolled in the Charter School speak a single primary language other than English.

The Head of School or designee shall make available copies of the School's uniform complaint procedures free of charge.

The annual notice shall include the following:

1. A statement that the Charter School is primarily responsible for compliance with state and federal laws and regulations;
2. 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.
3. A statement identifying the responsible staff member, position, or unit designated to receive complaints.
4. A statement that the complainant has a right to appeal the Charter School's decision to the CDE by filing a written appeal within 15 days of receiving the Charter School's decision.

5. 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 § 262.3.
6. A statement that copies of the local educational agency complaint procedures shall be available free of charge.

Procedures

The following procedures shall be used to address all complaints which allege that the School has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related actions.

All parties involved in allegations 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, public agency or organization may file a written complaint of alleged noncompliance by the School.

A complaint alleging unlawful discrimination, intimidation, harassment, or bullying shall be initiated no later than six (6) months from the date when the alleged unlawful discrimination, intimidation, harassment, or bullying occurred, or six (6) months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination, intimidation, harassment, or bullying. A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination, intimidation, harassment, or bullying or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination, intimidation, harassment, or bullying.

Pupil fee complaints shall be filed not later than one (1) year from the date the alleged violation occurred.

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.

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, Charter School staff shall assist him/her in the filing of the complaint.

Step 2: Mediation

Within three (3) 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, intimidation, harassment, 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 the School'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 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 the School'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.

The Charter School'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: Response

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report of the School's investigation and decision, as described in Step #5 below, within sixty (60) days of the School's receipt of the complaint.

Step 5: Final Written Decision

The Charter School's decision shall be in writing and sent to the complainant. The Charter School'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(s) of law.
3. Disposition of the complaint.
4. Rationale for such disposition.
5. Corrective actions, if any are warranted.
6. Notice of the complainant's right to appeal the School's decision within fifteen (15) days to the CDE and procedures to be followed for initiating such an appeal.
7. For unlawful discrimination, intimidation, harassment, or bullying complaints arising under state law, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies.
8. For unlawful discrimination, intimidation, harassment, or bullying complaints arising under federal law such complaint may be made at any time to the U.S. Department of Education, Office for Civil Rights.

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 the School's expectations. The report shall not give any further information as to the nature of the disciplinary action.

Appeals to the California Department of Education

If dissatisfied with the School's decision, the complainant may appeal in writing to the CDE within fifteen (15) days of receiving the School's decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the School's decision.

Upon notification by the CDE that the complainant has appealed the School's decision, the Head of School or designee shall forward the following documents to the CDE:

1. A copy of the original complaint.
2. A copy of the decision.
3. A summary of the nature and extent of the investigation conducted by the School, if not covered by the decision.
4. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by all parties and gathered by the investigator.
5. A report of any action taken to resolve the complaint.
6. A copy of the School's complaint procedures.
7. Other relevant information requested by the CDE.

The CDE may directly intervene in the complaint without waiting for action by the School when one of the conditions listed in Title 5, California Code of Regulations, Section 4650 exists, including cases in which the School has not taken action within sixty (60) days of the date the complaint was filed with the School.

Civil Law Remedies

A complainant may pursue available civil law remedies outside of the 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, intimidation, harassment, or bullying complaints arising under state law, however, a complainant must wait until 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 the School has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.

Policy against Unlawful Harassment

Yu Ming Charter School is committed to providing a learning and work environment that is free from harassment of any kind. Harassment of any student or staff member by another student or staff member is prohibited.

Harassment occurs when an individual is subjected to treatment or a school environment that is hostile or intimidating because of the individual's pregnancy, childbirth or related medical conditions, race, religion, creed, color, 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. The School will not condone or tolerate harassment of any type by any employee, independent contractor or other person with which the School does business with, or any other individual, student, or volunteer. This policy applies to all employee, student, or volunteer actions and relationships, regardless of position or gender. The school will treat allegations of harassment seriously and will review and investigate such allegations in a prompt, confidential, and thorough manner, and take appropriate corrective action, if warranted.

