

# KIPP Bay Area Public Schools Team and Family Regional Policies

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# About KIPP

## **KIPP Across the Nation**

KIPP schools are tuition-free, public charter schools open to all students. KIPP schools are united by a common mission, a commitment to excellence, and a belief that if we help children develop the academic and character strengths they need for college and choice filled lives, they will be able to build a better tomorrow for themselves, for their communities, for us all. Today, there are over 230 KIPP schools in 30 regions across the country educating over 100,000 students.

## **KIPP Bay Area Public Schools**

KIPP Bay Area Public Schools (“KIPP” in this document) is a nonprofit organization that operates 15 schools and a Regional Support Office. In these elementary, middle, and high schools, 6,200 students are being prepared for success in college and the world beyond. These public charter schools are located in East Palo Alto, Oakland, San Jose, San Francisco, San Lorenzo, and Redwood City.

Our KIPP Bay Area Public Schools family includes:

- KIPP Bayview Elementary School (grades TK-2, growing to TK-4), San Francisco
- KIPP Valiant Community Prep (grades TK-3, 6-8, growing to TK-8), East Palo Alto
- KIPP Bridge Academy (Elementary TK-4 and Middle 5-8), Oakland
- KIPP Summit Academy (grades 5-8), San Lorenzo
- KIPP King Collegiate High School (grades 9-12), San Lorenzo
- KIPP Heartwood Academy (grades 5-8), San Jose
- KIPP Heritage Academy (grades 5-8), San Jose
- KIPP Prize Preparatory Academy (grades 5-8), San Jose
- KIPP San Jose Collegiate (grades 9-12), San Jose
- KIPP Navigate College Preparatory (grade 9-10, growing to 9-12), San Jose
- KIPP Bayview Academy (grades 5-8), San Francisco
- KIPP San Francisco Bay Academy (grades 5-8), San Francisco
- KIPP San Francisco College Preparatory (grades 9-12), San Francisco
- KIPP Excelencia Community Prep (grades TK-8), Redwood City
- Regional Support Office, Oakland

## **What Makes KIPP Different**

At KIPP, teachers, students, and families are all united around the same goal—college graduation and choice-filled lives. Our success is driven by:

- **High Expectations:** We create a culture of support and achievement and personalize learning based on a student’s needs, skills, and interests.
- **Focus on Character:** We believe that our students need both a strong academic foundation and well-developed character strengths to succeed in college and the world beyond.
- **Highly Effective Teachers and Leaders:** We empower educators to lead school teams and invest in training to help them grow as professionals.
- **Safe, Structured, and Nurturing Environments:** Our schools provide a safe, structured, and nurturing environment so that our students thrive and maximize their learning.
- **KIPP Through College:** Counselors support students as they prepare for college and career, and navigate social, academic, and financial challenges while in college.

# **General Information**

## **KIPP College Savings Program**

At KIPP, we know that understanding the cost of college and having access to savings accounts are crucial to earning a college degree. KIPP Bay Area Public Schools is excited to help families open 529 college savings accounts to start planning for the cost of books, transportation, laptops, health insurance and other hidden costs of college. If you are interested in opening a 529 account for your KIPPster, you can enroll online at [www.kippbayarea.org/programs-and-initiatives](http://www.kippbayarea.org/programs-and-initiatives) or email us at [collegesavings@kippbayarea.org](mailto:collegesavings@kippbayarea.org) for more information.

## **Admissions and Enrollment Information**

KIPP Bay Area Public Schools operates tuition-free, public charter schools open to all students residing in the State of California. KIPP schools are attended by students who have freely chosen to enroll. Students who choose to accept the academic program of a KIPP school agree to abide by the policies of the school. Parents/guardians whose children are in a structured English immersion program have the right to apply for a parental exception waiver. To apply for a waiver, parents/guardians should contact the main office. Students may also take a leave of absence by completing a Leave of Absence Form and obtaining approval from the school leader. The complete Admissions and Enrollment Policy is available online and from the school office or online.

## **Annual Notice: Nondiscrimination Statement**

KIPP Schools do 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.

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

KIPP Schools are committed to providing a work and educational atmosphere that is free of unlawful harassment under Title IX of the Education Amendments of 1972 (sex); Titles IV, VI, and VII of the Civil Rights Act of 1964 (race, color, or national origin); The Age Discrimination in Employment Act of 1967; The Age Discrimination Act of 1975; the IDEIA; and Section 504 and Title II of the ADA (mental or physical disability). KIPP Schools also prohibit sexual harassment, including cyber sexual bullying, and harassment based upon pregnancy, childbirth or related medical conditions, race, religion, religious affiliation, creed, color, immigration status, gender, gender identity, gender expression, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal, state, local law, ordinance or regulation. KIPP Schools do not condone or tolerate harassment of any type, including discrimination, intimidation, or bullying, including cyber sexual bullying, by any employee, independent contractor or other person with which KIPP Schools do business, or any other individual, student, or volunteer. This applies to all employees, students, or volunteers and relationships, regardless of position or gender. KIPP Schools will promptly and thoroughly investigate any complaint of harassment and take appropriate corrective action, if warranted. Inquiries, complaints, or grievances regarding harassment as described in this section, above, should be directed to the KIPP Uniform Complaint Procedures (“UCP”) Compliance Officer:

Employee Uniform Complaints: Lupita Medina, Director of Human Resources | Phone: 510-465-5477 Email: [lupita.medina@kippbayarea.org](mailto:lupita.medina@kippbayarea.org)

Student Level Uniform Complaints: Marie Huxley, Chief Academic Officer | Phone: 510-465-5477 Email: [marie.huxley@kippbayarea.org](mailto:marie.huxley@kippbayarea.org)

## **Media Authorization Information**

From time to time, the media (i.e., newspaper, radio, television) may visit KIPP school campuses to photograph, tape record, and/or videotape students or write stories of general public interest regarding KIPP schools, which may involve students. Additionally, KIPP Bay Area, KIPP Through College, and the KIPP Foundation (altogether referred to as “KIPP”) regularly take pictures and videos of students involved in various school and school-sponsored activities and publishes these images in its own newsletters and public relations and professional development materials via print and online media.

By consenting to the media authorization form in your student’s registration packet, parents/guardians understand that under

California law, individuals have the legal right to control the use of their name, likeness and images. By consenting you also grant and assign KIPP, its officers, employees, and agents (including third-party photographers), the right to (1) photograph and record your student when he/she is engaged in any KIPP school event or activity; and (2) reproduce, distribute, display, create derivative works of and otherwise use your student's name, photograph, recording and likeness for and in connection with internal needs (including instruction and character development in classrooms), public relations, fundraising, activities, publicity, and promotional purposes of KIPP schools, including, but not limited to, yearbooks, newspapers, street banners, school related/sponsored websites, brochures, media, public awareness campaigns and displays by any media (print or electronic), and in online forums managed and maintained by KIPP staff for the purpose of learning and/or extra-curricular KIPP activities (including but not limited to Facebook, , blogs, Twitter, and Instagram), that are deemed appropriate. Your consent to media authorization remains in effect even if the student is no longer enrolled at KIPP unless you specifically revoke your authorization and request that KIPP remove your child from its publications.

By consenting to the media authorization form, you agree that you nor your student will receive any compensation for the aforementioned grant and assignment. You further agree that neither you nor your student shall have any right, title or interest, including copyrights, in any material created by KIPP or its agents pursuant to this agreement.

## **No Show Policy**

When students are not in attendance on the first five (5) days of school, KIPP Schools will attempt to reach the parent/guardian on a daily basis for each of the first five (5) days to determine whether the student has an excused absence, consistent with the process outlined in this Policy. If the student has a basis for an excused absence, parents must notify the school of the absence and provide documentation consistent with this Policy. However, consistent with the process below, students who are not in attendance due to an unexcused absence by the fifth day of school will be disenrolled from the school roster, as it will be assumed that the student has chosen another school option.

1. Students who are not in attendance on the first day of school will be contacted by phone to ensure their intent to enroll.
2. Students who have indicated their intent to enroll but have not attended by the third (3) day will receive a letter indicating the student will be disenrolled after the fifth day of school if the student has not attended school without valid excuse.
3. Students who have indicated their intent to enroll but have not attended by the fifth (5) day will receive a phone call reiterating the content of the letter.
4. Students who have not attended by the sixth (6) day, and do not have an excused absence as defined above for not being in attendance will be disenrolled from the roster.
5. The KIPP Schools will use the contact information provided by the parent/guardian in the registration packet.
6. The KIPP Schools will send the Involuntary Removal Notice to the Parent/Guardian
7. Upon removal, the last known school district of residence will be notified of the student's failure to attend the KIPP Schools and the disenrollment within thirty (30) days of the disenrollment.

## **Academics**

### **Attendance and Truancy Policy**

Students are expected to be in class each day and on time so that they are ready to learn. It is the responsibility of the parents/guardians to see that their children attend school regularly and on-time. It is important that students be in class and ready to learn at the beginning of the school day.

Support outstanding school attendance at home by:

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

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

## Tardies

Tardiness is disruptive to the learning process. It has a negative impact on the entire class, not just the child who is tardy. It is the policy of KIPP Schools that students arrive to class on time.

Students who arrive thirty (30) minutes after the tardy bell are considered tardy. Students who are tardy will be evaluated per the consequences listed in the procedures section, below. Students who arrive late to school must personally come to the main office to document their time of arrival. The student will then be given a tardy pass to admit him/her into the classroom and will not be allowed into the classroom without this pass.

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

The following are excused tardies (with 24-hour advanced notice):

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

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

## Absences

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

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

- Medical, dental, optometric or chiropractic appointments\*
  - o Students in grades 7-12, inclusive, may be excused from school for the purpose of obtaining confidential medical services without the consent of the student's parent or guardian.
- Personal Illness- three (3) or more absences must be verified by a physician
- A Court Appearance (and, for students of age, jury duty)
- Attendance at funeral service for an immediate family member
  - o Excused absence in this instance shall be limited to one (1) day if the service is conducted in California or three (3) days if the service is conducted out of state.
  - o "Immediate family" shall be defined as mother, father, grandmother, grandfather, spouse, son/son-in-law, daughter/daughter-in-law, brother, sister or any relative living in the student's household.
- Participation in religious instruction or exercises in accordance with Charter School policy
  - o The student shall be excused for this purpose on no more than four (4) school days per month.
- For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.
- Quarantine under the direction of a county or city health officer
- For the purposes of jury duty in the manner provide for by law.
- Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent, including absences to care for a sick child for which the school shall not require a note from the doctor.
- To permit the pupil to spend time with an immediate family who is an active duty member of the uniformed services, as defined in Education Code Section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of KIPP Schools.
- For purpose of serving as a member of a precinct board for an election pursuant to Election Code Section 12302.
- Authorized at the discretion of a school administrator, as described in subdivision (c) of Section 48260.

In addition, a student's absence shall be excused for justifiable personal reasons such as:

- Appearance in court.
- Attendance at a funeral.
- Observation of a holiday or ceremony of his/her religion.
- Attendance at religious retreats for no more than four (4) hours during a semester.

- Attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization upon written request by parent and approval by the School Leader or designee pursuant to uniform standards established by the Board.

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

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

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

To excuse an absence, the parent/guardian must call the school by 7:30 a.m. the day of the absence and where relevant, provide necessary documentation within 24 hours of the student’s return to the School’s main office.

Please note that if these steps are not followed, this may trigger a Truancy Letter and other forms of intervention in alignment with this Attendance Policy.

Examples of unexcused absences and tardies are:

- Transportation problems
- Vacations or trips
- Weather conditions
- Running errands for family
- Babysitting

### Truancy

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

### Chronic Absenteeism

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

### Procedures for Excessive Unexcused Absences and Tardies

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

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

Phone Call 1 UA/UT30	When a student obtains either one (1) unexcused absence (“UA”) or one (1) unexcused truant tardy (“UT30”), the parents/guardians will receive a phone call alerting them to their child’s absence or tardiness.
Written Notice 3 UAs/UT30s	When a student obtains either three (3) unexcused absences or three (3) unexcused truant tardies, or a combination thereof, the parents/guardians will receive a written notice alerting them of their child’s repeated

	absences and/or tardiness. This letter must be signed by the parent/guardian and returned to the School. This letter shall also be accompanied by a copy of this Attendance Policy. This letter, and all subsequent letter(s) sent home, shall be sent by Certified Mail, return receipt requested, or some other form of mail that can be tracked.
<p>Trigger 1: Formal Written Notice and Attendance Review Meeting</p> <p>5 UAs/UT30s</p>	<p>When a student obtains either five (5) unexcused absences or five (5) unexcused truant tardies, or a combination thereof, the parents/guardians will receive a Formal Written Notice requesting their attendance at a mandatory meeting with school administrators.</p> <p>Both the student and a parent/guardian must attend this meeting. The goal for this Attendance Review Meeting (“ARM”) is for the student and family, working with school staff, to produce a plan of action to ensure that the student’s attendance is in accordance with school and state requirements. If the parent/guardian fails to attend the meeting, the matter will be escalated to KIPP’s Regional Administration Team who will work with the School Leader to determine an appropriate response on a case-by-case basis. Lack of response to either the School administration or regional administration may risk the student’s enrollment in the School.</p>
<p>Trigger 2: Formal Written Notice and Attendance Review Meeting</p> <p>10 UAs/UT30s</p>	<p>When a student obtains either ten (10) unexcused absences or ten (10) unexcused truant tardies, or a combination thereof, the parents/guardians will be sent another Formal Written Notice requesting they attend a mandatory Attendance Review Meeting with the Assistant Principal and/or other School Administrators.</p> <p>The goal for this Attendance Review Meeting is for the student and family, working with School staff, to produce a plan of action to ensure that the student’s attendance is in accordance with school and state requirements. If the parent fails to attend the meeting the matter will be escalated to KIPP’s Regional Administration Team who will work with the School Leader to determine an appropriate response on a case-by-case basis. Lack of response to either the School administration or regional administration may risk the student’s enrollment in the School.</p>
<p>Trigger 3: Formal Written Notice, Attendance Review Contract</p> <p>15 UAs/UT30s</p>	<p>When a student obtains either fifteen (15) unexcused absences or fifteen (15) unexcused truant tardies, or a combination thereof, the parents/guardians will be sent a Formal Written Notice inviting them to a mandatory meeting with the School Leader and other KIPP Bay Area Public Schools administrators.</p> <p>The Attendance Review Team, comprised of the student, parent(s)/guardian(s), School Leader and KIPP Bay Area Public School regional administrators, will discuss the absence problem with the Parent/Guardian to work on solutions, develop strategies, discuss appropriate support services for the student and his/her family, and establish an agreed upon contract to resolve the attendance issue.</p> <ul style="list-style-type: none"> <li>● The Attendance Review Team shall direct the parent/guardian that no further unexcused absences or tardies can be tolerated.</li> <li>● The parent shall be required to sign a contract formalizing the agreement by the parents to improve the child’s attendance or face additional administrative action. The contract will identify the corrective actions required in the future, and indicate that the Attendance Review Team shall have the authority to order consequences as necessary to improve the student’s attendance at school, including but not limited to one or more of the following for non-compliance with the terms of the contract: Parent/guardian to attend school with the child for one day; Student retention; After school detention program; Required school counseling; Loss of field trip privileges; Loss of school store privileges; Loss of school event privileges; Required remediation plan as set by the Attendance Review Team; Notification to the District Attorney or Child Protective Services.</li> <li>● The Attendance Review Team may discuss other school placement options.</li> <li>● Notice of action recommended by the Attendance Review Team will be provided in writing to the parent/guardian.</li> </ul>
<p>Potential Disenrollment Action</p>	<p>If the conditions of the Attendance Review Team contract are not met, the student may incur additional administrative action up to and including disenrollment from the school, consistent with the Involuntary Removal Process described below. If the student is disenrolled after the Involuntary Removal Process has been followed, a notification will be sent within thirty (30) days to the student’s last known district of residence.</p>



	<p>For all communications set forth in this process, the school will use the contact information provided by the parent/guardian in the registration packet. It is the parent's or guardian's responsibility to update the school with any new contact information.</p> <p>If the student is absent ten (10) or more consecutive school days without valid excuse and parent/guardian cannot be reached at the number or address provided in the registration packet and does not otherwise respond to the school's communication attempts, as set forth above, the student will be in violation of the contract, and the Attendance Review Team will recommend that the student be disenrolled in compliance with the Involuntary Removal Process described below.</p>
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### **Involuntary Removal Process**

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

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

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

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

A hearing decision not to disenroll the student does not prevent KIPP Schools from making a similar recommendation in the future should student truancy continue or reoccur.

#### Referral to Appropriate Agencies or County District Attorney

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

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

#### Non-Discrimination

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

### **Acceleration and Retention Policy**

KIPP expects students to progress through each grade within one school year. To accomplish this, instruction should accommodate the varying interests, learning styles, and growth patterns of individual students and include strategies for addressing academic gaps

when needed. Students shall progress through grade levels by demonstrating growth and mastery in learning and meeting grade-level standards of expected student achievement.

#### Acceleration

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

#### Retention

When a student's academic mastery is vastly below grade-level standards, the School Leader may recommend a student for retention into a content course section more appropriate for the student's level (e.g. 5<sup>th</sup> grade Language Arts instead of 6<sup>th</sup> grade Language Arts).

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

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

Decisions about retention of Special Education students will be based on the criteria of the student's IEP and performance level.

