

# **2020-2021 Parent and Student Handbook**



**The Heights Charter  
2710 Alpine Blvd, Suite E  
Alpine, CA 91901  
619-792-9000**

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## PROGRAM OVERVIEW

### Mission Statement

The Heights Charter referred to as THC, School, or the Charter School is founded on the belief that all children are born with the capacity for excellence. Our goal is to enable students to become self-motivated, competent, life-long learners. We provide students with a rigorous, standards-based program within a small school nurturing environment that incorporates strong family and community ties. To this end, we offer a non-traditional K-8 independent study/hybrid program that offers classes at our Resource Center along with individually designed curriculum and instruction.

### Guiding Principles

We believe that learning best occurs when:

- Children are in an environment of supportive relationships.
- Parents, students, and teachers work as an educational team.
- Parents are involved in the educational process and school governance.
- The learning environment is safe and non-judgmental.
- Relationships are based on mutual cooperation and respect.
- Class sizes are small.
- Nurturing educational passion is an integral part of every activity

### Expectations of Students and Parents

- Students will maintain at least a 95% attendance record (based on monthly Independent Study Logs).
- Students will complete at least 90% of their assignments.
- Students in fourth grade and above will maintain at least a 2.0 grade point average (GPA).
- Students and their families will behave in a way that does not disrupt the Resource Center's environment of learning and respect.

### Expectations of Teachers and Staff

The teachers and staff at THC will:

- Provide strong, engaging instruction within a small school environment.
- Communicate important information via weekly newsletter.
- Work as a partner in your child's education through direct communication with primary teachers or upper grade case load managers. Primary teachers and case load managers conference with parents in person or electronically, supplying updates on the progress students are making toward their learning goals.
- Provide a physically and emotionally safe learning environment.
- Respond to and resolve conflict professionally and appropriately.

## STUDENT EXPECTATIONS

### 95% Attendance

**Attendance Expectation:** A condition of enrollment at THC is that a student maintains at least a 95% attendance record. This statistic will be determined by the monthly Independent Study Logs that parents are required to sign at the end of every reporting period. Extenuating circumstances for absences will be evaluated by the Director of the school. Examples of extenuating circumstances include, but are not limited to: prolonged illness (as documented by a letter from a doctor), a disruptive emergency within the family, and other reasons listed in California Education Code section 48205.

**Family Vacations and Absences:** Because THC is an independent study charter school, families have more flexibility in planning and taking trips that may enrich a student's educational program. However, students are required to maintain progress toward their educational goals during family vacations/absences. *If a student is a regular attendee of classes at the Resource Center, parents are required to request learning materials to be completed during the vacation or absence at least one week in advance of the student's last day of regular attendance. The request must be emailed to the main office or the student's caseload teacher.* Again, students are required to fulfill all work due or assigned during the vacation or absence.

Students and families who do not meet these basic attendance expectations will have a Parent/Student/Teacher/Case Load Manager conference. An action plan will be developed to assist and support the student so the student can improve his or her attendance. If the student fails to comply with these requirements for attendance, the student will be assessed by the Director and teachers to determine whether an independent study program is the student's best educational choice and in accordance with the School's involuntary removal policy.

### **90% Assignment Completion**

A child's free time should not solely be filled with school assignments. We encourage and promote outside enrichment activities such as sports, service clubs, and various other activities. However, class time at the Resource Center needs to be maximized. It is expected that certain assignments such as (but not limited to) essay drafts, literature reading, and math practice should be completed independent of teachers. Students who haven't completed work prior to the assigned date slow the momentum of the class. Because of this, it is a condition of enrollment that students complete at least 90% of all assignments. Note that there are numerous after school tutoring opportunities and Homework Lab periods built into our students' weekly schedule. *Though the staff at THC assists, it is the family's responsibility to make sure the student completes assignments and turns them in on the due dates.*

Students and families who do not meet these basic assignment completion expectations will have a Parent/Student/Teacher/Case Load Manager conference. An action plan will be developed to assist and support the student so that the student can improve their assignment completion. If the student fails to comply with these requirements for assignment completion, the student will be assessed by the Director and teachers to determine whether an independent study program is the student's best educational choice and in accordance with the School's involuntary removal policy.

### **Grade Point Average**

Students in fourth grade through eighth grade must maintain an overall GPA of 2.0 or higher each semester.

Students and families who do not meet these basic GPA expectations or students who miss more than two (2) assignments as indicated on the Master Agreement contract will have a Parent/Student/Teacher/Case Load Manager conference. An action plan will be developed to assist and support the student so that the student can improve their GPA. If the student fails to comply with these GPA requirements the student will be assessed by the Director and teachers to determine whether an independent study program is the student's best educational choice and in accordance with the School's involuntary removal policy.

### **Appropriate Behavior**

THC is an independent study charter. The opportunity to attend non-mandatory enrichment classes at our Resource Center is a privilege. If a student is extreme or consistent in his or her disruptions to the teaching and learning environment at the Resource Center, the Director will recommend the student transition to a completely independent study model.

THC maintains rules and expectations to fulfill the following goals:

1. Maintain orderly operations.
2. Maintain optimal learning opportunities for students. Resource Center facilities must be free of behaviors that interfere with teaching and learning.

3. Help students develop skills and behaviors necessary for healthy social interaction, both present and future.
4. Help students learn how their decisions affect the quality of their lives and others.
5. Help students develop responsibility and character.

### **The Heights Charter Rules**

Treat others with the same respect with which you are treated by the adults at THC.

Your actions, dress, possessions, etc. may not compromise the safety of others or be disruptive and/or distracting to the educational environment at THC.

AB 1248 added Ed Code 35183.1 which allows a pupil to wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at school graduation ceremonies as long as it does not cause a substantial disruption of the ceremony.