Harassment can occur any time during school hours or during school related activities. It includes, but is not limited to, any or all of the following:

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 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 classes above.

Prohibited Unlawful Sexual Harassment

In accordance with existing policy, discrimination on the basis of gender in education institutions is prohibited. All persons, regardless of the gender, are afforded equal rights and opportunities and freedom from unlawful discrimination in education programs or activities conducted by the School.

The School is committed to provide a workplace and educational environment free of sexual harassment and considers such harassment to be a major offense, which may result in disciplinary action, up to, and including dismissal, of the offending employee, and disciplinary action up to and including suspension or expulsion of the student.

Sexual harassment consist of sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature when: (1) submission to the conduct is made explicitly or implicitly a term or a condition of an individual's employment, academic status, or progress; (2) submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual; (3) 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 (4) 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 him or her against another individual.

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 will receive sexual harassment training and/or instruction concerning sexual harassment in the workplace as required by law.

Each employee, volunteer and student has the responsibility to maintain a workplace and educational environment free from any form of sexual harassment. Consequently, should any individual, in particular those with supervisory responsibilities, become aware of any conduct that may constitute sexual harassment or other prohibited behavior, immediate action should be taken to address such conduct. Employees and students are expected to act in a positive and professional manner and to contribute to a productive school environment that is free from harassing or disruptive activity. Any employee or student who believes they have been harassed or has witnessed harassment is encouraged to immediately report such harassment to their supervisor or the Head of School. See Attachment B for the "Harassment Complaint Form."

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 and

- o Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another’s body, or poking another’s body.

Unwanted sexual advances, propositions or other sexual comments, such as:

- o Sexually oriented gestures, notices, remarks, jokes, or comments about a person’s sexuality or sexual experience.
- o Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward or deferential treatment for rejecting sexual conduct.

Subjecting or threats of subjecting an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee’s job more difficult because of the employee’s sex.

Sexual or discriminatory displays or publications anywhere at the workplace by employees, such as:

- o Displaying pictures, cartoons, posters, calendars, graffiti, objections, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning or pornographic or bringing or possessing any such material to read, display or view at work or the educational environment.
- o Reading publicly or otherwise publicizing in the work or educational environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic; and
- o Displaying signs or other materials purporting to segregate an employee by sex in an area of the workplace (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.

Complainants and witnesses under these policies will be protected from further harassment and will not be retaliated against in any aspect of their employment due to their participation, filing of a complaint or reporting sexual harassment.

The School will investigate complaints promptly and provide a written report of the investigation and decision as soon as practicable. The investigation will be handled in as confidential a manner as possible consistent with a full, fair, and proper investigation.

Employees may also direct their complaints to the California Department of Fair Employment and Housing (“DFEH”), which has authority to conduct investigation of the facts. The deadline for filing complaints with the DFEH is one year from the date of the alleged unlawful conduct. If the DFEH believes a complaint is valid and settlement efforts fail, the DFEH may seek an administrative hearing before the California Fair Employment and Housing Commission (“FEHC”) or file a lawsuit in court. Both the FEHC and the courts have authority to award monetary and non-monetary relief in meritorious cases. Employees can contact the nearest DFEH office or the FEHC by checking the State Government listings in the local telephone directory.

While in most situations a personal relationship is a private matter, these relationships are not appropriate in a professional setting, particularly where one of the parties has management or supervisory responsibilities.

Compliance Officers

The Board of Directors designates the following compliance officer(s) to receive and investigate complaints and to ensure the Charter School’s compliance with law:

Head of School Sue Park

The Head of School or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible.