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

When a student is recommended for retention or is identified as being at risk for retention, the School Leader shall ensure opportunities for instructional support to assist the student in overcoming his/her academic deficiencies. Such opportunities may include but are not limited to tutorial programs, after-school programs, summer and school programs.

#### Identification of Students for Retention

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

#### Parent Notification of Risk of Retention

When a student is identified as being at risk of retention, the School Leader or designee shall notify the student's parent/guardian at the earliest time possible and provide a copy of the region's retention policy.

#### Appeals Process

The burden shall be on the appealing party to show why the School Leader's decision should be overruled. To appeal a School Leader's decision, the appealing party shall submit a written request to the Chief of Schools or designee (the "Chief of Schools") specifying the reasons why the School Leader's decision should be overruled. The appeal must be initiated within 10 school days of the determination of retention or promotion. The School Leader shall be provided an opportunity to state orally and/or in writing the criteria on which their decision was based.

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

#### Special Education Annual Notice and Policy

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

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

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

KIPP's full policy regarding special education (Section 504 Policy) is available online or from the school office. For more information about special education at your school, please refer to the Parent Handbook for Special Education.

### **Child Find Annual Notice and Policy**

Child Find is an ongoing process used by KIPP to identify children and youth who may be eligible to receive special education and related services because they have developmental delays or disabilities. KIPP is responsible for locating, identifying, assessing, and evaluating (with parental consent) students who may have a disability to ensure they receive needed special education and related services. Every child with a disability is entitled to a free appropriate public education (FAPE) designed to meet the child's individual needs. KIPP will follow all applicable federal and state laws, including the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1400 (2004). If you have a concern about your child, contact your child's KIPP School Leader to request complete information about Child Find. The Child Find process may lead to the formation of a Student Success Team to consider interventions and supports that would benefit your child, or to formal assessment for the identification of a disability. If the SST team recommends assessment for a possible disability, an Individualized Education Program (IEP) team, which always includes the child's parents, will be formed to guide the process to determine if your child qualifies for special education and related services.

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

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

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

Anonymous, voluntary, and confidential research and evaluation tools to measure students' health behaviors and risks may be administered to any student in grades seven (7) to twelve (12), inclusive. A parent or guardian has the right to excuse their child from the test, questionnaire, or survey ("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 KIPP.

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

## **Annual Notice: Statewide Testing**

California students take several mandated statewide tests. These tests provide parents/guardians, teachers, and educators with information about how well students are learning and becoming college and career ready. The test results may be used for local, state, and federal accountability purposes.

The California Assessment of Student Performance and Progress (CAASPP) tests consist of the following:

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

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

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

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

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

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

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

Pursuant to California Education Code Section 60615, parents/guardians may annually submit to the school a written request to excuse their child from any or all of the CAASPP assessments.

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

The ELPAC is aligned with the 2012 California English Language Development Standards. It consists of two separate English Language Proficiency (ELP) assessments: one for the initial identification of students as English learners and the other for the annual summative assessment to identify students' English language proficiency level and to measure their progress in learning English.

### **Physical Fitness Test**

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

## **Annual Notice: English Learners**

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

and parents.

## **Annual Notice: Foster Youth**

The Charter School has adopted a policy governing the education of foster youth, consistent with state and federal law. A copy of the complete Policy is available upon request at the main office.

## **Homeless Youth Annual Notice and Policy**

The McKinney-Vento Act is designed to ensure that each homeless student has equal access to the same free, appropriate public education as other students. KIPP have an obligation to ensure that homeless children have access to the same free and appropriate public education provided to other children enrolled at a school within KIPP. Each school shall provide homeless students with access to education and other services necessary for these students to meet the same challenging performance standards as other 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;
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. Please contact your School Leader for the contact information on the designated School Liaison for your school. 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 KIPP.
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 KIPP, 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, KIPP charter, and Board policy.
7. Parents/guardians and any unaccompanied youth are fully informed of all transportation services, as applicable.
8. School 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.

For any homeless student who enrolls at a KIPP Bay Area Public Schools school, a copy of the School’s complete policy shall be provided at the time of enrollment and at least twice annually.

Homeless students shall not be segregated into a separate school or program based on their status as homeless, nor shall homeless students be stigmatized in any way. The School Leader shall ensure that placement decisions for homeless students are based on the student’s best interest as defined by law and administrative regulations.

In the event that KIPP provides transportation services to all KIPP students, KIPP shall provide comparable transportation services to each homeless child or youth attending KIPP, as noted above. (42 U.S.C. § 11432(g)(4)). If KIPP does not otherwise provide transportation services to all KIPP students, KIPP shall ensure that transportation is provided for homeless students to and from the KIPP Bay Area School of attendance, at the request of the parent/guardian (or liaison). (42 U.S.C. § 11432(g)(1)(J)).

Parents/guardians with questions about the designation of a homeless status should contact the school.

### Independent Study Information

The Board of Directors of KIPP Bay Area Public Schools (the “Board”) authorizes independent study as an optional alternative instructional strategy for the purpose of allowing students to achieve curriculum objectives and fulfill graduation requirements during periods of extended absence (minimum of 5 consecutive days). Extended absences may include, but are not limited to, travel for personal/family matters, medical leave, and bereavement leave. Independent study is available for all students currently enrolled at KIPP, Transitional Kindergarten through 12th grade. Independent study requires a commitment from both parent/guardian and student at all grade levels. As a student gets older, he/she should assume a greater portion of the responsibility involved. For each independent study request, the School Leader shall determine that the prospective independent study student is prepared to meet KIPP’s requirements for independent study. The School Leader has the right to deny requests should it be determined that independent study is not in the best academic interest of the student. The full Independent Study Policy is available on the KIPP website, or through the school office.

### Mathematics Course Sequence and Placement Policy (Grades 6 - 10)

KIPP Bay Area Public Schools is committed to graduating 100% of students college-ready, which requires developing strong foundational mathematical knowledge and skills, offering a course sequence that satisfies the UC “a-g” subject requirement, “c” for mathematics, and providing opportunities for high achieving students to take an Advanced Placement mathematics course. KIPP has established a standard mathematics course sequence for all students in grades 6 through 10 with opportunities for acceleration in high school. Parents and guardians who have questions about mathematics placement and course sequencing can find more information on our website, or through the school office.

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

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

#### Parent Notification: Course Eligibility for College

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

#### Parent Notification: Credit Transferability

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

#### Course Transferability

Course at Former School	Credit Granted at KIPP High School
A grade of C- or higher in a UC-approved course at a previous high school.	Full credit at KIPP High School.

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

- If a course from a student’s previous school is accepted as full credit at a KIPP High School, students must still meet KIPP’s High School graduation requirements, even if these requirements are higher than their previous school. Students may apply for waivers from a KIPP High School on a case-by-case basis.
- It is expected that local schools will give full course credit to all University of California approved courses, and will give due consideration to elective courses that are offered at a KIPP High School, but are not part of KIPP’s High School graduation requirements or approved by the University of California. Parents may be notified of these matters via parent meetings, letters, and emails. In addition, information on credit transferability from a KIPP High School may be posted on the school’s website.

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

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

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

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

**Student Behavior and Discipline**

**Student Discipline - Suspension and Expulsion**

**Vision Statement Regarding Discipline**

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

**We Believe**

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

**Pupil Suspension & Expulsion Policy**

KIPP Bay Area Public Schools has established a Pupil Suspension and Expulsion Policy in order to promote learning and protect the

safety and well-being of all students at our schools. In creating this policy, KIPP has reviewed Education Code Section 48900 et seq., which describes the noncharter schools' list of offenses and procedures to establish its list of offenses and procedures for suspensions and expulsions. The language that follows closely mirrors the language of Education Code Section 48900 et seq., but it is not intended that the Education Code be followed. KIPP is committed to annual review of policies and procedures surrounding suspensions and expulsions and, as necessary, modification of the lists of offenses for which students are subject to suspension or expulsion.

When the Policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. This policy shall serve as KIPP' policy and procedures for student suspension and expulsion and it may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements.

Charter School staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This Policy and its Procedures are printed and distributed as part of the Student Handbook and clearly describe discipline expectations.

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

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

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

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

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

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

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

#### A. Grounds for Suspension or Expulsion

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

1. **Discretionary Suspension Offenses:** Students in grades 5-12 may be suspended for any of the following acts when it is determined the pupil:
  - a. Caused, attempted to cause, or threatened to cause physical injury to another person.



- b. Willfully used force or violence upon the person of another, except in self-defense.
- c. Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance (as defined in Health and Safety Code Sections 11053-11058), alcoholic beverage, or intoxicant of any kind.
- d. Unlawfully offered, arranged, or negotiated to sell any controlled substance (as defined in Health and Safety Code Sections 11053-11058), alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e. Committed or attempted to commit robbery or extortion.
- f. Caused or attempted to cause damage to school property or private property, which includes, but is not limited to, electronic files and databases.
- g. Stole or attempted to steal school property or private property, which includes, but is not limited to, electronic files and databases.
- h. Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
- i. Committed an obscene act or engaged in habitual profanity or vulgarity.
- j. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia as defined in Health and Safety Code Section 11014.5.
- k. Knowingly received stolen school property or private property, which includes, but is not limited to, electronic files and databases.
- l. Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- m. Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.
- n. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- o. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- p. Engaged in, or attempted to engage in, hazing. For the purposes of this policy, "hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this policy, "hazing" does not include athletic events or school-sanctioned events.
- q. Made terroristic threats against school officials and/or school property, which includes, but is not limited to, electronic files and databases.
  - i. For purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school property, which includes, but is not limited to, electronic files and databases, or the personal property of the person threatened or his or her immediate family.
- r. Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment.
- s. Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code.
- t. 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.
- u. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
  - i. "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications

made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
  2. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
  3. Causing a reasonable student to experience substantial interference with his or her academic performance.
  4. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
- ii. "Electronic Act" means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
1. A message, text, sound, video, or image.
  2. A post on a social network Internet Web site including, but not limited to:
  3. Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (I) above.
  4. Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (I) above. "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
  5. Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (I) above. "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
- iii. An act of cyber sexual bullying.
1. For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (I). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
  2. For purposes of this clause, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
- iv. Notwithstanding subparagraphs (I) and (II) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
- v. A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1)(a)-(b).
- w. Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the School Leader or designee's concurrence.
2. **Non-Discretionary Suspension Offenses:** Students must be suspended and recommended for expulsion for any of the following acts when it is determined the pupil:
- a. Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the School Leader or designee's concurrence.
3. **Discretionary Expellable Offenses:** Students in grades 5-12 may be recommended for expulsion for any of the following

acts when it is determined the pupil:

- a. Caused, attempted to cause, or threatened to cause physical injury to another person.
- b. Willfully used force or violence upon the person of another, except self-defense.
- c. Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
- d. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e. Committed or attempted to commit robbery or extortion.
- f. Caused or attempted to cause damage to school property or private property, which includes, but is not limited to, electronic files and databases.
- g. Stole or attempted to steal school property or private property, which includes, but is not limited to, electronic files and databases.
- h. Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
- i. Committed an obscene act or engaged in habitual profanity or vulgarity.
- j. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k. Knowingly received stolen school property or private property, which includes, but is not limited to, electronic files and databases.
- l. Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- m. Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.
- n. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- o. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- p. Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, "hazing" does not include athletic events or school-sanctioned events.
- q. Made terroristic threats against school officials and/or school property, which includes, but is not limited to, electronic files and databases. For purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school property, which includes, but is not limited to, electronic files and databases, or the personal property of the person threatened or his or her immediate family.
- r. Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment.
- s. Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code.
- t. 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.
- u. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
  - i. "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications

made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
  2. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
  3. Causing a reasonable student to experience substantial interference with his or her academic performance.
  4. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
- ii. "Electronic Act" means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
1. A message, text, sound, video, or image.
  2. A post on a social network Internet Web site including, but not limited to:
  3. Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (I) above.
  4. Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (I) above. "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
  5. Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (I) above. "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
- iii. An act of cyber sexual bullying.
1. For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (I). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
  2. For purposes of this clause, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
- iv. Notwithstanding subparagraphs (I) and (II) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
- v. A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (3)(a)-(b).
- w. Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the School Leader or designee's concurrence.
4. **Non-Discretionary Expellable Offenses:** Students must be recommended for expulsion for any of the following acts when it is determined pursuant to the procedures below that the pupil:
- a. Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the School Leader or designee's concurrence.

If it is determined by the Administrative Panel and/or Board of Directors that a student has brought a firearm or destructive device,

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

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

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

#### A. Suspension Procedure

Suspensions shall be initiated according to the following procedures:

##### I. Conference

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

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

At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense, in accordance with Education Code Section 47605(b)(5)(J)(i). This conference shall be held within two (2) school days, unless the pupil waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with Charter School officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference.

##### II. Notice to Parents/Guardians

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

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

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

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

#### B. Authority to Expel

As required by Education Code Section 47605(b)(5)(J)(ii), students recommended for expulsion are entitled to a hearing adjudicated by a neutral officer to determine whether the student should be expelled. The procedures herein provide for such a hearing and the notice of said hearing, as required by law.

A student may be expelled following a hearing before a neutral and impartial Administrative Panel, to be assigned by the KIPP Bay Area Public Schools Board. The Administrative Panel shall consist of at least three (3) members who are school leaders, assistant principals, deans, teachers, or regional leaders in KIPP. Administrative Panel members shall not include the teacher of the pupil, staff

who have been involved in the alleged incident or investigation, or a Board member of the KIPP Board. The Administrative Panel shall be presided over by a designated neutral hearing chairperson. The Administrative Panel may expel any student found to have committed an expellable offense.

### C. Expulsion Procedures

Students recommended for expulsion are entitled to a hearing to determine whether the student should be expelled. Unless postponed for good cause, the hearing shall be held within thirty (30) school days after the Chief of Schools or designee determines that the pupil has committed an expellable offense. The Chief of Schools will convene the Administrative Panel to conduct a hearing upon this determination.

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

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

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

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

- a) KIPP may, upon a finding of good cause, determine that the disclosure of either the identity of the witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations that shall be examined only by the Charter School or the hearing officer. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the pupil.
- b) The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of his/her right to (a) receive five (5) days' notice of his/her scheduled testimony, (b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she testifies, which may include a parent, guardian, or legal counsel, and (c) elect to have the hearing closed while testifying.
- c) KIPP must also provide the victim a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.
- d) At the discretion of the entity conducting the expulsion hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which he or she may leave the hearing room.
- e) The entity conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.
- f) The entity conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
- g) Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the entity presiding over the hearing from removing a support person whom the presiding person finds is disrupting the hearing. The entity conducting the hearing may permit any one of the support persons for the complaining witness to accompany him or her to the witness stand.
- h) If one or both of the support persons is also a witness, the Charter School must present evidence that the witness' presence is both desired by the witness and will be helpful to the Charter School. The entity presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising his or her discretion to remove a person from the hearing whom he or she believes is prompting, swaying, or influencing the witness.

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

#### E. Record of Hearing

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

#### F. Presentation of Evidence

While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. An order by the Administrative Panel to expel must be supported by substantial evidence that the student committed an expellable offense.

Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay. Sworn declarations may be admitted as testimony from witnesses of whom the Administrative Panel determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

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

The decision of the Administrative Panel shall be in the form of written findings of fact and a written decision. The decision of the Administrative Panel is final.

If the Administrative Panel decides not to recommend expulsion, the pupil shall immediately be returned to his/her educational program.

#### G. Written Notice to Expel

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

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

The School Leader or designee shall send a copy of the written notice of the decision to expel to the authorizer. This notice shall include the following:

- a. The student's name; and
- b. The specific expellable offense committed by the student.

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

## H. Disciplinary Records

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

## I. Right to Appeal

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

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

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

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

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

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

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

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

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

The Board may fill vacancies on the Committee from the Board at-large, and anyone on the Board may substitute for a member of the Committee who is unable to participate in a particular grievance/expulsion appeal.

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

## J. Expelled Pupils/Alternative Education

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

## K. Rehabilitation Plans

Students who are expelled from KIPP shall be given a rehabilitation plan upon expulsion as developed by the Administrative Panel at the time of the expulsion order, which may include, but is not limited to, periodic review as well as assessment at the time of review



for readmission. The rehabilitation plan should include a date not later than one year from the date of expulsion when the pupil may reapply to KIPP for readmission.

#### L. Readmission

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

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

##### 1. Services During Suspension:

Students suspended for more than ten (10) school days in a school year shall continue to receive services so as to enable the student to continue to participate in the general education curriculum, although in another setting (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.

##### 2. Procedural Safeguards/Manifestation Determination

Within ten (10) school days of a recommendation for expulsion or any decision to change the placement of a child with a disability because of a violation of a code of student conduct, KIPP, the parent/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 parents to determine:

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

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

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

##### 3. Due Process Appeals:

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

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent/guardian or KIPP, the student shall remain in the interim alternative educational setting pending the

decision of the hearing officer in accordance with state and federal law, including 20 U.S.C. Section 1415(k), or until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, unless the parent and KIPP agree otherwise.

In accordance with 20 U.S.C. Section 1415(k)(3), if a parent/guardian disagrees with any decision regarding placement, or the manifestation determination, or if KIPP believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, the parent/guardian or KIPP may request a hearing.

In such an appeal, a hearing officer may: (1) return a child with a disability to the placement from which the child was removed; or (2) order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.

