

2026-2027 Parent and Student Handbook



**The Heights Charter
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PROGRAM OVERVIEW

Mission Statement

The Heights ("THCS" 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 an average of at least a 90% attendance record (based on monthly Independent Study Logs).
- Students will complete at least 70% of their assignments
- 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 THCS will:

- Provide strong, engaging instruction within a small school environment.
- Communicate important information via 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

90% Attendance

Attendance Expectation: THCS encourages that a student maintains at least a 90% 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 Executive 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 THCS 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/her attendance. If the student fails to comply with these requirements for attendance, the student will be assessed by the Executive Director and teachers to determine whether an independent study program is the student's best educational choice and in accordance with the Charter School's involuntary removal procedures as outlined below.

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, THCS requires students to complete at least 70% of all assignments. Note that there are numerous after school tutoring opportunities and Independent Study periods built into our students' weekly schedule. *Though the staff at THCS 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 the requirements for assignment completion as specified in the independent study policy and master agreement, the student will be assessed by the Executive 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.

Students who miss more than two (2) assignments in a period of fourteen (14) school days as indicated on the Independent Study Policy and 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 the terms of the Independent Study Policy and Master Agreement, the student will be assessed by the Executive Director and teachers to determine whether an independent study program is in the student's best educational interest.

Appropriate Behavior

THCS is an independent study charter. The opportunity to attend non-mandatory enrichment classes, whether they are core subjects (math, ELA, science, social studies, etc.) based or exploratory labs, at our Resource Center is a privilege. If a student is extreme or consistent in disruptions to the teaching and learning environment at the Resource Center, the Executive Director and/or designee will recommend the student transition to a completely independent study model. The student will be referred for action consistent with THCS's student discipline policies and procedures. Students with an IEP or 504 will be reviewed in an IEP or 504 meeting to review whether the on-site or independent study model is the least restrictive environment for the student's academic success. If a student's behavior, whether over the course of a single incident or multiple incidents, is considered extreme a student may be considered for suspension or expulsion (see the section of the THCS Parent and Student Handbook for suspensions and expulsions for more details).

THCS 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 THCS.

Your actions, dress, possessions, etc. may not compromise the safety of others or be disruptive and/or distracting to the educational environment at THCS. **Please label clothing and personal items with your child's name.** This is very important in being able to return lost items to your child.

Students are permitted 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 or material interference with the ceremony.

Prohibited actions include, but are not limited to:

- Disrupting teaching or learning environments, including toys or items from home that are distracting to the teaching or learning environment
- 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 THCS policy, rules, or regulations

Dress Code: Dress and Grooming

In cooperation with teachers, students and parents/guardians, the Executive Director or designee shall establish school rules governing student dress and grooming which are consistent with law, Board of Trustees policy and administrative regulations. These school dress codes shall be regularly reviewed.

The charter school shall allow students to wear sun-protective clothing, including but not limited to hats, for outdoor use during the school day.

Shoes must be worn at all times. Close-toed athletic shoes are strongly suggested for physical education (PE) classes.

Personal items or clothing (backpacks, fanny packs, gym bags, water bottles etc.) shall be free of writing, pictures or any other insignia which are crude, vulgar, profane or sexually suggestive, which bear drug, alcohol or tobacco company advertising, promotions and likenesses, or which advocate racial, ethnic or religious prejudice. Clothing that is see-through, suggestive, or revealing is not permitted.

Hats and caps shall not be worn indoors, with the exception of headwear worn for purposes of religious observance.

Hair shall be clean and neatly groomed. Hair may not be sprayed by any coloring that would drip when wet.

In addition, the following dress code guidelines shall apply to all regular school activities:

Tops (including but not limited to tanks, t-shirts, sweaters, long sleeve tops, top portion of dresses or rompers, etc.):

- Have straps at least 1.5 inches wide.
- Must cover undergarments.
- Tops must cover students from waist to shoulder and not expose their back, chest/cleavage, or stomach areas even when bending over, sitting, standing, jumping, etc.
- No cuts or tears beyond regular wear and tear (collars may not be cut to make the opening larger).
- Tops must not display, depict, reference, or accentuate drugs, alcohol, weapons, gang related topics, profanity, lewd or intimate conduct, gore, death, violence, or hate messages.
- No openings in the back or see-thru tops.
- No racerback, halter, or backless tank tops.
- Standard armholes (no oversized or drop armholes).
- No off-the-shoulder tops or tube tops.

Bottoms (including but not limited to shorts, pants, jeans, shirts, overalls, the bottom portion of dresses or rompers, etc.):

- Must cover undergarments (this includes bike shorts, leggings, tights, compression shorts, and spanx).
- Sit at hips or higher.
- All bottoms must cover buttocks completely, even when bending over.
- No pajama bottoms (unless wearing for 'Pajama Day').
- No butterfly shorts.
- If wearing only bike shorts with nothing else over them, they must be fingertip length or longer.
- Shorts that meet dress code criteria may not have biker shorts, compression shorts, linings, or undergarments that can be seen underneath the shorts.
- Shirts worn with overalls must cover all skin from underarm to hip. No skin should show between the overall sides and shirt.
- No cuts or tears beyond regular wear and tear.
Exception: tears, rips, or frays are acceptable on bottoms at knees or lower.

Skirts/dresses:

- Must cover undergarments (this includes bike shorts and spanx).
- Fitted or flared, no shorter than 3 inches above the knee and if above the knee, shorts are to be worn underneath.
- No cuts or tears beyond regular wear and tear.
Exception: cuts and tears below regulated length are acceptable.

Violation of dress code will result in communication home AND one or more of the following, but not limited to:

- Being asked to cover the problem area if the student has extra clothing.
- Call home for clothing to be brought to school for the student to change into.
- Being offered a clean t-shirt to wear that meets dress code policy.
- Being offered a clean pair of shorts to wear that meets dress code policy.
- Being offered a sweatshirt to tie around the student's waist.

Gang-Related Apparel

At individual schools that have a dress code prohibiting gang-related apparel at school or school activities, the Executive Director, staff and parents/guardians participating in the development of the school safety plan shall define "gang-related apparel" and shall limit this definition to apparel that reasonably could be determined to threaten the health and safety of the school environment if it were worn or displayed on a school campus. (Education Code [32282](#))

Uniforms

Students who participate in a nationally recognized youth organization shall be allowed to wear organization uniforms on days when the organization has a scheduled meeting. (Education Code [35183](#))

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 Executive Director to discuss any consequence imposed on them.

Parent Volunteering

While The Heights Charter ("THCS") encourages parents/guardians and interested members of the community to visit the Resource Center and view the educational program, THCS also endeavors to create a safe environment for students and staff. Additionally, parents volunteering in the Resource Center can be extremely helpful to our teachers and valuable to our students.

Nevertheless, to ensure the safety of students and staff as well as to minimize interruption of the instructional program, THCS has established procedures to facilitate volunteering and visitations during regular school days.

Volunteering must be arranged with the teacher and Executive Director or designee, at least twenty-four (24) hours in advance. Volunteering must coincide with the teacher's schedule and actual classroom needs.

A volunteer shall also have on file with THCS a certificate showing that, within 60 days from the initial volunteer assignment, the person submitted to a tuberculosis risk assessment and if tuberculosis risk factors were identified, was examined and found to be free of infectious tuberculosis. If no risk factors are identified, an examination is not required.

All volunteers may be subject to a criminal background clearance through fingerprinting by the Department of Justice (DOJ) and the FBI. The purpose of the background check is to ensure student safety and promote community confidence in THCS's supervision of volunteers. Volunteer criminal background check results are strictly confidential. After a decision has been made on the volunteer's eligibility, THCS will destroy the criminal background check results. Volunteers consent to THCS receiving "Subsequent Arrest" notifications from the DOJ for as long as the volunteer remains active. Volunteers may be disqualified from participation as a volunteer based on their history of criminal conviction. THCS will make background check eligibility decisions based on the Education Code standards for employee hiring in order to promote the best interest of students.

Computer Use Policy

Computers will be used at THCS to complete appropriate educational tasks (research, reading practice, spelling tests, learning games, word processing, art, assessments, etc.). The technological resources provided by THCS must be used in a safe, responsible, and proper manner in support of the THCS instructional program and for the advancement of student learning. Students are prohibited from using THCS computers or THCS 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 THCS policy, rules or regulations. Before a student is authorized to use the THCS's technological resources, the student and the student's parent/guardian shall sign and return the Acceptable Use Agreement specifying user obligations and responsibilities. This agreement is included with the first day packet of registration forms.

Students will be held responsible for their conduct on school computers. THCS staff will guide students toward appropriate materials and supervise students while they are using online services at THCS. THCS computers have student filters loaded that block or filter Internet access to websites that have no educational purpose and/or contain visual depictions that are obscene, constitute child pornography, or that are harmful to minors. However, if a student wants to open a site that might be questionable, the student must ask permission from the supervising teacher. While THCS is able to exercise reasonable control over

content created and purchased by THCS, it has limited control over content accessed via the internet and no filtering system is 100% effective. Neither THCS nor its staff shall be responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes or negligence. Parents/guardians are required to supervise and monitor their child's use of THCS technology and equipment including but not limited to their child's access to the internet and any online services through such equipment any and all times during which any THCS technology or equipment is being used by their child outside THCS's jurisdiction to ensure compliance with this policy.

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

Students 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 THCS, 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 THCS technology include, but are not limited to: downloading files or music programs; sending personal emails, instant messages, or using chat rooms or applications; sharing passwords, personal data, or private photos online; 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 others' folders, work, or files. Students who violate this policy may have their computer privileges limited and may be subject to discipline.

Student Cell Phone/Bluetooth/Electronics Policy and Guidelines

Phones are not to be used during school. Every student is assigned a personal Yondr Pouch. While the Yondr Pouch is considered school property, it is each student's responsibility to keep their assigned pouch in good working condition. Students will be held accountable for any damage done to their assigned pouch while it is in their possession throughout the school day.

Daily Process

As students **Arrive to On-Site Classes**, they will:

- 1) Place the device on airplane mode or turn it off.
- 2) Place their phone, along with any other electronic communication and bluetooth or wireless devices, inside their Pouch and secure it in front of school staff. This is done at the beginning of their 1st period class. Any additional electronic or bluetooth items, including, but not limited to Meta glasses, that do not fit into the pouches, must be left in the office during the school day. Note: Meta glasses may not be worn during the regular school day as "sunglasses" when the student is outside, during PE, etc.
- 3) Store their Pouch in their backpack for the day.

As students **Leave On-Site Classes**, they will:

- 4) Remove their phone (without turning it on) and any other bluetooth and/or electronics within the pouch at the end of the school day. The pouch will be left with Heights Charter staff.

Each student will have their own assigned Pouch that is theirs for the school year. If a student is not on-site or does not have electronics that need to be stored, their pouch will not be used for that day.

Items that will be required to be placed in the Pouch each day include, but are not limited to, cellphones, wireless headphones/earbuds, and watches with communication/games/calculating abilities. Students with laptops, tablets, Meta glasses, or other devices that do not fit inside their Pouch can store these items in the Main Office.

Students arriving late or leaving early will pouch/unpouch their phones in the Main Office. When arriving after the start of the day, while parents/guardians sign their child in, a staff member will supervise the student placing their electronics in the Pouch. The student will then keep their Pouch in their backpack for the day. Students leaving early will be able to unlock their Pouch in the office, take their electronics, and leave the Pouch with the office staff.

