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THE TRACY LEARNING CENTER VISION

Tracy Learning Center was established to forge new and innovative ways to approach teaching and learning to address the needs of students in grade K through twelve. The Corporation consists of three charter schools: Primary Charter for grades K to 4; Discovery Charter School for grades 5 to 8; and Millennium High School for grades 9 to 12. The charters each address the needs of their students by utilizing technology, innovative interactive methods of teaching and a personalized approach. Students are prepared for their future by obtaining the skills needed to be productive citizens of tomorrow.

TLC Philosophy

The purpose of our schools' programs is to provide educational opportunities for the maximum growth of every student enrolled in the charter schools. The educational program must assure the cultivation of the student's intellectual, moral, and creative capacity. Our schools must present a program of sufficient breadth and scope to deal with a variety of abilities, capacities, and patterns of growth. The program is to be revised as needed. The ultimate aim is to produce self-disciplined individuals who are capable of making intelligent decisions in all aspects of our modern social environment. Graduates will be prepared to be productive and responsible members of society in the 21st Century.

ADMINISTRATION

CONCEPTS AND ROLES

The Governing Board recognizes that administration performs essential roles and functions in support of student learning, including the provision of instructional support and services to schools as well as the responsible management of resources and personnel.

The Board expects administration to provide leadership in developing and implementing the vision and goals for the educational program and in evaluating and reporting on the progress toward that vision. Administration is expected to help shape the culture and environment in a manner that instills confidence in The Charter, encourages positive relationships with the community, and focuses operations on enhancing student achievement.

The Director is the chief executive officer and educational leader of the Charters. As a member of the governance team, he/she shall advise and assist the Board in the exercise of its governance responsibilities.

The Director is granted the authority to make decisions concerning operations within the parameters of law and Board policy. He/she shall be responsible for developing administrative structures and decision-making processes that allow the Charter to fulfill its responsibilities in an efficient manner. The Director may delegate to other district staff any duties imposed upon him/her by the Board. This delegation shall not relieve the Director of responsibility for actions taken by his/her designees.

CONFLICT OF INTEREST POLICY OF TRACY LEARNING CENTER

Article I Purpose

The purpose of this Conflict of Interest Policy is to protect the interests of Tracy Learning Center, a California nonprofit public benefit corporation (the “Corporation”), when it contemplates entering into a transaction or arrangement that might benefit the private interests of an officer, director, or any other person in a position of authority within the Corporation or might result in a possible excess benefit transaction as defined by Internal Revenue Code Section 4958. This Policy is intended to supplement but not replace any applicable state and federal laws governing conflicts of interest applicable to nonprofit organizations. In the event of any inconsistency with California law, California law shall prevail.

Article II Definitions

Interested Person

Any director, principal officer, or member of a committee with board-delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person.

Financial Interest

A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:

An ownership or investment interest in any entity with which the Corporation has entered into or proposes to enter into any transaction or arrangement;

A compensation arrangement with the Corporation or with any entity or individual with which the Corporation has entered into or proposes to enter into any transaction or arrangement; or

A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Corporation entered into or proposes to enter into any transaction or arrangement.

However, notwithstanding the above and consistent with California Corporations Code Section 5233 regarding self-dealing transactions, a financial interest shall not include: (1) the compensation, typically director and officer stipends, per meeting fees and reimbursement of expenses, of a director as a director or officer of the Corporation; (2) a transaction which is part of a public or charitable program of the Corporation if it: (i) is approved or authorized by the Corporation in good faith and without unjustified favoritism; and (ii) results in a benefit to one or more directors or their families because they are in the class of persons intended to be benefited by the public or charitable program; or (3) a transaction, of which the interested director or

directors have no actual knowledge, and which does not exceed the lesser of 1 percent (1%) of the gross receipts of the Corporation for the preceding fiscal year or one hundred thousand dollars (\$100,000).

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

A financial interest is not necessarily a conflict of interest. Under Article III, Section 2, a person who has a financial interest may have a conflict of interest only if the appropriate board or committee decides that a conflict of interest exists.

Article III Procedures

Duty to Disclose

In connection with any transaction or arrangement to which the Corporation is a party where there is an actual or possible conflict of interest, the interested person must disclose the existence and nature of his or her financial interest to the directors and members of committees with board-delegated powers considering the proposed transaction or arrangement.

Determining Whether a Conflict of Interest Exists

After disclosure of the financial interest and all material facts, and after any discussion with the potentially interested person, a determination must be made about whether an actual conflict of interest exists. The disinterested board or committee members shall determine on a case by case basis whether the disclosed interest constitutes an actual conflict of interest.

Procedures for Addressing the Conflict of Interest

If it is determined that there is a conflict of interest, the interested person may make a presentation at the board or committee meeting and may answer questions regarding factual information related to the transaction or arrangement. The interest person shall abstain from otherwise participating in any discussions and votes concerning the transaction or arrangement.

The chairperson of the board or committee may, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.

After exercising due diligence, the board or committee shall determine whether the Corporation can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.

If a more advantageous transaction or arrangement is not reasonably attainable under circumstances that would give rise to a conflict of interest, the board or committee shall determine by a majority vote of the disinterested members whether the transaction or arrangement is in the Corporation's best interest, for the Corporation's own benefit, and whether the transaction or arrangement is fair and reasonable to the Corporation. In conformity with the above

determination, the board or committee shall make its decision as to whether to enter into the transaction or arrangement.

Notwithstanding the foregoing, compliance with the any of the approval procedures set forth in California Corporations Code Section 5233 regarding self-dealing transactions shall constitute compliance with this policy.

Violations of the Conflict of Interest Policy

If the board or committee has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.

If, after hearing the member’s response and after making further investigation as warranted by the circumstances, the board or committee determines that the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

Article IV Records of Proceedings

The minutes of meetings of the board and all committees with board-delegated powers shall contain:

The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the board’s or committee’s decision as to whether a conflict of interest in fact existed.

The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any proposed alternatives, and a record of any votes taken in connection with the transaction or arrangement.

Article V Compensation

A voting member of the board who receives compensation, directly or indirectly, from the Corporation for services is precluded from voting on matters pertaining to that member’s compensation, except for compensation, typically director and officer stipends, per meeting fees and reimbursement of expenses, of a director as a director or officer of the Corporation.

A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Corporation for services is precluded from voting on matters pertaining to that member’s compensation, except for compensation as a director as a director or officer of the Corporation (typically director and officer stipends, per meeting fees and reimbursement of expenses).

No voting member of the board or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Corporation, either individually or collectively, is prohibited from providing information to any committee regarding compensation.

Article VI Annual Statements

Each director, principal officer and member of a committee with board delegated powers shall annually or upon taking office sign a statement that affirms such person:

Has received a copy of the Conflict of Interest Policy;

Has read and understands the Policy;

Has agreed to comply with the Policy; and

Understands that the Corporation is charitable and in order to maintain its federal tax exemption it must engage primarily in activities that accomplish one or more of its tax-exempt purposes.