#### 4. Special Circumstances:

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

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

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

#### 5. Interim Alternative Educational Setting:

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

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

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

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

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

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

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

## Anti-Bullying Policy

Bullying is a disruptive behavior which interfere with students' ability to learn and negatively affects student engagement, diminishes school safety, and contributes to a hostile school environment. As such, KIPP Schools prohibit any acts of 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, bullying is 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 and citizenship 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. In addition, bullying encompasses any conduct described in the definitions set forth in this Policy. Hereafter, such actions are referred to as "misconduct prohibited by this Policy."

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

- Place a reasonable student\* or students in fear of harm to his or her person or property;
- Causing a reasonable student to experience a substantially detrimental effect on the student's physical or mental health;
- Causing a reasonable student to experience a substantial interference with the student's academic performance or attendance; or
- Causing a reasonable student to experience a substantial interference with the student's ability to participate in or benefit from school activities, services, or privileges; or
- Materially and substantially disrupts the education process or the orderly operation of a school.

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

Bullying also occurs when a student or group of students organize a campaign against another student or when a student or group of students maliciously spread rumors about another student.

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

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

1. A message, text, sound, video, or image.
2. A post on a social network Internet Web site including, but not limited to:
  - a. Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in the definition of "bullying," above.
  - b. Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in the definition of "bullying," above. "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
  - c. Creating a false profile for the purpose of having one or more of the effects listed in the definition of "bullying," above. "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
3. An act of "Cyber sexual bullying" including, but not limited to:
  - a. The dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in definition of "bullying," above. A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or

other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.

- b. "Cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
4. Notwithstanding the definitions of "bullying" and "electronic act" above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

#### Preventing Bullying

KIPP Schools employ restorative practices to build healthy school communities. Restorative practices allow for a shift in practice from punitive traditional discipline policies to a culture that is inclusive, build fair processes into decision-making practices, and facilitate students' learning to address the impact of their behavior on others, including the impact of bullying. Restorative practices allow for true accountability, skill building, cooperation, mutual understanding, and respect.

All KIPP Schools students will participate in restorative practices and social-emotional learning curriculum integrated into the school day, which ensures students have the opportunity to be heard, helps them to understand the impact of their actions, teaches them to take responsibility and repair the harms their actions may have caused, and encourages them to see themselves as positive contributing members of a safe and social school community. KIPP Schools believe the benefits of this approach will include a decrease in bullying, and an increase in the number of students who feel comfortable reporting when they are being bullied or suspect another student is being bullied.

#### Intervening in and Reporting Bullying

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being bullied. In addition, KIPP Schools shall develop means for students to report threats or incidents confidentially and anonymously.

Parents/guardians who believe their student is being bullied, may be bullying others, or who otherwise become aware of acts of bullying should report the incident to school staff.

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

When appropriate based on the severity or pervasiveness of the bullying, the School Leader or designee shall notify the parents/guardians of students involved. When a report of bullying is submitted, the School Leader shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with Uniform Complaint Procedures.

#### Investigation and Resolution

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and KIPP Schools' disciplinary and uniform complaint procedures. Depending on the severity of the conduct in question (such as when it includes threats of violence, child pornography or sexually explicit materials, and stalking or hate crimes) school personnel, students, or parents/guardians, should consider involving law enforcement.

If during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the School Leader or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

Any students involved in the alleged episode of bullying shall be given an opportunity to describe the incident from their perspective and begin steps to address the harm, using restorative practices. Staff shall address any reports of bullying according to KIPP Schools' specified restorative practices procedures.

The school leader or school leader's designee may refer any students affected by, witness to, found to have committed, or otherwise involved in an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in restorative justice programming as appropriate.

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with KIPP Schools' policies [See KIPP Bay Area Public Schools Suspension & Expulsion Policy].

**\*\*Please see the Uniform corresponding Title IX, Harassment, and Bullying Complaint Form within the Appendix \*\***

## **Technology: Internet and Computer Usage Policy**

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

### **Student and Parent Agreement**

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

### **Acceptable and Unacceptable Uses**

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

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

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

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

- Using the Internet for any illegal activity, including violation of copyright or other laws
- Downloading software, music, movies or other content in violation of licensing requirements, copyright or other intellectual property rights;
- Revealing any personally identifiable information about yourself or any other student or staff member on a social networking website or chat room;
- Engaging in any activity that is harmful to other student(s) or staff, including the use of technology to harass, intimidate, bully, cyber-bully or otherwise disrupt the educational process;
- Sending or displaying offensive pictures or graphics, using obscene language, or harassing, insulting, threatening or abusing others;
- Any online activity that encourages the use of drugs, alcohol or tobacco, or that promotes unethical practices or any activity prohibited by law or KIPP policy;
- Posting, sending or displaying any personally identifiable information of any minor without parental consent;
- Using the Internet for financial or commercial gain;

- Degrading, vandalizing or disrupting equipment, software or system performance or the data of another;
- Accessing or attempting to access resources or systems on the network that the student is not authorized to access;
- Invading the privacy of others or using an account owned by another user;
- Posting anonymous messages or messages with a false identity;
- Downloading, viewing, sharing, storing or printing files or messages, including pornographic, defamatory or otherwise offensive material, that use language that offends or degrades others;
- Playing unauthorized games on the Internet;
- Computer piracy, hacking, or any tampering with hardware or software;
- Using hacking tools on the network or intentionally introducing malicious code or viruses into KIPP' network;
- Using any software or proxy service to obscure either the student's IP address or the sites that the student visits;
- Disabling, bypassing, or attempting to disable or bypass any system monitoring, filtering or other security measures;
- Downloading applications or programs without approval from teachers or administrators;
- Conducting any activity that is in violation of school policy, the student code of conduct or local, state or federal law.

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

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

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

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

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

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

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

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

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

## **Public Displays of Affection Policy**

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

## **Student Health**

KIPP Bay Area Public Schools enforce health and safety requirements that ensure that all children are healthy and ready to learn. Our

policies also help to manage a safe and healthy school environment for teachers, staff and visitors. All campuses are non-smoking and substance free.

### Immunizations Requirements and Information

Per the California Department of Education, all children under eighteen years of age entering a California public or private elementary or secondary school for the first time, or transferring between schools, must present a written immunization record, including at least the month and year of receipt of each dose of required vaccines. All students need to submit an immunization record upon enrollment. In accordance with SB 277, these requirements can be waived only if a properly signed medical exemption is filed with the school. 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 KIPP Schools.

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

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

**NOTE:** Four (4) doses of DTaP are allowed if one (1) was given on or after the fourth birthday. Three (3) doses of Polio are allowed if one (1) was given on or after fourth birthday. MMR doses must be given on or after the first birthday.

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

To meet California’s school entry requirements, **all students entering seventh grade** who are not exempt from the immunization requirements must show proof of the following immunizations:

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

**NOTE:** In order to begin 7th grade, students who had a valid personal belief exemption on file with a public or private elementary or secondary school in California before January 1, 2016 must meet all requirements for children 7-17 years old (i.e., polio, MMR, chickenpox and primary series for diphtheria, tetanus, and pertussis), **in addition to** the 7th grade requirements for Tdap and two (2) doses of Varicella.

Verification of immunizations will be completed with written medical records from the child’s doctor or immunization clinic. Immunization records shall be part of the mandatory permanent pupil record and shall be kept in accordance with KIPP Schools’ record-keeping policy. KIPP Schools will file a written report on the immunization status of all new entrants to KIPP Schools with the

California Department of Public Health as required by law.

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

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

If KIPP Schools discovers that an admitted student who is not exempt from the immunization requirements has not received all required immunizations and does not meet the conditional admission requirements set forth below, KIPP Schools will notify his/her parent/guardian. If, within ten (10) school days of the notice, the child does not provide documentation of having received all required immunizations, KIPP Schools shall exclude this student from attendance. The student shall remain excluded from KIPP Schools’ campuses until he/she is fully immunized. The student shall also be reported to the School Leader.

The School Leader, or designee, may arrange for qualified medical personnel to administer immunizations at KIPP Schools to any Student whose parent/guardian has consented in writing.

Whenever there is good cause to believe that a student has been exposed to a communicable disease for which immunization is required, that student may be temporarily excluded from the campuses until the local health officer is satisfied that the person is no longer at risk of developing the disease.

#### Conditional Admittance

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

#### Documentary Proof

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

#### Exemptions from Immunization Requirements:

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

- o Students who show proof of a medical exemption pursuant to Health and Safety Code Section 120370; If there is good cause to believe that a child has been exposed to a disease listed in subdivision (b) of Section 120335 and his or her documentary proof of immunization status does not show proof of immunization against that disease, that child may be temporarily excluded from the school or institution until the local health officer is satisfied that the child is no longer at risk of developing or transmitting the disease.
- o Students who are enrolled in a home-based private school or independent study program and do not receive any classroom-based instruction; and
- o Students who, prior to January 1, 2016, submitted a letter or affidavit on file at a private or public elementary or secondary school in California stating beliefs opposed to immunization, and who provide said letter or affidavit to KIPP Schools, shall be allowed to enroll at KIPP Schools without being fully immunized until the student enrolls in the next grade span pursuant to Health and Safety Code Section 120335(g);
  - “Grade span” means each of the following:
    - Birth to Preschool.
    - Kindergarten and grades 1 to 6, inclusive, including transitional kindergarten.
    - Grades 7 to 12, inclusive.



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

### **Annual Notice: Physical Examinations**

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

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

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

### **Administration of Medicine Policy**

1. Any student who is required to take, during the regular school day, medication prescribed for him or her by a physician, must submit to the school (1) a written and signed statement from such physician detailing the method, amount, and time schedules by which such medication is to be taken and (2) a written and signed statement from the parent or guardian of the student indicating the desire that the school assist the student in the matters set forth in the physician's statement. This can be fulfilled with the completion of the "School Medication Authorization Form." The administration of medicine, during the school day, is the responsibility of the student or parent/guardian. On a limited basis, the School Leader may appoint a designated employee to assist with the administration of medication. Medication will not be dispensed to a student without this documentation present in his or her files. Students are not permitted to carry any medication with them during the school day, unless it is a prescription inhaled asthma medication or auto-injectable epinephrine and authorized in writing by their parent/guardian and specially arranged by a doctor’s note. The required form for these services can be requested from the school. Students found carrying any medication (unless consistent with the above requirements) will have the medication confiscated and a parent/guardian will have to retrieve the medication from the school office. Students are never permitted to share medication (even over-the-counter) and the office/school staff are not allowed to administer any medication (including over-the-counter) without express written parent/guardian consent. Prior to the administration of medication the following procedures must be in place.
  - a. School Medication Authorization Form (one per medication)
    - i. Completed and signed by medical provider.
    - ii. Completed and signed by parent/guardian.
    - iii. Completed annually or when there is a change in the medication order.
  - b. Medication is supplied by parent/guardian.
    - i. In a pharmacy labeled container/dispenser, clearly marked with the child’s first and last name.
    - ii. Any medical equipment needed to dispense medication is supplied by the parent/guardian.

### **Illness during School Hours Policy**

If a child becomes ill or injured during the school day and is not well enough to stay in class, the parent/guardian will be called to pick the child up. It is necessary to have updated emergency contact numbers on file in the school office in case the parent/guardian cannot be contacted. In case of emergencies, the school will also call 911. All students must have an “authorization to treat” form on file in order for medical personnel to provide medical care to students in emergencies. The required form can be requested from the school.

### **Suicide Prevention and Intervention Policy (High School)**

Supporting the health and well-being of all students is of utmost importance to KIPP. In accordance with California AB 2246, the Board of Directors has adopted a suicide prevention policy to help prevent, intervene, and support students who may be

experiencing suicidal thoughts, planning for, or who may have attempted suicide through the following steps:

- Students will learn about recognizing and responding to warning signs of suicide in themselves and peers; learning and utilizing positive coping skills; developing and seeking supportive adult relationships and resources for mental wellness; and assisting their peers in need of supports. Teachers and school staff will also receive training to recognize and respond to the warning signs of suicide, suicide attempts, and re-integration of a student after a suicide attempt.
- Each school has designated a suicide prevention coordinator to serve as a point of contact for students in crisis who will either provide or refer students to appropriate mental health resources. This will be the Mental Health Counselor, School Psychologist, or the School Leader or Assistant Principal in conjunction with the Associate Director of Mental Health or a local community-based crisis response organization.
- When a student is identified as being at risk of suicide, they will be assessed by on their school site by a mental health professional, School Psychologist, or School Leader or other Administrator in conjunction with the Associate Director of Mental Health or a local community based crisis response organization to work with the student and help connect the student to appropriate local resources.
- Students and families can contact your school's mental health professional for additional resources, or can access the resources below for support:
  - The Trevor Project: [www.thetrevorproject.org](http://www.thetrevorproject.org); Trevor Lifeline: 1-866-488-7386 (24/7 and specifically for LGBTQ-identified youth)
  - National Suicide Prevention Hotline: 1-800-273-8255 (24/7)
  - Text: EASE to 741-741
  - Download the MY3 Suicide prevention app ([www.my3app.org](http://www.my3app.org)) on your child(ren)'s and/or their friend(s)' cell phone(s)
- Staff will assist students in helping to create a school culture of respect, support, and safety in which students feel comfortable seeking help for themselves or friends. Students are encouraged to tell any staff member if they, or a friend, are feeling suicidal or in need of help.
- Students should be aware that in cases of suicidal thoughts, plans, or attempts, confidentiality may be broken in order that the staff or mental health professional can seek help for the student in crisis.
- For a more detailed review of policy changes, please see the KIPP full suicide prevention policy, which can be found in the main office and on the KIPP website.

## Annual Notice: Counseling Services

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

KIPP Schools offers the following services on its campuses:

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

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

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

## Vision and Hearing Screening Information

Vision and hearing screenings will be conducted in accordance with state mandates. You will be notified when your child is scheduled to be screened for vision and hearing. This screening is a general assessment of your child's vision and hearing. It may indicate

possible difficulties your child may have with vision or hearing; it will not provide a confirmed diagnosis. This screening **is not a substitute for regular medical visits to your child’s doctor and optometrist.**

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

### **Annual Notice: Free and Reduced Price Meals**

The School participates in the National School Lunch Program. Applications for free or reduced-price meals are distributed to all families and can also be obtained on the School 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.

### **Annual Notice: Connecting Families to Health Coverage**

California schools are required to provide information to families about healthcare coverage options. You will be receiving a flyer about healthcare coverage options with this school handbook. If you need a new copy of the flyer, please contact your school office.

### **Annual Notice: Availability of Health Insurance**

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

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

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

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

### **Annual Notice: Sudden Cardiac Arrest Prevention**

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

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

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

Because KIPP has elected to offer an athletic program, we must immediately remove from a school-sponsored athletic activity a pupil who passes out or faints while participating in or immediately following an athletic activity, or who is known to have passed out or fainted while participating in or immediately following an athletic activity. The athlete may not return to that activity until he or she is evaluated and cleared to return to participate in writing by a physician, surgeon, nurse practitioner or physician assistant. On a yearly basis, an acknowledgement of receipt of the information on sudden cardiac arrest symptoms and warning signs must be signed and returned by the athlete and the athlete’s parent or guardian before the athlete participates in an athletic activity not governed by the California Interscholastic Federation (“CIF”). This requirement does not apply to an athlete engaging in an athletic activity during the regular school day or as part of a physical education course.

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

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

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

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

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

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

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

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

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

Marie Huxley  
Chief Academic Officer  
1000 Broadway, Suite 460  
Oakland, CA 94607  
510-465-5477

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

### **Annual Notice: Diabetes**

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

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

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

### **Tobacco Free Schools Policy**

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

students and staff.

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

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

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

Appropriate school officials will monitor KIPP property and facilities for compliance with the Board Policy. The School Leader shall develop and maintain procedures to resolve grievances that may result from alleged non-compliance.

## **Student Safety**

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

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

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

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

### **School Visitor Policy**

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

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

ALL visitors, including parents and guardians, must check in at the office upon their arrival so that they can sign in and obtain a visitor badge identifying themselves. When registering, the visitor is required to provide his/her name, ~~address, age (if under 21)~~, his/her purpose for entering school grounds, and proof of identity. Visitor badges must be worn at all times while on School premises.

If the visitor is a government officer/official (including but not limited to local law enforcement officers, immigration enforcement officers, social workers, district attorneys, or U.S. attorneys) the officer/official will also be asked to produce any documentation that

authorizes school access. KIPP shall make reasonable efforts to notify parents or guardians prior to permitting a student to be interviewed or searched, consistent with the law and/or any court order, warrant or instructions from the officer/official. A copy of the documentation provided by the officer and notes from the encounter may be maintained by KIPP, consistent with the law. The KIPP Board of Directors and Bureau of Children's Justice in the California Department of Justice, at [BCJ@doj.ca.gov](mailto:BCJ@doj.ca.gov), will be timely informed regarding any attempt by a law-enforcement officer to access a school site or a student for immigration-enforcement purposes, as recommended by the Attorney General.

Access to classrooms and other instructional areas might be restricted and is at the discretion of the School Leader. We ask that all visitors respect the learning environment by quietly observing classes, and by not distracting the students or teachers. Visitors may be asked to leave a classroom or the school grounds if their presence is a distraction to learning or the school environment. Because classrooms and other instructional areas are the most vulnerable to disruption, specific conditions may be imposed upon visitors, including but not limited to:

- A. Requiring that the visitor be chaperoned
- B. Limiting the duration of the visit to particular times or length of time
- C. Limiting the activities of the visitor to a particular purpose(s)
- D. Designating particular routes of travel in the building or upon the school grounds.