Prohibited actions include, but are not limited to:

- Disrupting teaching or learning environments
- Unapproved cell phone use
- Profanity or vulgarity
- Plagiarizing or cheating
- Wearing any prohibited article of clothing or bringing any prohibited item to the Resource Center
- Discrimination, harassment, or bullying of other students or staff
- Any action constituting grounds for suspension or expulsion
- Any other violations of THC policy, rules, or regulations

Prohibited clothing accessories, and items include, but are not limited to:

- Clothing that is see through, suggestive, or revealing without appropriate undergarments
- Tops or dresses that are low-cut or have shoulder straps less than 1" wide; off the shoulder tops or dresses are not allowed.
- Tops that expose the midriff, halter tops, or tube tops. Tops that are low cut in the front, back or side will not be allowed.
- Shorts, skirts, or dresses (without opaque leggings) that are shorter than mid-thigh. No excessively short shorts, skirts or dresses will be allowed.
- Clothing or accessories that 1) display profanity, vulgarity, nudity, put-downs, offensive, discriminatory or libelous images or language; 2) promote violence; 3) promote drug, alcohol, or tobacco use; and/or 4) are unsafe or, including wallet chains or any oversize chains.
- Sagging pants will not be allowed. Pants should be worn at waist level and fasten securely with a button, snap, or zipper. Pants or shorts that have belt loops must be worn with a belt.
- Pants that are too long, worn too low, too large, or too loose are not permitted.
- Inappropriate shoes for P.E. Close-toed, athletic shoes must be worn for P.E.
- Toys or items from home that are distracting to the teaching or learning environment.

A student's violation of any of these rules will result in consequences. The consequence imposed will depend on factors including, but not limited to the nature of the infraction and the student's discipline history. A student may request a meeting with the Director to discuss any consequence imposed on him or her.

### **Computer Use Policy**

Computers will be used at THC to complete appropriate educational tasks (research, reading practice, spelling tests, learning games, word processing, art, assessments, etc.). The technological resources provided by THC must be used in a safe, responsible, and proper manner in support of the THC instructional program and for the advancement of student learning. Students are prohibited from using THC computers or THC technology in a way that may damage the equipment or network (such as downloading viruses, etc.), distract from the teaching and learning environments or violate the law or THC policy, rules or regulations. Before a student is authorized to use the THC's technological resources, the

student and his/her parent/guardian shall sign and return the Acceptable Use Agreement specifying user obligations and responsibilities.

Students will be held responsible for their conduct on school computers. THC staff will guide students toward appropriate materials and supervise students while they are using online services at THC. THC computers have student filters loaded; however, if a student wants to open a site that might be questionable, he or she must ask permission from the supervising teacher. While THC is able to exercise reasonable control over content created and purchased by THC, it has limited control over content accessed via the internet and no filtering system is 100% effective. Neither THC nor its staff shall be responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes or negligence.

Students shall not use the internet to perform any illegal act or to 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 THC, other students, or the community. Damaging, debilitating or disabling computers, computer networks or systems through the intentional or overuse of electronic distribution or the spreading of computer viruses or other harmful programs are prohibited. Any unauthorized online access to other computers by means of hacking into other computers, downloading hacker tools such as port scanners, and password crackers, designed to evade restrictions are also strictly prohibited.

Other actions that are forbidden to students while using THC technology include, but are not limited to: downloading files or music programs; sending personal emails, instant messages, or using chat rooms or applications; accessing internet game sites without teacher permission; accessing offensive sites, messages, or .images; using obscene or defamatory language; harassing, insulting, or attacking others; and trespassing in other's folder, work, or files. Students who violate this policy may have their computer privileges limited and may be subject to discipline.

### **Cell Phone and Other Electronic Signaling Devices Policy**

Student cell phones and other electronic signaling devices should be turned off and out of sight in backpacks during the school day (unless given approval to complete a classroom task by a teacher and under his or her supervision). If you need to call home, you may use the school phone with permission from THC staff.

Private devices may be used:

- In the case of an emergency, or in response to a perceived threat of danger.
- When a teacher or administrator of the Charter School grants permission to a student to possess or use a private device, subject to any reasonable limitation imposed by that teacher or administrator.
- When a licensed physician and surgeon determines that the possession or use of a private device is necessary for the health or well-being of the student.
- When the possession or use of a private device is required in a student's individualized education program ("IEP").
- At the Resource Center to briefly talk or text with their parents/guardians after being dismissed at the end of the school day, but this privilege may be revoked if a student abuses it or otherwise violates this policy.

Students who use their cell phones or other personal electronic signaling devices without permission during the school day will have to surrender the device for the rest of the school day. Parents can pick up the device at the end of the day in the office. At no time shall THC be responsible for preventing theft, or loss or damage to cell phones or other electronic signaling devices brought onto campus.

## PARENT RESPONSIBILITIES

### Operational Expectations

To maintain orderly operations and a safe campus, the staff of THC has the following parental expectations:

- Work with the THC team to ensure your student maintains 95% attendance, 90% assignment completion, a minimum 2.0 GPA (for 4<sup>th</sup> or 8<sup>th</sup> grades), and is not a disruption to the teaching or learning environment.
- Read the weekly THC Newsletter for important updates, announcements, and important calendar information. Nearly all answers to parent questions can be found within the weekly newsletters.
- Read all THC emails and answer all THC telephone calls.
- Keep all contact information for yourself and your emergency contacts up to date.
- Honor the Resource Center's policy of **dropping off students no earlier than 8:30 a.m.** and **picking up no later than 3:30 p.m.** We understand that emergencies arise. Please communicate with THC at 619-792-9000 if alternate arrangements need to be made.
- If picking up a student before the end of the day, please check out the student in the Resource Center's main office before pulling your child from his or her classroom. For safety/emergency purposes, it is critical the main office of the Resource Center know exactly which students are on campus at any given moment.
- If arriving more than 20 minutes late to a class at the Resource Center or returning a student following an appointment (doctor, dentist, etc.), please check in your student with the main office. **DO NOT DROP OFF** the student at his or her classroom. For safety/emergency purposes, it is critical the main office of the Resource Center know exactly which students are on campus at any given moment.
- Do not call your student's cell phone during the school day. Our expectation is that student cell phones are turned off and out of sight in their backpacks. If you need to speak to your child, please contact the Resource Center's main office at 619-792-9000. Students may accept brief parent calls while at the Resource Center after they have been dismissed for the day.
- Do not send toys, games, distracting pencil boxes, or other items to school with your child unless they are specifically requested or approved by a teacher.
- Proceed at student drop off and pick up safely, quickly, and efficiently. Teacher conferences during this chaotic time are discouraged and not appropriate.
- Volunteering is encouraged. There are always tasks at hand. Scan the weekly newsletter for specific needs. Please note: If you volunteer in your student's classroom, it is our expectation that you are helpful to all students and not just your own. Please see the THC School Visitation and Volunteer policy for more information.
- When on the grounds of the Resource Center, parents (as well as staff) should act as role models for student behavior. Profanity, gossiping, tobacco use, alcohol or drug use, and weapons are prohibited.