Article VII Periodic Reviews

To ensure that the Corporation operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:

Whether compensation arrangements and benefits are reasonable, based on competent survey information, and the result of arm's length bargaining.

Whether partnerships, joint ventures, and arrangements with management organizations conform to the Corporation's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in inurement, impermissible private benefit or in an excess benefit transaction.

Article VIII

Use of Outside Experts

When conducting the periodic reviews as provided for in Article VII, the Corporation may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the board of its responsibility for ensuring periodic reviews are conducted.

BUSINESS AND
NON-
INSTRUCTIONAL
OPERATIONS

COMMUNITY RENTAL OF SCHOOL DISTRICT FACILITIES

The Tracy Learning Center currently uses Tracy Unified School District facilities for a fee of 2% of its annual budget. This arrangement replaces Prop 39. The current Memorandum of Understanding and the Facility Use Agreement states that the Charters may not sublease facilities to any party.

INVESTING

As a matter of good fiscal practice the governing board authorizes the Executive Director in coordinator with the advice of Business Service contractor to invest all or part of the special reserve fund monies not required for the immediate operations.

PURCHASING PROCEDURE

The procurement function is one of the major responsibilities of the Executive Director who works directly with the Director of Finance and the contracted business service company.

Four fundamental functions of the purchasing department are as follows:

1. Authorize the purchase of the proper product required.
2. Have the product available when needed.
3. Order the proper amount of the product.
4. Secure competitive pricing.

The Governing Board requires every transaction between a buyer and a seller involving transfer of property, equipment, supplies or services are by purchase order or formal contract. These purchase orders, and other purchase obligations, are to be signed by the Executive Director.

The specified items to be procured will utilize a pre-numbered purchase order system in all transactions where a formal legal contract is not required. In addition, the district will continue enforcing the following purchasing practices:

1. Compilation and processing of information to ensure timely delivery of goods, and monitoring and improving of supplier performance.
2. Purchasing of goods and services for the charter which is intended to meet the needs of the person or department requesting them, yet will permit the efficient and effective use of public funds.
3. Any order delivered without a purchase order may not be accepted until a purchase order is issued.
4. Employees spending funds without proper authorization and who expect reimbursement must be aware that reimbursement will most likely be denied.

Recycled Materials

Whenever recycled products of equal fitness and quality are available at no more than the cost of recycled products, TLC shall purchase recycled products. TLC also may give preference to the suppliers of recycled products.

PURCHASING PROCEDURE (continued)

Preference for California Products

Price, fitness and quality being equal, the district shall give preference to supplies manufactured, grown or produced in California, and shall next prefer supplies partially manufactured, grown or produced in California. Routine requisitions between \$5,000 and \$15,000 are ratified on the consent calendar when the board approves the warrants list. Items or expenses exceeding 15,000 will be approved as an action item.

EDUCATIONAL TRAVEL PROGRAM CONTRACTS

Field trips and other travel opportunities for students is a valuable tool in supporting classroom instruction and promoting students' awareness of places and events. In contracting with organizations to provide educational travel services, TLC will ensure a quality educational experience and the health, safety and welfare of each student traveler.

The Executive Director or Designee shall contract only with educational travel organizations which adhere to state law and exhibit safe and reputable business practices.

These procedures are intended to ensure TLC selects the highest quality vendor, taking into account student safety, quality of the program and fiscal integrity.

Educational travel organization or organization means a person, partnership, corporation, or other entity which offers educational travel programs for students residing in California. (Business and Professions Code 17552)

Student traveler or student means a person who is enrolled in elementary or secondary school, grades kindergarten through grade 12, at the time an educational travel program is arranged with an educational travel organization.

Educational travel program means travel services that are arranged through or offered to an elementary or secondary school in the state, and where the services are represented to include an educational program as a component.

EDUCATIONAL TRAVEL PROGRAM CONTRACTS (continued)

A. PROCEDURE

The Director shall ensure that each written contract with an educational travel organization includes all of the following: (Business and Professions Code 17554)

1. The travel organization's name, trade or business name, business address, business telephone number and a 24-hour emergency contact number
2. An itemized statement which shall include but not be limited to:

EDUCATIONAL TRAVEL PROGRAM CONTRACTS (continued)

- a. Services to be provided as part of the program
 - b. Agreed cost for the services
 - c. A statement as to whether or not the educational travel organization maintains insurance that supplies coverage in the event of injury to any student traveler, including the type and amount of coverage, the policy number and issuer, and the name and telephone number of the person or organization which is able to verify coverage
 - d. Any additional costs to students
 - e. The qualifications, if any, for experience and training that are required to be met by the educational travel organization's staff who shall accompany students on the educational travel program
3. A written description of the educational program being contracted for, including a copy of all materials to be provided to students
4. The number of times the educational travel program or a substantially similar educational travel program proposed by the contract has been conducted by the organization and the number of students who completed the program
5. The length of time the organization has either been arranging or conducting educational travel programs and, at the option of the organization, other travel services with substantially similar components
6. The name of each owner and principal of the organization

FINANCIAL REPORTS AND ACCOUNTABILITY

The Governing Board is committed to ensuring the fiscal health of the Tracy Learning Center and providing public accountability. The Board shall adopt sound fiscal policies, oversee the organization's financial condition, and ensure that the financial systems support the district's goals for student achievement.

The Executive Director shall provide the Board with financial reports throughout the year in accordance with law and as otherwise requested by the Board.

The Director shall ensure that all financial reports are prepared in accordance with law and in conformity with generally accepted accounting principles and financial reporting standards stipulated by the Governmental Accounting Standards Board and the California Department of Education.

The Board shall select an external independent auditor and regularly communicate the Tracy Learning Center financial position to the public and shall use financial reports to determine what actions and budget amendments, if any, are needed to ensure the organization's financial stability.

The Board shall authorize the Charter to conduct accounting on a fund basis in accordance with the California School Accounting Manual.

If conditions exist that may indicate the organization might not be able to meet its fiscal obligations, the Board and Director shall act quickly to identify and resolve these conditions.

All reports regarding finance must be sent to the District as the financial oversight manager for the charter. Any concerns or questions resulting from the submissions must be responded to in a timely and effective manner.

ENVIRONMENTAL SAFETY

Tracy Learning Center recognizes its obligation to provide a safe and healthy environment for students, staff and community members. The Board shall identify and address potential risks to health and the environment and shall ensure that environmental resources are used in a responsible manner.

The Governing Board believes that students and employees have the right to learn and work in a safe, clean and healthy environment. Since the facilities are leased by the Tracy Unified School District, the Tracy Learning Center must inform the district of potential environmental safety concerns.