Visitors must sign out at the end of their visit and return the visitor badge. Visitors may be on school grounds only during open school hours, unless given permission from School Leadership and/or for specific before - or after-school events open to the public.

#### Removal from Campus

The School Leader may withdraw consent to be on campus even if the visitor has a right to be on campus whenever there is reason to believe that the person has willfully disrupted or is likely to disrupt KIPP's orderly operation. If consent is withdrawn by someone other than the School Leader, the School Leader may reinstate consent for the visitor if the School Leader believes that the person's presence will not constitute a disruption or substantial and material threat to KIPP's orderly operation. Consent can be withdrawn for up to fourteen (14) days.

The School Leader may request that a visitor who has failed to register, or whose registration privileges have been denied or withdrawn, promptly leave school grounds. When a visitor is directed to leave, the School Leader shall inform the visitor that if he/she reenters the school without following the posted requirements he/she will be guilty of a misdemeanor.

Any visitor that is denied registration or has his/her registration revoked may request a conference with the School Leader. The request shall be in writing, shall state why the denial or revocation was improper, shall give the address to which notice of conference is to be sent, and shall be delivered to the School Leader with fourteen (14) days of the denial or revocation of consent. The School Leader shall promptly mail a written notice of the date, time, and place of the conference to the person who requested the conference. A conference with the School Leader shall be held within seven (7) days after the School Leader receives the request. If no resolution can be agreed upon, the School Leader shall forward notice of the complaint to the KIPP Board of Directors. The KIPP Board of Directors shall address the Complaint at the next regular Board meeting and make a final determination.

#### Penalties

Pursuant to the California Penal Code, if a visitor does not leave after being asked or if the visitor returns without following the posted requirements after being directed to leave, he/she will be guilty of a crime as specified, which is punishable by a fine of up to \$500.00 (five hundred dollars) or imprisonment in the County jail for a period of up to six (6) months or both.

Under California Education Code section 44811, disruption by a parent, guardian or other person at a school or school sponsored activity is punishable, upon the first conviction, by a fine of no less than \$500.00 (five hundred dollars) and no more than \$1,000.00 (one thousand dollars) or by imprisonment in a County jail for no more than one (1) year, or both, the fine and imprisonment.

Disruptive conduct may lead to KIPP's pursuit of a restraining order against a visitor, which would prohibit him/her from coming onto school grounds or attending school activities for any purpose for a period of up to three (3) years.

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

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

will be contacted to pick up their child.

## Annual Notice: School Bus and Passenger Safety

Upon registration, KIPP is required to provide safety regulations to all kindergarten through sixth (6th) grade new students and students who have not previously been transported by school bus. Additionally, if applicable, KIPP must provide safety instruction to all students in kindergarten through eighth (8th) grade who receive home-to-school transportation. Currently, KIPP provides transportation for field trips and provides transportation to and from two (2) KIPP schools. A copy of the complete policy is available upon request at the main office.

## Student Transportation Policy

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

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

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

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

- Children under age 8 and under 57" must be properly secured in a child restraint system. All other children age 8 to 16 or over 57" must be secured in a properly fitted seat belt.
  - Children under age 8 must be restrained in a child passenger restraint system in the rear seat.
  - California law specifically requires children to be properly restrained, meaning the lap belt is low on the hips, touching the upper thighs, and the shoulder belt is crossing the center of the chest.
  - Children in rear-facing car seats may not ride in front if there is an active passenger airbag.
7. Driving non-employee passengers in school vehicles either during or after normal business hours can be a major liability to KIPP. Therefore, no KIPP employee is allowed to transport non-employees in any KIPP vehicle unless prior approval by management is granted and a waiver of liability is signed by the non-employee.
  8. Only authorized employees are allowed to operate the school vehicles and they are for school business use only.
  9. Under no circumstances shall students transport other students.

## Search and Seizure Policy

The California Constitution requires that all students and staff of public schools have the right to attend campuses which are safe, secure, and peaceful. Incidents which jeopardize the health, safety and welfare of students and KIPP employees may necessitate the search of students and their property, student use areas, student lockers and/or student automobiles located on school property, and may necessitate the seizure of any illegal, unauthorized or contraband materials in the search. Personal belongings, including those which are normally authorized, may be temporarily seized by school officials or legal authorities to serve as evidence in ongoing investigation.

A student's person and/or personal effects (e.g. backpack, purse, etc.) including personal student electronic devices, may be searched if a school official has reasonable suspicion based on articulable facts for suspecting that the student has violated or is violating either the law or KIPP' rules and regulations, including, but not limited to, possession of illegal, unauthorized or contraband materials. Illegal, unauthorized or contraband materials include those materials which are dangerous to the health or safety of students or school personnel, are disruptive or potentially disruptive, or which have been cited as unauthorized in school rules or regulations.

Any search of a student and/or their personal effects shall be conducted in the presence of another adult witness whenever possible. The scope of the search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the pupil and the nature of the infraction.

In no case shall a strip search be conducted by school officials, including asking a student to remove or arrange some or all of their underclothing, and/or inspecting of parts of the student's underclothing or body.

Student use areas, including, but not limited to, instructional space, recreational space, and lockers, are school property and remain at all times under the control of KIPP. Periodic general inspections of school property may be conducted by school officials for any reason at any time without notice.

Student vehicles may not be used to store illegal, unauthorized, or contraband materials. The use of the parking facilities for privately owned vehicles on school campus by any student shall constitute consent by the student to the search of such vehicles by authorized school personnel and/or law enforcement if a school official has reasonable suspicion based on articulable facts for suspecting that the student has violated or is violating either the law or KIPP's rules and regulations, including, but not limited to, possession of illegal, unauthorized or contraband materials. (High school students)

If a lawfully conducted search yields illegal, unauthorized, or contraband materials, such materials shall be turned over to the proper legal authorities for ultimate disposition. School officials may impose discipline upon the responsible student(s) (including suspension and/or expulsion) in accordance with KIPP's discipline policies and procedures.

## Violence and Weapons Policy

It is the policy of KIPP that violence or threats of violence in any form are unacceptable and will not be tolerated. KIPP will not tolerate, condone or allow violence, whether engaged in by employees, supervisors, managers, non-employees (including contract workers or vendors), visitors, students, family members or others who interact KIPP. KIPP encourages the reporting of all incidents or threats of violence regardless of who the offender may be. This policy prohibits all acts or threats of violence, inappropriate aggression, or intimidation in any form, including verbal, written, physical, or any conduct that may be construed as a racial, sexual, ethnic or religious slur, or a slur based upon any Protected Status.

Specific examples of conduct that may constitute threats or acts of violence under this policy include, but are not limited to, the



following:

- Threats or acts of physical or aggressive contact directed toward another individual;
- Threats or acts of physical harm directed toward an individual or their family, friends, associates, or property;
- The intentional destruction or threat of destruction of KIPP's property or another student's property;
- Harassing or threatening phone calls;
- Harassing or threatening social media conduct;
- Surveillance;
- Stalking;
- Veiled threats of physical harm or similar intimidation

Any pattern of behavior that seems to indicate violence toward another individual, student to student or staff to student, must be reported to School Administration. No weapons may be brought to school under any circumstances. In addition, nothing that looks like or could be construed as a weapon should be on or around a school campus. We strongly recommend the safe storage and proper security around weapons in the home - especially if one is inviting another child into the home for a party, play date, or other social activities. If a child is feeling unsafe at school, or in their method of transportation to and from school, we encourage a conversation with the School Leadership team to consider options.

### Confidential disclosure

In order to have a safe community of trust, students are expected to take responsibility for disclosing any and all knowledge of any weapons, drugs, tobacco, or alcohol on campus or at any school function. Such confidential disclosure should not be considered a betrayal of any other student, or avoided due to fear of reprisal. Instead, the confidential disclosure would be an honest commitment to the health and well-being of every member of the community.

### Police on Campus Policy Information

The purpose of our law enforcement on campus policies is two-fold: First, to support a safe school environment by empowering leadership to coordinate with law enforcement in response to imminent threats to the community. Second, to limit students' exposure to law enforcement and the juvenile justice system when alternative and more restorative practices are available. Please request a full copy of this policy from the school office.

### Annual Notice: Guidelines for Safe Staff/KIPPster Interactions

For the purposes of this policy, the term "KIPPster" refers to any current KIPP Student, or alumni still enrolled in a KIPP program, including KIPP Through College (KTC) which extends throughout their college career. KIPP ("KIPP") recognizes its responsibility to make and enforce all rules and regulations to bring about the safest environment possible for students, alumni enrolled in KIPP programs, and KIPP Staff.

### Corporal Punishment

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

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

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

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

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

## Professional Boundaries

This policy is intended to guide all faculty and staff in conducting themselves in a way that reflects the highest standards of behavior and professionalism required of school employees and to specify the boundaries between students, alumni, and staff. Trespassing the boundaries of an Employee/KIPPster relationship is deemed an abuse of power and a betrayal of public trust.

All staff must carefully review this policy along with each of the examples given in the policy related to acceptable and unacceptable employee behavior (see examples section below). Although this policy gives specific, clear direction, it is each staff member's obligation to avoid situations that could prompt suspicion by parents, students, alumni, colleagues, or school leaders. One viable standard that can be quickly applied when the employee is unsure if certain conduct is acceptable is to ask themselves, "Would I be engaged in this conduct if my family or colleagues were standing next to me?"

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

Staff members must understand their own responsibility for ensuring that they do not cross the boundaries as written in this policy. Disagreeing with the wording or intent of the established boundaries will be considered irrelevant for disciplinary purposes. Thus, it is crucial that all employees learn this policy thoroughly and apply the lists of acceptable and unacceptable behaviors to their daily activities. Although sincere, competent interaction with KIPPsters certainly fosters learning, staff interactions with KIPPsters, including alumni receiving services through KIPP Through College (KTC), must respect professional boundaries surrounding potential activities, locations, and intentions.

## Duty to Report

All staff members play an integral role in keeping our KIPPsters safe, and it is an employee's duty to report any concerns related to misconduct to the appropriate authority, even if they don't have full information or context. When any employee becomes aware of another staff member or adult on campus having engaged in unacceptable behaviors as specified in this policy, or behaviors regarding professional boundaries otherwise causing suspicion, they must immediately report the matter to the school administrator and/or to the Human Resources Department at [hr@kipbayarea.org](mailto:hr@kipbayarea.org). All reports shall be as confidential as possible under the circumstances. It is the duty of the administrator or HR Director to investigate and thoroughly report the situation to the CEO. Employees must also report to the administration any awareness or concern of student behavior that crosses boundaries or where a student appears to be at risk for sexual abuse.

## Examples of Specific Behaviors

### **The following examples are not an exhaustive list.**

Examples of Unacceptable Behaviors (Violations of This Policy):

- Giving gifts to a KIPPster that are of a personal and intimate nature.
- Kissing of any kind.
- Any type of unnecessary physical contact with a KIPPster in a private situation.
- Making or participating in sexually inappropriate comments.
- Sexual jokes.
- Seeking emotional involvement with a KIPPster for the employee's benefit.
- Listening to or telling stories that are sexually oriented.
- Discussing inappropriate personal troubles or intimate issues with a KIPPster in an attempt to gain their support and understanding.
- Becoming involved with a KIPPster so that a reasonable person may suspect inappropriate behavior.
- Having/inviting one student into the employee's home is unacceptable.
- Providing any treatment that could be viewed as preferential or unprofessional (buying lunches, special privileges, etc.)

Unacceptable Staff/Student Behaviors if conducted without Parent and Supervisor Permission:

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

- Giving students a ride to/from school or school activities.
- Being alone in a room with a student at school with the door closed.

#### Cautionary Staff/Student Behaviors:

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

- Remarks about the physical attributes or development of anyone.
- Excessive attention toward a particular student.
- Sending emails, text messages or letters to students if the content is not about school activities.
- Having a group of KIPPsters over to your house with school administration and parent/guardian permission.

#### Examples of Acceptable Behaviors:

- Emails, text, phone calls and instant messages to KIPPsters that are professional and pertain to school activities or classes. (Communication should be limited to school technology).
- Keeping the door open when alone with a KIPPster.
- Keeping reasonable space between you and a KIPPster.
- Stopping and correcting a KIPPster if they cross an employee's own personal boundaries.
- Keeping parents informed when a significant issue develops about a student.
- Keeping after-class discussions with a student professional.
- Recognizing the responsibility to stop unacceptable behavior of KIPPsters or coworkers.
- Giving KIPPsters praise and recognition without touching them.
- Pats on the back, high fives and handshakes are acceptable.
- Hugging students is only appropriate if it is done in a public space where others are present, minimal bodily contact is involved (e.g. side or arm around the shoulder hug) and it does not make the student uncomfortable in any way (ask in advance; don't assume). Please be aware of the positive reinforcement methods that are age-appropriate for your students (e.g. elementary students may appreciate a quick hug while middle and high schoolers may not). When in doubt, do not hug a student.
- Asking yourself if your actions are worth your job and career.

#### Required safety practices for the protection of staff and students:

- Obtaining signed parental consent and written approval from the school leader are required for any non-sponsored after school activity.
- Obtaining formal approval to take KIPPsters off school property for activities such as field trips, athletic events or competitions.
- Asking another staff member to be present if the employee will be alone with any type of special needs student.
- Asking another staff member to be present when the employee must be alone with a student after regular school hours.
- Asking for advice from fellow staff or administrators if an employee finds themselves in a difficult situation related to boundaries.
- Involving the employee's supervisor if conflict arises with a KIPPster.
- Informing the employee's School Leader about situations that have the potential to become more severe.
- Making detailed notes about an incident that could evolve into a more serious situation later.
- Keeping your professional conduct a high priority.

## Mandated Reporting Policy

California Penal Code section 11166 requires child care custodians who have knowledge of, or observe, a child in their professional capacity or within the scope of their employment whom they know or reasonably suspect has been the victim of child abuse to report the known or suspected instance of child abuse to a child protective agency immediately, or as soon as practically possible, by telephone and to prepare and send a written report thereof within thirty-six (36) hours of receiving the information concerning the incident.

Please be aware that it is each employee's duty to report the suspicion of child abuse and neglect only. Employees are not required to investigate or substantiate the suspected abuse. CPS and/or law enforcement agencies will be charged with investigating the matter.

- If an employee believes a child's safety is in immediate danger, they must call 911.
- Call CPS to make an initial verbal report

- o Oakland: (510) 259-1800
- o San Francisco: (800) 856-5553
- o San Jose: (408) 299-2071, (408) 683-0601, (650) 493-1186
- o San Lorenzo and Oakland:(510) 259-1800
- o Redwood City: (650) 802-7922 or (800) 632-4615
- The employee must complete a written report and any evidence relating to the incident within thirty-six (36) hours of becoming aware of the information concerning the incident and fax it or mail it in to the name of the Social Worker who took the verbal report. (link written report: [https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss\\_8572.pdf](https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss_8572.pdf))

Employees must also report to their School Leader any suspicions of child abuse and neglect in order to enable KIPP to timely intervene, investigate, and remediate as appropriate.

**Child abuse does not include:**

- A mutual altercation between minors
- Self-defense
- Injury caused by reasonable force used by a peace officer acting within the scope of employment
- Use of reasonable force from a certificated/classified employee to maintain order, protect property and protect the health and safety of pupils

Please see the School Leader if you have any questions or concerns.

**Regional Volunteer Policy**

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

**Child Custody Agreements Information**

KIPP asks that families with an active child custody agreement in place provide a copy to the School Leader at the start of the school year and any revisions to the agreement as they become available. KIPP will not get involved in family disputes as it is not KIPP’s intention or responsibility to enforce the terms of a child custody order. Rather our expectation is that all custodial parties (1) comply with the terms of the Order and work to resolve any such disputes without involving KIPP and (2) remain focused on the student(s)’ education and working cooperatively to resolve any familial disputes without negatively impacting the student(s)’ ability to learn and attend School. KIPP will comply with all terms of a custody order or agreement that has been provided to KIPP.

**Student and Family Rights**

**Safe School Zones and Immigrant Student Rights**

KIPP is committed to providing a safe, welcoming, and inclusive learning environment for all students, including immigrant students and their families. KIPP is also committed to protecting the rights of immigrant students and their families through policies that prohibit information-sharing with local law enforcement and federal immigration authority to the fullest extent possible under the law. KIPP shall not adopt or implement policies, practices, or procedures that exclude students from school based on their or their parents’ or guardians’ actual or perceived immigration status. Furthermore, KIPP personnel shall treat all students equitably in the receipt of all school services, including but, not limited to, the free and reduced lunch program, transportation, and educational instruction.

**Resources and Trainings**

KIPP trains all teachers, administrators and other staff on how to respond to federal immigration authorities who are requesting information about students and families and/or are attempting to enter school property. Additionally, KIPP maintains an online resource for students and families, and collaborates with local organizations to provide legal education workshops. Please visit

[www.kippbayarea.org/family-preparedness/](http://www.kippbayarea.org/family-preparedness/) for general resources, as well as the full version of policies KIPP has adopted related to the rights of immigrant students and their families. Please speak to your school office if you would like to know about upcoming trainings.