Employee Complaints

Employees may also direct their complaints to the California Department of Fair Employment and Housing (“DFEH”), which has authority to conduct investigation of the facts. The deadline for filing complaints with the DFEH is one year from the date of the alleged unlawful conduct. If the DFEH believes a complaint is valid and settlement efforts fail, the DFEH may seek an administrative hearing before the California Fair Employment and Housing Commission (“FEHC”) or file a lawsuit in court. Both the FEHC and the courts have authority to award monetary and non-monetary relief in meritorious cases. Employees can contact the nearest DFEH office or the FEHC by checking the State Government listings in the local telephone directory.

General Complaint Policy

Yu Ming Charter School (“Charter School”) has adopted this General Complaint Policy to address concerns about the Charter School generally or regarding specific employees. For complaints regarding harassment or perceived violations of state or federal laws, please refer to the Charter School’s Policy Against Unlawful Harassment and/or the Charter School’s Uniform Complaint Procedures. For all other complaints, the General Complaint form and accompanying procedures will be appropriate.

Internal Complaints

(Complaints by Employees against Employees)

This section of the policy is for use when a Charter School employee raises a complaint or concern about a co-worker.

If reasonably possible, internal complaints should be resolved at the lowest possible level, including attempts to discuss/resolve concerns with the immediate supervisor. However, in the event an informal resolution may not be achieved or is not appropriate, the following steps will be followed by the Head of School or designee:

1. The complainant will bring the matter to the attention of the Head of School as soon as possible after attempts to resolve the complaint with the immediate supervisor have failed or if not appropriate; and
2. The complainant will reduce his or her complaint to writing, indicating all known and relevant facts. The Head of School or designee will then investigate the facts and provide a solution or explanation;
3. If the complaint is about the Head of School, the complainant may file his or her complaint in a signed writing to the Chair of the Governing Board of the Charter School, who will then confer with the Board and may conduct a fact-finding or authorize a third party investigator on behalf of the Board. The Chair or investigator will report his or her findings to the Board for review and action, if necessary.

This policy cannot guarantee that every problem will be resolved to the employee’s satisfaction. However, the Charter School values each employee’s ability to express concerns and the need for resolution without fear of adverse consequence to employment.

Policy For Complaints Generally

(General Complaints and Complaints by Third Parties against Employees)

This section of the policy is for use when either a complaint does not fall under other complaint procedures or a third party (non-employee) raises a complaint or concern about the Charter School generally, or a Charter School employee.

If complaints cannot be resolved informally, complainants may file a written complaint with the office of the Head of School or Board President (only if the complaint concerns the Head of School) as soon as possible after the events that give rise to the complainant's concerns. The written complaint should set forth in detail the factual basis for the complaint.

In processing the complaint, the Head of School (or designee) shall abide by the following process:

1. The Head of School or designee shall use his or her best efforts to ascertain the facts relating to the complaint. Where applicable, the Head of School or designee shall talk with the parties identified in the complaint or persons with knowledge of the particulars of the complaint to ascertain said facts.
2. In the event that the Head of School (or designee) finds that a complaint is valid, the Head of School (or designee) may take appropriate action to resolve the problem. Where the complaint is against an employee of the Charter School, the Head of School may take disciplinary action against the employee. As appropriate, the Head of School (or designee) may also simply counsel/reprimand employees as to their conduct without initiating formal disciplinary measures.
3. The Head of School's (or designee's) decision relating to the complaint shall be final unless it is appealed to the Governing Board of the Charter School. The decision of the Governing Board shall be final.

General Requirements

Confidentiality

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

Non-Retaliation

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

Resolution

The Board (if a complaint is about the Head of School) or the Head of School or designee will investigate complaints appropriately under the circumstances and pursuant to the applicable procedures, and if necessary, take appropriate remedial measures to ensure effective resolution of any complaint.

Harassment, Intimidation, Discrimination & Bullying Policy

Yu Ming believes all students have the right to a safe and civil learning environment. Discrimination, 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, the Charter School prohibits any acts of discrimination, harassment, intimidation, and bullying related to school activity or school attendance. 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, consistent with this policy.