### Communication Policy

To maintain our partnership in your student's education, it is THC policy to communicate often with parents. The best source of general information is our weekly emailed newsletter. If you have specific questions about your primary level child (TK-3<sup>rd</sup> grade), your child's teacher is the best contact. If you have specific questions about your upper level child (4<sup>th</sup> – 8<sup>th</sup> grades), your child's case load manager is a good starting point. All teachers may be contacted via email using the general school email – heightscharter@gmail.com. If you would like a meeting with a specific teacher or case load manager (or both), please email in advance to set up a meeting time. While all teachers try to be accommodating, pop-in meetings are not always workable due to time constraints or scheduling conflicts.

## THE HEIGHTS CHARTER ANNUAL NOTICES

### **Nondiscrimination Statement**

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

THC 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 (ADA) of 1990, and the Individuals with Disabilities Education Improvement Act (IDEIA) of 2004.

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

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

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

THC 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). THC also prohibits sexual harassment, including cyber sexual bullying, and harassment based upon pregnancy, childbirth or related medical conditions, race, religion, religious affiliation, creed, color, immigration status, gender, gender identity, gender expression, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal, state, local law, ordinance or regulation. THC 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 THC does business, or any other individual, student, or volunteer. This applies to all employees, students, or volunteers and relationships, regardless of position or gender. THC 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 THC Uniform Complaint Procedures (UCP) Compliance Officer:

Diana Whyte, Director,  
The Heights Charter,  
P.O. Box 969, Alpine, CA 91903-0969,  
Telephone 619-792-9000

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

### **Conflict Resolution Policy**

Conflict may arise from time to time. The best course of action if this occurs is to contact the teacher directly. Most conflicts are created by miscommunication, so an open dialogue resolves most issues. We



encourage you to schedule a meeting with the teacher as soon as possible, so the conflict does not escalate with time.

If this does not resolve the issue, please set up a meeting with the Director.

If that still does not resolve the conflict, you may seek resolution from the THC Board which meets most months. The Board's resolution of the conflict is final.

If you have a conflict with the Director, the first step is to contact the Director. If this does not resolve the conflict, the final step is to take the matter to the THC Board. Their resolution of the conflict is final.

The THC Newsletter and the THC website lists the dates and times of upcoming Board meetings.

Note: Using physical or verbal aggression against another child or adult, including profanity or abusive language or non-verbal intimidation is prohibited. Depending on the severity, local law enforcement may be contacted. These actions will be reported to the Director and consequences will follow all applicable laws, regulations and ordinances.

### **Comprehensive Sexual Health Education**

Per AB 2601, Ed. Code Sections 51938 and 51939, commencing with the 2019-2020 school year, charter schools must ensure that all pupils in grades 7 to 12, inclusive, receive comprehensive sexual health education and HIV prevention education, as specified. A parent or guardian of a student has the right to excuse their child from all or part of comprehensive sexual health education, HIV prevention education, and assessments related to that education through a passive consent (opt-out) process. THC does not require active parental consent (opt-in) for comprehensive sexual health education and HIV prevention education. Parents and guardians may:

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

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

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

### **Child Find – Special Education – Students with Disabilities**

We are dedicated to the belief that all students can learn and must be guaranteed equal opportunity to become contributing members of the academic environment and society. THC 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 East County SELPA. These services are available for special education students enrolled at THC. We offer high quality educational programs and services for all our students in accordance with the assessed needs of each student. THC collaborates with parents, the student, teachers, and other agencies, as may be indicated, in order to appropriately serve the educational needs of each student.

Pursuant to the IDEA and relevant state law, THC is responsible for identifying, locating, and evaluating children enrolled at THC with known or suspected disabilities to determine whether a need for special education and related services exists. This includes children with disabilities who are homeless or foster youth. THC shall not deny nor discourage any student from enrollment solely due to a disability. If you believe your child may be eligible for special education services, please contact Kimberly Koenig, Psychologist/Special Education Teacher at 619-792-9000.

### **School Safety Plan**

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

### **Human Trafficking Prevention**

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

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

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

### **Section 504**

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

### **Immunizations**

To ensure a safe learning environment for all students, THC follows and abides by the health standards set forth by the state of California. Immunization records will be required for all incoming students. The immunization status of all students will be reviewed periodically. Verification of immunizations will be completed with written medical records from the child's doctor or immunization clinic. Those students who do not meet the State guidelines may be excluded from classroom-based instruction until the requirements are met. Students who have been exposed to a communicable disease for which they have not been immunized may be excluded from school at the discretion of THC.

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

Students will be screened for vision and hearing. The Heights Charter will adhere to Education Code Section 49450, et seq, as applicable to the grade levels served by THC.

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

A parent or guardian may file annually with the Director a statement in writing, signed by the parent or guardian, stating that he or she will not consent to a physical examination of his or her child. Thereupon the child shall be exempt from any physical examination, but whenever there is a good reason to believe that the child is suffering from a recognized contagious or infectious disease, he shall be sent home and shall not be permitted to return until THC is satisfied that any contagious or infectious disease does not exist.

### **Oral Health Assessment**

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. Please contact the office if you have any questions about this requirement.

### **California Assessment of Student Performance and Progress (CAASPP)**

THC 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 THC officials to excuse his or her child from any or all parts of the CAASPP shall be granted.

### **Availability of Health Insurance**

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

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

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

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

### **Pregnant and Parenting Students**

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

student who gives or expects to give birth and the infant, and to allow the pregnant or parenting student to care for and bond with the infant. The Charter School will ensure that absences from the student's regular school program are excused until the student is able to return to the regular school program.

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

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

Diana Whyte, Director,  
The Heights Charter,  
P.O. Box 969, Alpine, CA 91903-0969,  
Telephone 619-792-9000

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

### **English Learners**

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

### **Free and Reduced Price Meals**

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

### **Involuntary Removal Process**

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

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

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

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

A hearing decision not to disenroll the student does not prevent THC from making a similar recommendation in the future should student truancy continue or re-occur.