Violations

Pouch Damage / Lost Pouch / Using Phone During School

- If a student uses a private electronic device in violation of this policy, Administration will collect the device/Pouch and call the student's parents/guardians to let them know that the policy was violated. A first time warning will be issued to students caught using their devices. Any additional breaking of the policy will result in, but is not limited to, parents/guardians of that student needing to pick up the devices from the Main Office/Administration and/or the student no longer being allowed to keep their Pouch/devices on their person while on-site.
- If a student damages or loses their Pouch, the student's parents/guardians will be held financially responsible for replacing the Pouch. Based on the damages, the student may receive an invoice for the replacement amount or will work off the fee of replacing the Pouch.
- If a student accidentally takes their Pouch home and does not turn it in at the end of the day, that student is responsible for returning the Pouch, undamaged, to the Administration before the start of their next day on-site. This will allow the Administration to check the Pouch for damages. If the Pouch is found damaged, the student's parents/guardians will be held financially responsible.

Examples of damage:

- Deep scratches on the globe and on the green ring around it
- Intentional pen marks on the inside or outside of the Pouch
- Bent pins
- Pin and button not fully recessing, due to pin damage

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Resource Center Search and Seizure

The Charter School recognizes and has determined that the occurrence of incidents which may include the possession of firearms, weapons, alcohol, controlled substances, or other items of contraband prohibited by law or THCS rules and regulations, jeopardizes the health, safety and welfare of students and THCS employees.

The California Constitution requires that all students and staff of public schools have the inalienable right

to attend campuses which are safe, secure, and peaceful. As such, THCS has adopted a policy outlining the reasonable search of students and their property, student use areas, and/or student lockers and the seizure of illegal, unsafe, unauthorized or contraband items and materials through a search based upon reasonable suspicion.

A student's personal cell phone, smartphone, or other personal electronic device shall not be searched by school officials without a warrant, the student's consent, or a legitimate emergency, unless the device is lost or abandoned. An emergency is any *situation involving danger of death or serious physical injury*

to any person, that requires access to the information located or reasonably believed to be located on the electronic device. If the Charter School has a good faith belief that the device is lost, stolen, or abandoned, the Charter School may only access electronic device information in order to attempt to identify, verify, or contact the owner of the device.

The Charter School is not prohibited from seizing/confiscating a student's personal electronic device, without searching its contents, if the student's use or possession of the private electronic device is in violation of THCS rules or regulations.

PARENT RESPONSIBILITIES

Operational Expectations

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

- Work with the THCS team to ensure your student maintains 90% attendance, 70% assignment completion, a minimum 2.0 GPA (for 4th - 8th grades), and is not a disruption to the teaching or learning environment.
- Read the THCS monthly emails from teachers for important updates, announcements, and review calendar information.
- Read all THCS emails, texts, and answer all THCS telephone calls.
- Keep all contact information for yourself and your emergency contacts up to date.
- Participate in the digital, end of the year, Parent/Guardian Climate Survey
- Honor the Resource Center's policy of **dropping off students no earlier than 8:35 a.m.** and **picking up no later than 3:30 p.m.** We understand that emergencies arise. Please communicate with THCS 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/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/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. Please see updated cell phone policy regarding pouches. 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 prohibited items to school with your child unless specifically 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. 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.

Reminder that all volunteers must have TB test results given to the main office. Please see the THCS 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 THCS policy to communicate often with parents. If you have specific questions about your primary level child (TK-4th grade), your child's teacher is the best contact. If you have specific questions about your upper-level child (5th– 8th 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

Animal Dissections

Students at THCS may perform animal dissections as part of the 7th grade science curriculum or during 6th Grade Science Camp. Any student who provides their teacher with a written statement, signed by their parent/guardian, specifying the student's moral objection to dissecting or otherwise harming or destroying animals, or any parts thereof, may be excused from such activities if the teacher believes that an adequate alternative education project is possible. The alternative education project shall require a comparable time and effort investment by the student. It shall not, as a means of penalizing the student, be more arduous than the original education project. The student shall not be discriminated against based upon their moral objection to dissecting or otherwise harming or destroying animals, or any parts thereof.

Cancer Prevention Act

Students in the state are advised to adhere to current immunization guidelines, as recommended by the Advisory Committee on Immunization Practices (ACIP) of the federal Centers for Disease Control and Prevention (CDC), the American Academy of Pediatrics, and the American Academy of Family Physicians, regarding full human papillomavirus (HPV) immunization before admission or advancement to the eighth grade level of any private or public elementary or secondary school.

Diabetes

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

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

A copy of the information sheet regarding type 2 diabetes is available at:

<https://www.cde.ca.gov/ls/he/hn/type2diabetes.asp>.

Please contact the office if you need a copy of this information sheet or if you have any questions about this information sheet.

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

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

A copy of the information sheet regarding type 1 diabetes is available at:

<https://www.cde.ca.gov/ls/he/hn/type1diabetes.asp>.

Please contact the office if you need a copy of this information sheet or if you have any questions about this information sheet.

Dangers of Synthetic Drugs

The illicit use and abuse of synthetic drugs represents an emerging and ongoing public health threat in California. The fentanyl crisis specifically, has impacted communities across the state, leading to a sharp increase in fentanyl poisonings and deaths in recent years. This notice aims to address the crisis with a preventative approach ensuring students and families are educated on the deadly consequences of recreational drug use.

A synthetic drug is a drug with properties and effects similar to a known hallucinogen or narcotic but having a slightly altered chemical structure, especially such a drug created in order to evade existing restrictions against illegal substances. Synthetic drugs include but are not limited to synthetic cannabinoids ("synthetic marijuana," "Spice," "K2"), methamphetamines, bath salts, and fentanyl.

The California Department of Public Health ("CDPH") has expounded on the extreme danger of drugs laced with fentanyl. Illicit fentanyl can be added to other drugs to make them cheaper, more powerful, and more addictive. Illicit fentanyl has been found in many drugs, including heroin, methamphetamine, counterfeit pills, and cocaine. Fentanyl mixed with any drug increases the likelihood of a fatal overdose. Furthermore, it is nearly impossible to tell if drugs have been laced with fentanyl without additional testing, because fentanyl cannot be seen, smelled, or tasted when used as a lacing agent. Social media platforms may be used as a way to market and sell synthetic drugs, such as fentanyl. Additional information regarding fentanyl from the CDPH's Substance and Addiction Prevention Branch website can be found here - <https://www.cdph.ca.gov/Programs/CCDPHP/sapb/Pages/Fentanyl.aspx>.

Education of Foster Children and Mobile Youth

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

- *"Foster youth"* means any of the following:
 1. A child who has been removed from their home pursuant to Section 309 of the California Welfare and Institutions Code ("WIC").
 2. A child who is the subject of a petition filed pursuant to WIC section 300 or 602 (whether or not the child has been removed from the child's home by juvenile court).
 3. A child who is the subject of a petition filed pursuant to WIC section 602, has been removed from the child's home by the juvenile court, and is in foster care.

4. A nonminor under the transition jurisdiction of the juvenile court, as described in WIC section 450, who satisfies all of the following criteria:
 - a. The nonminor has attained 18 years of age while under an order of foster care placement by the juvenile court.
 - b. The nonminor is in foster care under the placement and care responsibility of the county welfare department, county probation department, Indian tribe, consortium of tribes, or tribal organization.
 - c. The nonminor is participating in a transitional independent living case plan.
 5. A dependent child of the court of an Indian tribe, consortium of tribes, or tribal organization who is the subject of a petition filed in the tribal court.¹
 6. A child who is the subject of a voluntary placement agreement, as defined in WIC section 11400.
- *“Former juvenile court school student”* means a student who, upon completion of the student’s second year of high school, transfers from a juvenile court school to the Charter School.
 - *“Child of a military family”* refers to a student who resides in the household of an active duty military member.
 - *“Currently Migratory Child”* refers to a child who, within the last 12-months, has moved with a parent, guardian, or other person having custody to the Charter School from another Local Educational Agency (“LEA”), either within California or from another state, so that the child or a member of the child’s immediate family might secure temporary or seasonal employment in an agricultural or fishing activity, and whose parents or guardians have been informed of the child’s eligibility for migrant education services. This includes a child who, without the parent/guardian, has continued to migrate annually to secure temporary or seasonal employment in an agricultural or fishing activity.
 - *“Newcomer pupil”* is a person aged 3 to 21 years, who was not born in any of the 50 United States, the District of Columbia, or the Commonwealth of Puerto Rico, and has not been attending one or more schools in any one or more of the 50 United States, the District of Columbia, or the Commonwealth of Puerto Rico, for more than three (3) full academic years. This also includes a “pupil participating in a newcomer program,” as defined in Education Code section 51225.2, as that section read on January 1, 2023, who was enrolled in the Charter School before January 1, 2024. The Charter School may, in its discretion, also extend the rights in Education Code sections 51225.1 and 51225.2 to a “pupil participating in a newcomer program,” as defined in Education Code section 51225.2, as that section read on January 1, 2023.
 - *“Educational Rights Holder” (“ERH”)* means a parent, guardian, or responsible adult appointed by a court to make educational decisions for a minor pursuant to WIC sections 319, 361 or 726, or a person holding the right to make educational decisions for the student pursuant to Education Code section 56055.
 - *“School of origin”* means the school that the foster youth attended when permanently housed or the school in which the foster youth was last enrolled. If the school the foster youth attended when permanently housed is different from the school in which the student was last enrolled, or if there is some other school that the foster youth attended within the immediately preceding 15 months, the Charter School liaison for foster youth, in consultation with and with the agreement of the foster youth and the ERH for the youth, shall

¹ The Charter School shall not require an Indian tribe or tribal court representative to certify that any student is a dependent of an Indian tribe, consortium of tribes, or tribal organization.

determine, in the best interests of the foster youth, the school that shall be deemed the school of origin. For a foster youth who is an individual with exceptional needs as defined in Education Code section 56026, "school" as used in the definition of "school of origin" includes a placement in a nonpublic, nonsectarian school as defined in Education Code section 56034, subject to the requirements of Education Code section 56325.

- *"Best interests"* means that, in making educational and school placement decisions for a foster youth, consideration is given to, among other factors, the opportunity to be educated in the least restrictive educational program and the foster youth's access to academic resources, services, and extracurricular and enrichment activities that are available to all Charter School students.
- *"Partial coursework satisfactorily completed"* includes any portion of an individual course, even if the student did not complete the entire course.

Within this notice, foster youth, former juvenile court school students, a child of a military family, a currently migratory child, and a newcomer pupil 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/guardian" or "ERH."

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

Diana Whyte, Executive Director
The Heights Charter
2710 Alpine Blvd, Suite E
Alpine, CA 91901
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/guardian to ensure that each student is placed in the least restrictive educational programs, and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all students, including, but not necessarily limited to, interscholastic sports. All decisions regarding a foster youth's education and placement will be based on the best interest of the child and shall consider, among other factors, educational stability and the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress.

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

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

1. For students in TK/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.

If the Charter School operates an intersession program, Charter School shall grant priority access to foster youths. Notwithstanding any other law, if the foster youth will be moving during an intersession period, the pupil's educational rights holder, or Indian custodian in the case of an Indian child, shall determine which school the pupil attends for the intersession period, if applicable. "Intersession program" means an expanded learning program offered by the Charter School on nonschooldays, including, but not limited to, summer school. "Indian custodian" is as the term is defined in Section 1903 of Title 25 of the United States Code.

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

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

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

The Charter School shall not lower a foster youth's grades as a result of the student's absence due to a verified court appearance, related court ordered activity, or a change in 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. It includes children and youths who (42 U.S.C. § 11434a):

1. Are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
2. Have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings;
3. Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and/or
4. Migratory children and unaccompanied youth (youth not in the physical custody of a parent or guardian) may be considered homeless if they meet the above definition of "homeless."