As used in this policy, “discrimination, harassment, intimidation, and bullying” describe the intentional conduct, including verbal, physical, written communication, or cyberbullying, that is based on the actual or perceived characteristics of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. In addition, bullying encompasses any conduct described in the definitions set forth in 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, and address any reports of such behaviors in a timely manner. Charter School staff who witness acts of discrimination, harassment, intimidation, and bullying will take immediate steps to intervene, so long as it is safe to do so.

Definitions

“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.

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

1. A message, text, sound, 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 pupil 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 pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.

- c. Creating a false profile for the purpose of having one or more of the effects listed in the definition of “bullying,” 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.
3. 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.

Reporting

All staff are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or become aware of discrimination, intimidation, harassment, or bullying, to intervene as soon as it is 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 bullying.

All other members of the school community, including students, parents/guardians, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy to the Head of School or designee. While submission of a written report is not required, the reporting party is encouraged to use the report form available in the Main Office. However, oral reports shall also be considered. Reports may be made anonymously, but formal disciplinary action cannot be based solely on anonymous information.

Students are expected to report all incidents of discrimination, intimidation, harassment, bullying, teasing, or other verbal or physical abuse. Any student who feels she/he is a target of such behavior should immediately contact a teacher, counselor, director, or staff person so that she/he can get assistance in resolving the issue consistent with this policy.

The Charter School acknowledges and respects every individual’s rights to privacy. To that end, consistent with legal requirements, 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.

The Charter School prohibits any form of retaliation against any reporter in the reporting process, including but not limited to a reporter’s filing of a complaint or the reporting of violations of this policy. Such participation shall not in any way affect the status, grades or work assignments of the reporter.

Investigation

Upon receipt of a report of harassment, intimidation, or bullying from a student, staff member, parent, volunteer, visitor or affiliate of the Charter School, the Head of School or designee will promptly initiate an investigation. At the conclusion of the investigation, the Head of School or designee will notify the complainant of the outcome of the investigation. However, in no case may the Head of School or designee reveal confidential student information related to other students, including the type and extent of discipline issued against such students.

Complaints shall be investigated and resolved within thirty (30) school days, unless circumstances reasonably require additional time.

All records related to any investigation of discrimination, harassment, intimidation or bullying will remain in a secure location in the Main Office of the Charter School.

In those instances when the complaint filed under this policy also requires investigation under the Uniform Complaint Procedures, such investigation will be undertaken concurrently.

Appeal

Should the Complainant find the Head of School or designee resolution unsatisfactory, he/she may within five (5) school days of the date of resolution, file an appeal with the Designated Appeals Committee. In such cases, at least three (3) certificated School employees who are unfamiliar with the case and who have been previously designated and trained for this purpose shall be assembled to conduct a confidential review of the Complainant's appeal and render a final disposition.

Consequences

Students who engage in discrimination, harassment, intimidation or bullying may be subject to disciplinary action, up to and including suspension and/or expulsion, as outlined in the Student Discipline Policy of the Charter School.

Uniform Complaint Procedure Form

Last Name: _____ First Name/MI: _____

Student Name (if applicable): _____ Grade: _____ Date of Birth: _____

Street Address/Apt. #: _____

City: _____ State: _____ Zip Code: _____

Home Phone: _____ Cell Phone: _____ Work Phone: _____

School/Office of Alleged Violation: _____

For allegation(s) of noncompliance, please check the program or activity referred to in your complaint, if applicable:

- | | | |
|---|--|--|
| <input type="checkbox"/> Adult Education | <input type="checkbox"/> Consolidated Categorical Programs | <input type="checkbox"/> Nutrition Services |
| <input type="checkbox"/> Career/Technical Education | <input type="checkbox"/> Migrant and Indian Education | <input type="checkbox"/> Special Education |
| <input type="checkbox"/> Child Development Programs Formula | <input type="checkbox"/> Pupil Fees | <input type="checkbox"/> Local Control Funding |
| <input type="checkbox"/> Foster/Homeless Youth | | |