### **Pupil Records, Including Challenges and Directory Information**

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

1. **The right to inspect and review the student's education records within five (5) business days after the day THC receives a request for access.** Parents or eligible students should submit to the THC Director or designee a written request that identifies the records they wish to inspect. The THC official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. **The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.** Parents or eligible students who wish to ask THC to amend a record should write the THC Director or designee, clearly identify the part of the record they want changed and specify why it should be changed. If THC decides not to amend the record as requested by the parent or eligible student, THC will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing. If THC decides to amend the record as requested by the parent or eligible student, the Director must order the correction or the removal and destruction of the information and inform the parent or eligible student of the amendment in writing.
3. **The right to provide written consent before THC 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 THC officials with legitimate educational interests. A THC official is a person employed by THC 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 THC official also may include a volunteer or contractor outside of THC who performs an institutional service or function for which THC 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 THC official in performing his or her tasks. A THC 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, THC discloses education records without consent to officials of another school district in which a student seeks or intends to enroll or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer. Note that THC will not release information to third parties for immigration-enforcement purposes, except as required by law or court order.

4. **The right to file a complaint with the U.S. Department of Education concerning alleged failures by THC to comply with the requirements of FERPA.** The name and address of the office that administers FERPA are: Student Privacy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW Washington, DC 20202.
5. **The right to request that THC not release student names, addresses, and telephone listings to military recruiters or institutions of higher education without prior written parental consent.**

FERPA permits the disclosure of PII from 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 THC 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 THC to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A School may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student to the following parties:

- a) Charter School officials who have a legitimate educational interest as defined by 34 C.F.R. Part 99;
- b) Other schools to which a student seeks or intends to enroll so long as the disclosure is for purposes related to the student's enrollment or transfer. When a student transfers schools, the Charter School will mail the original or a copy of a student's cumulative file to the receiving district or private school within ten (10) school days following the date the request is received from the public school or private school where the pupil intends to enroll. Charter School will make a reasonable attempt to notify the parent or eligible student of the request for records at his/her last known address, unless the disclosure is initiated by the parent or eligible student. Additionally, Charter School will give the parent or eligible student, upon request, a copy of the record that was disclosed and give the parent or eligible student, upon request, an opportunity for hearing;
- c) Certain government officials listed in 20 U.S.C. §1232g(b)(1) in order to carry out lawful functions;
- d) Appropriate parties in connection with a student's application for, or receipt of, financial aid if it is necessary to determine eligibility, amount of aid, conditions for aid or enforcing the terms and conditions of the aid;
- e) Organizations conducting certain studies for the Charter School in accordance with 20 U.S.C. §1232g(b)(1)(F);
- f) Accrediting organizations in order to carry out their accrediting functions;
- g) Parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1986;
- h) Individuals or entities, in compliance with a judicial order or lawfully issued subpoena. Subject to the exceptions found in 34 C.F.R. §99.31(a)(9)(i), reasonable effort must be made to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek a protective order;
- i) Persons who need to know in cases of health and safety emergencies;
- j) State and local authorities, within a juvenile justice system, pursuant to specific State law;
- k) A foster family agency with jurisdiction over a currently enrolled or former student, a short-term residential treatment program staff responsible for the education or case management of a student, and a caregiver (regardless of whether the caregiver has been appointed as the pupil's educational rights holder) who has direct responsibility for the care of the student, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource family, may access the current or most recent records of grades, transcripts, attendance, discipline, and online communication on platforms established by THC for student and parents, and any Individualized Education Program (IEP) or Section 504 plan that may have been developed or maintained by THC; and/or

l) A victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceedings conducted by THC with respect to that alleged crime or offense. THC discloses the final results of the disciplinary proceeding regardless of whether THC concluded a violation was committed.

**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. THC has designated the following information as directory information:

- Student's name
- Student's address
- Parent's/guardian's address
- Telephone number
- Student's email address
- Parent's/guardian's email address
- Photograph
- Student date of birth
- Student's dates of attendance
- Student's participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees, honors, and awards received by the student
- The most recent previous public or private school attended by the student

If you do not want THC to disclose directory information from your child's education records without your prior written consent, you must notify THC in writing at the time of enrollment or re-enrollment. Please notify the Director at 619-792-9000. A copy of the complete Policy is available upon request at the main office.

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

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

1. "Foster youth" refers to any child who has been removed from their home pursuant Welfare and Institutions Code section 309 and/or is the subject of a petition filed under Welfare and Institutions Code section 300 or 602. This includes children who are the subject of cases in dependency court and juvenile justice court.
2. "Former juvenile court school pupils" refers to a student who, upon completion of the student's second year of high school, transfers from a juvenile court school to the Charter School.
3. "Child of a military family" refers to a student who resides in the household of an active duty military member.
4. "Currently Migratory Child" refers to a child who, within the last 12-months, has moved with a parent, guardian, or other person having custody to the Charter School from another Local Educational Agency ("LEA"), either within California or from another state, in order that the child or a member of the child's immediate family might secure temporary or seasonal employment in an agricultural or fishing activity, and whose parents or guardians have been informed of the child's eligibility for migrant education services. "Currently Migratory Child" includes a child who, without the parent/guardian, has continued to migrate annually to secure temporary or seasonal employment in an agricultural or fishing activity.
5. "Pupil participating in a newcomer program" means a pupil who is participating in a program designed to meet the academic and transitional needs of newly arrived immigrant pupils that has as a primary objective the development of English language proficiency.

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

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

Diana Whyte, Director,  
The Heights Charter,  
P.O. Box 969, Alpine, CA 91903-0969,  
Telephone 619-792-9000

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

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

**School Stability:** The Charter School will work with foster youth and their parent to ensure that each pupil is placed in the least restrictive educational programs, and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all pupils, including, but not necessarily limited to, interscholastic sports. All decisions regarding a foster youth's education and placement will be based on the best interest of the child and shall consider, among other factors, educational stability and the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress.

Foster youth, currently migratory children and children of military families have the right to remain in their school of origin if it is their best interest. The Charter School will immediately enroll a foster youth, currently migratory child or child of a military family seeking reenrollment in the Charter School as the student's school of origin (subject to the Charter School's capacity and pursuant to the procedures stated in the Charter School's charter and Board policy). If a dispute arises regarding a foster youth's request to remain in the Charter School as the school of origin, the foster youth has the right to remain in the Charter School pending the resolution of the dispute. The Charter School will also immediately enroll any foster youth, currently migratory child or child of a military family seeking to transfer to the Charter School (subject to the Charter School's capacity and pursuant to the procedures stated in the Charter School's charter and Board policy) regardless of the student's ability to meet normal enrollment documentation or uniform requirements (e.g. producing medical records or academic records from a previous school).

Foster youth, currently migratory children, and children of military families have the right to remain in their school of origin following the termination of the child's status as a foster youth, currently migratory child or child of a military family, as follows:

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

**Acceptance of Course Work:** The Charter School will accept any coursework satisfactorily completed at any public school, a juvenile court school, a school in a country other than the United States, and/or a nonpublic, nonsectarian school or agency by a Foster and Mobile Youth.