PEST MANAGEMENT

Sanitary measures shall be enforced and buildings regularly cleaned to prevent infestations, minimize the use of pesticides, and eliminate routine spraying.

The Executive Director or designee shall notify employees and parents/guardians, as appropriate, if an environmental hazard is discovered at the site. The notification shall detail the district's efforts to remedy the hazard once the charter has notified the district.

EMERGENCIES AND DISASTER PREPAREDNESS PLAN

The Governing Board recognizes that all staff and students must be prepared to respond quickly and responsibly to emergencies, disasters, and threats of disaster.

School employees are considered disaster service workers and are subject to disaster service activities assigned to them. (Government Code 3100)

The Assistant to the Director with the support of the Director of Facilities shall develop and maintain a disaster preparedness plan which details provisions for handling all emergencies and disasters and which shall be included in the comprehensive school safety plan.

FREE AND REDUCED LUNCH

The Tracy Learning Center does not receive federal funds for free or reduced meals. The food served in the Tracy Learning Center is prepared on site and is planned with nutritional standards in mind.

Provisions are made for parents who need assistance to contact the charter to request assistance.

The plan for receiving free or reduced price meals shall ensure the following:

1. The names of the students shall not be published, posted, or announced in any manner.
2. The Charters use a computerized point of sale program that insures there is no overt identification of any of the students.
3. The students shall not be required to work for their meals
4. The students shall not be required to use a separate dining area, go through a separate entrance.

Applications

An application form for free or reduced price meals shall be available to all parents/guardians at the beginning of each school year, together with information about eligibility standards, application procedures, and appeal procedures.

Applications for free or reduced price meal programs shall be available to students at all times during the regular school day and shall contain the following statements:

The money to provide free or reduced lunches is provided within the general fund budget.

STORAGE CONTAINERS

The Governing Board realizes the necessity of utilizing cargo storage containers when existing facilities cannot adequately accommodate the various storage needs.

Location Criteria

The Director of Facilities will ensure the safety of students, staff, and anyone using the facilities by placing storage containers in locations that will not compromise safety or conflict with the site programs. Staff will ensure not to breach the security of schools by placing storage containers in areas that will permit access to rooftops, fenced enclosures, or other secured areas. Placement will not interfere with existing utilities or irrigation.

Sub grade Criteria

Units must be placed on a firm surface that will not settle, such as gravel over compacted soil, new or existing asphalt, or a concrete surface. The area must have no standing water and the drainage flow must be directed away from the unit. If a new asphalt surface is to be created, this is to be done by placing 4" of base rock with 2" of asphalt. When possible, container shall be located adjacent to existing hard, prepared surface for access.

Cargo Container Specification

Units must be commercially manufactured containers. Units must be completely securable by the means of pad locks. Units must be painted to match to blend into the area it is located. Typically, this will be the base color of the exterior buildings.

HUMAN
RESOURCES- ALL
PERSONNEL

CONCEPTS AND ROLES IN PERSONNEL

The Governing Board wishes to establish, through the personnel policies and regulations of the organization, conditions that will attract and hold the best qualified personnel for all positions, who will devote themselves to the education and welfare of the students.

The Governing Board affirms its intention to have all policies, regulations and procedures of the charter conform to all requirements of law and state regulations, including affirmative action, equal employment opportunity, a single-standard salary schedule, and comparable staffing, programs, instructional supplies and curriculum materials.

Provisions for the implementation of adopted policies should include channels of communication and procedures for the handling of professional and ethical problems, through which all persons or groups affected, may voice their opinions.

The Governing Board

Adopts salary schedules and increases

The Executive Director assigns, directs and supervises the work of all employees

Working Relationships between Board and Executive Director

The Governing Board desires to be guided principally by the advice of the director in regard to its relations with certificated and classified personnel.

The Governing Board does not desire to exercise its employment responsibilities contrary to the recommendation of the director, and will not employ any person unless recommended by the director.

The Governing Board agrees that all approaches by employees to the board or to the individual members of the board shall be referred to the Director. If concerns regard the Director, the board members can ask for a closed session to discuss the issues raised by individuals.

DRUG AND ALCOHOL-FREE WORKPLACE

The Governing Board believes that the maintenance of drug and alcohol-free workplaces is essential to operations.

No employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance as defined 21 U.S.C.

§ 801 et seq., before, during or after school hours at school or in any workplace. A school workplace is any place where school work is performed, any school-owned or school-approved vehicle used to transport students to and from school or school activities; any off-school sites when accommodating a school-sponsored or school-approved activity or function where students are under charter jurisdiction; or during any period of time when an employee is supervising students on behalf of the charter.

The Director shall:

1. Publish and give to each employee a notification of the above prohibitions. The notification shall specify the actions that will be taken against employees who violate these prohibitions. The notifications shall also state that as a condition of employment. The employee will abide by the terms of this policy and notify the employer, within five days, of any criminal drug or alcohol statute conviction which he/she receives for a violation occurring in the workplace.
2. Establish a drug and alcohol-free awareness program to inform employees about:
 - a. the dangers of drug and alcohol abuse in the workplace;
 - b. the district policy of maintaining drug and alcohol-free workplaces;
 - c. any available drug and alcohol counseling, rehabilitation, and employee assistance programs; and
 - d. the penalties that may be imposed on employees for drug and alcohol abuse violations.

DRUG AND ALCOHOL-FREE WORKPLACE (continued)

3. Notify the appropriate federal granting or contracting agencies within ten (10) calendar days after receiving notification from an employee or otherwise, of any conviction for a violation occurring in the workplace.
4. Initiate disciplinary action within thirty (30) calendar days after receiving notice of a conviction for a violation in the workplace from an employee or otherwise. Such action shall be consistent with state and federal law, the appropriate employment contract, the applicable collective bargaining agreement and district policy and practices.
5. Make a good faith effort to continue maintaining a drug and alcohol-free workplace through implementation of Board policy.

The Board may not employ or retain in employment persons convicted of a controlled substance offense as defined in California Education Code § 44011. If any such conviction is reversed and the person acquitted in a new trial or the charges dismissed, his/her employment is no longer prohibited. For the purpose of this policy, "conviction" shall mean a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged to determine violations of federal or state criminal drug or alcohol statutes.

USE OF TECHNOLOGY

The Governing Board recognizes that technology does enhance employee performance by improving access to and exchange of information, offering effective tools to assist in providing a quality instructional program, and facilitating operations. It is considered a very important tool for the Tracy Learning Center for both staff and students. The Board expects all employees to learn to use the available electronic resources that will assist them in their jobs. As needed, staff shall receive training in the appropriate use of these resources.

Employees shall be responsible for the appropriate use of technology and shall use the electronic resources only for purposes related to their employment. Such use is a privilege which may be revoked at any time.