For allegation(s) of unlawful discrimination, harassment, intimidation, or bullying, please check the basis of the unlawful discrimination, harassment, intimidation, or bullying described in your complaint, if applicable:

- | | | |
|--|--|---|
| <input type="checkbox"/> Age | <input type="checkbox"/> Ethnic Group Identification | <input type="checkbox"/> Gender/Gender Expression/Gender Identity |
| <input type="checkbox"/> Ancestry | <input type="checkbox"/> Religion | <input type="checkbox"/> Sex (Actual or Perceived) |
| <input type="checkbox"/> Color | <input type="checkbox"/> National Origin | <input type="checkbox"/> Sexual Orientation (Actual or Perceived) |
| <input type="checkbox"/> Race or Ethnicity | <input type="checkbox"/> Disability (Mental or Physical) | <input type="checkbox"/> Genetic Information |
| <input type="checkbox"/> Based on association with a person or group with one or more of these actual or perceived characteristics | | |

Please give facts about the complaint. Provide details such as the names of those involved, dates, whether witnesses were present, etc., that may be helpful to the complaint investigator. Attach additional pages if needed.

Have you discussed your complaint or brought your complaint to any School personnel? If you have, to whom did you take the complaint, and what was the result? Attach additional pages if needed.

Please provide copies of any written documents that may be relevant or supportive of your complaint.

I have attached supporting documents. Yes No

Signature: _____ Date: _____

Mail complaint and any relevant documents to:

Harassment Complaint Form

It is the policy of the School that all individuals be free from harassment including sexual harassment. This form is provided for you to report what you believe to be harassment, so that the School may investigate and take appropriate disciplinary or other action when the facts show that there has been harassment.

If you are an employee of the School, you may file this form with the Head of School or Board President. If you are a student or parent, you may file this form with the Head of School, or if the complaint involves the Head of School, with the Board President.

Please review the School's policies concerning harassment for a definition of sexual harassment and a description of the types of conduct that are considered to be harassment.

The School will undertake every effort to handle the investigation of your complaint in a confidential manner. In that regard, the School will disclose the contents of your complaint only to those persons having a need to know. For example, to conduct its investigation, the School will need to disclose portions of your factual allegations to potential witnesses, including anyone you have identified as having knowledge of the facts on which you are basing your complaint, as well as the alleged harasser.

In signing this form below, you authorize the School to disclose to others the information you have provided herein, and information you may provide in the future. Please note that the more detailed information you provide, the more likely it is that the School will be able to address your complaint to your satisfaction.

Charges of harassment are taken very seriously by the School both because of the harm caused to the person harassed, and because of the potential sanctions that may be taken against the harasser. It is therefore very important that you report the facts as accurately and completely as possible and that you cooperate fully with the person or persons designated to investigate your complaint.

Your Name: _____ Date: _____

Date of Alleged Incident(s): _____

Name of Person(s) you believe harassed you or someone else: _____

List any witnesses who were present: _____

Where did the incident(s) occur? _____

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

I acknowledge that I have read and that I understand the above statements. I hereby authorize the School to disclose the information I have provided as it finds necessary in pursuing its investigation.

I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief.

Signature of Complainant

Date

Print Name

To be completed by School:

Received by: _____ Date: _____

General Complaint Form

Your Name: _____ Date: _____

Date of Alleged Incident(s): _____

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

List any witnesses that were present: _____

Where did the incident(s) occur?

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

I hereby authorize Yu Ming Charter School to disclose the information I have provided as it finds necessary in pursuing its investigation. I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief. I further understand 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 School:

Received by: _____

Date: _____

Harassment, Intimidation, Discrimination & Bullying Complaint Form

Your Name: _____ Date: _____

Date of Alleged Incident(s): _____

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

List any witnesses that were present: _____

Where did the incident(s) occur? _____

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

I hereby authorize the Charter School to disclose the information I have provided as it finds necessary in pursuing its investigation. I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief. I further understand 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: _____