The Charter School will provide Foster and Mobile Youth credit for the partial completion of courses taken while attending a public school, a juvenile court school, a school in a country other than the United States, and/or a nonpublic, nonsectarian school or agency. If the student did not complete the entire course, the Charter School shall not require the student to retake the portion of the course the student completed unless the Charter School, in consultation with the holder of educational rights for the student, finds that the pupil is reasonably able to complete the requirements in time to graduate from high school. When partial credit is awarded in a particular course, the Foster and Mobile Youth shall be enrolled in the same or equivalent course, if applicable, so that the student may continue and complete the entire course.



These students shall not be prevented from taking or retaking a course to meet California State University or the University of California admission eligibility requirements.

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

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

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

**Discipline Determinations:** If the Charter School intends to extend the suspension of any foster/ youth pending a recommendation for expulsion, the Charter School will invite the student’s attorney and an appropriate representative from the relevant county agency to participate in the meeting at which the extension of the suspension will be discussed.

If the Charter School intends to suspend for more than ten (10) consecutive school days or expel a student with a disability who is also a foster youth due to an act for which the recommendation for expulsion is discretionary, the Charter School will invite the student’s attorney and an appropriate representative from the relevant county agency to participate in the Manifestation Determination Review meeting.

**Complaints of Noncompliance:** A complaint of noncompliance with any of the requirements outlined above may be filed through the Charter School’s Uniform Complaint Procedures. A copy of the Uniform Complaint Policy and Procedures is available upon request at the main office.

**Availability of Complete Policy:** For any Foster and Mobile Youth who enrolls at the Charter School, a copy of the Charter School’s complete foster youth policy shall be provided at the time of enrollment. A copy of the complete Policy is available upon request at the main office.

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

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

- Are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in a motel, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
- 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/or
- 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 following staff person is the School Liaison for homeless students ((42 U.S.C. 11432(g)(1)(J):

Diana Whyte, Director,  
The Heights Charter,  
P.O. Box 969, Alpine, CA 91903-0969,  
Telephone 619-792-9000

The School Liaison shall ensure that (42 U.S.C. 11432(g)(6)):

- 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 THC.
- Homeless students and families receive educational services for which they are eligible, including services through Head Start programs (including Early Head Start programs) under the Head Start Act, early intervention services under part C of the Individuals with Disabilities Education Act, any other preschool programs administered by THC, if any, and referrals to health care services, dental services, mental health services and substance abuse services, housing 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 frequented by parents or guardians of such youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, and in a manner and form understandable to the parents and guardians of homeless youth and unaccompanied youth.
- Enrollment/admissions disputes are mediated in accordance with law, THC charter, and Board policy.
- Parents/guardians and any unaccompanied youth are fully informed of all transportation services, as applicable.
- School personnel providing services receive professional development and other support.
- 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.
- Unaccompanied youth are enrolled in school; have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth; and are informed of their status as independent students under section 480 of the Higher Education Act of 1965 and that the youths may obtain assistance from the School Liaison to receive verification of such status for the purposes of the Free Application for Federal Student Aid described in section 483 of the Act.

**Acceptance of Course Work:** The Charter School will accept any coursework satisfactorily completed at any public school, a juvenile court school, a school in a country other than the United States, and/or a nonpublic, nonsectarian school or agency by a homeless student.

The Charter School will provide homeless students credit for the partial completion of courses taken while attending a public school, a juvenile court school, a school in a country other than the United States, and/or a nonpublic, nonsectarian school or agency. If the student did not complete the entire course, the Charter School shall not require the student to retake the portion of the course the student completed unless the Charter School, in consultation with the holder of educational rights for the student, finds that the student is reasonably able to complete the requirements in time to graduate from high school. When partial credit is awarded in a particular course, the homeless student shall be enrolled in the same or equivalent course, if applicable, so that the student may continue and complete the entire course. These

students shall not be prevented from taking or retaking a course to meet California State University or the University of California admission eligibility requirements.

For any homeless student who enrolls at THC, a copy of THC complete policy shall be provided at the time of enrollment. A copy of the complete Policy is available upon request at the main office.

### **Administration of Medication**

THC complies with California laws governing the administration of medications at school. A copy of the complete policy is available upon request at the main office.

### **Diabetes**

THC will provide an information sheet regarding type 2 diabetes to the parent or guardian of incoming 7<sup>th</sup> grade students, pursuant to Education Code Section 49452.7. The information sheet shall include, but shall not be limited to, all of the following: 1) A description of type 2 diabetes; 2) A description of the risk factors and warning signs associated with type 2 diabetes; 3) A recommendation that students displaying or possibly suffering from risk factors or warning signs associated with type 2 diabetes should be screened for type 2 diabetes; 4) A description of treatments and prevention of methods of type 2 diabetes; 5) A description of the different types of diabetes screening tests available. Please contact the office if you need a copy of this information sheet or if you have any questions about this information sheet.

### **Mental Health Services**

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

#### Available on Campus:

- Special education services – if you believe your child may have a disability, you are encouraged to directly contact a Diana Whyte at 619-792-9000 to request an evaluation.
- Prescription medication while on campus – if your child requires prescription medication during school hours and you would like assistance from School staff in providing this medication to your child, please contact a Diana Whyte at 619-792-9000.

#### Available in the Community:

- San Diego Access and Crisis Line (ACL), 888-724-7240, available 24/7
- East County Mental Health Clinic, 1000 Broadway, Suite 110, El Cajon CA 92021, 619-401-5500

#### Available Nationally:

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

### **Suicide Prevention**

The Governing Board of THC recognizes that suicide is a leading cause of death among youth and that an even greater amount of youth consider and attempt suicide (Centers for Disease Control and Prevention, 2015).

The possibility of suicide and suicidal ideation requires vigilant attention from our school staff. As a result, we are ethically and legally responsible for providing an appropriate and timely response in preventing

suicidal ideation, attempts, and deaths. We also must work to create a safe and nurturing campus that minimizes suicidal ideation in students.

The School's suicide prevention policy can be requested for review in the main office.