Employees should be aware that computer files and communications over electronic networks, including e-mail and voice mail, are not private but are not screened.

All computers with Internet access have a technology protection measure that prevents access to visual depictions that are obscene or child pornography, and that the operation of such measures is enforced.

COMPLAINTS REGARDING EMPLOYEES

The Governing Board believes that the quality of the educational program can improve when the organization listens to complaints, considers differences of opinion, and resolves disagreements through an established objective process.

The Governing Board recognizes the need for providing parents, guardians and/or other members of the public with a complaint process regarding employees.

The Governing Board expects that members of the public will make every effort to resolve their complaints and disagreements informally before resorting to formal complaint procedures.

Individual Board Members do not have authority to resolve complaints. If approached directly with a complaint, however, Board Members should listen to the complaint and show their concern by referring the complainant to the Executive Director so that the problem may receive proper consideration.

The Director shall comply with the uniform complaint procedure.

Acceptance of Gifts Policy

Improper personal gain may result not only where a Tracy Learning Center (“TLC”) employee or relative has a significant ownership interest in a company with which TLC does business but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving TLC. The receipt of occasional flowers, candy or gifts worth less than \$250.00 from clients, customers, or vendors fall outside the intent of this policy and acceptance of such items is permissible. However, employees must obtain written approval from TLC’s Human Resources before accepting any item worth in excess of \$250.00 from clients, customers, or vendors.

HUMAN RESOURCES- CERTIFICATED

CERTIFICATED PERSONNEL

The Governing Board considers it necessary to clarify the role of teachers and other certificated personnel in the educational program in order that they may perform optimally.

The policies and regulations governing certificated personnel are established to inform certificated personnel of the framework within which they operate. The Governing Board intends that they be administered uniformly and fairly.

The Governing Board considers it the right and responsibility of the total staff to offer their abilities, experiences and interests to the consideration and solution of problems, policies and advancement of the total educational program.

All policies, rules and regulations concerning school personnel shall be in writing. Staff will sign a form indicating they have read and understood the most recent edition of the handbook on line.

The duties and responsibilities of school positions shall be clearly defined and made known to each member of the certificated staff who shall be held accountable for those duties assigned to him/her. Job descriptions/descriptions of duties and other requirements for positions held by certificated staff shall be made available.

RECRUITMENT AND SELECTION

The Governing Board desires to employ the most highly qualified person available for each open position.

To provide guidance and direction for the Director to recommend only those candidates who meet all qualifications established by law and the Board for the position. Nominations for employment shall be based upon screening devices, interviews, observations, and recommendations from previous employers.

The Director or designee shall develop recruitment and selection procedures which include:

1. Assessment of the needs for specific skills, knowledge and abilities;
2. Development of job descriptions which accurately describe all essential and marginal functions and duties of each position;
3. Dissemination of vacancy announcements to ensure a wide range of candidates;
4. Screening procedures which identify the best possible candidates for interviews; and
5. Interview procedures which determine the best qualified candidate
6. No inquiry shall be made with regard to the age, sex, race, color, religion, national origin, medical condition, disability or sexual orientation of a person seeking employment. During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job.

Employment practices shall not discriminate against legal non-citizen residents. Inquiries to assure employment eligibility shall be made in accordance with Board policy.

No person shall be employed without the recommendation or endorsement of the Executive Director.

POLICY & PROCEDURES FOR HIRING ATHLETIC DEPARTMENT

1. Job openings will be submitted to Human Resources
2. Positions will be posted in-house for 3 days in Human Resources with an e-mail to notify staff of new posting.
3. After the 3 day "in-house" posting, the position(s) will be posted on Ed-join an outside "job opportunity" website for 5 days.
4. After the 5th day of outside postings, the posting will be removed and all screened applications by Human Resources will be delivered to the Athletic Director for interviews.
5. Once applicants have been screened for recommendations for an interview, all applications must be submitted back to Human Resources with a date and time for interviews to be conducted.
6. The MHS Athletic Director will call references on the finalists.
7. The Athletic Director will recommend employment to the Director for approval.

v Stewart
4-23-09

CONTRACT FOR EMPLOYMENT

All personnel connected with the Tracy Learning Center understand they are employed on a need by need basis. All employees sign a yearly contract. Once it is determined that there are staff needs for the new school year, staff will be notified of continued employment.

This will be by March of the previous year. Staff is expected to state if they plan to return within thirty days of being offered a new contract.

Staff notifying the charter of a resignation after signing the contract for the new school year may be held to the contract until a replacement has been hired.

PERSONNEL RECORDS

Personnel records shall be kept on all current employees and shall include information usually expected in good personnel administration.

A file shall be kept for all resigned or retired employees, including such essential information as shall seem appropriate to the administration.

All personnel files will be considered confidential and will not be available to persons other than the employee and those authorized in writing by the Executive Director.

Except for the ratings, reports or records specified above as not open to inspection, employees shall be notified whenever derogatory information is to be placed in their personnel files. Any employee so notified may ask to review and comment on the contents. Such a review shall take place during normal school hours. The employee shall be released from duty for this purpose without a salary reduction. All other written materials filed in personnel records shall be made available for inspection by the employee at an off-duty time. Inspection shall take place in the presence of an administrator or designated confidential employee. Derogatory material may be reviewed by the employee during release time.

EMPLOYMENT REFERENCES

The Executive Director shall process all requests for references, letters of recommendation, or information about the causes or reasons for separation regarding all employees. All letters of recommendation to be issued on behalf of the Charter for current or former employees must be approved by the Executive Director.

At his/her discretion, the Director may refuse to give a recommendation. Any recommendation he/she gives shall provide a careful and truthful account of the employee's job performance and qualification.

RESIGNATION

The Executive Director shall be authorized by the Board of Education to officially accept the resignation of any employee. The resignation shall be irrevocable at the time of receipt by the Executive Director or his/her designee. The deadline for submitting a letter of resignation shall be two weeks prior to leaving. Once a new contract is offered, the employee has 30 days to reply.

If, without obtaining acceptance of his/her resignation, a certificated employee leaves the employ of the Charter after the specified deadline for submitting a letter of resignation stated above, leaves during the school year, or leaves before the effective date of the resignation, the Director is directed to report this fact, with supporting evidence, to the Commission for Teacher Preparation and Licensing. The Commission may suspend the credentials of teachers who leave the Charter in this manner.

NON-DISCRIMINATION

The Governing Board is committed to a policy of non-discrimination on the basis of sex in the Education Program or activities which it operates. The Charter is required by Title IX to implement regulations that ensure and promote non-discrimination on the basis of sex. All complaints of sex discrimination may be referred to the Executive Director or to the Director of the Office of Civil Rights Department of HEW at 760 Market, Phone 415-556-8586, in San Francisco.

EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

The Executive Director shall meet state and federal standards for dealing with blood-borne pathogens and other potentially infectious materials in the workplace. The Director or designee shall establish a written Exposure Control Plan designed to protect employees from possible infection due to contact with blood borne viruses, including human immunodeficiency virus (HIV) and hepatitis virus (HBV).

The Director or designee shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the Charter's Exposure Control Plan, employees having occupational exposure shall be offered the hepatitis B vaccination.

The Director or designee may exempt designated first-aid providers from pre-exposure hepatitis B vaccination under the conditions specified by state regulations.

Any employee not identified as having occupational exposure in the Charter's exposure determination may petition to be included in the Charter's employee inservice and hepatitis B vaccination program. Any such petition should be submitted to the Director or designee who shall evaluate the request and notify the petitioners of his/her decision. The Director or designee may deny a request when there is no reasonable anticipation of contact with infectious material.

DRESS AND GROOMING

The Governing Board believes that since teachers serve as role models, they should maintain professional standards of dress and grooming. Just as overall attitude and instructional competency contribute to a productive learning environment, so do appropriate dress and grooming.

It is the Board's expectation that during school hours, staff wear clothing that demonstrates their high regard for education and presents an image consistent with their job responsibilities. Women are to dress professionally and men are to wear collared shirts and ties. Appropriate shoes are to be worn. No jeans are to be worn in the workplace when students are present, except for certain field trips or "Spirit Days".

COACHES

A. Purpose and Scope

To provide guidance and direction for Charter personnel regarding employment and training of temporary athletic team coaches.

B. General

1. The Athletic Director shall determine criteria in accordance with law for certifying the competency of all staff employed to coach or supervise athletic teams.
2. Prior to employment, the Executive Director shall ensure that all temporary coaches, certificated or non-certificated, have received appropriate training, are qualified in all competencies required by law, and meet or will meet all qualifications for employment.
3. He/she may waive competency requirements for persons enrolled in appropriate training courses leading to acquisition of the competency, provided such persons serve under the direct supervision of a fully qualified coach.
4. Volunteer athletic team coaches shall meet all the qualifications and competencies required of temporary athletic team coaches employed by the Charter.

COACHES (continued)

Competencies

Temporary athletic team coaches shall give evidence of the following required competencies:

1. Care and prevention of athletic injuries, basic sports injury first aid, and emergency procedures:
 - a. Completion of a college-level course in the care and prevention of athletic injuries and possession of a valid cardiopulmonary resuscitation (CPR) card.
 - b. A valid sports injury certificate or first aid card, and a valid cardiopulmonary resuscitation (CPR) card.
 - c. ASEP Coaching Class
2. Coaching theory and techniques in the sport or game being coached:
 - a. ASEP Coaching Class
3. Knowledge of the rules and regulations pertaining to the sport or game being coached, the league rules, and, at high school level, the regulations of the league.

COACHES (continued)

In addition, non-certificated persons employed to coach or supervise athletic teams must first be determined:

1. Not to have been convicted of any offense referred to in Education Code 44010, 44011 or 44424, or any offense involving moral turpitude or evidencing unfitness to associate them with children.
2. To be free from tuberculosis and any other contagious disease that would prohibit certificated teachers from teaching, as verified by a written statement, renewable every four years, from a licensed physician or other person approved by the charter (Title 5, Section 5592)

INSTRUCTION

EDUCATIONAL GOALS

Based on a shared vision, developed in partnership with all stakeholders, the following educational goals represent the community's most fundamental educational values and describe the results the students will achieve after completing schooling.

Goal 1: Academic Standards

Students demonstrate competence in the core curriculum:

Communication: develops reading, writing, speaking, and listening skills.

Health and Fitness: maintains a healthy body

Mathematics: solves a wide range of mathematical problems by choosing appropriately from a variety of strategies and tools.

Science: understands the underlying scientific principles and interrelationships within earth, life, and physical science.

Social Science: knows the American society, political system, and function of the economy in a global context, knows how to participate effectively as a responsible citizen, and understand the major themes in world history.

Visual and Performing Arts: appreciates and uses the arts to enrich daily life and makes a connection between works of art and the lives people live.

Modern Language: develops basic communicative competency in a second language, including reading, writing, speaking, and listening skills.

Goal 2: Effective Communication

Students will be able to listen, speak, write and create products in order to share ideas and information.

Listens: is attentive; interprets and responds to verbal messages.

Expresses ideas and information clearly: presents ideas with a clear main point or theme and provides the appropriate supporting details.

EDUCATIONAL GOALS (continued)

Effectively communicates in a variety of ways: uses other methods and media to express ideas and information such as video, music, multimedia charts, and creative arts.

Goal 3: Personal Qualities, Work Habits and Attitudes

A positive self-image and self-esteem are crucial to learning and becoming responsible, productive citizens. It is important that students take responsibility for their lives and set appropriate goals for themselves.

Self-esteem/self-worth: believes in own self-worth and maintains a positive view, thus providing a framework for academic achievement.

Civil responsibility: contributes positively to the betterment of the community.

Social Ability: works effectively with others.

Personal responsibility: identifies and displays high standards of behavior.

Integrity and honesty: respects the rights, the expression of points of view, and the property of others.

Goal 4: Effective Thinking and Reasoning

Students will think creatively, solve problems, make decisions, and use effective learning techniques as part of a life-long process.

Creative thinking: generates new ideas and acts in flexible and innovative ways.

Problem solving: recognizes problems, analyzes data, forms solutions, implements an action plan, evaluates effectiveness, and makes revisions when necessary.

Decision making: identifies goals and constraints, gathers accurate data, generates opinions, considers consequences, evaluates, and chooses the best option, implements decision, and analyzes results.

Using effective learning techniques: locates and accesses resources and information, acquires and applies knowledge, and understands and applies learning styles.

EDUCATIONAL GOALS (continued)

Goal 5: Technology

Students will be able to use a variety of technological tools to research, evaluate, organize, and communicate information in an academic, vocational or professional setting.

Choose appropriate technology: knows the uses and limits of a variety of technological tools.

Access, organize, and evaluate information: knows how to use technology to find, organize and judge data.

Communication information: uses the appropriate technology to communicate ideas to different groups in a variety of mediums.

Analyze information: utilizes appropriate technology for organizing, researching, and interpreting data.

Work cooperatively using shared documents and online tools.

Being part of the Tracy community, the Tracy Learning Center has embraced these goals.

All three schools in the Tracy Learning Center have adopted versions of the high school School Wide Outcomes (SWOs)

In order for the governing board and staff to implement The Tracy Learning Center goals, we are committed to:

Providing a safe and orderly environment.

Maintaining clean and well-kept facilities with cooperation from the district who owns the facilities we use.

Hiring and retaining a qualified and well trained staff

Utilizing adequate and up-to-date instructional materials and equipment aligned with current courses of study.

Developing guides or courses of study for each subject or area taught.

