

2019- 2020 CSCE Annual Notice for Families

Availability of CSCE Charter 2016-2021

Upon request, Community School for Creative Education (CSCE) will make available to any parent or legal guardian, the CSCE Charter 2016-2021. Please note that, pursuant to law, CSCE may charge for the prospectus in an amount not to exceed the cost of duplication. A copy is also available on our website and a hard copy is available at the Front Office.

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

CSCE shall annually administer required state testing to the applicable grades (e.g., the California Assessment of Student Performance and Progress.) Notwithstanding any other provision of law, a parent’s or guardian’s written request to School officials to excuse his or her child from any or all parts of the state assessments shall be granted.

School wide Safety Plan

CSCE has established a Safety Plan. Notice of the Plan details is available to the public through the CSCE main office on request.

Child Find

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. CSCE provides special education instruction and related services in accordance with the Individuals with Disabilities in Education Improvement Act (“IDEIA”), Education Code requirements, and applicable policies and procedures of the El Dorado County Charter SELPA. These services are available for special education students enrolled at CSCE. We offer high quality educational programs and services for all our students in accordance with the assessed needs of each student. CSCE 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 Individuals with Disabilities Education Improvement Act (20 U.S.C. §§ 1400 et. seq) and relevant state law, CSCE is responsible for identifying, locating, and evaluating children enrolled at CSCE 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 are wards of the State. To ensure that eligible students are receiving the services to which they are entitled, we would like to request your assistance.

If you know of a child who has a disability or that you suspect may have a disability, you may refer that child's parent or guardian to CSCE by contacting Mr. Louis Orren at louiso@communityschoolforcreativeeducation.org or calling 510-686-4131 and asking for the Senior Resource Education Specialist. Please note: All referrals are considered confidential. The parent, legal guardian, or surrogate parent retains the right to refuse services and other procedural safeguards under federal and state law.

Concussion/Head Injuries

A concussion is a brain injury that can be caused by a bump, blow, or jolt to the head, or by a blow to another part of the body with the force transmitted to the head. Even though most concussions are mild, all concussions are potentially serious and may result in complications including prolonged brain damage and death if not recognized and managed properly. Because CSCE offers some athletic programs, we must immediately remove from a school-sponsored athletic activity for the remainder of the day an athlete who is suspected of sustaining a concussion or head injury during that activity. The athlete may not return to that activity until he or she is evaluated by, and receives written clearance from, a licensed healthcare provider. If the licensed health care provider determines the athlete has a concussion or head injury, the athlete shall also complete a graduated return-to-play protocol of no less than 7 days in duration under the supervision of a licensed health care provider. On a yearly basis, a concussion and head injury information sheet must be signed and returned by the athlete and the athlete's parent or guardian before the athlete initiates practice or competition. This requirement does not apply to an athlete engaging in an athletic activity during the regular school day or as part of a physical education course.

Sudden Cardiac Arrest

CSCE is invested in the health of its athletes, especially their heart health. Sudden cardiac arrest ("SCA") is when the heart stops beating, suddenly and unexpectedly. Those wishing to participate in athletics at a CSCE school, must review the information sheet on sudden cardiac arrest via the link below and attached to this handbook: <https://www.cdc.gov/dhdsp/docs/cardiac-arrest-infographic.pdf>

Tests on Personal Beliefs

Unless you give written permission, your child will not be given any test, questionnaire, survey, or examination containing any questions about your child's, or his/her parents' or guardians' personal beliefs or practices in sex, family life, morality, or religion.

Diabetes

CSCE will provide an information sheet regarding type 2 diabetes to the parents or guardians of 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.

Free and Reduced Price Meals

CSCE participates in the National School Lunch Program. Applications for free or reduced price meals are included in the first day packets to all families and can also be obtained on the CSCE website and in the main office. All families are encouraged to complete the application form in order to include as many eligible students as possible.