### **Uniform Complaint Procedures**

The School is the local agency primarily responsible for compliance with federal and state laws and regulations governing educational programs. Charter School shall investigate and seek to resolve complaints using policies and procedures known as the Uniform Complaint Procedure ("UCP") adopted by our Governing Board for the following types of complaints:

1. Complaints alleging unlawful discrimination, harassment, intimidation, or bullying against any protected group on the basis of the actual or perceived characteristics of age, ancestry, color, mental disability, physical disability, ethnic group identification, immigration status, citizenship, gender expression, gender identity, gender, genetic information, nationality, national origin, race or ethnicity, religion, medical condition, marital status, sex, or sexual orientation, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any Charter School program or activity.

2. Complaints alleging a violation of state or federal law or regulation governing the following programs:

- Accommodations for Pregnant, Parenting or Lactating Students;
- Education of Students in Foster Care, Students who are Homeless, former Juvenile Court Students now enrolled in a public school, Migratory Children and Children of Military Families;
- Every Student Succeeds Act;
- School Safety Plans.

3. Complaints alleging noncompliance with laws relating to pupil fees. A student enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity. A pupil fee includes, but is not limited to, all of the following:

- A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory or is for credit.
- A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
- A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

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

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

Complaints alleging noncompliance regarding child nutrition programs established pursuant to Education Code sections 49490-49590 are governed by Title 7, Code of Federal Regulations ("C.F.R.") sections 210.19(a)(4), 215.1(a), 220.13(c), 225.11(b), 226.6(n), and 250.15(d) and Title 5, California Code of Regulations ("C.C.R.") sections 15580 - 15584.

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

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

Diana Whyte, Director,  
The Heights Charter,  
P.O. Box 969, Alpine, CA 91903-0969,  
Telephone 619-792-9000

Only complaints regarding pupil fees or LCAP compliance may be filed anonymously and only if the anonymous complainant provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to pupil fees or LCAP.

Complaints alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed within six (6) months from the date the alleged discrimination, harassment, intimidation, or bullying, occurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. All other complaints under the UCP shall be filed not later than one (1) year from the date the alleged violation occurred. For complaints relating to the LCAP, the date of the alleged violation is the date on which Charter School's Board of Directors approved the LCAP or the annual update was adopted by Charter School.

The Compliance Officer responsible for investigating the complaint shall conduct and complete the investigation in accordance with California regulations and in accordance with Charter School's UCP Policy. The Compliance Officer shall provide the complainant with a final written investigation report ("Decision") within sixty (60) calendar days from Charter School's receipt of the complaint. This sixty (60) calendar day time period may be extended by written agreement of the complainant.

The complainant has a right to appeal Charter School's Decision to the California Department of Education ("CDE") by filing a written appeal within thirty (30) calendar days of the date of the Charter School's written Decision, except if Charter School has used its UCP to address a complaint that is not subject to the UCP requirements. The appeal must include a copy of the complaint filed with Charter School, a copy of Charter School's Decision, and the complainant must specify and explain the basis for the appeal of the Decision, including at least one of the following:

1. Charter School failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, Charter School's Decision lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in Charter School's Decision are not supported by substantial evidence.
4. The legal conclusion in Charter School's Decision is inconsistent with the law.
5. In a case in which Charter School's Decision found noncompliance, the corrective actions fail to provide a proper remedy.

A complainant who appeals Charter School's Decision on a UCP complaint to the CDE shall receive a written appeal decision within sixty (60) calendar days of the CDE's receipt of the appeal, unless extended by written agreement with the complainant or the CDE documents exceptional circumstances and informs the complainant.

Within thirty (30) calendar days of the date of the CDE's appeal Decision pursuant to 5 C.C.R. section 4633(f)(2) or (3), either party may request reconsideration by the State Superintendent of Public Instruction ("SSPI") or the SSPI's designee. The request for reconsideration

shall specify and explain the reason(s) for contesting the findings of fact, conclusions of law, or corrective actions in the CDE's appeal Decision.

If a UCP complaint is filed directly with the CDE and the CDE determines that it merits direct intervention, the CDE shall complete an investigation and provide a written decision to the complainant within sixty (60) calendar days of receipt of the complaint, unless the parties have agreed to extend the timeline or the CDE documents exceptional circumstances and informs the complainant.

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

A complainant may pursue available civil law remedies outside of Charter School's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For unlawful discrimination, harassment, intimidation or bullying complaints arising under state law, however, a complainant must wait until sixty (60) calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the Charter School has appropriately, and in a timely manner, apprised the complainant of the complainant's right to file a complaint in accordance with 5 CCR § 4622.

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

## **THE HEIGHTS CHARTER BOARD POLICIES**

### **Interactions Between Staff and Students**

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

#### Corporal Punishment

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

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

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

- A. Examples of PERMITTED actions (NOT corporal punishment)
  - 1. Stopping a student from fighting with another student;
  - 2. Preventing a pupil from committing an act of vandalism;
  - 3. Defending yourself from physical injury or assault by a student;
  - 4. Forcing a pupil to give up a weapon or dangerous object;
  - 5. Requiring an athletic team to participate in strenuous physical training activities designed to strengthen or condition team members or improve their coordination, agility, or physical skills;

6. Engaging in group calisthenics, team drills, or other physical education or voluntary recreational activities.
- B. Examples of PROHIBITED actions (corporal punishment)
1. Hitting, shoving, pushing, or physically restraining a student as a means of control;
  2. Making unruly students do push-ups, run laps, or perform other physical acts that cause pain or discomfort as a form of punishment;
  3. Paddling, swatting slapping, grabbing, pinching, kicking, or otherwise causing physical pain.

#### Acceptable and Unacceptable Staff/Student Behavior

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

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

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

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

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

#### Duty to Report Suspected Misconduct

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

#### Examples of Specific Behaviors

The following examples are not an exhaustive list:

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

- (a) Giving gifts to an individual student that are of a personal and intimate nature.

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

Unacceptable Staff/Student Behaviors without Parent and Supervisor Permission

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

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

Cautionary Staff/Student Behaviors

**(These behaviors should only be exercised when a reasonable and prudent person, acting as an educator, is prevented from using a better practice or behavior. Staff members should inform their supervisor of the circumstance and occurrence prior to or immediately after the occurrence)**

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

Acceptable and Recommended Staff/Student Behaviors

- (a) Getting parents' written consent for any after-school activity.
- (b) Obtaining formal approval to take students off school property for activities such as field trips or competitions.
- (c) Emails, text, phone and instant messages to students must be very professional and pertaining to school activities or classes (Communication should be limited to school technology).
- (d) Keeping the door open when alone with a student.
- (e) Keeping reasonable space between you and your students.
- (f) Stopping and correcting students if they cross your own personal boundaries.
- (g) Keeping parents informed when a significant issue develops about a student.
- (h) Keeping after-class discussions with a student professional and brief.
- (i) Asking for advice from fellow staff or administrators if you find yourself in a difficult situation related to boundaries.
- (j) Involving your supervisor if conflict arises with the student.
- (k) Informing the Director about situations that have the potential to become more severe.
- (l) Making detailed notes about an incident that could evolve into a more serious situation later.
- (m) Recognizing the responsibility to stop unacceptable behavior of students or coworkers.
- (n) Asking another staff member to be present if you will be alone with any type of special needs student.
- (o) Asking another staff member to be present when you must be alone with a student after regular school hours.