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

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

Diana Whyte, Executive Director
The Heights Charter
2710 Alpine Blvd, Suite E
Alpine CA 91901
Telephone 619-792-9000

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

1. Homeless students are identified by Charter School personnel through outreach and coordination activities with other entities and agencies and through the annual housing questionnaire administered by the Charter School
2. Homeless students enroll in and have a full and equal opportunity to succeed at THCS.
3. Homeless students and families receive educational services for which they are eligible, including services through Head Start programs (including Early Head Start programs) under the Head Start Act, early intervention services under part C of the Individuals with Disabilities Education Act, any other preschool programs administered by THCS, if any, and referrals to health care services, dental services, mental health services and substance abuse services, housing services, and other appropriate services.

4. Parents/guardians are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children.
5. Public notice of the educational rights of homeless children is disseminated at places frequented by parents or guardians of such youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, and in a manner and form understandable to the parents and guardians of homeless youth and unaccompanied youth.
6. Enrollment/admissions disputes are mediated in accordance with law, THCS charter, and Board policy.
7. Parents/guardians and any unaccompanied youth are fully informed of all transportation services, as applicable.
8. Charter School personnel providing services receive professional development and other support.
9. The Charter School Liaison collaborates with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths.
10. Unaccompanied youth are enrolled in school; have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth; and are informed of their status as independent students under section 480 of the Higher Education Act of 1965 and that the youths may obtain assistance from the Charter School Liaison to receive verification of such status for the purposes of the Free Application for Federal Student Aid described in section 483 of the Act.

The California Department of Education publishes a list of the contact information for the Homeless Education Liaisons in the state, which is available at: <https://www.cde.ca.gov/sp/hs/>.

Housing Questionnaire: Charter School shall administer a housing questionnaire for purposes of identifying homeless children and youth. Charter School shall ensure that the housing questionnaire is based on the best practices developed by the CDE. Charter School shall annually provide the housing questionnaire to all parents/guardians of students and to all unaccompanied youths at Charter School. The housing questionnaire shall include an explanation of the rights and protections a student has as a homeless child or youth or as an unaccompanied youth. The housing questionnaire shall be available in paper form. The housing questionnaire shall be available in English, and if fifteen (15) percent or more of the students enrolled at Charter School speak a single primary language other than English, it shall also be written in the primary language. The questionnaire shall be translated into other languages upon request of a student's parent/guardian or an unaccompanied youth. Charter School shall collect the completed housing questionnaires and annually report to the CDE the number of homeless children and youths and unaccompanied youths enrolled. (Education Code Section 48851.)

School Stability: The Charter School will work with homeless students and their parent/guardian to ensure that each student is placed in the least restrictive educational programs, and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all students, including, but not necessarily limited to, interscholastic sports. All decisions regarding a homeless student'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.

Homeless students have the right to remain in their school of origin if it is in their best interest. The Charter School will immediately enroll a homeless student 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). The Charter School will also immediately enroll any homeless student 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).

Homeless students have the right to remain in their school of origin following the termination of the child's status as

a homeless student 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.

If the Charter School operates an intersession program, Charter School shall grant priority access to homeless students. Notwithstanding any other law, if the homeless student will be moving during an intersession period, the pupil's parent, guardian, educational rights holder, Indian custodian² in the case of an Indian child, or, if none of the preceding are applicable, an accompanied homeless student themselves shall determine which school the pupil attends for the intersession period, if applicable. "Intersession program" means an expanded learning program offered by the Charter School on nonschooldays, including, but not limited to, summer school. "Indian custodian" is as the term is defined in Section 1903 of Title 25 of the United States Code.

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.

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 office and is located on the school website.

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

English Learners

THCS 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. THCS 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. THCS will implement policies to ensure proper placement, evaluation, and communication regarding English Learners and the rights of students and parents.

Human Trafficking Prevention

California has the highest number of incidents of human trafficking in the U.S., and all students may be vulnerable. THCS believes it is a priority to inform our students about (1) the 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 media and mobile device applications are used for human trafficking.

² "Indian custodian" means any Indian person who has legal custody of an Indian child under tribal law or custom or under State law or to whom temporary physical care, custody, and control has been transferred by the parent of such child. *Section 1903 of Title 25 of the United States Code*

In accordance with the California Healthy Youth Act, THCS 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 THCS website for your review.

Immunizations

Pursuant to the California Health and Safety Code and the California Code of Regulations, children must provide proof of having received required immunizations (shots) before they can attend school unless they meet the requirements for an exemption. Immunization records are required for all incoming students.

Verification of immunizations will be completed with written medical records from the child's doctor or immunization clinic. To ensure a safe learning environment for all students, the Charter School follows and abides by the health standards set forth by the state of California. The immunization status of all students will be reviewed periodically. Those students who are not in compliance with the State requirements must be excluded from attendance 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 THCS.

These required immunizations include:

Child's Grade	List of shots required to attend school
TK/K-12 Admission	Diphtheria, Tetanus and Pertussis (DTaP) - Five (5) doses Polio - Four (4) doses Measles, Mumps, and Rubella (MMR) - Two (2) doses Hepatitis B (Hep B) - Three (3) doses Varicella (chickenpox) – Two (2) doses NOTE: Four doses of DTaP are allowed if one was given on or after the fourth birthday. Three doses of DTaP meet the requirement if at least one dose of Tdap, DTaP, or DTP vaccine was given on or after the seventh birthday (also meets the 7th-12th grade Tdap requirement.) One or two doses of Td vaccine given on or after the seventh birthday count towards the requirement for DTaP. Three doses of Polio are allowed if one was given on or after fourth birthday. MMR doses must be given on or after the first birthday. Two doses of measles, two doses of mumps, and one dose of rubella vaccine meet the requirement, separately or combined. Combination vaccines (e.g., MMRV) meet the requirements for individual component vaccines.
Entering 7th Grade	Tetanus, reduced Diphtheria, and acellular Pertussis (Tdap) - One (1) dose NOTE: In order to begin 7th grade, students who had a valid personal belief exemption on file with a public or private elementary or secondary school in California before January 1, 2016 must meet the requirements listed for grades K-12 as well as requirements for 7th grade advancement. At least one dose of pertussis-containing vaccine is required on or after the 7th birthday.

Involuntary Removal Process

No student shall be involuntarily removed by THCS for any reason unless the parent or guardian of the student has been provided written notice of intent to remove the student no less than five (5) schooldays before the effective date of the action ("Involuntary Removal Notice"). The written notice shall be in the native language of the student or the student's parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder. The Involuntary Removal Notice shall include the charges against the student and an explanation of the student's basic rights including the right to request a hearing before the effective date of

the action. The hearing shall be consistent with THCS'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 THCS issues a final decision. As used herein, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions or expulsions pursuant to THCS's suspension and expulsion policy.

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

If the parent/guardian is nonresponsive to the Involuntary Removal Notice, the student will be disenrolled as of the effective date set forth in the Involuntary Removal Notice. If the parent/guardian requests a hearing and does not attend on the date scheduled for the hearing the student will be disenrolled effective the date of the hearing. If as a result of the hearing the student is disenrolled, notice will be sent to the student's last known school district of residence within thirty (30) days.

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

Location of Automatic External Defibrillator (AED) at Resource Center

The AED is located at 2710 Alpine Blvd, in Suite E on the wall to the left of the main entry door.

Lost or Damaged School Property

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

Mental Health Services

THCS 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 Diana Whyte at 619-792-9000 to discuss any concerns.
- **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 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.
- The Trevor Project - This organization provides suicide prevention and crisis intervention for LGBTQ youth between the ages of 13 and 24. **Available at 1-866-488-7386 or visit <https://www.thetrevorproject.org/>.**
- Big Brothers/Big Sisters of America – This organization is a community- based mentorship program. Community-specific program information can be found online at <https://www.bbbs.org> or by calling (813) 720-8778.

Nondiscrimination Statement

THCS 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 combination of those characteristics or other characteristic that is contained in the definition of hate crimes in the California Penal Code.

THCS does not discriminate against any person on the basis of sex or gender in the operation, conduct, or administration of community youth athletics programs, or in the allocation of parks and recreation facilities and resources or school and recreation facilities and resources that support or enable these programs.

The Charter School Board of Directors (“Board”) shall not refuse to approve the use or prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction or any book or other resource in a school library on the basis that it includes a study of the role and contributions of Native Americans, African Americans, Latino Americans, Asian Americans, Pacific Islanders, European Americans, LGBTQ+ Americans, persons with disabilities, or members of other ethnic, cultural, religious, or socioeconomic status groups.

Instruction and instructional materials shall be factually accurate and align with the adopted curriculum and standards and be consistent with accepted standards of professional responsibility, rather than advocacy, personal opinion, bias, or partisanship. A teacher shall not give instruction and Charter School shall not sponsor any activity that promotes a discriminatory bias on the basis of race or ethnicity, gender, religion, disability, nationality, or sexual orientation, or pursuant to a characteristic listed in Section 220. Discriminatory bias in instruction and school-sponsored activities does not require a showing of direct harm to members of a protected group. Members of a protected group do not need to be present while the discriminatory bias is occurring for the act to be considered discriminatory bias. The Board shall take corrective action if it finds that instruction or school-sponsored activities are discriminatory.

The Board shall not adopt or approve the use of any textbook, instructional material, supplemental instructional material, professional development materials, or curriculum for classroom instruction if the use of such would subject a student to unlawful discrimination pursuant to Education Code section 220, or if the professional development materials or services promote, endorse, or otherwise support actions or the use of any textbook, instructional material, supplemental instructional material, or curriculum which would subject a pupil to unlawful discrimination pursuant to Section 220.

If the Board knows or has reason to know that materials were used in a classroom, that professional development materials or services were used, or that an action occurred that violated Education Code section 220, the Board

shall investigate and remediate the action, which may include, but is not limited to, the implementation of restorative justice practices.

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

The Charter School does not discourage students from enrolling or seeking to enroll in the Charter School for any reason, including, but not limited to, academic performance, disability, neglect or delinquency, English proficiency, for being homeless or a foster/mobile youth, economic disadvantage, nationality, race, ethnicity, or sexual orientation. THCS 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.

THCS is committed to providing an 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 Act of 1975; the IDEIA; and Section 504 and Title II of the ADA (mental or physical disability).

THCS 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.

THCS 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 THCS does business, or any other individual, student, or volunteer. This applies to all employees, students, or volunteers and relationships, regardless of position or gender.

Pursuant to California law and the California Attorney General's guidance to K-12 schools in responding to immigration issues ("Guidance"), Charter School provides equal access to free public education, regardless of a student's or their parent's or guardian's immigration status or religious beliefs.

THCS 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 THCS Uniform Complaint Procedures ("UCP") Compliance Officer:

Diana Whyte, Executive Director
The Heights Charter
2710 Alpine Blvd, Suite E
Alpine CA 91901
Telephone 619-792-9000

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

Oral Health Assessment

Students enrolled in transitional kindergarten or kindergarten in a public school or while enrolled in first grade if the student was not previously enrolled in kindergarten in a public school are required to present proof of having received an oral health assessment completed by a dental professional that was performed within 12 months before the student's initial enrollment in a public school. Please contact the main office if you have questions about this requirement.

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 THCS.

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

Pregnant and Parenting Students

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

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

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

Diana Whyte, Executive Director
2710 Alpine Blvd, Suite E
Alpine, CA 91901
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 Executive Director.

Notice Of Policy Regarding Immigration Enforcement Activity

This notice summarizes our Policy Regarding Immigration Enforcement Activity. The complete policy is available in the main office and on the school website at www.heightscharter.org

OUR COMMITMENT TO ALL STUDENTS

We provide a safe, welcoming environment for all students regardless of immigration status or religious beliefs. We limit immigration enforcement activities at our facilities consistent with California law.

YOUR RIGHTS AND PROTECTIONS

Non-Discrimination: We prohibit discrimination, harassment, intimidation, and bullying based on immigration status, nationality, race, ethnicity, citizenship status, religion, national origin, or ancestry. We promptly investigate all complaints and take appropriate action.