Harassment, Intimidation, Discrimination and Bullying

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

As used in this policy, discrimination, sexual harassment, harassment, intimidation, and bullying are described as the intentional conduct, including verbal, physical, written communication or cyber-bullying, including cyber sexual bullying, based on the actual

or perceived characteristics of disability, pregnancy, gender, gender identity, gender expression, nationality, ancestry, race or ethnicity, immigration status, religion, religious affiliation, sexual orientation, childbirth or related medical conditions, marital status, age, or association with a person or group with one or more of these actual or perceived characteristics or any other basis protected by federal, state, local law, ordinance or regulation.

A copy of our policy governing Harassment, Intimidation, Discrimination and Bullying is available upon request and posted as required by law.

Immunizations and Physical Examinations

To ensure a safe learning environment for all students, CSCE follows and abides by the health standards set forth by the state of California. Students will not attend school until all required records have been received. The immunization status of all students will be reviewed periodically. Those students who do not meet the State guidelines may be excluded from school until the requirements are met. Students who have been exposed to a communicable disease for which they have not been immunized may be excluded from school at the discretion of the CSCE.

Homeless Students

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

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
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 School Liaison.

School Liaison: The ED or designee designates the following staff person as the School Liaison for homeless students ((42 USC 11432(g)(1)(J) & (e)(3)(C).):

Mr. Raul Alcantar, Dean of School Culture

EM: raula@communityschoolforcreativeeducation.org

Tel: 510 686 4131

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

1. Homeless students are identified by school personnel and through coordination activities with other entities and agencies.
2. Homeless students enroll in, and have a full and equal opportunity to succeed at CSCE.
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 CSCE, 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 and Board policy.
7. Parents/guardians and any unaccompanied youth are fully informed of all transportation services, as applicable.
8. CSCE personnel providing services receive professional development and other

support.

9. The School Liaison collaborates with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths.

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 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.

11. For any homeless student who enrolls at CSCE, a copy of CSCE's complete policy shall be provided at the time of enrollment and at least twice annually.

Nondiscrimination Statement

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

CSCE 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").

CSCE is committed to providing a work and educational atmosphere that is free of unlawful harassment under Title IX of the Education Amendments of 1972 (sex); Titles IV, VI, and VII of the Civil Rights Act of 1964 (race, color, or national origin); The Age Discrimination in Employment Act of 1967; The Age Discrimination Act of 1975; the IDEIA; and Section 504 and Title II of the ADA (mental or physical disability). CSCE 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. CSCE 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 CSCE does business, or any other individual, student, or volunteer. This applies to all employees, students, or volunteers and relationships, regardless of position or gender. CSCE 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 CSCE Uniform Complaint Procedures (“UCP”) Compliance Officer:

Dr. Ida Oberman
2111 International Boulevard
Oakland, CA 94606
510 686 4131

Oral Health Assessment

Students enrolled in kindergarten in a public school or while enrolled in first grade if the pupil was not previously enrolled in kindergarten in a public school are required to have an oral health assessment completed by a dental professional. Please contact the school office if you have questions about this requirement.

Parent and Family Engagement

CSCE aims to provide all students in our schools significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps while abiding by guidelines within the Elementary and Secondary Education Act (ESEA).

CSCE staff recognizes a partnership with families is essential to meet this goal. Our family engagement policy leverages promotes active involvement of all families as partners with schools to ensure student success.

Providing Information

A. A Parent Family Action Committee (PFA) shall be established, consisting of parent representatives from each grade and overall. Representatives shall meet at least five times per year and report back to school. The PFA will work together with the staff to:

1. Involve parents in the planning, implementation, and evaluation of various components funded by the Title I grant and other grant sources.

2. Provide input on educational opportunities for children, and make recommendations for strengthening the partnerships between home and school in order to improve student achievement.
3. Develop, annually review, and revise at least annually the CSCE family engagement policy and the school level LCAP.
4. Give input to design of annual survey of CSCE to determine the range and effectiveness of the family engagement practices and to capture schools' efforts to overcome barriers to family engagement.
5. Prepare an annual report to the CSCE Board with recommendations for enhancing services and enhancing parent engagement..