SCHOOL ACCOUNTABILITY REPORT CARD

The Governing Board and administration values the state of the school accountability report card for sharing with stakeholders the strengths and areas for improvement. The report is written annually for each of the three charters and posted on the website for all to access.

UNIFORM COMPLAINT PROCEDURES

This Uniform Complaint Procedures Policy (“UCP”) contains rules and instructions about the filing, investigation and resolution of UCP complaints regarding any alleged violation by public charter schools operated by Tracy Learning Center (Primary Charter School, Discovery Charter School, and Millennium High School) (hereinafter referred to as the “School”) of federal or state laws or regulations governing educational programs. The School shall have primary responsibility to ensure compliance with applicable state and federal laws and regulations.

The School developed this UCP pursuant to Title 5, California Code of Regulations, §§ 4600-4687 and consistent with policies and procedures adopted by our governing board. This UCP shall apply only to those complaints that fall within the scope of the UCP and are applicable to charter schools. It does not apply to complaints arising from the employment relationship, which are separately addressed by the School’s employment policies.

COMPLAINTS UNDER THE UCP

A UCP complaint is a written and signed statement by a complainant, including a person’s duly authorized representative or an interested third party, public agency, or organization, alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation, bullying or charging pupil fees for participation in an educational activity or non-compliance with the requirements of the School’s Local Control and Accountability Plans (“LCAP”). A UCP complaint must be filed according to the procedures set forth herein.

Complaints Regarding Programs and Activities

Complaints of violations of state or federal law or regulations governing the following programs and activities, to the extent offered by the School, are subject to the UCP and will be investigated by the School:

- Adult Education
- After School Education and Safety
- Agricultural Vocational Education
- American Indian Education Centers and Early Childhood Education Program Assessments
- Career Technical and Technical Education; Career Technical; Technical Training
- Child Nutrition
- Consolidated Categorical Aide
- Economic Impact Aid

- Bilingual Education
- California Peer Assistance and Review Programs for Teachers
- Child Care and Development
- Regional Occupational Centers and Programs
- School Safety Plans
- Special Education
- Every Student Succeeds Act / No Child Left Behind (2001) Programs
- Foster and Homeless Youth Services
- Migrant Education
- State Preschool
- Tobacco-Use Prevention Education

Complaints Regarding Pupil Fees

Complaints the School has violated Education Code §§ 49010 through 49013 concerning pupil fees are subject to this UCP and will be investigated by the School. A pupil shall not be required to pay a pupil fee for participation in an educational activity, unless the charge for such a fee is specifically authorized by law and does not violate Education Code §49011. A “pupil fee” is a fee, deposit, or other charge imposed on pupils, or a pupil's parents or guardians, in violation of state codes and constitutional provisions 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. “Educational activities” are those offered by a school, school district, charter school, or county office of education that constitute a fundamental part of education, including, but not limited to, curricular and extracurricular activities. A pupil fee includes, but is not limited to, all of the following:

1. 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.
2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

Complaints Regarding LCAP

Complaints concerning the School’s LCAP (Education Code § 52075) are subject to this UCP and will be investigated by the School . The LCAP is an important component of the Local Control Funding Formula (LCFF), the revised school finance system that overhauled how California funds its K-12 schools. Under the LCFF the School is required to prepare an LCAP, which describes how we intend to meet annual goals for our pupils,

with specific activities to address state and local priorities identified pursuant to Education Code § 52060(d).

Complaints of Discrimination, Harassment, Intimidation and/or Bullying

Complaints of discrimination, harassment, intimidation, and/or bullying of a student as identified in Education Code §200 and 220 and Government Code §11135, including any actual or perceived characteristics set forth in Penal Code §422.55, based on sex, sexual orientation, gender, gender identity, gender expression, race or ethnicity, ethnic group identification, ancestry, nationality, national origin, religion, color, mental or physical disability, age, immigration status, 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 programs or activities conducted by the School which is funded directly by, or that received or benefits from any state financial assistance, are subject to this UCP and will be investigated by the School. Any School personnel who witness an act of discrimination, harassment, intimidation or bullying, shall take immediate steps to intervene when safe to do so as required by Education Code § 234.1.

Complaints may be based on discrimination, harassment, intimidation, and/or bullying that occurs employee-to-student, student-to-student, and/or third party conduct to a student. Such complaints may also include allegations of failure to provide reasonable accommodations to a lactating pupil on campus to express breast milk, breast-feed an infant child, or address other needs related to breast-feeding pursuant to Education Code § 222.

UCP ANNUAL NOTIFICATION

The School shall ensure annual dissemination of this UCP to all students, employees, parents or guardians of its students, school advisory committee members, appropriate private school officials or representatives (if applicable), and other interested parties that includes information regarding allegations about discrimination, harassment, intimidation, or bullying. The annual UCP notice shall be in English. If 15% or more of students enrolled at the School speak a single primary language other than English, the annual notice shall be provided in that language as well pursuant to Education Code § 48985. This UCP shall be available in the School's main office and copies shall be made available free of charge.

CONFIDENTIALITY AND NON-RETALIATION

Complaints shall be handled in a confidential manner to respect the privacy of all parties to the fullest extent possible. Every effort shall be made to limit the distribution of information to only those persons with a need to know within the confines of the School's reporting procedures and investigative process. The School will make every effort to keep as confidential the identity of a complainant alleging discrimination, harassment, intimidation, or bullying.

The School prohibits retaliation in any form for filing of a complaint or an appeal, reporting instances of noncompliance, discrimination, harassment, intimidation, and/or bullying, or for participation in the complaint-filing or investigation process. Complainants are protected from retaliation.

These confidentiality and non-retaliation requirements extend to all parties involved.

DESIGNATION OF RESPONSIBLE EMPLOYEE

The School hereby designates the individual(s) identified below as the employee(s) responsible for receiving, investigating and responding to complaints and acting as the compliance officer(s) responsible for handling complaints under this UCP, referred to herein as the “Responsible Employee.”

Virginia Stewart
Executive Director
Tracy Learning Center
51 East Beverly Place
Tracy, CA 95376
209-831-5240

The Responsible Employee may designate another representative of the School to serve in this role, who for the purposes of this UCP, shall be included within the definition of “Responsible Employee.” The Responsible Employee shall promptly notify the complainant and respondent, if applicable, if another employee has been designated to handle the complaint.

In no instance shall the Responsible Employee be assigned to a complaint in which he or she has a bias or conflict of interest that would prohibit him or her from fairly investigating or responding to the complaint. Any complaint against Responsible Employee or that raises a concern about Responsible Employee's ability to investigate the complaint fairly and without bias shall be filed with the Executive Director or designee, or other appropriate School official, who shall determine how the complaint will be investigated.