### Information Collection and Security

KIPP staff shall not require information that relates to a student's or their families' immigration status, such as a social security number, passport, a birth certificate, or other citizenship-related documents. KIPP personnel shall not inquire into a student's or a family member's immigration status. While documents that relate to immigration status may be submitted to meet various requirements of the enrollment process (such as a birth certificate for documenting proof of age), these documents are not required, and families are allowed to use other methods to prove residency and age-eligibility, such as a baptismal certificate or parent affidavit. KIPP will not initiate communication with federal immigration authority or local, state, or federal law enforcement regarding a student's or their family member's personal information; nor shall they disclose personally identifying information found in a student's education records without parental authorization or a judicial order mandating the disclosure. KIPP personnel who learn of information related to a student's or their family member's actual or perceived immigration status must keep that information confidential and shall not record or distribute that information.

### Campus Security

KIPP shall not enter into agreements with state or local law enforcement agencies, federal immigration authority, or any other federal agency for immigration enforcement activities. Absent a judicial warrant or other court order, state or local law enforcement agencies, federal immigration authority, or any other federal agency for immigration enforcement activities will not be permitted access to school sites, to interview a student, or to student records. Any formal requests from state or local law enforcement agencies, federal immigration authority, or any other federal agency for immigration enforcement activities shall be forwarded to the Chief Executive Officer and Legal Counsel for review.

If state or local law enforcement agencies, federal immigration authority, or any other federal agency for immigration enforcement activities request or gain access to a student or their records held by the school or KIPP, KIPP staff must immediately notify the student's parent/guardian that the federal immigration authorities sought access to the student. KIPP shall remind the parent/guardian that they have the right to authorize and send a designee to pick up their child on the parent's/guardian's behalf.

Efforts to contact parents/guardians by the School Leader or designee must include calling all numbers listed on the student's emergency card, including work numbers, cell phone numbers, and all numbers supplied by the student.

### Freedom of Speech

The KIPP Bay Area Public Schools Board of Directors (the "Board") believes that free inquiry and exchange of ideas are essential parts of a democratic education. The Board respects students' rights to express ideas and opinions, take stands on issues, and support causes, even when such speech is controversial or unpopular.

Student freedom of expression shall be limited only as allowed by law in order to maintain an orderly school environment and to protect the rights, health, and safety of all members of the school community. Expression shall be prohibited which is obscene, libelous, or slanderous. Also prohibited shall be material that so incites pupils as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or the substantial disruption of the orderly operation of KIPP. The use of "fighting words" or epithets is prohibited in those instances where the speech is abusive and insulting, rather than a communication of ideas, and the speech is used in an abusive manner in a situation that presents an actual danger that can cause a breach of the peace. In accordance with these beliefs, the Board adopts the following policies regarding on-campus and off-campus expression.

#### On-Campus Expression

Students shall have the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications.

Student expression on school Internet web sites and online media shall generally be afforded the same protections as in print media.

#### Off-Campus Expression

A student shall be subject to discipline for off-campus expression, including expression on off-campus Internet web sites, when such expression poses a threat to the safety of other students, staff, or school property, or substantially disrupts the educational program.

The Chief Executive Officer, School Leader, or designee shall document the impact the expression had or could be expected to have on the school program.

## Publications

Official school publications include material produced by students in journalism, newspaper, yearbook, or writing classes and distributed to the student body either for a fee or for free.

Each School Leader or designee shall develop a school publications code outlining the responsibility of student journalists, editors, and publication advisors.

All student submissions shall be held to professional standards of English and journalism.

If the School Leader or designee considers material submitted for publication to violate Education Code 48907, he/she shall notify the student, without undue delay, and give specific reasons why the submitted material may not be published. Absent extraordinary circumstances, such notice should be given in sufficient time to allow the student time to either modify the material or to seek review of the School Leader's determination from the Chief Executive Officer or designee. Prior to any restriction of student speech, school officials shall consider any feasible alternative options to restricting the speech.

To the extent that the School Leader or designee believes that the school and KIPP should be disassociated from a particular idea or opinion, the School Leader or designee may require student articles to include disclaimers.

## Distribution of Printed Materials and Petitions by Students

The School Leader or designee may provide bulletin boards on which students and student organizations may post materials of general interest. Students may also post or distribute handbills, leaflets, and other printed material, whether produced within or outside of the school. Students may also collect signatures on petitions concerning school or non-school issues.

All written material and petitions distributed, circulated or posted on school property (including School websites, email, etc.) shall bear the name and the address or contact information of the sponsoring organization or individual. Leaflets, pictorial and any other printed/written material to be distributed shall be submitted to the School Leader or designee at least one school day prior to distribution.

Printed materials or petitions may be distributed only:

1. Before or after school or during lunch time
2. In locations that do not obstruct the normal flow of traffic within the school or at entrances.

The manner of distribution shall be such that coercion is not used to induce students to accept the printed matter or to sign petitions. The solicitation of signatures must not take place in instructional classes or school offices, nor be substantially disruptive to the school program (as determined by the School Leader or designee). No funds shall be collected for any material distributed.

## Student Conduct

Conduct by a student, whether during class or outside of class, which for any reason materially disrupts classwork or involves substantial disorder or invasion of the rights of others, is not immunized by the constitutional guarantee of free speech.

## Appeals

The following procedures shall be used to address general disputes regarding student freedom of expression. When applied to school-sponsored publications, these procedures are to be supplemental to those outlined within that section:

1. The student and faculty member shall first attempt to resolve the problem internally.
2. If the student and faculty member are unable to resolve the dispute, the student and/or faculty member may bring the matter to the School Leader or designee, who shall hear both sides and strive to resolve the dispute as quickly as possible.
3. If the School Leader or designee is unable to resolve the dispute, or if the student and/or faculty member disagree with the School Leader or designee's decision, the student and/or faculty member may bring the matter to the Chief of Schools or designee, who shall hear both sides and strive to resolve the dispute as quickly as possible. The Chief of Schools or designee's decision shall be final.

## Controversial Issues Policy

KIPP believes that students should have opportunities to discuss controversial issues which have political, social or economic

significance, and which the students are mature enough to investigate and address. These topics may include, but are not limited to: federal, state and local politics; race; religion; gay, lesbian, and transgender issues; discrimination against protected classes; suicide; war; and local, state, national and/or international current and/or past events in the news, including but not limited to, statements made by political leaders about those events. The study of a controversial issue should help students learn how to gather and organize pertinent facts, discriminate between fact and fiction, draw intelligent conclusions, and respect the opinions of others.

School management works with teachers to ensure they exercise caution and discretion when deciding whether or not a particular issue is suitable for study and discussion, and to ensure all sides of a controversial issue are impartially presented, with adequate and appropriate factual information. Teachers shall not suppress any student's views on any issue so long as its expression is not obscene, libelous, slanderous, malicious or abusive towards others. If students, parents, or guardians have questions about this policy, or the study or discussion of a particular controversial issue, they may reach out to the teacher and/or School Leader. Teachers will endeavor to notify parents/ guardians in advance of controversial topics being discussed when they are part of the school's curriculum or a teacher's lesson plan so that parents can also share their personal views at home. However, since students often make statements or ask questions about these sorts of topics, or bring in materials and discuss or share them spontaneously, we cannot always notify parents/ guardians in advance of such classroom discussions. Where advance notice is not possible, teachers will endeavor to notify parents/guardians via email or verbally after the fact. It must be noted that since every parent has a different definition of what would constitute a controversial and/or sensitive topic, the school cannot always guarantee notice to parents / guardians because a teacher might not recognize a topic as generally controversial or sensitive even though it might be controversial and/or sensitive to an individual.

As teachers notify parent(s) regarding controversial and/or sensitive topics being addressed at school, in accordance with the right to privacy contained in the California State Constitution, parent(s) will not be notified of any issues involving individual students without the consent of that student's family. For example, if a student is undergoing cancer treatments and a discussion of this comes up in class, you will not be notified that a student in your child's class has cancer or is undergoing medical treatments. Such information shall not be disclosed without consent of that student's parent(s) and/or legal guardian(s) in order to protect the privacy rights of the student as afforded by the California State Constitution. As a result of student privacy rights, parent(s) may not be notified of all circumstances that led KIPP to choose a particular piece of supplemental instructional material. For example, if KIPP determines that it is necessary to prevent racial harassment or bullying, it might choose to expose students to material on racial discrimination to sensitize students about the need to teach others with respect.

## Gender Identity Inclusion and Nondiscrimination Policy

### PURPOSE:

California law and KIPP Bay Area Public Schools ("KIPP") require that all programs, activities, and employment practices be free from discrimination based on sex, sexual orientation, or gender identity. This policy is designed to comply with these mandates to create a safe learning environment for all students and to ensure that every student has equal access to all school programs, activities, and facilities.

This policy sets out guidelines for KIPP and KIPP staff to address the needs of transgender, gender nonconforming, and queer students and clarifies how state law should be implemented in situations where questions may arise about how to protect the legal rights or safety of such students.

This policy does not anticipate every situation that might occur with respect to transgender or gender nonconforming students, and the needs of each transgender, gender nonconforming, or queer student must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of the transgender, gender nonconforming, or queer student while maximizing the student's social integration and minimizing stigmatization of the student.

### DEFINITIONS:

The definitions provided here are not intended to label students but rather to assist in understanding this policy and the legal obligations of KIPP staff. Although these are commonly used terms, students may or may not choose to use these terms to describe their gender identity, appearance, or behavior. We encourage students and staff to refrain from sharing information about someone's gender identity, gender expression, or orientation, or using a specific term to describe someone's identity, orientation, or expression, unless that person has used the term themselves and given permission for others to use it to describe them.

- **"Gender expression" or "Gender Presentation"** is an individual's characteristics and behaviors that are perceived as gendered, such as appearance, dress, mannerisms, speech patterns, and social interactions. Under California law, "gender expression" is defined as person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

- **“Gender Fluid”** refers to persons who does not identify as, or who do not express themselves as, solely one gender.
- **“Gender identity”** is a person’s internal, deeply felt sense knowledge of their own gender, regardless of the gender they were assigned at birth. Everyone has a gender identity.
- **“Gender nonconforming”** is a term used to describe a person who is or is perceived to have gender characteristics or behaviors that do not conform to traditional or societal expectations. Gender non-conforming people may or may not identify as LGBTQ.
- **“LGBTQ”** is an umbrella term that stands for "lesbian, gay, bisexual, transgender, and questioning." The category "questioning" is included to incorporate those that are not yet certain of their sexual orientation and/or gender identity.
- **“Queer,”** refers to a member of the LGBT and/or gender nonconforming community. This term may be used by someone who identifies as a member of the LGBT community, but who does not specifically consider themselves to be lesbian, gay, bisexual, or transgender. This term is also sometimes associated with sexual orientation.
- **“Sex”** refers to the biological condition or quality of being a female or male human being.
- **“Sexual Orientation”** is a person’s emotional and sexual attraction to other people based on the gender of the other person. While KIPP recognizes that people may not identify their sexual orientation with the following terms, sexual orientation as a protected class under California law is defined as heterosexuality, homosexuality, or bisexuality.
- **“Sexualized Bullying”** refers to unwanted or demeaning conduct or comments directed at or about an individual on the basis of actual or perceived gender, gender identity and expression, sex, sexual behavior, sexual orientation, or other related personal characteristics with the intention to humiliate. Anti-gay and sexist epithets are common forms of sexualized bullying.
- **“Transgender”** is an umbrella term used to describe people whose gender identity, characteristics, or expression does not conform to the identity, characteristics, or expression traditionally associated with their biological sex.
- **“Transition”** is the process by which a person goes from living and identifying as one gender to living and identifying as another. Transitions may include physical, social, and/or medical processes. The exact steps involved in transition vary from person to person. Transitions are private, and personal information about a transition should not be discussed unless the conversation is initiated and led by the transgender or gender nonconforming student.

## Privacy

All persons, including students, have a right to privacy. This includes the right to keep private one’s transgender status or gender nonconforming presentation at school.

Information about a student’s transgender status, legal name, or sex assigned at birth also may constitute confidential medical information. KIPP personnel should not disclose information that may reveal a student’s transgender status or gender nonconforming presentation to others, including parents and other school personnel, unless

- legally required to do so by a court order,
- there is a significant threat to the health or safety of a student or other individuals, and/or
- the student has authorized such disclosure.

Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information.

When contacting the parent or guardian of a transgender or gender nonconforming student, school personnel should use the student’s legal name and the pronoun corresponding to the student’s sex assigned at birth unless the student, parent, or guardian has specified otherwise. Additionally, KIPP will take measures to ensure that disclosures under the permitted circumstances outlined above are made in a way that reduces or eliminates the risk of re-disclosure and protects the transgender student from harassment and discrimination. Those measures may include providing counseling to the student and the student’s family to facilitate the family’s acceptance and support of the student’s transgender status.

## Official Records

KIPP is required to maintain a mandatory permanent pupil record (“official record”) that includes a student’s legal name and legal gender. However, KIPP is not required to use a student’s legal name and gender on other unofficial school records or documents (e.g. school IDs, announcements, yearbooks, certificates, etc.). To the extent that the school is not legally required to use a student’s legal name and gender on other school records or documents, every effort should be made to update student records with the student’s chosen name and not circulate records with the student’s birth name.

KIPP will change a student’s official record to reflect a change in legal name or legal gender upon receipt of documentation that such change has been made pursuant to a court order. In situations where school staff or administrators are required by law to use or to report a transgender student’s legal name or gender, such as for purposes of standardized testing, school staff and administrators



shall adopt practices to avoid the inadvertent disclosure of such confidential information. This may include keeping records that reflect a transgender student's birth name and assigned sex (e.g., a copy of the birth certificate) apart from the student's school records.

### Names/Pronouns

A student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity. A court-ordered name or gender change is not required, and the student need not change his or her official records. The student's age is not a factor. If KIPP personnel are unsure how a student wants to be addressed, they may privately ask the student. KIPP personnel should prioritize the safety, confidentiality, and respect of the student in a manner that affirms the law

The intentional or persistent refusal to respect a student's gender identity (for example, intentionally referring to the student by a name or pronoun that does not correspond to the student's gender identity) is a violation of this policy and may constitute as sex discrimination.

### Gender-Specific Activities

To the extent possible, schools should reduce or eliminate the practice of segregating students by gender. Whenever students are separated by gender in school activities or are subject to an otherwise lawful gender-specific rule, policy, or practice, students must be permitted to participate in such activities or conform to such rule, policy, or practice consistent with their gender identity. Examples of such activities may include gym classes, health classes, or intramural activities. Transgender or gender nonconforming students shall not be denied the opportunity to participate in such activities, nor shall they be forced to participate in these activities outside of the assigned time. Activities that may involve the need for accommodations to address student privacy concerns, such as overnight field trips, will be addressed on a case-by-case basis. In such circumstances, staff shall make a reasonable effort to provide an available accommodation that can address any such concerns.

### Restroom Accessibility

Students shall have access to the restroom that corresponds to their gender identity. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a reasonable, safe, and adequate alternative, such as a single "unisex" restroom or staff restroom. Any alternative arrangement should be provided in a way that protects the student's ability to keep their transgender status confidential. However, transgender students shall not be forced to use a separate, single-stall facility.

### Locker Room Accessibility

The use of locker rooms by transgender students shall be assessed on a case-by-case basis with the goals of maximizing the student's social integration and equal opportunity to participate in physical education classes and sports, ensuring the student's safety and comfort, and minimizing stigmatization of the student. Transgender students will have access to the locker room that corresponds to their gender identity. Any student who has a need or desire for increased privacy, regardless of the underlying reason, will be provided with a reasonable alternative changing area such as the use of a private area (e.g., a nearby restroom stall with a door, an area separated by a curtain, a P.E. instructor's office in the locker room, or a nearby health office restroom), or with a separate changing schedule (e.g., using the locker room that corresponds to their gender identity before or after other students). Any alternative arrangement should be provided in a way that protects the student's ability to keep their transgender status confidential. In no case shall a transgender student be required to use a locker room that conflicts with the student's gender identity.

### Physical Education Classes & Intramural Sports

Transgender and gender nonconforming students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity.

### Interscholastic Competitive Sports Team

Transgender and gender nonconforming students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity.

### Dress Codes

Transgender and gender nonconforming students have the right to dress in a manner consistent with their gender identity or gender expression. In general, schools may not adopt dress codes that restrict students' clothing or appearance on the basis of gender.

School staff must not enforce the dress code more strictly against transgender and gender nonconforming students than other students.

### Addressing Instances of Discomfort

KIPP recognizes that non-staff members of the KIPP community, such as students or parents/guardians, may express discomfort with the guidance and accommodations outlined in this policy, such as restroom or locker room access. This discomfort is not a valid reason to deny or limit the rights of access and expression outlined in this policy. School administrators, teachers, and mental health professionals will work with students to address the discomfort, foster understanding, and create a school culture that respects and values all students.

### Discrimination, Harassment, & Bullying

It is the responsibility of each KIPP Bay Area School and KIPP staff to ensure that transgender and gender nonconforming students have a safe school environment. This includes ensuring that any incident of discrimination, harassment, or violence is given immediate attention, including investigating the incident, taking appropriate corrective action, and providing students and staff with appropriate resources. Complaints alleging discrimination or harassment based on a person's actual or perceived transgender status or gender nonconformity are to be handled in the same manner as other discrimination or harassment complaints. (See the "Related Resources" and the "Assistance" sections of this policy for further information regarding the filing of discrimination or harassment complaints.)