- (p) Giving students praise and recognition without touching them.
- (q) Pats on the back, high fives and handshakes are acceptable.
- (r) Keeping your professional conduct a high priority.
- (s) Asking yourself if your actions are worth your job and career.

### **Title IX, Harassment, Intimidation, Discrimination and Bullying Policy**

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

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

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

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

### **Title IX, Harassment, Intimidation, Discrimination and Bullying Coordinator ("Coordinator"):**

Diana Whyte, Director  
The Heights Charter  
2710 Alpine Blvd, Suite E  
Alpine CA 91901  
[dwhyte@heightscharter.com](mailto:dwhyte@heightscharter.com); 619-729-9000

### **Definitions**

#### **Prohibited Unlawful Harassment**

- Verbal conduct such as epithets, derogatory jokes or comments or slurs.

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

### **Prohibited Unlawful Harassment under Title IX**

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

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

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

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

Sexual harassment may include, but is not limited to:

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

- demeaning or pornographic or bringing or possessing any such material to read, display or view in the work or educational environment.
- Reading publicly or otherwise publicizing in the work or educational environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic.
- Displaying signs or other materials purporting to segregate an individual by sex in an area of the work or educational environment (other than restrooms or similar rooms).

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

### **Prohibited Bullying**

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

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

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

**Electronic act** means the creation and transmission originated on or off the 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, video, or image.
2. A post on a social network Internet Web site including, but not limited to:
  - a. Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in the definition of "bullying," above.
  - b. Creating a credible impersonation of another actual student for the purpose of having one or more of the effects listed in the definition of "bullying," above. "Credible impersonation" means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.
  - c. Creating a false profile for the purpose of having one or more of the effects listed in the definition of "bullying," above. "False profile" means a profile of a fictitious student or a

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

profile using the likeness or attributes of an actual student other than the student who created the false profile.

3. An act of “Cyber sexual bullying” including, but not limited to:
  - a. The dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in definition of “bullying,” above. A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
  - b. “Cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
4. Notwithstanding the definitions of “bullying” and “electronic act” above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

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

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

### **Bullying and Cyberbullying Prevention Procedures**

The Heights Charter has adopted the following procedures for preventing acts of bullying, including cyberbullying.

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

The Heights Charter advises students:

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

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

#### **2. Education**

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

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

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

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

### **3. Professional Development**

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

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

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

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

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

The Heights Charter encourages its employees to demonstrate effective problem-solving, anger management, and self-confidence skills for The Heights Charter's students.

## **Grievance Procedures**

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

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

- a. Are written and signed;
- b. Filed by an individual who alleges that that individual has personally suffered unlawful discrimination, harassment, intimidation or bullying, or by one who believes any specific class of individuals has been subjected to discrimination, harassment, intimidation or bullying prohibited

by this part, or by a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying; and

- c. Submitted to The Heights Charter UCP Compliance Officer not later than six (6) months from the date the alleged unlawful discrimination, harassment, intimidation or bullying occurred, or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.

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

## **2. Reporting**

All staff are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or become aware of misconduct prohibited by this Policy, to intervene when safe to do so, call for assistance, and report such incidents. The Board requires staff to follow the procedures in this policy for reporting alleged acts of misconduct prohibited by this Policy.

Any student who believes they have been subject to misconduct prohibited by this Policy or has witnessed such prohibited misconduct is encouraged to immediately report such misconduct to the Coordinator:

Diana Whyte, Director  
The Heights Charter  
2710 Alpine Blvd, Suite E  
Alpine CA 91901  
[dwhyte@heightscharter.com](mailto:dwhyte@heightscharter.com); 619-729-9000

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

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

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

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

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

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

### **3. Supportive Measures**

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

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint of sexual harassment or where no formal complaint of sexual harassment has been filed. Such measures are designed to restore or preserve equal access to The Heights Charter's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or The Heights Charter's educational environment, or deter sexual harassment. Supportive measures available to complainants and respondents may include but are not limited to counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The Heights Charter will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of The Heights Charter to provide the supportive measures.

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

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

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

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

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

- A statement that The Heights Charter prohibits an individual from knowingly making false statements or knowingly submitting false information during the grievance process.
- Emergency Removal
  - The Heights Charter may place a non-student employee respondent on administrative leave during the pendency of a formal complaint of sexual harassment grievance process in accordance with The Heights Charter's policies.
  - The Heights Charter may remove a respondent from the Heights Charter's education program or activity on an emergency basis, in accordance with The Heights Charter's policies, provided that The Heights Charter undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.
  - This provision may not be construed to modify any rights under the IDEA, Section 504, or the ADA.
- Informal Resolution
  - If a formal complaint of sexual harassment is filed, The Heights Charter may offer a voluntary informal resolution process, such as mediation, to the parties at any time prior to reaching a determination regarding responsibility. If The Heights Charter offers such a process, it will do the following:
    - Provide the parties with advance written notice of:
      - The allegations;
      - The requirements of the voluntary informal resolution process including the circumstances under which the parties are precluded from resuming a formal complaint of sexual harassment arising from the same allegations;
      - The parties' right to withdraw from the voluntary informal resolution process and resume the grievance process at any time prior to agreeing to a resolution; and
      - Any consequences resulting from participating in the voluntary informal resolution process, including the records that will be maintained or could be shared; and
    - Obtain the parties' advance voluntary, written consent to the informal resolution process.
  - The Heights Charter will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.
- Investigation Process
  - The decision-maker will not be the same person(s) as the Coordinator or the investigator. The Heights Charter shall ensure that all decision-makers and investigators do not have a conflict of interest or bias for or against complainants or respondents.
  - In most cases, a thorough investigation will take no more than twenty-five (25) school days. If the investigator determines that an investigation will take longer than twenty-five (25) school days and needs to be delayed or extended due to good cause, the investigator will inform the complainant and any respondents in writing of the reasons for the delay or extension and provide an approximate date when the investigation will be complete.
  - The parties will be provided with an equal opportunity to present witnesses, to inspect and review any evidence obtained that is directly related to the allegations raised, and to have an advisor present during any investigative meeting or interview.
  - The parties will not be prohibited from discussing the allegations under investigation or to gather and present relevant evidence.
  - A party whose participation is invited or expected at an investigative meeting or interview will receive written notice of the date, time, location, participants, and purpose of the meeting or interview with sufficient time for the party to prepare to participate.