Enrollment: We do not request citizenship or immigration documentation for enrollment, other than documents we might review but not retain to establish a child's birthdate. We accept various documents to establish residence (utility bills, rental agreements, pay stubs, declarations of residency) and age (birth certificates, baptism certificates, passports, or affidavits). Students experiencing homelessness may enroll even without typical documentation if otherwise eligible.

Privacy of Information: We do not collect or maintain information about students' or families' citizenship or immigration status except when required by law for specific education programs. If we do, we collect such information separately from enrollment and do not use it to discriminate or prevent school attendance.

Social Security Numbers: We do not require Social Security numbers for enrollment. We may request the last four digits of an adult household member's number only to establish eligibility for free or reduced-price meals. Students can still qualify without providing this information if they meet income requirements.

INFORMATION SHARING LIMITS

We do not share student information that might indicate immigration or citizenship status unless authorized by the Family Educational Rights and Privacy Act (FERPA) or required by valid court orders, warrants, or subpoenas. We provide parents notice before responding to such requests (except in child abuse cases or when prohibited).

Immigration Enforcement Officers: Without written parental consent, we do not provide student information to immigration enforcement officers unless they present a valid judicial warrant, judicial subpoena, or court order signed by a judge. ICE administrative warrants do not authorize access to nonpublic school areas or student information.

CAMPUS ACCESS PROCEDURES

Immigration enforcement officers carrying out immigration enforcement activities may not enter nonpublic school areas without a valid judicial warrant or court order. In the event of an enforcement activity authorized by a judicial order, our staff will:

- Request credentials and documentation from any officer
- Contact the school site administrator before granting access
- Request that officers not interrupt instruction
- Document all interactions and notify parents, staff, and students pursuant to the procedures outlined in our Comprehensive School Safety Plan
- Report attempts to access campus or students to the California Department of Justice and to the Charter School Board of Directors

ANTI-BULLYING AND HATE CRIMES

We educate students about respecting all peers and the harmful effects of bullying based on protected characteristics. We train staff to eliminate hostile environments and respond to harassment. Students who experience hate crimes have the right to report them. Review our complete Harassment, Discrimination, Intimidation, & Bullying Policy and Uniform Complaint Procedures in the main office.

SUPPORT FOR FAMILIES

Emergency Contacts: You may update your student's emergency contact information anytime. We encourage you to include a trusted adult or multiple adults who can care for your child if you become unavailable. We use this information only for emergencies.

Caregivers Authorization Affidavit: We encourage families to support relative caregivers in completing a Caregivers Authorization Affidavit. We will rely on a signed, completed Affidavit to allow an authorized caregiver to enroll a student in school and to consent to school-related medical care. A parent's signature is not required on the Caregiver Authorization Affidavit. This form is available on the school website at www.heightscharter.org.

If Parents Are Detained: We release students to emergency contacts or anyone with a Caregiver's Authorization Affidavit. We contact child protective services only if we cannot arrange care through provided contacts.

Family Safety Plans: We encourage families to develop safety plans identifying trusted adults who can care for students and locations of important documents (birth certificates, passports, medical information).

Resources for Detained Family Members:

- **ICE Detainee Locator:** <https://locator.ice.gov/odls#/search>
- **Legal Assistance:** California organizations accredited by Board of Immigration Appeals at <https://www.justice.gov/eoir/recognition-accreditation-roster-reports>; Self-Help Centers at <http://www.courts.ca.gov/selfhelp-selfhelpcenters.htm>
- **Consulates/Embassies:** Contact your country of origin's consulate for assistance

Safe Storage of Firearms

The purpose of this notice is to inform and to remind parents and legal guardians of all students at the Charter School of their responsibilities for keeping firearms out of the hands of children as required by California law. There have been many news reports of children bringing firearms to school. In many instances, the child obtained the firearm(s) from his or her home. **These incidents can be easily prevented by storing firearms in a safe and secure manner, including keeping them locked up when not in use and storing them separately from ammunition.**

To help everyone understand their legal responsibilities, this notice spells out California law regarding the storage of firearms. Please take some time to review this notice and evaluate your own personal practices to assure that you and your family are in compliance with California law:

- With very limited exceptions, California makes a person criminally liable for keeping any firearm, loaded or unloaded, within any premises that are under their custody and control where that person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, and the child obtains access to the firearm and thereby (1) causes death or injury to the child or any other person; (2) carries the firearm off the premises or to a public place, including to any preschool or school grades kindergarten through twelfth grade, or to any school-sponsored event, activity, or performance; or (3) unlawfully brandishes the firearm to others.

- The criminal penalty may be significantly greater if someone dies or suffers great bodily injury as a result of the child gaining access to the firearm.
- With very limited exceptions, California also makes it a crime for a person to negligently store or leave any firearm, loaded or unloaded, on their premises in a location where the person knows or reasonably should know that a child is likely to gain access to it without the permission of the child's parent or legal guardian, unless reasonable action is taken to secure the firearm against access by the child, even where a minor **never** actually accesses the firearm.
- In addition to potential fines and terms of imprisonment, as of January 1, 2020, a gun owner found criminally liable under these California laws faces prohibitions from possessing, controlling, owning, receiving, or purchasing a firearm for 10 years.
- Finally, a parent or guardian may also be civilly liable for damages resulting from the discharge of a firearm by that person's child or ward.

The county or city may have additional restrictions regarding the safe storage of firearms. Thank you for helping to keep our children and schools safe. Remember that the easiest and safest way to comply with the law is to keep firearms in a locked container or secured with a locking device that renders the firearm inoperable.

School Safety Plan and Asbestos Management Plan

The Charter School has established a School Safety Plan. The Plan is available upon request at the main office and on the school website (www.heightscharter.org). The Charter School facility was built after asbestos was no longer allowed in building construction.

Section 504

THCS 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 THCS. 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 THCS. The parent of any student suspected of needing or qualifying for accommodations under Section 504 may make a referral for an evaluation to the Executive Director. A copy of the Charter School's Section 504 policies and procedures is available upon request at the main office.

Sexual Health Education

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

- Inspect written and audiovisual educational materials used in comprehensive sexual health education and HIV prevention education.
- Excuse their child from participation in comprehensive sexual health education and HIV prevention education in writing to THCS.
- Be informed whether the comprehensive sexual health or HIV/AIDS prevention education will be taught by THCS personnel or outside consultants. When THCS 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 students' health behaviors and risks (including tests, questionnaires, and surveys containing age-appropriate questions about the student's attitudes concerning or practices relating to sex) may be administered to 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.

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. THCS provides special education instruction and related services in accordance with the Individuals with Disabilities Education Improvement Act (IDEA), Education Code requirements, and applicable policies and procedures of the El Dorado Charter SELPA.

These services are available for special education students enrolled at THCS. We offer high quality educational programs and services for all our students in accordance with the assessed needs of each student. THCS 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, THCS is responsible for identifying, locating, and evaluating children enrolled at THCS 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. THCS 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.

Student Records, including Records Challenges, Directory Information, and CCGI Notice

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 **THCS** receives a request for access. Parents or eligible students should submit to the THCS Director or designee a written request that identifies the records they wish to inspect. The THCS 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 THCS to amend a record should write to the THCS Director or designee, clearly identify the part of the record they want changed and specify why it should be changed. If THCS decides not to amend the record as requested by the parent or eligible student, THCS 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 THCS decides to amend the record as requested by the parent or eligible student, the Executive Director must order the correction or the removal and destruction of the information and inform the parent or eligible student of the amendment in writing.

3. The right to provide written consent before **THCS** 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 THCS officials with legitimate educational interests. A THCS official is a person employed by THCS as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the Charter School's Board of Directors. A THCS official also may include a volunteer, consultant, vendor, or contractor outside of THCS who performs an institutional service or function for which THCS would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, therapist, or contracted provider of digital educational platforms and/or services; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another THCS official in performing their tasks. A THCS official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility.

Upon request, THCS 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 THCS 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 **THCS** to comply with the requirements of FERPA. The name and address of the office that administers FERPA are:

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

5. The right to request that THCS not release student names, addresses, and telephone listings to military recruiters or institutions of higher education without prior written parental consent.

FERPA permits the disclosure of PII from a student's education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to THCS 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 THCS to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A Charter School may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student to the following parties:

1. Charter School officials who have a legitimate educational interest as defined by 34 C.F.R. Part 99;
2. Other schools to which a student seeks or intends to enroll so long as the disclosure is for purposes related to the student's enrollment or transfer. When a student transfers schools, the Charter School will mail the original or a copy of a student's cumulative file to the receiving district or private school within ten (10) school days following the date the request is received from the public school or private school where the student intends to enroll. The Charter School will make a reasonable attempt to notify the parent or eligible student of the request for records at the parent's or eligible student's last known address, unless the disclosure is initiated by the parent or eligible student. Additionally, the Charter School will give the parent

or eligible student, upon request, a copy of the record that was disclosed and give the parent or eligible student, upon request, an opportunity for a hearing;

3. Certain government officials listed in 20 U.S.C. § 1232g(b)(1) in order to carry out lawful functions;
4. Appropriate parties in connection with a student's application for, or receipt of, financial aid if it is necessary to determine eligibility, amount of aid, conditions for aid or enforcing the terms and conditions of the aid;
5. Organizations conducting certain studies for the Charter School in accordance with 20 U.S.C. § 1232g(b)(1)(F);
6. Accrediting organizations in order to carry out their accrediting functions;
7. Parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1986;
8. Individuals or entities, in compliance with a judicial order or lawfully issued subpoena. Subject to the exceptions found in 34 C.F.R. § 99.31(a)(9)(i), reasonable effort must be made to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek a protective order;
9. Persons who need to know in cases of health and safety emergencies;
10. State and local authorities, within a juvenile justice system, pursuant to specific State law;
11. A foster family agency with jurisdiction over a currently enrolled or former student, a short-term residential treatment program staff responsible for the education or case management of a student, and a caregiver (regardless of whether the caregiver has been appointed as the student's educational rights holder) who has direct responsibility for the care of the student, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource family, may access the current or most recent records of grades, transcripts, attendance, discipline, and online communication on platforms established by THCS for student and parents, and any individualized education program ("IEP") or Section 504 plan that may have been developed or maintained by THCS; and/or
12. A victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceedings conducted by THCS with respect to that alleged crime or offense. THCS discloses the final results of the disciplinary proceeding regardless of whether THCS concluded a violation was committed.

"Directory Information" is information that is generally not considered harmful or an invasion of privacy if released. The Charter School may disclose the personally identifiable information that it has designated as directory information without a parent's or eligible student's prior written consent. THCS has designated the following information as directory information:

1. Student's name
2. Student's address
3. Parent's/guardian's address
4. Telephone number
5. Student's email address
6. Parent's/guardian's email address
7. Photograph/video
8. Student date of birth
9. Student's dates of attendance
10. Student's participation in officially recognized activities and sports

11. Weight and height of members of athletic teams
12. Degrees, honors, and awards received
13. The most recent educational agency or institution attended

If you do not want THCS to disclose directory information from your child's education records without your prior written consent, you must notify THCS in writing at the time of enrollment or re-enrollment. Please notify the Executive Director at 619-792-9000.

Charter School shall not release directory information regarding a student identified as a homeless child or youth under the McKinney Vento Homeless Assistance Act in the absence of parent, guardian, or eligible student's written consent, except as follows:

- a. When the directory information is released for the purposes of facilitating the student's access to an oral assessment or eye examination required by Charter School, unless the parent/guardian opts out of the examination.