### RELATED RESOURCES

Please refer to the "Policy Regarding Gender Identity Equality and Nondiscrimination Guidance" document for resources, related policies, and FAQs.

Complaints about violations of this policy should be handled through the Uniform Complaint Procedures. Cal. Code Regs. tit. 5, §§ 4600-4687. You can access KIPP' "Uniform Complaint Policy" in the main office and in this Manual.

### SUPPORTING EDUCATION CODE PROVISIONS:

The California Education Code states that "all pupils have the right to participate fully in the educational process, free from discrimination and harassment." Cal. Ed. Code Section 201(a). Additionally, it provides that no person shall be subject to discrimination on the basis of gender, gender identity, or gender expression in any program or activity conducted by an educational institution that receives or benefits from state financial assistance. Cal. Ed. Code Section 220. The Education Code further provides that public schools have an affirmative obligation to combat sexism and other forms of bias, and a responsibility to provide equal educational opportunity to all pupils. Cal. Ed. Code Section 201(b).

The California Code of Regulations similarly provides that "[n]o person shall be excluded from participation in or denied the benefits of any local agency's program or activity on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability in any program or activity conducted by an 'educational institution' or any other 'local agency'. . .that receives or benefits from any state financial assistance." 5 CCR Section 4900(a).

The California Code of Regulations defines "gender" as: "sex and includes a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth." 5 CCR Section 4910(k).

### **Annual Notice: Parent and Family Engagement Policy**

The Charter School aims to provide all students in our school 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"). The Charter School staff recognizes a partnership with families is essential to meet this goal. Our Parent and Family Engagement Policy leverages and promotes active involvement of all families as partners with schools to ensure student success.

### **Annual Notice: Parents / Guardians Rights to Know**

KIPP receive Title I funding that supports many important strategies for student's success. A provision of Federal Title I requires that all schools receiving Title I funding must notify the parents/guardians that they have the right to request and receive timely information on the professional qualifications of classroom teachers and paraprofessionals. This includes state qualifications, licensing for the grade level or subject taught, any waivers for qualifications, emergency provisions, college major, graduate degrees and subject.

## Parent and Guardian Grievance Policy

KIPP has established the following grievance protocol, the intent of which is to fairly and promptly resolve any concern, dispute, or complaint brought by parents or guardians against any KIPP policy, practice, procedure, or employee. For complaints regarding harassment or perceived violations of state or federal laws, please refer to the KIPP Anti-Discrimination, Sexual Harassment, Harassment, Discrimination and Bullying Policy and/or the KIPP Uniform Complaint Procedures.

KIPP takes parent and guardian concerns and complaints seriously. There are no negative consequences for filing a complaint, or asking for assistance in doing so. No reprisals or retaliation shall be invoked against any student, parent or guardian for processing, in good faith, a complaint, either on an informal or formal basis, or for participating in any way in these complaint procedures.

If parents and guardians have questions about the formal process outlined below, or would like assistance with the process, they should contact the office of the Chief of Schools. Requests for assistance can include but are not limited to requests for translation or transcription services, and assistance contacting and scheduling with the appropriate parties.

Every attempt is made to resolve complaints informally and through direct dialogue with the affected parties. In the instances when that is not possible, a formal process is in place.

### Parent and Guardian Complaints

1. **Informal Resolution:** Schedule a conference with the immediately-involved teacher, school leader, or administrator to discuss and informally resolve the issue.
2. **School Site Conference:** If parent(s) or guardian(s) concludes that the initial response/course of action was insufficient:
  - a. If the School Leader is immediately involved in the complaint, move to Regional Management Review.
  - b. Submit a written Grievance Letter to the School Leader that identifies: (a) the issue / concern / complaint; (b) what steps have been taken to resolve the situation; and (c) proposed solutions. If a parent or guardian is unable to put a complaint in writing due to conditions such as a disability or illiteracy, or requires translation services to put a complaint into writing, KIPP staff shall assist him or her in the filing of the complaint.
  - c. Within 10 business days of the receipt of a Grievance Letter, the School Leader will reach out to arrange a conference, to take place as soon as possible.
3. **Regional Management Review:** If a resolution cannot be reached with the School Leader, repeat Steps 2B and 2C with the School Leader's manager (Managing Director of Schools and/or Chief of Schools).
4. **Chief Executive Officer's Review:** If a resolution cannot be reached with the Chief of Schools, repeat Steps 2B & 2C with Chief Executive Officer.
5. **Grievance Committee Review:** If a resolution cannot be reached with the Chief Executive Officer, parent(s) may submit a formal Grievance Packet to the Grievance Committee of the Board of Directors. The contents of the packet and process for submission are outlined below.

### Board of Directors' Grievance Committee Resolution Procedures

KIPP Bay Area Public Schools' Board of Directors shall annually appoint a Grievance Committee comprised of three (3) Directors and the Chief Executive Officer (the Chief Executive Officer shall not participate in any grievance proceeding in which s/he is the subject of an original grievance).

A parental Grievance Packet should be submitted in writing to the Grievance Committee within 30 days of the last meeting with staff. If a parent or guardian is unable to complete a Grievance Packet in writing due to conditions such as a disability or illiteracy, or requires translation services to put a complaint into writing, KIPP staff shall assist him or her in the filing of the Grievance Packet.

The Grievance Packet should contain:

- The nature and date of the grievance and any related or supporting documents;
- The results of previous discussions to resolve the conflict, including any correspondence;
- The reason for the parent(s) or guardian(s)' dissatisfaction with the decisions previously rendered; and
- A description of the relief sought.

Within 30 days of the submission of a complete Grievance Packet, the Grievance Committee shall:

- Research the nature of the complaint;
- Interview the concerned parties; and
- Render a final ruling on the grievance.

The decision of the Grievance Committee shall be final. The Board of Directors shall, at its next regularly scheduled meeting, be informed of all decisions made by the Grievance Committee.

## General Requirements

1. Confidentiality: All complainants will be notified that information obtained from the complainants and thereafter gathered will be maintained in a manner as confidential as possible, but in some circumstances absolute confidentiality cannot be assured.
2. Non-Retaliation: All complainants will be advised that they will be protected against retaliation as a result of the filing of any complaints or participation in any complaint process.
3. Resolution: KIPP will investigate complaints appropriately under the circumstances and pursuant to the applicable procedures, and if necessary, take appropriate remedial measures to ensure effective resolution of any complaint.

**\*\*Please see the corresponding General Complaint Form within the Appendix \*\***

## **Harassment Policy**

KIPP is committed to providing a work and educational environment that is free of harassment based on any protected characteristics. As a result, KIPP maintains a strict policy prohibiting harassment of any kind against students, families, employees, individuals providing services in the workplace pursuant to a contract and unpaid interns or volunteers based on any legally-recognized basis, including, but not limited to, their actual or perceived race or ethnicity, religion, religious affiliation, religious creed, color, national origin, ancestry, physical or mental disability, medical condition (including pregnancy, childbirth, lactation and related medical conditions), genetic information, marital status (including registered domestic partnership status), gender (including gender identity and expression), age (40 or over), sexual orientation, Civil Air Patrol status, military and veteran status, immigration and citizenship status or any other consideration protected by federal, state or local law. For purposes of this policy, harassment on the basis of "national origin" also includes harassment against an individual because that person holds or presents the California driver's license issued to those who cannot document their lawful presence in the United States. All such harassment is prohibited.

Harassment is any form of uninvited and unwanted physical or verbal behavior that creates an intimidating, hostile, or demeaning environment for education including but not limited to:

- Verbal conduct including threats, epithets, derogatory comments or slurs based on an individual's protected classification;
- Visual conduct, including derogatory posters, photographs, cartoons, drawings or gestures based on protected classification;
- Physical conduct, including assault, unwanted touching, intentionally blocking normal movement or interfering with school because of sex, race or any other protected basis;
- Retaliation for reporting or threatening to report harassment; and
- Deferential or preferential treatment based on any of the protected classes above.

### Prohibited Unlawful Harassment under Title IX

Title IX (20 U.S.C. § 1681 et. seq; 34 C.F.R. § 106.1 et. seq) and California state law prohibit harassment on the basis of sex. In accordance with these existing laws, discrimination on the basis of sex in education institutions is prohibited. All persons, regardless of sex, are afforded equal rights and opportunities and freedom from unlawful discrimination in education programs or activities conducted by KIPP Schools. KIPP Schools is committed to providing an educational environment free of sexual harassment and considers such harassment to be a major offense, which may result in disciplinary action.

Sexual harassment consists of sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (a) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, education, academic status, or progress; (b) submission to, or rejection of, the conduct by the individual is used as the basis of employment, educational or academic decisions affecting the individual; (c) the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment; and/or (d) submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution. It is also unlawful to retaliate in any way against an individual who has articulated a good faith concern about sexual harassment against him/her or against another individual. Sexual harassment may include, but is not limited to:

- Physical assaults of a sexual nature, such as:
  - Rape, sexual battery, molestation or attempts to commit these assaults.
  - Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another's body, or poking another's body.
- Unwanted sexual advances, propositions or other sexual comments, such as:
  - Sexually oriented gestures, notices, remarks, jokes, or comments about a person's sexuality or sexual

- o experience.
- o 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.
- o Subjecting or threats of subjecting a student to unwelcome sexual attention or conduct or intentionally making the student's academic performance more difficult because of the student's sex.
- Sexual or discriminatory displays or publications anywhere in the educational environment, such as:
  - o Displaying pictures, cartoons, posters, calendars, graffiti, objections, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning or pornographic or bringing or possessing any such material to read, display or view in the educational environment.
  - o Reading publicly or otherwise publicizing in the educational environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic.
  - o Displaying signs or other materials purporting to segregate an individual by sex in an area of the educational environment (other than restrooms or similar rooms).

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

Suspensions and expulsion may be the result and consequence for any physical or verbal harassment.

### Harassment Complaint Procedure

KIPP Schools' reporting procedure provides for a thorough and objective investigation of any harassment or discrimination claim, appropriate disciplinary action against one found to have engaged in prohibited harassment or discrimination, and appropriate remedies for any victim of harassment or discrimination, if warranted under the circumstances.

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

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

Complaints regarding such misconduct may also be made to the U.S. Department of Education, Office for Civil Rights.

The School Leader will notify the authorities, if necessary, and Regional Human Resources. When a report is received, KIPP Schools will conduct a fair, timely, thorough and objective investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected.

While submission of a written report is not required, the reporting party is encouraged to submit a written report to the Coordinator. Oral reports shall also be considered official reports. Reports may be made anonymously, but formal disciplinary action cannot be based solely on an anonymous report.

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

Upon receipt of a report of misconduct prohibited by this Policy from a student, staff member, parent, volunteer, visitor or affiliate of KIPP, the Coordinator or administrative designee will promptly initiate an investigation. In most cases, a thorough investigation will take no more than seven (7) school days. If the Coordinator, or administrative designee determines that an investigation will take longer than seven (7) school days, he or she will inform the complainant and any other relevant parties and provide an approximate date when the investigation will be complete.

Upon completion of the investigation, KIPP Schools will communicate its conclusion as soon as practical directly to the parties involved. However, in no case may the Coordinator or administrative designee reveal confidential information related to other students or employees, including the type and extent of discipline issued against such students or employees. All records related to any investigation of complaints under this Policy are maintained in a secure location.

If KIPP Schools determines that this Policy has been violated, remedial action will be taken, commensurate with the severity of the offense, up to and including termination of employment or student expulsion. Appropriate action will also be taken to deter any such conduct in the future.

## Uniform Complaint Procedures

The complainant will be referred to the Uniform Complaint Procedures located in this Manual, when harassment or bullying is based upon one of the protected characteristics set forth in this Policy.

## Right of Appeal

Should the Complainant find the School Leader's resolution unsatisfactory, he/she may, within five (5) school days, file an appeal with the Chief of Schools. In such cases, the Chief of Schools will conduct a confidential review of the Complainant's appeal and render a final decision.

## Protection Against Retaliation

Retaliation is prohibited against any person by an employee, student or by KIPP Schools for using KIPP Schools' complaint procedure, reporting proscribed discrimination or harassment or filing, testifying, assisting or participating in any manner in any investigation, proceeding or hearing conducted by a governmental enforcement agency.

Employees should reference the Policy Against Workplace Harassment and Discrimination in the KIPP Bay Area Staff Handbook and follow the Complaint Procedure contained therein.

**\*\*Please see the corresponding Title IX, Harassment, and Bullying Complaint Form within the Appendix \*\***

## Uniform Complaint Policy and Procedures

KIPP's policy is to comply with applicable federal and state laws and regulations. KIPP is the local agency primarily responsible for compliance with federal and state laws and regulations governing educational programs. Pursuant to this policy, persons responsible for conducting investigations shall be knowledgeable about the laws and programs which they are assigned to investigate. 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, disability, ethnic group identification, gender expression, gender identity, gender, genetic information, nationality, national origin, race or ethnicity, immigration status, religion, sex, or sexual orientation, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any KIPP program or activity; and
- (2) Complaints of violations of state or federal law and regulations governing the following programs including but not limited to: Adult Education Programs, Consolidated Categorical Aid Programs, Migrant Education, Career Technical and Technical Education and Career Technical and Technical Training Programs, Child Care and Development Programs, Child Nutrition Programs, Foster and Homeless Youth Services, Every Student Succeeds Act / No Child Left Behind Act (2001) Programs (Titles I-VII), 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 if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to pupil fees.
  - d. If KIPP finds merit in a pupil fees complaint, the school shall provide a remedy to all affected pupils, parents, and guardians that, where applicable, include reasonable efforts by the school to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.
  - e. Nothing in this section shall be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or school districts, school, and other entities from providing pupils prizes or other recognition for voluntarily participating in fundraising activities.
- (4) Complaints of noncompliance with the requirements governing the Local Control Funding Formula or Sections 47606.5 and 47607.3 of the Education Code, as applicable.
- (5) Complaints of noncompliance with the requirements of Education Code Section 222 regarding the rights of lactating pupils on a school campus. If the Charter School finds merit in a complaint, or if the Superintendent finds merit in an appeal, the Charter School shall provide a remedy to the affected pupil.

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

KIPP 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 following compliance officer(s) have been designated to receive and assign investigators to complaints and to ensure KIPP' compliance with law:

#### **Complaints Concerning or Involving KIPP Staff**

Lupita Medina  
 Director of Human Resources  
 1000 Broadway, Suite 460  
 Oakland, CA 94607  
 510-465-5477

The Director of Human Resources 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 Director of Human Resources or designee. Should a complaint be filed against the investigator, the compliance officer for that case shall be the Chief People Officer.

#### **Complaints Concerning or Involving KIPP Students**

Marie Huxley  
 Chief Academic Officer  
 1000 Broadway, Suite 460  
 Oakland, CA 94607  
 510-465-5477

#### Notifications

KIPP shall annually provide written notification of the uniform complaint procedures to employees, students, parents and/or guardians, advisory committees, private school officials and other interested parties.

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

KIPP shall make available copies of the uniform complaint procedures free of charge.

The annual notice shall include the following:

- (a) A statement that KIPP 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 KIPP' decision to the CDE by filing a written appeal within 15 days of receiving the KIPP' 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 KIPP 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 KIPP. 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, and intimidation or bullying.

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.

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

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

### **Step 2: Mediation**

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

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

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

The use of mediation shall not extend KIPP' 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 KIPP' investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her engagement in any other obstruction of the investigation, may



result in the dismissal of the complaint because of a lack of evidence to support the allegation.

KIPP' 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 KIPP' investigation and decision, as described in Step #5 below, within sixty (60) days of KIPP' receipt of the complaint.

#### **Step 5: Final Written Decision**

KIPP' decision shall be in writing and sent to the complainant. KIPP' 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 KIPP' 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 KIPP' 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 KIPP' decision, the complainant may appeal in writing to the CDE within fifteen (15) days of receiving KIPP' 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 KIPP' decision.

Upon notification by the CDE that the complainant has appealed KIPP' decision, the following documents shall be forwarded 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 KIPP, if not covered by the decision.
4. A copy of the investigation files, 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 KIPP' complaint procedures.
7. Other relevant information requested by the CDE.

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

#### **Civil Law Remedies**

A complainant may pursue available civil law remedies outside of KIPP' complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not

limited to, injunctions and restraining orders. For unlawful discrimination, harassment, intimidation or bullying complaints arising under state law, however, a complainant must wait until sixty (60) days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if KIPP has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.

**\*\*Please see the corresponding Complaint UCP Form within the Appendix \*\***

## **Education Records, Student Information and Retention Policy (Including FERPA)**

### **DEFINITION:**

A “student record” is defined as any item of information directed related to an individual pupil, other than directory information, that is maintained by KIPP Bay Area Schools (“KIPP, the “School, “Charter School”) or required to be maintained an employee in the performance of his/her duties whether recorded by handwriting, print, tapes, film, microfilm, or other means.

Such information includes, but is not limited to:

- A. Date and place of birth; parent and/or guardian’s address, mother's maiden name and where the parties may be contacted for emergency purposes;
- B. Grades, test scores, courses taken, academic specializations and school activities;
- C. Special education records;
- D. Disciplinary records;
- E. Medical and health records;
- F. Attendance records and records of past schools attended; and/or
- G. Personal information such as, but not limited to, a student’s name, the name of a student’s parent or other family member, student identification numbers, social security numbers, photographs, biometric record or any other type of information that aids in identification of a student.