The School will ensure that employees assigned to investigate complaints are knowledgeable about the laws and programs at issue in the complaints for which they are responsible. The Responsible Employee may consult with legal counsel as permitted by the Executive Director or designee.

The Responsible Employee shall determine whether interim measures are necessary pending the result of an investigation. If interim measures are determined to be necessary, Responsible Employee shall consult with the Executive Director or designee, prior to implementing any such measures. The interim measures shall remain in place until the

Responsible Employee determines that they are no longer necessary or until the School issues its final written decision, whichever occurs first.

FORMAL COMPLAINT PROCEDURES

The School shall investigate and seek to resolve, in accordance with this UCP, complaints alleging failure to comply with applicable state and federal laws and regulations including, but not limited to, allegations of discrimination, harassment, intimidation, or bullying or noncompliance with laws relating to all programs and activities implemented by the School that are subject to this UCP.

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

Step 1: Filing a Complaint

Any individual, public agency, or organization may file a written complaint of alleged noncompliance by the School. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed by a person who alleges that he or she personally suffered unlawful discrimination, harassment, intimidation, or bullying, or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination, harassment, intimidation or bullying, or by a parent or guardian.

If a complainant is unable to prepare a written complaint due to conditions such as disability or illiteracy, the complainant can receive assistance from School staff.

Complaints shall be filed with the Responsible Employee at the address provided herein. The Responsible Employee will maintain a log of complaints and subsequent related actions, in compliance with Title 5, California Code of Regulations, §§ 4631 and 4633. The Responsible Employee will evaluate the complaint to determine whether it is subject to this UCP and will notify the complainant within five (5) workdays if the complaint is outside the jurisdiction of this UCP.

Timing of Complaints

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 the complainant first obtained knowledge of the facts of the alleged unlawful discrimination, harassment, intimidation, or bullying. If the complaint is not timely filed,

the complainant will be notified of his or her right to appeal to the State Superintendent of Public Instruction for an extension of time in which to file the complaint.

Pupil fee complaints shall be filed no later than one (1) year from the date the alleged violation occurred with the Responsible Employee or Executive Director or designee.

Anonymous Complaints

Complaints related to pupil fees for participation in educational activities may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements of Education Code § 49010 et seq. (pupil fees). Complaints related to LCAP compliance may also be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements of Education Code § 52075.

TLC shall ensure the complaint procedures are conducted in a manner to protect against revealing immigration status information.

Step 2: Mediation (Optional)

Within ten (10) workdays of receiving the complaint, the Responsible Employee and complainant may mutually agree to mediation. The Responsible Employee shall make arrangements for any mutually agreed upon mediation that will allow both the complainant and School to present relevant evidence. The Responsible Employee shall inform the complainant that the mediation process may be terminated at any time and proceed directly to an investigation. In the mediation of an unlawful discrimination, harassment, intimidation or bullying complaint, the mediator must agree to keep confidential any information obtained through mediation. If mediation resolves the complaint to the satisfaction of both parties, the School will implement any remedial measures and the complainant may choose to withdraw the complaint. If mediation does not resolve the complaint to the satisfaction of both parties or within the parameters of law, the Responsible Employee shall proceed with his/her investigation of the complaint.

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

Step 3: Investigation of Complaint

In order to investigate the complaint, the Responsible Employee shall have access to applicable School records and/or information related to the complaint allegations. As part of his or her investigation, the Responsible Employee shall do all of the following, in no specific order:

- Provide an opportunity for the complainant and/or complainant’s representative and the School’s representative to present information relevant to the complaint or investigative process.
- Obtain statements from individuals/witnesses who can provide relevant information concerning the alleged violation.
- Review documents that may provide information relevant to the allegation.
- When necessary, seek clarification on specific complaint issues.

Refusal to provide the Responsible Employee with documents or other evidence related to the allegations in the complaint, or failure or refusal to cooperate or obstruction of the investigation by the complainant or his or her representatives may result in dismissal of complaint because of a lack of evidence to support the allegation. Refusal to provide the Responsible Employee with documents or other evidence related to the allegations in the complaint, or failure or refusal to cooperate or obstruction of the investigation by the School or its staff 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: Board Review

The School’s Board may consider the complaint at its next regular meeting or at a special meeting convened in order to meet the 60 calendar day total time limit within which the complaint must be answered. Based on all the evidence obtained during the investigation, the Board may approve, modify or reject the Responsible Employee’s proposed decision and issue a final decision that meets the requirements set forth herein. The Board may also decide not to hear the complaint, in which case the Responsible Employee’s decision shall be final.

Step 5: Final Written Decision

The Responsible Employee shall prepare and send to the complainant a written report of the investigation and final decision within sixty (60) days of School’s receipt of the complaint, unless extended by written agreement with the complainant. The School’s decision shall be written in English and, when required by law, in the complainant’s primary language.

The decision shall include:

1. The finding(s) of fact based on the evidence gathered;
2. The conclusion(s) of law;
3. Disposition of the complaint;
4. Rationale for such disposition;

5. Corrective action, if any are warranted, including, with respect to a pupil fee complaint, a remedy that comports with Education Code § 49013(d) and Title 5, California Code of Regulations, § 4600(u);
6. Notice of the complainant's right to appeal the School's decision to the CDE; and
7. Procedures to be followed for initiating an appeal to the CDE.

In addition, any decision on a complaint of discrimination, harassment, intimidation or bullying based on state law shall include a notice that the complainant must wait until 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies.

In no event shall a decision under this section include identifying information of a student or any private employee personnel information, including but not limited to the nature of the disciplinary action taken against the student or employee. If a student or employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the student or employee was informed of the School's expectations.

If the School finds merit in a complaint regarding Pupil Fees, Local Control and Accountability Plans (LCAP), Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in our school district, Reasonable Accommodations to a Lactating Pupil, Course Periods without Educational Content (grades nine through twelve), and Physical Education Instructional Minutes (grades one through eight), we shall provide a remedy. If the School finds merit in a complaint regarding Course Periods without Educational Content, Reasonable Accommodations to a Lactating Pupil, and Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in the School, the remedy shall go to the affected pupil. If the School finds merit in a complaint regarding Pupil Fees, Physical Education Instructional Minutes and LCAP, the remedy shall go to all affected pupils and parents/guardians. The School, in good faith will engage in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid an unlawful pupil fee within one year prior to the filing of the complaint.

APPEAL PROCESS

A complainant may appeal the School's decision by filing a written appeal within 15 days of receiving the decision to the California Department of Education ("CDE"). This appeal to the CDE must fully explain the basis for the appeal, stating how the facts of our Decision are incorrect and/or the law is misapplied. The appeal must be sent to CDE with: (1) a copy of the original locally filed complaint; and (2) a copy of the School's decision of this original locally filed complaint.