Please note that data collected and reported by Charter School to the California Longitudinal Pupil Achievement Data System ("CALPADS"³) pursuant to state law, will be shared with the California College Guidance Initiative ("CCGI"⁴) and will:

- 1) Be used to provide pupils and families with direct access to online tools and resources.
- 2) Enable a pupil to transmit information shared with the CCGI to both of the following:
 - a. Postsecondary educational institutions for purposes of admissions and academic placement.
 - b. The Student Aid Commission for purposes of determining eligibility for, and increasing uptake of, student financial aid.

Please visit the CCGI website at CaliforniaColleges.edu to access resources that help students and their families learn about college admissions requirements.

Surveys About Personal Beliefs

Unless the student's parent/guardian gives written permission, a student will not be given any test, questionnaire, survey, or examination containing any questions about the student's, or the student's parents' or guardians' personal beliefs or practices in sex, family life, morality, or religion.

Uniform Complaint Procedure ("UCP")

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

1. Complaints alleging unlawful discrimination, harassment, intimidation, or bullying against any protected group on the basis of the actual or perceived characteristics of age, ancestry, color, mental disability, physical disability, ethnic group identification, immigration status, citizenship, gender expression, gender identity, gender, genetic information, nationality, national origin, race or ethnicity, religion, medical condition, marital status, sex, or sexual orientation, or any combination of characteristics, or on the basis

³ CALPADS is a database maintained by the CDE which consists of pupil data from elementary and secondary schools relating to, among other things, demographic, program participation, enrollment, and statewide assessments data.

⁴ CCGI is an authorized provider of an institutional service to all California local educational agencies and part of the state's efforts to make college-going a more streamlined experience for students. The CCGI currently receives enrollment data for all public-school students enrolled in grades six through twelve from the California Department of Education ("CDE").

of a person's association with a person or group with one or more of these actual or perceived characteristics or any combination of characteristics in any Charter School program or activity. Unlawful discrimination includes, but is not limited to, noncompliance with Education Code section 243(a) or 244.

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 Executive Director or the Compliance Officer identified below.

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

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

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

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

Diana Whyte, Executive Director
2710 Alpine Blvd, Suite E
Alpine, CA 91901
Telephone: 619-792-9000

Only complaints regarding pupil fees, LCAP, or noncompliance with Education Code section 243 or 244 may be filed anonymously and only if the anonymous complainant provides evidence or information leading to evidence to support an allegation of noncompliance with the respective applicable laws.

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

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

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

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

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

Within thirty (30) calendar days of the date of the CDE's appeal Decision pursuant to 5 C.C.R. section 4633(f)(2) or (3), either party may request reconsideration by the State Superintendent of Public Instruction ("SSPI") or the SSPI's designee. The request for reconsideration shall specify and explain the reason(s) for contesting the findings of fact, conclusions of law, or corrective actions in the CDE's appeal Decision.

If Charter School fails to issue an investigation report within the required sixty (60) calendar day timeline, a party to a written complaint of prohibited discrimination may appeal directly to the SSPI. The complaint must provide evidence supporting the basis for direct filing and explain why immediate action is necessary.

Complaints alleging noncompliance with Education Code section 243 or 244 may be filed with the SSPI directly, and the SSPI may directly intervene without waiting for an investigation by the Charter School. The complainant shall present the SSPI with evidence that supports the basis for the direct filing and why immediate action is necessary.

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

If the Charter School finds merit in a UCP complaint, or the CDE finds merit in an appeal, THCS 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 THCS'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. Complainants alleging a violation of Education Code section 220, 243, 244, 51500, 51501, or 60044, may seek civil remedies after sixty (60) calendar days have elapsed from the filing of an appeal with the CDE. before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the Charter School has appropriately, and in a timely manner, apprised the complainant of the complainant's right to file a complaint in accordance with 5 C.C.R. § 4622.

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

Universal School Meals

Pursuant to California law, the Charter School shall make available a nutritionally adequate breakfast and a nutritionally adequate lunch free of charge and with adequate time to eat, to any student who requests a meal without consideration of the student's eligibility for a federally funded free or reduced-price meal, with a maximum of one (1) free breakfast meal and one (1) free lunch each school day on which the student is scheduled for two (2) or more hours of educational activities at a school site, resource center, meeting space or other satellite facility operated by the Charter School. This shall apply to all pupils in kindergarten through grade twelve (12).

Applications for school meals are included in the first day packets to all families and can also be obtained on the Charter School website and in the main office. All families are encouraged to complete the application form. Completed application forms can be returned to the main office. Income eligibility guidelines for federally funded free and reduced-price meals are available at: <https://www.cde.ca.gov/ls/nu/rs/>

Based on a parent/guardian's annual earnings, a parent/guardian may be eligible to receive the Earned Income Tax Credit from the Federal Government (Federal EITC). The Federal EITC is a refundable federal income tax credit for low-income working individuals and families. The Federal EITC has no effect on certain welfare benefits. In most cases, Federal EITC payments will not be used to determine eligibility for Medicaid, Supplemental Security Income, food stamps, low-income housing, or most Temporary Assistance For Needy Families payments. Even if you a parent/guardian does not owe federal taxes, they must file a federal tax return to receive the Federal EITC. Be sure to fill out the Federal EITC form in the Federal Income Tax Return Booklet. For information regarding your eligibility to receive the Federal EITC, including information on how to obtain the Internal Revenue Service (IRS) Notice 797 or any other necessary forms and instructions, contact the IRS by calling 1-800-829-3676 or through its website at www.irs.gov.

A parent/guardian may also be eligible to receive the California Earned Income Tax Credit (California EITC) starting with the calendar year 2015 tax year. The California EITC is a refundable state income tax credit for low-income working individuals and families. The California EITC is treated in the same manner as the Federal EITC and generally will not be used to determine eligibility for welfare benefits under California law. To claim the California EITC, even if you do not owe California taxes, you must file a California income tax return and complete and attach the California EITC Form (FTB 3514). For information on the availability of the credit eligibility requirements and how to obtain the necessary California forms and get help filing, contact the Franchise Tax Board at 1-800-852-5711 or through its website at www.ftb.ca.gov.

Charter School shall allow students, teachers, and staff to bring and carry water bottles. Water bottles may be excluded from libraries, computer labs, science labs, and other places where it is deemed dangerous to have drinking water. Charter School may develop additional policies regarding the types of water bottles that may be carried. Charter School adheres to all applicable requirements regarding placement and maintenance of water bottle refilling stations on campus.

Charter School shall encourage water consumption through promotional and educational activities and signage that focus on the benefits of drinking water and use all water bottle filling stations that are located on campus.

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, Charter School is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible state or local agency that

administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at:

<https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:
mail:

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
fax: (833) 256-1665 or (202) 690-7442; or
email: Program.Intake@usda.gov

Charter School is an equal opportunity provider.

A copy of the complete Policy, which includes the Charter School's meal charge policy, is available upon request at the main office. The Charter School also maintains a School Wellness Policy pursuant to state and federal requirements.

Use of Student Information Learned from Social Media

The Charter School complies with all federal, state, and local guidelines regarding the gathering and/or maintenance of information about any enrolled student obtained from social media in the student's educational record. The Charter School gathers student information from social media. Such information shall be maintained in the Charter School's records with regard to the student and shall be destroyed within one (1) year after a student turns 18 years of age or within one (1) year after the student is no longer enrolled in the Charter School, whichever occurs first. A non-minor student or a student's parent or guardian may access the student's records for examination of the information, request the removal of information or corrections made to information gathered or maintained by the Charter School by contacting the Executive Director.

Work Permits

Beginning August 1, 2024, any minor seeking the signature of a Charter School verifying authority on a Statement of Intent to Employ a Minor and Request for a Work Permit-Certificate of Age will be issued, before or at the time of receiving the signature of the verifying authority, a document clearly explaining basic labor rights extended to workers. An infographic explaining these rights is available at: <https://laborcenter.berkeley.edu/wp-content/uploads/2024/05/Know-Your-Rights-FINAL.pdf>

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 Executive Director.

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

If you have a conflict with the Executive Director, the first step is to contact the Executive Director. If this does not resolve the conflict, the final step is to take the matter to the THCS Board. Their resolution of the conflict is final. The THCS Newsletter and the THCS 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 Executive Director and consequences will follow all applicable laws, regulations and ordinances.

Administration of Medication

THCS 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.

Suicide Prevention

The Governing Board of THCS 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.

THCS's suicide prevention policy can be requested for review in the main office and is available on the school website.

THE HEIGHTS CHARTER BOARD POLICIES

Student Safety, Professional Boundaries, and Adult Misconduct Policy

The Heights Charter School ("School") is committed to providing every student with a safe, supportive, and appropriately supervised learning environment. This policy establishes the School's standards for professional boundaries between adults and students, limits on electronic and social media communication, mandated reporting obligations, and related safeguards against child abuse and misconduct.

This policy applies to all School employees, volunteers, contractors, and governing Board ("Board") members⁵ (collectively referred to as "adults" herein).

The School recognizes its responsibility to make and enforce all rules and regulations governing student and adult behavior to bring about the safest and most learning-conducive environment possible. This policy is available on the School's website.

⁵ This policy does not apply to student board members under Education Code 47604.2, or otherwise.

DEFINITIONS

As used in this policy:

- "Employee" means any person employed by the School in any capacity, including certificated staff, classified staff, administrators, and temporary or part-time staff.
- "Contractor" means any individual or entity providing services to the School under a contract whose duties require contact with or supervision of students.
- "Volunteer" means any person over 18 years of age who provides services to the School without compensation and who interacts with students outside of the immediate supervision and control of the student's parent or guardian or a School employee.
- "Mandated reporter" includes all employees, contractors, board members, and volunteers as defined in this policy.
- "Egregious misconduct" means immoral conduct that forms the basis for sex offenses, child abuse and neglect offenses (including physical and sexual abuse, willful cruelty, unlawful corporal punishment, neglect, and exploitation of a minor), and controlled substance offenses.
- "Electronic communication" includes email, text messages, direct messages, and any other written or audio-visual communication transmitted through a personal or school-issued device.
- "Social media" includes any internet-based platform, application, or service that enables users to create, share, or exchange content, including but not limited to Instagram, Snapchat, TikTok, Facebook, X (formerly Twitter), Discord, and similar platforms.
- "Educational institution" means a school district, county office of education, charter school, state special school or diagnostic center operated by the state department of education, or private school.

STUDENT/ADULT PROFESSIONAL BOUNDARIES

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 individual's use of force that is reasonable and necessary to protect the individual, 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 employees, volunteers, contractors, and Board members:

A. Examples of PERMITTED actions (i.e., 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 a student on 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 (i.e., 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 Adult/Student Behavior

This policy is intended to guide adults in conducting themselves in a way that reflects the high standards of behavior and professionalism required of them and to specify the boundaries between such adults and students.

Although this policy gives specific, clear direction, it is each adult's obligation to avoid situations that could prompt suspicion by parents/guardians, 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 an adult while interacting with a student, whether during school hours or outside of school hours, including through social media platforms, text messaging, and other forms of communication that do not otherwise include a student's parent/guardian. Trespassing the boundaries of a student/adult relationship is deemed an abuse of power and a betrayal of public trust.

Professional boundaries apply not only between students and staff, volunteers, and contractors, and Board members, but also among and between students, and among and between adults employed, volunteering, or under contract with the School. All members of the School community are expected to maintain professional conduct that models appropriate behavior and fosters a safe and respectful learning environment. Additionally, all facilities/areas under School control shall be effectively supervised to promote a safe environment for students and individuals performing services on behalf of the School.

Some activities may seem innocent from an adult'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 adults and students, but to prevent relationships that could lead to, or may be perceived as, sexual misconduct.

Adults 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 adults 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, adult/student interactions must have boundaries surrounding potential activities, locations and intentions.