- Prior to completion of the investigative report, The Heights Charter will send to each party and the party's advisor, if any, a copy of the evidence subject to inspection and review, and the parties will have at least ten (10) days to submit a written response for the investigator's consideration prior to the completion of the investigation report.
- The investigator will complete an investigation report that fairly summarizes relevant evidence and send a copy of the report to each party and the party's advisor, if any, at least ten (10) days prior to the determination of responsibility.
- Dismissal of a Formal Complaint of Sexual Harassment
  - If the investigation reveals that the alleged harassment did not occur in The Heights Charter's educational program in the United States or would not constitute sexual harassment even if proved, the formal complaint with regard to that conduct must be dismissed. However, such a dismissal does not preclude action under another applicable The Heights Charter policy.
  - The Heights Charter may dismiss a formal complaint of sexual harassment if:
    - The complainant provides a written withdrawal of the complaint to the Coordinator;
    - The respondent is no longer employed or enrolled at The Heights Charter; or
    - The specific circumstances prevent The Heights Charter from gathering evidence sufficient to reach a decision on the formal complaint or the allegations therein.
  - If a formal complaint of sexual harassment or any of the claims therein are dismissed, The Heights Charter will promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to the parties.
- Determination of Responsibility
  - The standard of evidence used to determine responsibility is the preponderance of the evidence standard.
  - The Heights Charter will send a written decision on the formal complaint to the complainant and respondent simultaneously that describes:
    - The allegations in the formal complaint of sexual harassment;
    - All procedural steps taken including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
    - The findings of facts supporting the determination;
    - The conclusions about the application of The Heights Charter's code of conduct to the facts;
    - The decision and rationale for each allegation;
    - Any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the complainant; and
    - The procedures and permissible bases for appeals.

## **5. Consequences**

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

## **6. Right of Appeal**

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

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

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

- The Heights Charter will notify the other party in writing when an appeal is filed.
- The decision-maker for the appeal will give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome; issue a written decision describing the result of the appeal and the rationale for the result; and provide the written decision simultaneously to both parties.

## **7. Recordkeeping**

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

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

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

## **Suspension and Expulsion Policy**

The Board of Trustees desires to provide charter school students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of charter school students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

To correct the behavior of any student who is subject to discipline, the Director or designee shall, to the extent allowed by law, first use alternative disciplinary strategies specified in AR 5144.1 - Discipline.

Alternatives to suspension or expulsion also shall be used with students who are truant, tardy, or otherwise absent from assigned school activities.

Except for single acts of a grave nature or offenses for which suspension or expulsion is required by law, suspension or expulsion shall be used only when other means of correction have failed to bring about proper conduct or the student's presence causes a continuing danger to himself/herself or others.

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be those specified in law and administrative regulation.

Charter school staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, and in accordance with the charter school's nondiscrimination policies.

### **Due Process**

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Director or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation.

### **Removal from Class by a Teacher and Parental Attendance**

When suspending a student from class for committing an obscene act, engaging in habitual profanity or vulgarity, disrupting school activities, or otherwise willfully defying valid staff authority, the teacher of the class may require any parent/guardian who lives with the student to attend a portion of the school day in the class from which the student is being suspended, to assist in resolving the classroom behavior problems.

Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the teacher and the student and his/her parents/guardians and to improve the student's behavior.

Any teacher requiring parental attendance pursuant to this policy shall apply the policy uniformly to all students within the classroom.

When a teacher requires parental attendance, the director shall send a written notice to the parent/guardian stating that his/her attendance is required pursuant to law.

A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the director or designee.

At the meeting with the student's parent/guardian, the director or designee shall explain the charter school's discipline policies, including the disciplinary strategies that may be used to achieve proper student conduct.

When a parent/guardian does not respond to the request to attend school, the director or designee shall contact him/her by telephone, mail, or other method that maintains the confidentiality of the student's records.

Charter school regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. Parents/guardians shall be notified of this policy prior to its implementation.

#### Supervised Suspension Classroom

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code [48900](#) and [48900.2](#), but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the Director or designee shall establish a supervised suspension classroom program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct.

#### Decision Not to Enforce Expulsion Order

On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Board pursuant to the requirements of law and administrative regulation.

#### Monitoring the Use of Suspension and Expulsion

At the end of each school year, the Director or designee shall present a report to the Board regarding the use of suspension and/or expulsion in the charter school. The report shall include, but is not limited to, outcome data which the charter school is required by law to collect and data related to the effect of suspension and/or expulsion on the charter school's minority student populations or groupings.

## Acknowledgement and Acceptance of The Heights Charter 2020-2021 Parent and Student Handbook

### Mission Statement

The Heights Charter is founded on the belief that all children are born with the capacity for excellence. Our goal is to enable students to become self-motivated, competent, life-long learners. We provide students with a rigorous, standards-based program within a small school nurturing environment that incorporates strong family and community ties. To this end, we offer a non-traditional K-8 independent study/hybrid program that offers classes at our Resource Center along with individually designed curriculum and instruction.

### Expectations of Students and Parents

- Students will maintain at least a 95% attendance record (based on monthly Independent Study Logs).
- Students will complete at least 90% of their assignments.
- Students in fourth grade and above are required to maintain at least a 2.0 grade point average (GPA).
- Students and their families will behave in a way that does not disrupt the Resource Center's environment of learning and respect.

### Acknowledgement

By signing this document, I acknowledge that I have read and understand the policies and guidelines set forth in this Parent and Student Handbook. I also acknowledge that my child (Student) has read this Parent and Student Handbook or I have discussed it with him or her.

### Signature

Print Parent Name	Parent Signature	Date
Print Student Name	Student Signature	Date
Print Student Name	Student Signature	Date
Print Student Name	Student Signature	Date
Print Student Name	Student Signature	Date
Print Student Name	Student Signature	Date
Print Student Name	Student Signature	Date