B. CSCE Administration will support the school to:

1. Work jointly with parents to develop a school-level Family Engagement Policy and School-Home Compact and to ensure these meet the requirements of the ESEA. These documents will be reviewed and distributed to parents annually, revised, at least, every two years, and translated for accessibility for all parents.
2. Collect and share family engagement strategies taking place in schools

Coordination and Assistance

A. CSCE will actively involve parents in their school improvement planning process and in the review and revision of the school-level Family Engagement Policy and School-Home Compact.

B. CSCE Administration will:

1. Support the staff collaboration with parents through meetings, surveys, and informal discussions that can help parents understand the curriculum, instructional practices, academic assessments, expected proficiency levels and strategies to support their children at home to improve student achievement.

2. Collaborate with schools to ensure availability of parent and family programs such as: Faith in Action East Bay and California Charter Schools Association Parent leadership and advocacy training; CSCE Parent Family University; CSCE Parents Family Action Committee; Sweet Pea Nursery Planning Committee; Principal's coffees and other parent workshops; Family field trips

3. Collaborate with CSCE Administration to inform parents of available Adult ESOL

classes, parent workshops, and family literacy programs.

4. Collaborate with CSCE Administration to guide the school in developing partnerships with local community organizations in support of student achievement and improved parental involvement.

Building Capacity

A. In order to support implementation and further development of family engagement strategies and actions related to the CSCE Board's Student Achievement Goals and focus on closing achievement gaps, CSCE will identify a class parent. The class parent together with the Parent Family Action Committee Chairs and members will:

1. Gain access to additional family engagement professional learning opportunities.
2. Serve as point of contact for the school's PFA chairs and representative and instructional staff.
3. Share family engagement resources, updates, and parental involvement and volunteer opportunities with the school community.
4. Participate in reflective conversations about the school's family engagement practices to support school improvement planning and closing achievement gaps.

B. To build schools' capacity for strong family engagement, home office staff will:

1. Facilitate opportunities for school staff to share successful programs and strategies,
2. Promote reflective processes for schools to assess current practices and identify potential opportunities for strengthening family engagement.
3. Provide informational resources to schools to explain Title I federal regulations to parents
4. Collaborate with other CSCE staff to provide professional learning opportunities and resources to assist schools in strengthening family engagement and overcoming barriers to family engagement.
5. Consult with school staff to support the development of school-level Family Engagement Policies and School-Home Compacts.
6. Support schools in Site Budget planning for effective family engagement

programming.

7. Offer logistical support for schools to develop or maintain parent centers to provide parents with resources, information, and opportunities for partnership.

8. Produce and distribute a parent newsletter to inform parents about opportunities and resources for involvement and to highlight effective family engagement practices.

9. Recommend materials for family engagement programs

Accessibility

A. CSCE will:

1. Engage in practices to ensure a welcoming atmosphere for families of all cultures and backgrounds.

2. Offer family engagement events at times convenient to parents, ensuring childcare, refreshments, and transportation are available, as needed, to facilitate full participation.

3. Whenever possible, enlist interpreters and translators to communicate with parents who have requested correspondence in another language.

4. Apply principles of nondiscrimination, as embodied within Board policy.

B. CSCE Administration staff will:

1. Ensure translations are available in all correspondence languages identified within CSCE for all federally required Title I communications to parents within ESEA, such as A Parent's Right to Know.

2. Ensure translated materials and language interpreters are available for all events sponsored by Title I funds

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

1. The right to inspect and review the student's education records within 5 business days after the day the school receives a request for access. Parents or eligible students should submit to the CSCE Principal or designee a written request that identifies the records they wish to inspect.