Duty to Report Suspected Misconduct

When any adult reasonably suspects or believes that another individual 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. Adults 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 and apply equally during and outside of the regular school day:

Unacceptable Adult/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.
- (j) Becoming involved with a student so that a reasonable person may suspect inappropriate behavior.

Unacceptable Adult/Student Behaviors without Parent and Supervisor Permission

(These behaviors should only be exercised when adults have parent/guardian 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 Adults/Student Behaviors

(These behaviors should only be exercised when a reasonable and prudent person is prevented from using a better practice or behavior. Adults must inform a school administrator 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/direct messages or letters to students if the content is not appropriate.

Acceptable and Recommended Adult/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/direct messages, phone and instant messages to students within School provided platforms must be professional and pertain 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 administration 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 adult to be present if you will be alone with any student with special needs.
- (o) Asking another adult 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.
- (t) Documenting any interaction with a student that may be crossing boundaries set forth in this policy, including any electronic communication.

Student-To-Student Boundaries

The School is committed to fostering a school culture in which students treat one another with dignity and respect. Students are expected to refrain from conduct that is physically aggressive, sexually harassing, threatening, or otherwise harmful toward other students. The School's anti-harassment, anti-bullying, and student discipline policies govern student-to-student misconduct and are incorporated here by reference. School personnel are responsible for actively supervising student interactions and intervening when student behavior crosses appropriate boundaries, whether in the classroom, common areas, school-sponsored activities, or online environments connected to School programs.

Professional Boundaries Among Adults

All adults covered by this Policy are expected to interact with one another in a manner that is professional, respectful, and consistent with the School's workplace conduct standards. Adults in positions of supervisory authority shall not use that authority to coerce, manipulate, or exploit other adults in the School community. Conduct among adults that creates a hostile work environment, involves sexual harassment, or otherwise violates applicable law or School policy is prohibited and must be reported consistent with the School's applicable reporting procedures. School leadership is responsible for modeling appropriate professional relationships and for addressing complaints of adult-to-adult misconduct promptly and consistently.

MANDATED REPORTING OBLIGATIONS

All of the following persons associated with the School are mandated reporters of known or reasonably suspected child abuse or neglect:

- All employees, regardless of role or frequency of student contact.
- All contractors whose duties require contact with or supervision of students.
- All board members.
- All volunteers who interact with students outside of the immediate supervision and control of the student's parent or guardian or a School employee.

A mandated reporter is not required to investigate, confirm, or seek corroboration before making a report. The obligation to report arises from reasonable suspicion, not certainty. Each mandated reporter has an independent, personal obligation to make a report to a child protective agency or law enforcement when that individual knows of or reasonably suspects that a child has been the victim of abuse or neglect.

Reports must be made immediately or as soon as practically possible by phone, and a written follow-up report must be submitted within 36 hours. While internal reporting to a supervisor or administrator is encouraged for operational awareness, the duty to report is not discharged by notifying a supervisor or by assuming that another person has made the report. No administrator may impede or inhibit a mandated reporter from filing a report.

Failure to make a required report is a misdemeanor under California law and may result in disciplinary action up to and including termination.

ANNUAL TRAINING REQUIREMENTS

The School shall provide annual training to all employees, contractors, board members, and volunteers on the following topics:

- Mandated reporting requirements under the California Child Abuse and Neglect Reporting Act, including which persons are mandated reporters, what must be reported, how to make a report, and the legal consequences of failing to report.
- Prevention of child abuse, including sexual abuse, in the school environment, including recognition of grooming behaviors, boundary violations, and other indicators of adult-to-student misconduct.
- The professional boundary standards and electronic communication requirements set forth in this Policy.
- The School's procedures for reporting concerns about staff conduct to administration.

All covered individuals must complete training within the first six weeks of each school year or within the first six weeks of hire, assignment, or commencement of volunteer services, whichever is earlier.

The School shall maintain a record of training completion dates for each individual. Training must be completed using the State Department of Social Services' online training module or an alternative module approved by the School's joint powers authority or insurance provider.

The governing board shall receive annual training on its obligations under SB 848, including with respect to the statewide reporting database once operational.

HIRING AND EMPLOYMENT VETTING

All applicants for any position with the School, whether certificated or noncertificated, must provide a complete list of every educational institution at which the applicant has previously been employed. This obligation applies regardless of the nature of the prior position or the length of prior service.

The School shall contact each educational institution listed by an applicant and inquire whether, during the applicant's prior employment, the applicant was the subject of any credible complaint of, substantiated investigation into, or discipline for egregious misconduct as defined in this Policy. The School shall document each inquiry and the response received.

If another educational institution inquires about a current or former School employee who is applying for a position with that institution, the School shall disclose whether it has reported that employee's egregious misconduct to the Commission on Teacher Credentialing, and shall provide copies of all relevant information in the School's possession that supported a substantiated finding.

Once the statewide database for substantiated misconduct involving minors is operational as contemplated by SB 848, the School shall conduct required database checks as part of the hiring process consistent with any regulations or guidance issued by the State Department of Education.

The School shall not hire any person convicted of a violent felony (Penal Code section 667.5(c)), serious felony (Penal Code section 1192.7(c)), or sex offense (Education Code section 44010) into any certificated position or any position supervising certificated employees. The School shall not retain a certificated employee in temporary, substitute, or probationary status (where the employee is serving before March 15 of their second probationary year) who has been convicted of any such offense. If a conviction is later reversed on retrial or the charges are dismissed, these prohibitions no longer apply.

No person who has been convicted of any offense identified in Education Code section 44010, as amended by SB 848, shall be employed or retained in any position at the School. This includes convictions under Penal Code sections 288.3, 288.4, and 647(c)(2), in addition to offenses previously enumerated under prior law.

The School shall not execute any agreement with an employee, former employee, or applicant that has the purpose or effect of concealing, limiting disclosure of, or expunging from a personnel file any credible complaint of or substantiated investigation into egregious misconduct. Any such agreement is void and unenforceable.

STATEWIDE DATA SYSTEM SUBMISSION OBLIGATIONS

Once the statewide data system established pursuant to Education Code section 44052 is operational, the School will have ongoing affirmative reporting obligations in addition to the hiring-side check described above. The School shall submit the following information and notices to the statewide data system:

- Within 30 calendar days of hiring any individual for a noncertificated position, the School shall provide the individual's name, start date, and position title to the system.
- Within 30 calendar days of an individual moving into or adding a noncertificated position, the School shall provide the individual's name, start date, and new position title to the system.
- Within 10 calendar days of a noncertificated employee's departure from any position, the School shall provide the individual's final date of employment to the system.

- Within 10 calendar days of commencing an investigation of egregious misconduct, the School shall submit notice of the start of the investigation to the system.
- Within 10 calendar days of completing an investigation of egregious misconduct, the School shall submit the outcome to the system. If the investigation results in a substantiated report as defined in Penal Code section 11165.12(b), the result shall be recorded. If the investigation results in an unfounded or inconclusive report, no record of the investigation shall be created in the system.
- If a noncertificated employee leaves or changes employment status during a pending egregious misconduct investigation, the School shall submit notice of the employment change mid-investigation to the system within 10 calendar days.

If a previously substantiated report is later determined to be unfounded or inconclusive by the governing board, an arbitrator, or an administrative law judge, the School shall notify the Commission on Teacher Credentialing within 10 calendar days so that the report may be removed from the system.

SCHOOL SAFETY PLAN

The School's comprehensive school safety plan shall include procedures specifically designed to address the supervision and protection of students from child abuse, neglect, and sex offenses.

The safety plan shall also address child neglect and include procedures for reporting all crimes occurring on campus or at campus-related activities, and classroom and non-classroom environments in a manner that promotes safe, easily supervised spaces for student learning and engagement

All School personnel shall receive training on the comprehensive school safety plan consistent with the requirements of SB 848.

For a copy of the complete school safety plan, please contact the main office.

REPORTING AND INVESTIGATING MISCONDUCT PURSUANT TO THIS POLICY

Any individual who has reason to believe that a School employee, contractor, Board member, or volunteer has violated this policy, engaged in conduct that constitutes child abuse or neglect, or otherwise acted in a manner inconsistent with the safety and wellbeing of students is encouraged to report that concern to the School's Executive Director or designee, or directly to the governing board. Reports may also be made to law enforcement or child protective services at any time.

The School shall investigate all credible reports of policy violations or misconduct promptly and shall take appropriate corrective action.

The School shall not retaliate against any person who, in good faith, reports a concern under this Policy.

Title IX Policy Prohibiting Discrimination on the Basis of Sex

This Title IX Policy Prohibiting Discrimination on the Basis of Sex ("Policy") contains the policies and grievance procedures of The Heights Charter School ("THCS") to address sex discrimination, including but not limited to sexual harassment, occurring within THCS's education program or activity.

THCS does not discriminate on the basis of sex and prohibits any acts of sex discrimination in any education program or activity that it operates, as required by California law, Title IX (20 U.S.C. § 1681 *et seq.*) and the Title IX regulations (34 C.F.R. Part 106), including in admission and employment.⁶

This Policy applies to conduct occurring in THCS's education programs or activities including but not limited to incidents occurring on the school campus, during school-sponsored events and activities regardless of the location,

⁶ THCS complies with all applicable state and federal laws and regulations and local ordinances in its investigation of and response to reports and complaints of misconduct prohibited by this Policy.

and through school-owned technology, whether perpetrated by a student, parent/guardian, employee, volunteer, independent contractor or other person with whom THCS does business.

Inquiries about the application of Title IX and 34 C.F.R. Part 106 (hereinafter collectively referred to as "Title IX") may be referred to the THCS Title IX Coordinator, the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

Definitions

Prohibited Sex Discrimination

Title IX and California law prohibit discrimination on the basis of sex, including sex-based harassment and differences in the treatment of similarly situated individuals on the basis of sex with regard to any aspect of services, benefits, or opportunities provided by THCS.

Prohibited Sexual Harassment

Under Title IX, "sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

- An employee of THCS conditioning the provision of an aid, benefit, or service of THCS on an individual's participation in unwelcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to THCS's education program or activity; or
- "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Under California Education Code section 212.5, sexual harassment means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:

(a) submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, education, academic status, or progress; (b) submission to, or rejection of, the conduct by the individual is used as the basis of employment, educational or academic decisions affecting the individual; (c) the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment; and/or (d) submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through THCS.

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

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

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

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

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Formal Complaint of Sexual Harassment means a written document filed and signed by a complainant who is participating in or attempting to participate in THCS 's education program or activity or signed by the Coordinator alleging sexual harassment against a respondent and requesting that THCS investigate the allegation of sexual harassment. At the time of filing a formal complaint of sexual harassment, the complainant must be participating in or attempting to participate in THCS's education program or activity.

Party means a complainant or respondent.

Respondent means a person who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

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

Title IX Coordinator

The Board of Directors of THCS ("Board") has designated the following employee as the Title IX Coordinator ("Coordinator"):

Diana Whyte, Executive Director
 2710 Alpine Blvd, Suite E
 Alpine, CA 91901
 619-792-9000
heightscharter@gmail.com

The Coordinator is responsible for coordinating THCS's efforts to comply with the requirements of Title IX, receiving reports and complaints of sex discrimination, formal complaints of sexual harassment, and inquiries about the application of Title IX to THCS, coordinating the effective implementation of supportive measures, and taking other actions as required by this Policy. The Coordinator or designee may serve as the investigator for formal complaints of sexual harassment.

Reporting Sex Discrimination

All employees must promptly notify the Coordinator when the employee has knowledge of or notice of allegations of sex discrimination or sexual harassment occurring within THCS's education program or activity.

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

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

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

Privacy

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

Retaliation

THCS 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.