An education record does not include any of the following:

- A. Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
- B. Records maintained by a law enforcement unit of KIPP that were created by that law enforcement unit for the purpose of law enforcement;
- C. In the case of a person who is employed by KIPP but not in attendance at KIPP, records made and maintained in the normal course of business, relate exclusively to the individual in that individual's capacity as an employee and are not available for any other purpose;
- D. Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:
  - a) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
  - b) made, maintained, or used only in connection with treatment of the student; and
  - c) disclosed only to individuals providing the treatment. For the purpose of this definition, “treatment” does not include remedial educational activities or activities that are part of the program of instruction at KIPP;
- E. Records that only contain information about an individual after he or she is no longer a student at KIPP; or
- F. Grades on peer-graded papers before they are collected and recorded by a teacher.

“Personally identifiable information” includes, but is not limited to, (a) the student’s name, (b) the name of the student’s parent/guardian or other family member, (c) the address of the student or student’s family, (d) a personal identifier such as the student’s social security number, biometric record, or student number, (e) other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name, (f) other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty, and/or (g) information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

- “Directory Information” – KIPP may disclose the personally identifiable information that it has designated as directory information, consistent with the terms of the annual notice provided by KIPP pursuant to the Family Educational Rights

and Privacy Act of 2001 (20 U.S.C. § 1232g) (“FERPA”). KIPP has designated the following information as directory information:

- Student’s name
  - Student’s address
  - Parent/guardian’s address
  - Telephone listing
  - Parent/guardian’s electronic mail address
  - Date and place of birth
  - Dates of attendance
  - Grade level
  - The most recent educational agency or institution attended
  - Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems that cannot be used to access education records without a PIN, password, etc. (A student’s SSN, in whole or in part, cannot be used for this purpose.)
- “School Official” is a person employed by KIPP as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the Board of Directors of KIPP. A school official also may include a volunteer for KIPP or an independent contractor of KIPP or other party who performs an institutional service or function for which KIPP would otherwise use its own employees and who is under the direct control of KIPP with respect to the use and maintenance of personally identifiable information from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks.
  - “Legitimate Educational Interest” a school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

All folders, documents, and items created by KIPP Bay Area Schools and received from previous schools which are directed related to an individual pupil are all considered to be part of the student’s record and will be maintained as follows:

Cumulative Folder:

The cumulative file must contain at a minimum, the following:

- Enrollment Paperwork and Application
- Emergency Contact Information
- Report Cards
- Transcripts
- Standardized Test Scores
- Disciplinary Records (Suspensions and Expulsions)
- Immunization Card
- Health Records

The cumulative file may also contain items regarding student’s health such as:

- Record of Doctor Visit
- Record of Dentist Visit
- Results of any School Based Screenings (Vision, Hearing, Scoliosis)

Confidential Folder

The “Confidential Folder” is kept separate from the cumulative student record to provide additional protection for student privacy and is established when a student is referred for special education screening, a 504 plan has been established, an individual educational program (“IEP”) has been established, or for information that is personal or supplemental to student data.

Schools must contact the Education Specialist at their school site or the Director of Special Education for KIPP Bay Area Schools for clarity of processes around maintenance, location, and access regarding Special Education Student Records within the confidential folder and/or the cumulative records folder. The School’s Special Education department should work with the Operations team to manage these confidential files.

**Record Classification:**

All student records are classified as “Mandatory Permanent Pupil Records,” “Mandatory Interim Pupil Records,” or “Permitted Pupil Records.” Regulations governing access, transfer, and destruction of records vary according to their classification (See Retention and Access and Transfer sections for more information.)

- Mandatory Permanent Pupil Records: are those records which are maintained in perpetuity and which schools have been directed to compile by state law, regulation or authorized administrative directive.
- Mandatory Interim Pupil Records: are those records, which the schools are directed to compile and maintain for stipulated periods of time (3 years) and are then destroyed in accordance with state law, regulation or authorized administrative directive.
- Permitted Pupil Records: are those records having clear importance only to the current educational process of the student (6 months).

(See Classification of Records Table on next page)

Mandatory Permanent Pupil Records (Maintain Permanently)	Mandatory Interim Pupil Records (Maintain 3 years after usefulness has ceased)	Permitted Pupil Records (Maintain 6 months after usefulness has ceased)
<p>The following Permanent Records shall be kept indefinitely:</p> <ol style="list-style-type: none"> <li>1. Legal name of student.</li> <li>2. Date and place of birth.</li> <li>3. Method of verification of birth date. Sex of the student.</li> <li>4. Name and address of parent/guardian of minor student, or address of minor student if different from the above with annual verification of address.</li> <li>5. Enrollment start and end date of each school year and for any summer session or other extra session.</li> <li>6. Subjects taken during each year, half-year, summer session or quarter/trimester, and marks, credits, or grades given.</li> <li>7. Verification of or exemption from required immunizations.</li> <li>8. Date of high school graduation or Equivalent (if applicable).</li> </ol>	<p>Unless forwarded to another district or school, Interim Records shall be maintained subject to destruction during the third school year following a determination that their usefulness has ceased. These records include:</p> <ol style="list-style-type: none"> <li>1. A log identifying persons or agencies who request or receive information from the record.</li> <li>2. Health records and information, including Child Health and Disability Prevention Program verification or waiver.</li> <li>3. Information on participation in Special Education programs, including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge.</li> <li>4. Language training records</li> <li>5. Progress slips/notices for student academic evaluation required by Ed. Code 49066 &amp; 49067.</li> <li>6. Parental restrictions/stipulations regarding access to directory information.</li> <li>7. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action.</li> <li>8. Parent/guardian authorization</li> </ol>	<p>Permitted Record may be destroyed six months after the student completes or withdraws from the educational program, including:</p> <ol style="list-style-type: none"> <li>1. Objective counselor/teacher ratings (e.g. Student success documents).</li> <li>2. Standardized test results older than three years.</li> <li>3. Routine disciplinary data (e.g. KIPP Paychecks).</li> <li>4. Verified reports of relevant behavioral patterns.</li> <li>5. All disciplinary notices.</li> <li>6. Attendance records not covered in the Administrative Code Section 400.</li> </ol>

	<p>or denial of student participation in specific programs.</p> <p>9. Results of standardized tests administered within the past three years.</p> <p>10. Attendance verification documentation needed to fiscal audit</p> <p>11. Work permits/Permits to Employ (if applicable)</p>	
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**PARENT RIGHTS & DEFINITION:**

Annual Notification to Parents/Guardians

Upon students’ initial enrollment and at the beginning of each school year thereafter, KIPP Bay Area Schools shall notify parents/guardians and eligible students currently in attendance, in writing, of their rights related to student records. Insofar as practicable, KIPP Bay Area Schools shall provide these notices in the student’s home language and shall effectively notify parents, guardians or eligible students who are disabled.

The notification shall include information about:

- The types of student records and the information contained therein which are directly related to students and maintained by KIPP Bay Area Schools.
- The titles of the official(s) responsible for maintaining each type of record.
- The location of the log identifying those who request information from the records.
- KIPP Bay Area Schools criteria for defining “school officials and employees” and for determining “legitimate educational interest.”
- KIPP Bay Area Schools policies for reviewing and expunging student records.
- The right/procedures of the parent to inspect and review student records.
- The right/procedures to challenge/amend the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student’s privacy rights.
- The cost, if any, charged for duplicating copies of records.
- The categories of information defined as directory information.
- The right to consent to disclosures of personally identifiable information contained in the student’s records except when disclosure without consent is authorized by law.
- Any other rights and requirements set in Education Code sections 49060 - 49078 and the rights of parents/guardians to file a complaint with the United States Department of Education concerning an alleged failure by KIPP Bay Area Schools to comply with this section of the law.
- The availability of the prospectus.
- A statement that KIPP Bay Area Schools forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll.
- Request that KIPP not release student names, addresses and telephone listings to military recruiters or institutions of higher education without prior written parental consent.

Disclosure of Directory Information

At the beginning of each school year, KIPP shall provide parents and eligible students with a notice containing the following information: 1) The type of personally identifiable information it designates as directory information; 2) The parent’s or eligible student’s right to require that KIPP not release “directory information” without obtaining prior written consent from parent or eligible student; and 3) The period of time within which a parent or eligible student must notify KIPP in writing of the categories of “directory information” that it may not disclose without the parent’s or eligible student’s prior written consent. KIPP will continue to honor a valid request to opt out of the disclosure of a former student’s directory information made while the former student was in attendance unless the student rescinds the opt out request.

Parent Definition

Anyone who meets one of the definition of Parent included below may serve as a parent in relation to Schools records.

- 1) A biological or adoptive parent of a child;<sup>1</sup>
- 2) A foster parent;<sup>2</sup>
- 3) A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child, including a responsible adult appointed for the child by court order;
- 4) An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; and/or
- 5) A surrogate parent who has been appointed.<sup>3</sup>

#### Non-Custodial Parents

Both natural and adoptive parents of any student may access their child's student records, participate in School activities, visit the student at School and pick up the student after school. These rights shall be respected even if legal custody is vested in only one named parent, unless a court order restricts the right of the non-custodial parent. Parent/guardians may be asked to provide evidence of any completed or pending legal action, which curtails the non-custodial parent's rights. School staff shall always abide by the most recent court order on the matter.

#### Adult Students

An "adult student" or "eligible student" is a person who is or was enrolled in School and who is 18 years of age. Educational rights transfer from the parents to a student who is 18 years old under State law. As such, an adult will have the ability to request his or her own student records, challenge student records, etc.

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

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202-5920

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<sup>1</sup> The biological or adoptive parent, when attempting to act as the parent under this part and when more than one party is qualified as a parent, must be presumed to be the parent for purposes of this section unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.

<sup>2</sup> Only if the authority of the biological or adoptive parents to make educational decisions on the child's behalf specifically has been limited by court order

<sup>3</sup> If a judicial decree or order identifies a specific person or persons under paragraphs (a)(1) through (4) of this section to act as the "parent" of a child or to make educational decisions on behalf of a child, then such person or persons shall be determined to be the "parent" for purposes of this section.

## **MAINTENANCE AND RETENTION**

### **Regional Roles & Responsibilities:**

KIPP Bay Area Schools recognizes the importance of keeping accurate, comprehensive student records as required by law. KIPP Bay Area Schools' regional office will be responsible for developing and providing to schools a description of the policies and procedures for proper maintenance and transfer of student records.

This procedures and regulations in this Policy will also apply if a School within KIPP Bay Area Schools closes. In addition, KIPP Bay Area Schools' regional office will ensure a final audit of the School to determine the disposition of all assets and liabilities of the School, as well as the compliant process for disposition, and the maintenance and transfer of student records.

At each school, a designee shall act as custodian of records for students enrolled at that school. Each school site is held responsible to adhering all the procedures and regulations stated in this Policy regarding all files and documentation identified as a student record. All student records, electronic and physical, will be managed and kept at each appropriate school site where the student's current enrollment is held. Each school site shall be responsible for the coordination of information security for student data and records. KIPP Bay Area Schools will designate an employee to serve as custodian of records, with responsibility for student records at the regional level.

### **Security & Confidentiality:**

#### Safe Location

Records for each individual student shall be maintained and stored in a central file at the school site attended by the student. When records are maintained in different locations, a notation in the central file as to where such other records may be found is required. The location of the central file must be a secure location.

Other student records for students that have left the school or been promoted must be retained for the required period of time, must also be maintained and stored in a central file at the appropriate school site. These records must also be stored in a secure location, as well as labeled appropriately up until the scheduled date for destruction (see Retention section for more information.)

#### Procedures for Confidentiality

The custodian of record is the administrator/school official of the site in which the documents are held. The following guidelines must be enforced at each school site where student records are held:

1. Maintain all records in a locked filing cabinet or room.
2. Records should not be left out unattended. The public should not be able to view any student information including student's names on files, binders, or documents.
3. Individual files are to be checked out using an insert that identifies the student, the date, and employee accessing the files.
4. Records sent to other school sites and/or other public or private schools need to be clearly marked confidential and tracked as to when they were sent, by whom, and when received.
5. Files kept by authorized educators with confidential information also need to be treated with the same process to protect student information.

The staff designee at each School site shall be responsible for the security of student records and shall assure that access is limited to authorized persons. The designee shall prevent the alteration, damage, or loss of original records during inspection of a parent or authorized third party. Each school site shall ensure the confidentiality of records as required by law and shall establish additional regulations if necessary to safeguard data against damage or loss. Parents may request copies of their student's record by submitting the required documentation.

#### Sensitive Records Defined

Documentation within a student record can be considered "sensitive" and may be stored in either electronic or printed format within the central file. Records shall be defined as "sensitive" if they contain an individual's first name or first initial and last name in combination with any one of the following data elements, when either the name or the elements are not encrypted or redacted:

- Social security number
- Driver's license number

- Home address\*
- Salary information
- Student attendance or grade data\*
- Medical information
- Bank account or credit card account number
- Date of birth\*
- Home phone number\*
- Maiden name

Student “directory information” shall not be defined as “sensitive records.” Any document that is part of a student record marked “Confidential,” “Sensitive,” or otherwise similarly labeled shall be treated as a “sensitive record”.

#### **Amendments:**

##### Grounds

A parent/guardian or adult student can submit a written request to correct or remove information from a student’s record. The parent/guardian or adult student must establish that specific grounds exist and provide any information concerning the student that may include any of the following grounds.

- Inaccurate.
- An unsubstantiated personal conclusion or inference.
- A conclusion or inference outside of the observer’s area of competence.
- Not based on the personal observation of a named person with the time and place of the observation noted.
- Misleading.
- In violation of the privacy or other rights of the student.

##### Process

Within 30 days of receiving a request to correct or remove information from a student record, the School leader shall attempt to meet with the parent/guardian and with the certificated employee (if still employed) who recorded the information in question.

The Charter School’s response will be in writing, and if the request for amendment is denied, the School leader will set forth the reason for the denial and inform the parent or eligible student of his or her right to a hearing challenging the content of the education record.

If the School leader sustains any or all of the allegations, he or she must order the correction or the removal and destruction of the information. The School leader or designee must then inform the parent or eligible student of the amendment in writing.

##### Hearing to Challenge the Education Record

If the School leader denies a parent or eligible student’s request to amend an education record, the parent or eligible student may, within 30 days of the denial, request in writing that he/she be given the opportunity for a hearing to challenge the content of the student’s education records on the grounds that the information contained in the education records is: inaccurate, misleading, in violation of the privacy rights of the student, an unsubstantiated personal conclusion or inference; a conclusion or inference outside of the observer’s area of competence; or not based on the personal observation of a named person with the time and place of the observation noted.

The Chief of Schools or designee (“Chief of Schools”) or the Board Chair may convene a hearing panel to assist in making determinations regarding educational record challenges provided that the parent has given written consent to release information from the pupil’s records to the members of the panel convened. The hearing panel shall consist of the following persons:

1. The school leader of a public school other than the public school at which the record is on file;
2. A certificated employee; and
3. A parent appointed by the Chief of Schools or by the Board of Directors, depending upon who convenes the panel.

The hearing to challenge the education record shall be held within thirty (30) days of the date of the request for a hearing. Notice of the date, time and place of the hearing will be sent by KIPP to the parent or eligible student no later than twenty (20) days before the hearing.

The hearing will be conducted by the Chief of Schools or his/her designee, who shall not be required to use formal rules of evidence



or procedure. The parent or eligible student will be given a full and fair opportunity to present evidence relevant to the issues relating to the challenge to the education record. The parent or eligible student may also, at his/her own expense, be assisted or represented by one or more individuals of his/her choice, including an attorney. The decision of the Chief of Schools or designee will be based solely on the evidence presented at the hearing and is final. Within thirty (30) days after the conclusion of the hearing, KIPP's decision regarding the challenge will be made in writing and will include a summary of the evidence and the reasons for the decision.

If, as a result of the hearing, the KIPP decides that the information is inaccurate, misleading, in violation of the privacy rights of the student, an unsubstantiated personal conclusion or inference, a conclusion or inference outside of the observer's area of competence, or otherwise not based on the personal observation of a named person with the time and place of the observation noted, it will amend the record accordingly and inform the parent or eligible student of the amendment in writing.

If, as a result of the hearing, KIPP decides that the information in the education record is not inaccurate, misleading in violation of the privacy rights of the student, an unsubstantiated personal conclusion or inference, a conclusion or inference outside of the observer's area of competence, or otherwise not based on the personal observation of a named person with the time and place of the observation noted, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he/she disagrees with the decision of KIPP, or both. If KIPP places a statement by the parent or eligible student in the education records of a student, it will maintain the statement with the contested part of the record for as long as the record is maintained and disclose the statement whenever it discloses the portion of the record to which the statement relates.

Grades

When a student's grade is challenged, the teacher who gave the grade shall be given an opportunity to state orally, in writing, or both, the reasons for which the grade was given. Insofar as practicable, he/she shall be included in all discussions related to any grade change. In the absence of clerical or mechanical error, fraud, bad faith or incompetency, the student's grade as determined by the teacher shall be final.

Additions

No additions except routine updating shall be made to a student's record after high school graduation or permanent departure without prior consent of the parent/guardian or adult student.

Yearly Parent Notification

At the beginning of each school year, parents/guardians shall be notified of the availability of the above procedures for challenging student records.