The school 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 CSCE to amend a record should write the CSCE school principal or designee, clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to provide written consent before CSCE 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 CSCE officials with legitimate educational interests. A CSCE school official is a person employed by CSCE as an administrator, supervisor, instructor, or support staff member or a person serving on the CSCE Board. A CSCE school official also may include a volunteer or contractor outside of CSCE who performs an institutional service of function for which CSCE would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another CSCE school official in performing his or her tasks. A CSCE school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, CSCE 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 CSCE 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 CSCE to comply with the requirements of FERPA. The name and

address of the Office that administers FERPA are:

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

FERPA permits the disclosure of PII from students' 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 CSCE 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 CSCE to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. CSCE may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student —

1. To other CSCE officials, including teachers, within the educational agency or institution whom CSCE has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1)).

2. To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2)).

3. To authorize representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency in the parent or eligible student's State (SEA). Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35).

4. In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the

terms and conditions of the aid. (§99.31(a)(4)).

5. To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7)).

6. To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8)).

7. To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9)).

8. To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10)).

9. Information the CSCE has designated as “directory information” under §99.37. (§99.31(a)(11)).

“Directory Information” is information that is generally not considered harmful or an invasion of privacy if released. Directory information can be disclosed to outside organizations without a parent’s prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish year books. The CSCE has designated the following information as directory information:

1. Student’s name
2. Student’s address
3. Parent’s/guardian’s address
4. Telephone listing
5. Student’s electronic mail address (upper grades only)
6. Parent’s/guardian’s electronic mail address
7. Photograph
8. Date and place of birth
9. Dates of attendance

10. Grade level

11. Degrees, honors, and awards received

12. The most recent educational agency or institution attended

Section 504

CSCE 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 CSCE. 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 CSCE. The parent of any student suspected of needing or qualifying for accommodations under Section 504 may make a referral for an evaluation to any site administrator. A copy of CSCE's Section 504 policies and procedures is available upon request.

Sexual Health Education

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. CSCE does not require active parental consent ("opt-in") for comprehensive sexual health education and HIV prevention education. Parents and guardians may:

- Inspect written and audiovisual educational materials used in comprehensive sexual health education and HIV prevention education.
 - Excuse their child from participation comprehensive sexual health education and HIV prevention education in writing to the school.
 - Be informed whether the comprehensive sexual health or HIV/AIDS prevention education will be taught by CSCE personnel or outside consultants. When the school 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:
 - o The date of the instruction;
 - o The name of the organization or affiliation of each guest speaker;
- Request a copy of Education Codes 51930 through 51939. Anonymous, voluntary,

and confidential research and evaluation tools to measure student's health behaviors and risks may be administered to 7th and 8th grade students. A parent or guardian has the right to excuse their child from the test, questionnaire, or survey ("opt-out"). 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 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 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.

Teacher Qualification Information

All parents may request information regarding the professional qualifications of classroom teachers and/or paraprofessionals.

Uniform Complaint Procedure

Community School for Creative Education ("CSCE" or "Charter School") policy is to comply with applicable federal and state laws and regulations. The Charter School is the local agency primarily responsible for compliance with federal and state laws and regulations governing educational programs. Pursuant to this policy, persons responsible for conducting investigations shall be knowledgeable about the laws and programs which they are assigned to investigate. This complaint procedure is adopted to provide a uniform system of complaint processing for the following types of complaints:

1. Complaints of unlawful discrimination, harassment, intimidation or bullying against any protected group, including actual or perceived discrimination, on the basis of the actual or perceived characteristics of age, ancestry, color, mental disability, physical disability, ethnic group identification, immigration status, gender expression, gender identity, gender, genetic information, nationality, national origin, race or ethnicity, religion, medical condition, marital status, sex, or sexual orientation, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any Charter School program or activity; and
2. Complaints of violations of state or federal law and regulations governing the following programs including but not limited to: After School Education and Safety Programs, Foster and Homeless Youth Services, Every Student Succeeds Act / No Child Left Behind Act (2001) Programs (Titles I-VII), including improving academic

achievement, compensatory education, limited English proficiency, and migrant education, and Special Education Programs.