Response to Sexual Harassment

THCS will respond promptly and in a manner that is not deliberately indifferent when it has actual knowledge, as defined in 34 C.F.R. § 106.30(a), of sexual harassment occurring in its education program or activity against a person in the United States.

THCS's response will treat complainants and respondents equitably by offering supportive measures to a complainant, and by following the grievance procedures for formal complaints of sexual harassment that are listed below before imposing any disciplinary sanctions or other actions that are not supportive measures on a respondent for sexual harassment under Title IX.

Supportive Measures

Once notified of sexual harassment or allegations of sexual harassment occurring in THCS's education program or activity against a person in the United States, the Coordinator will promptly contact the complainant to discuss the availability of supportive measures, 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, and explain to the complainant the process for filing a formal complaint of sexual harassment.

Supportive measures may include but are not limited to: counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; mutual restrictions on contact between the parties; changes in work or on-campus housing locations; leaves of absence; increased security and monitoring of certain areas of the campus; and other similar measures.

Supportive measures will not unreasonably burden either party or be imposed for punitive or disciplinary reasons. THCS will maintain as confidential any supportive measures provided to the complainant or respondent, to the

extent that maintaining such confidentiality would not impair THCS's ability to provide the supportive measures. The Coordinator is responsible for coordinating the effective implementation of supportive measures.

Grievance Procedures

Scope and General Requirements

THCS has adopted and published grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited under Title IX and a grievance process that complies with 34 C.F.R. § 106.45 for formal complaints of sexual harassment.

Complaints of misconduct prohibited by this Policy that do not constitute a formal complaint of sexual harassment will be addressed in accordance with THCS's Uniform Complaint Procedures, its employment discrimination complaint procedures, or the grievance procedures set forth in its Harassment, Intimidation, Discrimination, and Bullying Policy, as applicable. The following grievance procedures will apply to formal complaints of sexual harassment.

Upon receipt of a formal complaint of sexual harassment, the Coordinator or designee will promptly initiate these grievance procedures, or the informal resolution process if available, appropriate, and requested by all parties.

THCS requires that any Title IX Coordinator, investigator, decisionmaker, and any person designated by THCS to facilitate an informal resolution process not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

THCS will treat complainants and respondents equitably. THCS presumes that the respondent is not responsible for the alleged sexual harassment until a determination is made at the conclusion of its grievance procedures.

THCS may consolidate formal complaints of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, where the allegations of sexual harassment arise out of the same facts or circumstances.

THCS allows for the temporary delay of the grievance process or limited extension of timeframes on a case-by-case basis for good cause. Requests for extensions must be submitted to the Coordinator in writing at least one (1) business day before the expiration of the timeframe. If the grievance process is temporarily delayed or a timeframe is temporarily extended by THCS, the Coordinator or designee will notify the parties of the reason for the delay or extension in writing.

THCS will objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence.⁷ Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

Dismissal

THCS must dismiss a formal complaint of sexual harassment for purposes of sexual harassment under Title IX if the conduct alleged:

- Would not constitute sexual harassment under Title IX even if proved;
- Did not occur in THCS's education program or activity; or
- Did not occur against a person in the United States.

THCS may dismiss a formal complaint of sexual harassment or any of the allegations therein if:

- The respondent is no longer enrolled or employed by THCS;
- A complainant notifies the Coordinator in writing that the complainant would like to withdraw the complaint or any allegations therein; or

⁷ Inculpatory means tending to impute guilt or fault, and exculpatory means tending to absolve from guilt or fault.

- Specific circumstances prevent THCS from gathering sufficient evidence to reach a determination as to the complaint or allegations therein.

Upon dismissal, the Coordinator or designee will promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties. Dismissal under Title IX does not preclude action under another applicable THCS policy.

Notice of the Allegations

Upon receipt of a formal complaint of sexual harassment, the Coordinator or designee will provide written notice of the allegations to the parties whose identities are known. The notice will include:

- THCS's grievance procedures and any informal resolution process;
- The allegations of sexual harassment including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details includes the identities of the parties involved in the incident(s), if known, the conduct allegedly constituting sexual harassment under Title IX, and the date(s) and location(s) of the alleged incident(s), if known;
- A statement that the respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility is made at the conclusion of the grievance process;
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and
- A statement that THCS prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

Emergency Removal

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

THCS may remove a respondent from THCS's education program or activity on an emergency basis, in accordance with THCS's policies, provided that THCS undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any person 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 must not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Informal Resolution

At any time after a formal complaint of sexual harassment is filed and prior to determining whether sexual harassment occurred under THCS's Title IX grievance procedures, THCS may offer an informal resolution process to the parties. THCS will not offer or facilitate informal resolution to resolve allegations that an employee sexually harassed a student, or when such a process would conflict with Federal, State, or local law. Parties will not be required or pressured to agree to participate in the informal resolution process.

Before initiation of the informal resolution process, THCS will obtain the parties' voluntary, written consent to participate in the informal resolution and provide the parties with a written notice that explains:

- The allegations;
- The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint of sexual harassment arising from the same allegations;
- The right to withdraw and initiate or resume the grievance procedures at any time prior to agreeing to a resolution; and
- Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Investigation

In most cases, a thorough investigation will take no more than thirty (30) business days. THCS has the burden to conduct an investigation that gathers sufficient evidence to determine whether sexual harassment occurred. The investigator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance in accordance with Title IX.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be used, accessed, considered, or disclosed), regardless of whether they are relevant:

- A party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless THCS obtains that party's voluntary, written consent to do so for these grievance procedures; and
- Evidence about the complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

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 from gathering and presenting 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.

Before the investigator completes the investigative report, THCS 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 to consider prior to completing 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.

Determination of Responsibility

Before making a determination of responsibility, the decisionmaker must afford each party the opportunity to submit written, relevant questions that a party wants to ask of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decisionmaker must explain to the party proposing the questions any decision to exclude a question as not relevant.

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

Within twenty (20) business days after THCS sends the investigation report to the parties, the decisionmaker, who will not be the same person as the Coordinator or investigator, will simultaneously send the parties a written determination of whether sexual harassment occurred. The written determination will include:

- The allegations of sexual harassment;
- A description of the 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 regarding the application of THCS's code of conduct to the facts;
- The decision and rationale for each allegation;
- Any recommended disciplinary sanctions for 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.

The determination regarding responsibility becomes final either on the date that THCS provides the parties with the written appeal decision, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Appeals

Either party may, within five (5) business days of their receipt of THCS's written determination of responsibility or dismissal of a formal complaint of sexual harassment, submit a written appeal to the Chair of the THCS Board, who will serve as the decisionmaker for the appeal or designate a decisionmaker for the appeal.

The complainant and respondent may only appeal from a determination regarding responsibility or THCS's dismissal of a formal complaint of sexual harassment or any allegations therein, on one or more of the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- The Coordinator, investigator(s), or decisionmaker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The decisionmaker for the appeal will not be the same person as the Coordinator, the investigator or the initial decisionmaker.

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

Consequences

Students or employees who engage in misconduct prohibited by this Policy, 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 THCS or termination of employment. If there is a determination that sexual harassment occurred, the Coordinator is responsible for effective implementation of any remedies ordered by THCS.

Training

All supervisors of staff will receive sexual harassment training within six (6) months of their assumption of a supervisory position and will receive further training once every two (2) years thereafter. All Title IX Coordinators, investigators, decisionmakers, and any person who facilitates a Title IX informal resolution process will receive Title IX training and/or instruction concerning sexual harassment as required by law.

Recordkeeping

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

- THCS 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 complaint or sexual harassment and the results of that appeal;
- Records of any informal resolution of a formal complaint or sexual harassment and the results of that informal resolution;
- All materials used to train Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process; and

Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment.



The Heights Charter

Title IX Complaint Form

Your Name: _____ Date: _____

Date of Alleged Incident(s): _____

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

List any witnesses that were present: _____

Where did the incident(s) occur? _____

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

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

Signature of Complainant	Date

To be completed by the Charter School:

Received by (Signature)	Date

Follow up Meeting with Complainant held on: _____

Suspension and Expulsion Policy

The Suspension and Expulsion Procedures have been established in order to promote learning and protect the safety and wellbeing of all students at The Heights Charter. Although charter schools are exempt from school district procedures and process for suspensions and expulsions, in creating these procedures, the Charter School has reviewed Education Code Section 48900 *et seq.* which describe the offenses for which students at non-charter schools may be suspended or expelled, and the procedures governing those suspensions and expulsions, in order to establish its list of offenses for suspensions and expulsions. The provisions that follow are largely consistent with the language of the Education Code with regard to suspension/expulsion triggering conduct. The Charter School will periodically review its policies and procedures surrounding suspensions, expulsions, and involuntary removals, and may modify of the lists of offenses for which students are subject to suspension, expulsion or involuntary removal, and the procedures associated therewith, so long as not materially different from the charter petition.

Similarly, the procedures for student suspension, expulsion, and involuntary removal, and may be amended from time to time without the need to seek a material revision of the charter so long as the amendments comport with legal requirements.

THCS staff shall enforce disciplinary policies and procedures fairly and consistently among all students. This Policy and its Procedures will be printed and distributed annually as part of the Parent/Student Handbook which will clearly describe discipline expectations.

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

The Heights Charter administration shall ensure that students and their parents/guardians⁸ are notified in writing upon enrollment of all discipline and involuntary removal policies and procedures.

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

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

No student shall be involuntarily removed by the Charter School for any reason unless the parent/guardian of the student has been provided written notice of intent to remove the student no less than five (5) school days before the effective date of the action. The written notice shall be in the native language of the student or the student's parent/guardian, and shall inform the student and the student's parent/guardian, of the basis for which the student is being involuntarily removed and the student's parent/guardian's, right to request a hearing to challenge the involuntary removal. If a student's parent/guardian requests a hearing, the Charter School shall utilize the same hearing procedures specified below for expulsions, before the effective date of the action to involuntarily remove

⁸ The Charter School shall ensure that a homeless child or youth's educational rights holder; a foster child or youth's educational rights holder, attorney, and county social worker; and an Indian child's tribal social worker and, if applicable, county social worker have the same rights as a parent or guardian to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, involuntary removal notice, and other documents and related information. For purposes of this Policy and its Procedures, the term "parent/guardian" shall include these parties.

the student. If the student's parent/guardian requests a hearing, the student shall remain enrolled and shall not be removed until the Charter School issues a final decision. As used herein, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include removals for misconduct which may be grounds for suspension or expulsion as enumerated below. Students may be involuntarily removed for reasons including, but not limited to, failure to comply with the terms of the student's independent study Master Agreement pursuant to Education Code Section 51747(g).

Procedures

A. Alternative Means of Correction

For a student facing discipline for a discretionary offense listed below, the Executive Director or designee may, whenever practicable, provide alternatives to suspension or expulsion. These alternatives shall use a research-based framework with age-appropriate strategies that improve behavioral and academic outcomes while addressing and correcting the student's specific misbehavior.

Charter School shall not suspend or expel any student based solely on the fact that they are truant, tardy, or otherwise absent from school activities. Violations of Charter School's attendance expectations shall be addressed in accordance with Charter School's Attendance and Unexcused Absence Policy and/or Independent Study Policy, as applicable.

Students may not be suspended or expelled for willful defiance or disruption. Alternatively, Charter School staff may refer a student who engages in willful defiance and/or disruption to the Executive Director or designee for appropriate and timely in-school interventions or supports. Within five (5) business days, the Executive Director or designee shall:

- 1) Document the actions taken and save the document to the student's record
- 2) Inform the referring staff member what actions were taken and if none, the rationale used for not providing any appropriate or timely in-school interventions or supports.

For a student who has been suspended, or for whom other means of correction have been implemented, for an incident of racial bullying, harassment, or intimidation, Charter School may require all students associated with the incident(s) to engage in restorative justice practices and/or cultural sensitivity programs.