**Retention:**

Guidelines

Records retention is the holding (period) of records and/or documents for further use. The retention periods indicated are to assist school sites in both the retention of records and the timely destruction of documents. Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction. No original student record that is required for auditing purposes shall be destroyed prior to the second month of July succeeding the completion of the audit. School sites should use due diligence in handling and protecting confidential files and written documents included in student records prior to or during the process of disposing.

Schedule of Disposition

Materials (such as miscellaneous notes, duplicate report cards, obsolete tests, etc.) that may not fall into any classification of records and no longer serve an educational purpose shall be destroyed at the end of the school year or if the student withdraws for any reason prior to transfer of student record (see the sections on Classification of Records).

SCHEDULE OF DISPOSITION	
Record Classification or Type	Retention Time Period
Mandatory Permanent Pupil Records	In perpetuity
Mandatory Interim Pupil Records	3 years after ceased usefulness
Permitted Pupil Records	Six months after ceased usefulness
Additional Materials	End of school year or withdrawal

### Electronic Copies

The original of any records of which a photographic, microfilm, or electronic copy has been made may be destroyed according to the regulations in this Policy. At that time, provision must also be made for adhering to the regulations of permanently maintaining such photographic, microfilm, or electronic copies for the required time period according to the schedule of disposition.

If created photographic, microfilm, or electronic copies will be disposed of after required retention time period, care shall be taken to properly erase these records from electronic files when they are no longer needed or when computer hardware containing such records is discarded.

### **TRANSFERS:**

#### New Parent Notification

If a student transfers from any other school, district or private school and is enrolled, the School site shall provide to the parent/guardian the rights regarding student records, including the right to review, challenge and receive a copy of student records.

#### Transfer Requests Received (From KIPP to another school)

When a request for a student record is received, the KIPP custodian of records shall forward the appropriate student records to the requesting school, district, or private school within ten (10) school days. The school site shall require a written request on an official letterhead and send the student records in a secure packaging to the requesting school's address.

The custodian of records at each school site shall forward student mandatory permanent records as requested by the other school, district, or private school. The original mandatory permanent records, or a paper or electronic copy, shall be retained permanently by the school Site. If the transfer is to another California public school, the student's entire mandatory interim record shall be forwarded and permitted records may be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded.

Materials (such as miscellaneous notes, duplicate report cards, obsolete tests, etc.) that may not fall into any classification of records, shall be removed from the student record prior to transferring of student record. The school site is responsible for ensuring that all student records are updated before they are transferred.

#### Transfer Requests Sent (From another school to KIPP)

When sending a request for student records, the KIPP custodian of records shall contact the prior school of enrollment directly. If the prior school is closed, KIPP shall contact the local school district, county office of education, or governing body of the school for assistance.

#### Log of Transfers

All transfers of student records must be recorded in a record or log of requests for information. The log or record must be open to the inspection of a parent and the school officials and kept separate from student records. The log or record must contain the following information:

- The name and address of the requesting school or agency
- Date of request
- First and last name of student
- Student DOB

#### Record Holds

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian.

Transcripts and grades may be withheld from students who willfully fail to return school property which they have been lent. If the school is withholding grades, diploma, or transcripts from the student because of willful damage or loss of school property, this information shall be sent to the requesting school or district or private school along with the student's records.

#### Court and Law Enforcement Orders

Prior to disclosing a record pursuant to a court order, the School leader or designee shall, unless otherwise instructed by the order, give the parent/guardian or adult student at least three (3) days' notice of the name of the requesting agency and the specific record

requested if lawfully possible within the requirements of the judicial order.

When authorized by law to assist law enforcement in investigations of suspected kidnapping, the custodian of records and School leader shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another district or private school within the state. The information shall be released only to designated peace officers, federal criminal investigators and federal law enforcement officers whose names have been submitted by their law enforcement agency in writing.

#### Health Institutions

The School leader or designee may release a student's immunization record information to local health departments operating countywide immunization information and reminder systems and the State Department of Health Services. The following information may be released:

- Name of the student
- Name of student's parent/guardian
- Types and dates of immunizations received by the student
- Manufacturer and lot number of the immunization received
- Adverse reaction to the immunization
- Other non-medical information necessary to establish the student's unique identity and record
- Current address and telephone number for the student and parent/guardian
- Student's gender
- Student's place of birth

#### **ACCESS:**

#### Definition

"Access" means a personal inspection and review of a record, an accurate copy of a record or receipt of an accurate copy of a record, an oral description or communication of a record, and a request to release a copy of any record.

"Disclosure" means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records, to any party, by any means including oral, written or electronic means.

#### Parental Request to Review Records

Parents can submit a written request to review their student's records. The written request should specify the specific records to be disclosed. KIPP will provide copies of requested documents within five (5) business days of a written request for copies.

#### Log of Access

A log shall be maintained in each student's record, which lists all persons, agencies or organizations requesting or receiving information from the records and the legitimate educational interest of the requester.

In every instance of inspection by persons who do not have assigned educational responsibility, the custodian of records at the School site shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection.

The log does not need to include the following persons accessing student records:

- Parents/guardians or adult students
- Parties obtaining directory information.
- Parties who provide written parental consent, in which case the consent notice shall be filed with the record.
- School officials or employees who have legitimate educational interest.
- A party seeking or receiving the records as directed by a court order or subpoena.

The log shall be accessible only to the parent/guardian, adult student, or school official or designee, responsible for the maintenance of pupil records, and to the Comptroller General of the United States, the Secretary of Health, Education, and Welfare, and administrative head of an education agency, and state educational authorities as a means of auditing the operation of the system.

Student cumulative records may not be removed from the premises of the KIPP, unless the individual removing the record has a legitimate educational interest, and is authorized by the School leader, or by a majority of a quorum of the Board of Directors at a

duly agendized meeting. Employees who remove student cumulative records or other student records from the KIPP premises without a legitimate educational interest and authorization may be subject to discipline. Employees are permitted to take student work-product, or other appropriate student records, off premises without authorization for legitimate academic purposes (e.g. grading work-product, assigning credit, reviewing materials for classroom discussion, etc.)

#### Duplications

To provide copies of any student record, the School site can charge a reasonable fee not to exceed the actual cost of furnishing the copies. The School designee or administrative staff shall set a fee and update the amount annually if actual costs change.

No charge shall be made for providing up to two (2) transcripts or up two (2) verifications of various records for any former student. No charge shall be made to locate or retrieve any student record.

#### Personally Indefinable Information

For disclosures of personally identifiable information to institutions that make disclosures of the information on behalf of KIPP in accordance with 34 C.F.R. § 99.33(b), the record must include the names of the additional parties to which the receiving party may disclose the information on behalf of KIPP and the legitimate interests that each of the additional parties has in requesting or obtaining the information.

The records relating to disclosures of personally identifiable student information may be inspected by parents and eligible students, KIPP officials (or their assistants) responsible for the custody of the records, and parties authorized by regulations for the purpose of auditing the recordkeeping procedures of KIPP.

KIPP must have a signed and dated written consent from the parent or eligible student before releasing any non-directory information from a student's education record except as provided below. The written permission must specify the records that may be disclosed, the purpose of the disclosure and the party or class of parties to whom the disclosure may be made. When disclosure is made pursuant to written permission, the parent or eligible student may request a copy of the disclosed records and KIPP shall provide him or her with a copy of the records disclosed upon request. Signed and dated written consent may include a record and signature in electronic form if it identifies and authenticates a particular person as the source of the electronic consent and indicates such person's approval of the information contained in the electronic consent.

KIPP will only disclose personally identifiable information on the condition that the receiving party not disclose the information to any party without the prior written consent of the parent or eligible student and that the receiving party use the information for the purposes for which the disclosure was made. This restriction does not apply to disclosures that fall within the disclosure exceptions listed below. KIPP must maintain the appropriate records related to these disclosure exceptions, as described below. Except for disclosures pursuant to a warrant, judicial order or lawfully issued subpoena, or directory information or to parents or eligible students, the KIPP will inform a receiving party of the requirement that the party not disclose the information to any other party without the prior written consent of the parent or eligible student and that the receiving party use it for the purpose for which the disclosure was made. Note specifically that KIPP will not release information to third parties for immigration-enforcement purposes, except as required by law or court order.

KIPP will disclose education records, without prior written consent of the parent or eligible student, to the following parties:

1. School employees who have a legitimate educational interest as defined by 34 C.F.R. Part 99;
2. Other schools to which a student seeks or intends to enroll so long as the disclosure is for purposes related to the student's enrollment or transfer. When a student transfers schools, KIPP will mail the original or a copy of a student's cumulative file to the receiving district or private school within ten (10) school days of following the KIPP will make a reasonable attempt to notify the parent or eligible student of the request for records at his/her last known address, unless the disclosure is initiated by the parent or eligible student. Additionally, KIPP will give the parent or eligible student, upon request, a copy of the record that was disclosed and give the parent or eligible student, upon request, an opportunity for hearing pursuant to Section (IV)(3) above;
3. Certain government officials listed in 20 U.S.C. § 1232g(b)(1) in order to carry out lawful functions;
4. Appropriate parties in connection with a student's application for, or receipt of, financial aid if it is necessary to determine eligibility, amount of aid, conditions for aid or enforcing the terms and conditions of the aid;
5. Organizations conducting certain studies for the KIPP in accordance with 20 U.S.C. § 1232g(b)(1)(F);
6. Accrediting organizations in order to carry out their accrediting functions;
7. Parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1986;

8. Individuals or entities, in compliance with a judicial order or lawfully issued subpoena. Subject to the exceptions found in 34 C.F.R. § 99.31(a)(9)(i), reasonable effort must be made to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek a protective order;
9. Persons who need to know in cases of health and safety emergencies;
10. State and local authorities, within a juvenile justice system, pursuant to specific State law;
11. A foster family agency with jurisdiction over a currently enrolled or former student, a short-term residential treatment program staff responsible for the education or case management of a student, and a caregiver (regardless of whether the caregiver has been appointed as the pupil's educational rights holder) who has direct responsibility for the care of the student, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource family, may access the current or most recent records of grades, transcripts, attendance, discipline, and online communication on platforms established by KIPP for student and parents, and any individualized education program ("IEP") or Section 504 plan that may have been developed or maintained by KIPP; and/or
12. A victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include final results of the disciplinary proceedings conducted by KIPP with respect to that alleged crime or offense. KIPP may disclose the final results of the disciplinary proceeding, regardless of whether KIPP concluded a violation was committed.

## **Appendix:**

- I. General Complaint Form
- II. Uniform Complaint Procedures Form
- III. Team and Family Handbook Acknowledgement Form
- IV. Student and Family Technology Use Agreement

**General Complaint Form**

Your Name: \_\_\_\_\_ Today's 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 circumstances, 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 KIPP Schools to disclose the information I have provided as it finds necessary in pursuing its investigation. I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief. I further understand providing false information in this regard could result in disciplinary action up to and including termination.**

\_\_\_\_\_ Date: \_\_\_\_\_

Signature of Complainant

\_\_\_\_\_

Printed Name

**To be completed by the Charter School:**

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Follow up Meeting with Complainant held on: \_\_\_\_\_

**Uniform Complaint Procedures Form**

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_

Student (if applicable): \_\_\_\_\_ Grade: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Full Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Work Phone: \_\_\_\_\_

Date of Alleged Violation: \_\_\_\_\_ School of Alleged Violation : \_\_\_\_\_

For allegations of noncompliance, please check the program or activity referred to in your complaint, if applicable:

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Adult Education                       | <input type="checkbox"/> Consolidated Categorical Aid    | <input type="checkbox"/> Local Control Funding Formula |
| <input type="checkbox"/> Career/Technical Education & Training | <input type="checkbox"/> Every Student Succeeds Act      | <input type="checkbox"/> Migrant Education             |
| <input type="checkbox"/> Child Care & Development              | <input type="checkbox"/> Foster/Homeless Youth Education | <input type="checkbox"/> Special Education             |
| <input type="checkbox"/> Child Nutrition                       | <input type="checkbox"/> Lactating Pupil                 | <input type="checkbox"/> Pupil Fees                    |

For allegations of TITLE IX discrimination, harassment, intimidation and/or bullying (employee-to-student, student-to student and third party-to-student), please check the protected classes (actual or perceived), upon which the alleged conduct was based, listed below:

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Age                             | <input type="checkbox"/> Gender, Gender Expression/Identity | <input type="checkbox"/> Religion  |
| <input type="checkbox"/> Ancestry                        | <input type="checkbox"/> Genetic Information                | <input type="checkbox"/> Sex (actual or perceived)   |
| <input type="checkbox"/> Color                           | <input type="checkbox"/> Immigration Status/Citizenship     | <input type="checkbox"/> Sexual Orientation (actual or perceived)  |
| <input type="checkbox"/> Disability (mental or physical) | <input type="checkbox"/> Nationality/National Origin        |  |
| <input type="checkbox"/> Ethnic Group                    | <input type="checkbox"/> Race/Ethnicity                     | <input type="checkbox"/> Based on association with a person or group with one or more of these actual or perceived characteristics |

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

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Have you discussed your complaint or brought your complaint to any Charter School personnel? If you have, to whom did you take the complaint, and what was the result?

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

I have attached supporting documents.  Yes  No

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Mail complaint and any relevant documents to the Compliance Officer:

Marie Huxley  
1000 Broadway, Suite 460  
Oakland, CA 94607  
510-465-5477

## Team and Family Handbook Acknowledgement Form

Please initial the following statements, complete and sign the information below in pen, and return this entire page to your student's homeroom teacher.

- \_\_\_\_\_ I have read the 2019-2020 Team & Family Handbook. I understand that KIPP is a public charter school, and therefore, a school of choice. Choosing to send my student to KIPP means that I am also choosing to adhere to the policies outlined in the handbook, with the understanding that they are rooted in the identity and philosophy of our school.
- \_\_\_\_\_ I understand that consistent daily attendance at this school is mandatory. Because I understand the importance of consistent daily attendance, I will also use the calendar as a reference when planning appointments and/or vacations. If my child has to miss school for any reason, I will call or write the office within 48 hours to excuse the absence.
- \_\_\_\_\_ I will support the teachers and staff of KIPP and will do whatever it takes for my child to succeed both academically and behaviorally. This means that I will make myself available by phone, in person, and will sit with my child during class, if necessary.
- \_\_\_\_\_ I realize that the administration reserves the right to interpret, revise, amend, or withdraw policies and procedures at its discretion.

Student Name (print): \_\_\_\_\_

Student Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Parent/Guardian Name (print): \_\_\_\_\_

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Student and Family Technology Use Agreement

### [PARENT SECTION]

I, \_\_\_\_\_, the parent / guardian of \_\_\_\_\_, agree to allow my child to have access to the Internet through KIPP Bay Area Schools and access to a Google Apps for EDU account within the KIPPBAYAREA.ORG domain.

I have read the KIPP Bay Area Public Schools Internet and Computer Usage Policy and agree to the KIPP Bay Area Public Schools Acceptable Internet & Technology Use Agreement. I understand that KIPP Bay Area Schools cannot guarantee the appropriateness of information or material that my child may encounter on the Internet. I shall not hold KIPP Bay Area Public Schools responsible for materials acquired or viewed on-line by my child, for violations of copyright restrictions, or any costs incurred by my child.

### [STUDENT SECTION – REVIEW WITH PARENT]

I, \_\_\_\_\_, have read and agree to the above KIPP Bay Area Public Schools Acceptable Internet & Technology Use Agreement and will strive to act with honesty, integrity and respect. Whenever I use the Internet on KIPP computers, I promise to:  
(please initial each box as you review it with your student)

I promise to...	Student Initials	Parent Initials
Be aware of what I post online. Website and social media venues are public. What I post leaves a digital footprint for all to see. I will not post anything that I wouldn't want my peers, parents, teachers, future colleges, or employers to see.		
Follow the school's code of conduct when writing online. It is acceptable to disagree with other people's opinions; however, I will do so in a respectful way. I will make sure that criticism is constructive and not hurtful. What is inappropriate in the classroom is inappropriate online.		
Be safe online. I will never give out my, or anyone else's, personal information, including, but not limited to, last names, phone numbers, addresses, exact birthdates or pictures. I will not share my password with anyone besides my teachers and parents.		
Always tell a parent or teacher if someone makes me feel pressured or uncomfortable, or acts inappropriately toward me online. I will talk to a parent or teacher about anything that happens online that makes me feel upset, sad or not safe.		
Model kind behavior online. I will not bully, humiliate, or upset anyone online and I will stand up to those who do.		
Read and review an entire website prior to linking to it to ensure that all the information is appropriate for a school setting. I know that not everything I read, hear, or see online is true. I will consider whether a source or author is credible.		
Do my own work! I will not use other people's intellectual property without their permission. I am aware that it is a violation of copyright law to copy and paste other people's thoughts.		
Be aware that pictures may be protected under copyright laws. I will verify that I have permission to use the image or that it is under Creative Commons attribution.		
Not to download any programs or applications onto KIPP Bay Area Schools' machines without teacher or administrator approval.		

Treat school computers with care and protect them from damage to the best of my ability.		
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**Parent / Guardian Signature:** \_\_\_\_\_

**Dated:** \_\_\_\_\_, 20\_\_

**Student Signature:** \_\_\_\_\_

**Dated:** \_\_\_\_\_, 20\_\_