3. A complaint may also be filed alleging that a pupil enrolled in a public school was required to pay a pupil fee for participation in an educational activity as those terms are defined below.

a. "Educational activity" means an activity offered by a school, school district, charter school or county office of education that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities.

b. "Pupil fee" means a fee, deposit or other charge imposed on pupils, or a pupil's parents or guardians, in violation of Section 49011 of the Education Code and Section 5 of Article IX of the California Constitution, which require educational activities to be provided free of charge to all pupils without regard to their families' ability or willingness to pay fees or request special waivers, as provided for in *Hartzell v. Connell* (1984) 35 Cal.3d 899. A pupil fee includes, but is not limited to, all of the following:

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

c. A pupil fees complaint may be filed anonymously with the Principal or Compliance Officer if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to pupil fees.

d. If the Charter School finds merit in a pupil fees complaint the Charter School shall provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts by the Charter School to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.

e. Nothing in this section shall be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or school districts, school, and other entities from providing pupils prizes or other recognition for voluntarily participating in fundraising activities.

4. Complaints of noncompliance with the requirements governing the Local Control Funding Formula, Local Control and Accountability Plans or Sections 47606.5 and 47607.3 of the Education Code, as applicable.

5. Complaints of noncompliance with the requirements of Education Code Section 222 regarding the rights of lactating pupils on a school campus. If the Charter School finds merit in a complaint, or if the Superintendent finds merit in an appeal, the Charter School shall provide a remedy to the affected pupil.

6. Complaints of noncompliance with the requirements of Education Code Section 48645.7 regarding the rights of juvenile court school pupils when they become

entitled to a diploma. If the Charter School finds merit in a complaint, or if the Superintendent finds merit in an appeal, the Charter School shall provide a remedy to the affected pupil.

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

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

Compliance Officers

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

Dr. Ida Oberman
Executive Director
2111 International Blvd
Oakland, CA 94606
510-686-4131

The Executive Director or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Executive Director or designee.

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

Notifications

The Executive Director or designee shall annually provide written notification of the Charter School's uniform complaint procedures to employees, students, parents and/or guardians, advisory committees, private school officials and other interested parties (e.g., Adult Education).

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

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

The annual notice shall include the following:

- a. A statement that the Charter School is primarily responsible for compliance with federal and state laws and regulations.
- b. A statement that a pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.
- c. A statement identifying the responsible staff member, position, or unit designated to receive complaints.
- d. A statement that the complainant has a right to appeal the Charter School's decision to the CDE by filing a written appeal within 15 days of receiving the Charter School's decision.
- e. A statement advising the complainant of any civil law remedies that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable, and of the appeal pursuant to Education Code § 262.3.
- f. A statement that copies of the local educational agency complaint procedures shall be available free of charge.

Procedures

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

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

Step 1: Filing of Complaint

Any individual, public agency, or organization may file a written complaint of alleged noncompliance by the Charter School.

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

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

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and date stamp.

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

Step 2: Mediation

Within three (3) days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make arrangements for this process.

Before initiating the mediation of an unlawful discrimination, harassment, intimidation or bullying complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the Charter School's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

Step 3: Investigation of Complaint

The compliance officer is encouraged to hold an investigative meeting within five (5) days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint.

A complainant's refusal to provide the Charter School's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation.

The Charter School's refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may

result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

Step 4: Response

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

Step 5: Final Written Decision

The Charter School's decision shall be in writing and sent to the complainant. The Charter School's decision shall be written in English and in the language of the complainant whenever feasible or as required by law.

The decision shall include:

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

If an employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the employee was informed of the Charter School's expectations. The report shall not give any further information as to the nature of the disciplinary action.

Appeals to the California Department of Education

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

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

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

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

Civil Law Remedies

A complainant may pursue available civil law remedies outside of the Charter School's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For unlawful discrimination, harassment, intimidation or bullying complaints arising under state law, however, a complainant must wait until sixty (60) 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 his/her right to file a complaint in accordance with 5 CCR § 4622.