Charter School may utilize the Multi-Tiered System of Supports, which includes restorative justice practices, trauma-informed practices, social and emotional learning, and schoolwide positive behavior interventions and support, to help students gain critical social and emotional skills, receive support to help transform trauma-related responses, understand the impact of their actions, and develop meaningful methods for repairing harm to the school community.

B. Grounds for Suspension and Expulsion of Students

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

C. Enumerated Offenses

1. Discretionary Suspension and Expulsion Offenses: Students may be suspended and/or recommended for expulsion when the Executive Director or designee determines the student:
 - a) Caused, attempted to cause, or threatened to cause physical injury to another person.

- b) Willfully used force or violence upon the person of another, except self-defense.
- c) Unlawfully possessed, used, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind. Students who voluntarily disclose their use of a controlled substance, alcohol, or an intoxicant of any kind in order to seek help through services or supports shall not be suspended solely for that disclosure.
- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases.
- g) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of a student's own prescription products by a student. Students who voluntarily disclose their use of a tobacco product in order to seek help through services or supports shall not be suspended solely for that disclosure.
- h) Committed an obscene act or engaged in habitual profanity or vulgarity.
- i) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- j) Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.
- k) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- l) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- m) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- n) Engaged in, or attempted to engage in, hazing. For the purposes of this policy, "hazing" means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. For purposes of this policy, "hazing" does not include athletic events or school-sanctioned events.
- o) Made terroristic threats against school officials and/or school property, which includes but is not limited to, electronic files and databases. For purposes of this policy, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of

the threat, and thereby causes that person reasonably to be in sustained fear for their own safety or for their immediate family's safety, or for the protection of school property, which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or their immediate family.

- p) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this policy, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This provision shall apply to students in any of grades 4 to 12, inclusive.
- q) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in Education Code Section 233(e). This provision shall apply to students in any of grades 4 to 12, inclusive.
- r) Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading the rights of either school personnel or volunteers and/or student(s) by creating an intimidating or hostile educational environment. This provision shall apply to students in any of grades 4 to 12, inclusive.
- s) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
 - 1) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
 - i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of their age, or for a person of their age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
 - ii. Causing a reasonable student to experience a substantially detrimental effect on their physical or mental health.
 - iii. Causing a reasonable student to experience substantial interference with their academic performance.
 - iv. Causing a reasonable student to experience substantial interference with their ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
 - 2. "Electronic Act" means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
 - i. A message, text, sound, video, or image.
 - ii. A post on a social network Internet Web site including, but not limited to:
 - (a) Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
 - (b) Creating a credible impersonation of another actual student for the purpose of having one or more of the effects listed in subparagraph (1) above. "Credible impersonation" means to knowingly and without consent impersonate a student

for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.

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

iii. An act of cyber sexual bullying.

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

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

- t) A student who aids or abets, as defined in Penal Code Section 31, the infliction or attempted infliction of physical injury on another person may be subject to suspension, but not expulsion. However, if a juvenile court finds that the student committed a crime of physical violence as an aider or abettor, and the victim suffered great bodily injury or serious bodily injury, the student may be subject to suspension and/or expulsion for causing, attempting to cause, or threatening to cause physical injury to subdivision (1)(a)-(b) another person, and/or willfully using force or violence upon the person of another, except in self-defense.
- u) Possessed, sold, or otherwise furnished any knife or other destructive device, dangerous object of no reasonable use to the student unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Executive Director or designee's concurrence.
- v) Assault or battery, as defined in Penal Code sections 240 and 242, upon any school employee.

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

- a) Possessed, sold, or otherwise furnished any firearm, explosive, or other destructive device unless, in the case of possession of any device of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Executive Director or designee's concurrence.
- b) Brandished a knife at another person.
- c) Unlawfully sold a controlled substance listed in Health and Safety Code Section 11053, et seq.
- d) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289 or former Section 288a of the Penal Code, or committed a sexual battery as defined in Penal Code Section 243.4.

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

The Charter School applies the following definitions:

- The term “knife” means (A) any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing; (B) a weapon with a blade fitted primarily for stabbing; (C) a weapon with a blade longer than 3½ inches; (D) a folding knife with a blade that locks into place; or (E) a razor with an unguarded blade.
- The term “firearm” means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.
- The term “destructive device” means any explosive, incendiary, or poison gas, including but not limited to: (A) bomb; (B) grenade; (C) rocket having a propellant charge of more than four ounces; (D) missile having an explosive or incendiary charge of more than one-quarter ounce; (E) mine; or (F) device similar to any of the devices described in the preceding clauses.

D. Suspension Procedure

A student may be suspended by the Charter School Executive Director or designee. Suspensions shall be initiated according to the following procedures:

1. Conference

Suspension shall be preceded, if practicable, by a conference conducted by the Executive Director or designee with the student and the student’s parent/guardian and, whenever practical, the teacher, supervisor or The Heights Charter employee who referred the student to the Executive Director or designee. The conference may be held in-person, telephonically, or via other electronic means.

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

At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against the student and shall be given the opportunity to recount their version of the incident and provide any evidence in their defense. This conference should be held within two (2) school days, unless the student waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. Penalties shall not be imposed on a student for failure of the student’s parent or guardian to attend a conference. Reinstatement of the suspended student shall not be contingent upon attendance by the student’s parent/guardian, at the conference.

2. Notice to Parents/Guardians

At the time of the suspension, the Executive Director or designee shall make a reasonable effort to contact the parent/guardian in person, by email, or by telephone. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. This notice shall include:

- a) the specific offense(s) committed by the student,
- b) duration and dates of the suspension,

- c) the date the student may return to school following the suspension, and
- d) an explanation of the evidence that supports the charges.

If Charter School officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent/guardian respond to such requests without delay.

3. Suspension Time Limits/Recommendation for Expulsion

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

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

4. Homework Assignments During Suspension

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

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

E. Authority to Expel

A student may be recommended for expulsion by the Charter School Executive Director or designee. The Charter School may expel a student following a hearing adjudicated by a neutral Hearing Officer or Administrative Panel ("Panel") selected by the Executive Director to determine whether the student shall be expelled. The procedures herein provide for such hearing and notice.

If a Panel conducts the hearing, it should consist of at least three (3) members who do not have an instructional or supervisory relationship with the student and are not a member of the Charter School Board of Directors. The Panel shall be presided over by a member of the Panel, whom the Panel designates as the chairperson.

The Hearing Officer or Panel shall make the determination regarding the expulsion of any student, subject to review by the Board of directors.

F. Expulsion Procedures

Students recommended for expulsion are entitled to a hearing to determine whether the student should be expelled. Unless postponed for good cause, the hearing shall be held within thirty (30) school days after the Executive Director or designee determines that the student has committed an expellable offense and recommends the student for expulsion. If postponed for good cause, the expulsion hearing may be extended an additional thirty (30) calendar days from the date of the original hearing, unless otherwise agreed upon in writing by the Executive Director or designee and student's parent/guardian.

The hearing shall be held in a confidential setting (complying with all student confidentiality rules under the Family Educational Rights and Privacy Act, "FERPA").

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

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

G. Record of Hearing

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

H. Presentation of Evidence

While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A determination by the Hearing Officer or Panel to expel must be supported by substantial evidence that the student committed an expellable offense. Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay. Signed and dated written statements/declarations may be admitted as testimony.

I. Expulsion Decision

The decision of the Hearing Officer or Panel shall be in the form of written findings of fact and a written recommendation to the Board which will make a final determination regarding the expulsion. The Board shall make the final determination regarding expulsion within ten (10) school days (in a closed session meeting complying with the Brown Act) following the conclusion of the hearing. The decision of the Board is final.

If the Hearing Officer or Panel ultimately decides not to expel, the student shall be returned to their educational program at Charter School.

J. Notice of Expulsion Decision

The Executive Director or designee shall send written notice of the expulsion decision to the student and student's parent/guardian, within ten (10) school days of the expulsion hearing.

This notice shall include the following:

- a. The findings of fact, including the student's name, the specific offense(s) committed by the student, as well as the duration and term of the student's expulsion; and
- b. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with The Heights Charter.

The Executive Director or designee shall send a copy of the written notice of the decision to expel to the chartering authority (if required), upon finality of the expulsion. This notice shall include the following: (a) The student's name; and (b) The specific expellable offense committed by the student.

In accordance with Education Code Section 47605(e)(3), the Charter School shall send notice of the expulsion to the student's district of residence within 30 calendar days.

K. Disciplinary Records

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

L. No Right to Appeal

The student shall have no right of appeal from expulsion from The Heights Charter as The Heights Charter Board's decision to expel shall be final.

M. Expelled Students/Alternative Education

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

N. Rehabilitation Plans

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

O. Readmission or Admission of Previously Expelled Student

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

P. Notice to Teachers

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

Q. Involuntary Removal for Unexcused Absences

In accordance with Education Code Section 51747, the Charter School will evaluate whether it is in the best interest of the student to remain in independent study if the student fails to complete the requisite number of assignments or make satisfactory educational progress as delineated in the student's independent study written agreement and Charter School's independent study policy. If the Charter School determines that it is not in the student's best interest to remain in independent study, the Charter School may involuntarily remove the student after providing notice and an opportunity for the parent/guardian to request a hearing prior to any involuntary

removal. Students who are involuntarily removed for truancy will be given a rehabilitation plan and will be subject to the readmission procedures set forth herein.

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

The Hearing Officer or Panel should avoid live testimony of student witnesses when practicable. The Hearing Officer or Panel may, upon a finding of good cause, determine that the disclosure of either the identity of the witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations that shall be examined only by the Hearing Officer or Panel. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the student.

1. The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of their right to receive reasonable advance notice of their scheduled testimony; and have up to two adult support persons of their choosing present in the hearing at the time the complaining witness testifies, which may include a parent/guardian or legal counsel .
2. The Charter School will provide the complaining witness a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.
3. At the discretion of the Hearing Officer or Panel, the complaining witness shall be allowed periods of relief from examination and cross-examination during which the complaining witness may leave the hearing room.
4. The Hearing Officer or Panel may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.
5. The Hearing Officer or Panel may also limit time for taking the testimony of the complaining witness to the hours the complaining witness is normally in school, if there is no good cause to take the testimony during other hours.
6. Prior to a complaining witness testifying, the support persons will be reminded that the hearing is confidential. The Hearing Officer or Panel may remove a support person whom Hearing Officer or Panel finds is disrupting the hearing. The Hearing Officer or Panel may permit any one of the support persons for the complaining witness to accompany the complaining witness to the witness stand.
7. If one or both of the support persons is also a witness, the Charter School must present evidence that the witness' presence is both desired by the witness and will be helpful to the Charter School. The Hearing Officer or Panel shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the Hearing Officer or Panel will remind the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the Hearing Officer or Panel from exercising their discretion to remove a person from the hearing whom they believe is prompting, swaying, or influencing the witness.
8. The testimony of the support person should be presented before the testimony of the complaining witness when practicable, and the complaining witness shall be excluded from the hearing room during that testimony.
9. Especially for charges involving sexual assault or battery, complaining witness may have their testimony heard via alternative means that may include but are not limited to, videotaped testimony or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.
10. Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the Hearing Officer or Panel that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary

circumstances can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

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

1. Notification of SELPA

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

2. Services During Suspension

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

3. Procedural Safeguards/Manifestation Determination

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

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

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

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

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

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

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

4. Special Circumstances

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

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

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

5. Interim Alternative Educational Setting

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

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

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

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

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

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

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

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

**Acknowledgement and Acceptance
of The Heights Charter
2026-2027 Parent and Student Handbook**

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 accordance with all School rules and regulations and will foster an environment of uninterrupted 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 Student.

Signature

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