Appeals of decisions regarding discrimination, harassment, intimidation, and/or bullying, and regarding provision of accommodations to lactating students should be sent to:

California Department of Education
Education Equity UCP Appeals Office
1430 N Street
Sacramento, CA 95814

Appeals of decisions regarding educational program complaints or pupil fees should be sent to:

California Department of Education
Categorical Programs Complaints Management Office
1430 N Street
Sacramento, CA 95814

Appeals of decisions regarding LCAP should be sent to:

California Department of Education
Local Agency Systems Support Office
1430 N Street
Sacramento, CA 95814

Appeals of decisions regarding special education compliance should be sent to:

California Department of Education
Special Education Division - Procedural Safeguards Referral Service
1430 N Street
Sacramento, CA 95814

The CDE may directly intervene in the complaint without waiting for action by the School when one of the conditions listed in Title 5, California Code of Regulations, § 4650 exists, including cases in which the School has not taken action within sixty (60) days of the date the complaint was filed with the School. A direct complaint to CDE must identify the basis for direct filing of the complaint, which must include clear and convincing evidence that supports such a basis.

CIVIL LAW REMEDIES

A complainant may pursue available civil law remedies outside of the School's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

For complaints alleging unlawful discrimination, harassment, intimidation, and bullying based on state law, a complainant shall wait until sixty (60) calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the School has

appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with Title 5, California Code of Regulations, § 4622.

ACADEMIC STANDARDS

The Governing Board recognizes that Charter -wide desired learning, benchmarks and performance standards are necessary to clarify for students, parents/guardians and staff what students are expected to know and be able to do at each grade level and in each area of study. The Board shall adopt high standards in student achievement that challenge all students to reach their full potential and ensure consistency of expectations.

Standards shall guide Board and staff decisions regarding the curriculum to be adopted, the sequential courses of study to be offered, and the assessments to be given. Staff shall continually assess student's progress toward meeting the standards and shall offer remedial assistance as needed. The standards shall also provide a basis for evaluating the instructional program and, as required by law, for evaluating teacher performance.

SCHOOL DAY

The Governing Board shall establish the length of the school day subject to the provisions of law and the charter. (Education Code 46100).

The school day shall be arranged and scheduled by the administration so as to offer the greatest return educationally for the time spent, within the limitations of charter and facilities and requirements of state law and regulations.

The Primary day shall begin at 8:13 and end at 3:30

The Discovery and Millennium Day will begin at 7:55 and end at 3:55

During FAST TRACK the high school day will be shorter, 4 hours of class with one half hour break.

ABSENCE FOR RELIGIOUS BELIEFS

The governing board does not authorize leave during the school day for students to attend moral or religious instruction away from school.

Students, with the written consent of their parents, may be excused from school in order to participate in a religious ceremony or attend an observance of a holiday at their respective places of worship or at other suitable place or places away from school property designated by the religious group, church or denomination. Attendance at such events must be requested in advance.

Attendance at such events will be deemed excused.

EMERGENCIES AND DISASTER PREPAREDNESS PLAN

All staff and students must be prepared to respond quickly and responsibly to emergencies, disasters, and events which threaten to result in a disaster.

The Director or designee shall develop and maintain a disaster preparedness plan which details provisions for handling all foreseeable emergencies and disasters.

Directors or designee shall augment the plan with working plans and procedures specific to each school area. All students and employees shall receive instruction regarding these plans.

The Director or designee shall consult with city and/or county agencies so that the plan may provide the best possible way of handling each situation and also provide for emergency communications systems between these agencies and each district school.

Charter plans address at least the following situations:

1. Fire in a building.
1. Fire from an external source, such as a forest, brush or grass.
2. Enemy attack by land, sea or air.
3. Bomb threat or actual detonation.
4. Natural disasters, (i.e., floods, heavy snows, blizzards, torrential rains, earthquakes, and tornadoes).
5. Man-made disasters, (i.e., smog, riots, airplane crashes, and chemical accidents).
6. Attack or disturbances by criminal or insane individuals or groups.

EMERGENCIES AND DISASTER PREPAREDNESS PLAN (continued)

The Board encourages all employees to become proficient in first aid and cardiopulmonary resuscitation. Each Learning Director shall ascertain that at least one staff member at each school holds a valid certificate in these areas. The Director or designee shall provide for CPR in-service training.

The Director will review the disaster plan with staff.

FIRE DRILLS AND FIRES

The staff and students must be prepared to respond quickly and responsibly to fires. The Governing Board desires to have specific procedures for safety at schools. The Director of Facilities and the Office Manager shall augment the plan.

BOMB THREATS

To provide for the safety of students and staff, the Director or designee shall develop procedures for dealing with bomb threats.

Whenever the director or designee believes that a danger may exist, he/she shall have students and staffs evacuate threatened areas until law enforcement or fire department staff conducts a bomb search and determine that reentry is safe.

The Director or designee shall make every effort to identify individuals who make bomb threats and have them prosecuted. Students who make such threats are subject to disciplinary action as per education code.

CEREMONIES AND OBSERVANCES

The Governing Board recognizes the importance of having students join together to celebrate events of cultural or historical significance or to acknowledge the contributions of outstanding individuals. Besides helping students to appreciate their pluralistic heritage, ceremonies and observances can enhance their sense of community, instill pride in our country, and contribute to a positive school climate.

Patriotic Exercises

The Pledge of Allegiance to the Flag of the United States of America shall be given at the start of each regularly scheduled class each day during the school year as part of the Unity ceremony for Discovery and Primary Charters.

Special Days and Events

Commemoration of special days and events shall be arranged to the end that the effective observation of these occasions is a definite and valuable part of the school program.

Annual Holidays when school shall be closed on the designated dated include:

Labor Day	Veteran's Day
New Year's Day	Thanksgiving Day
Lincoln Day	Christmas Day
Washington Day	Dr. Martin Luther King, Jr. Day
Memorial Day	Independence Day

The Governor of California may designate any other day as a public fast, thanksgiving or holiday, but schools shall not be closed unless the proclamation specifies that they shall. If not closed, schools shall have proper exercises commemorating the day.

CURRICULUM DEVELOPMENT AND EVALUATION

The Governing Board accepts responsibility for establishing and supporting what students will learn. The Board shall adopt a curriculum which reflects charter philosophy, responds to student needs and abilities, and is consistent with the adopted state frameworks and requirements of law. Insofar as possible, this curriculum shall also reflect the desires of the community and the needs of society as a whole.

The Board accepts responsibility for ensuring that the process of curriculum development, implementation, and evaluation is the top priority for the charter. This process is recognized as an ongoing one, routinely supported by planned allocations of designated staff development days.

The Director or designee shall keep the Board informed about instructional effectiveness and student achievement in each area of the curriculum. The Director or designee shall facilitate the Board's efforts to discuss its curriculum review process with the staff and charter community.

Each year, as part of the district oversight responsibilities for the Charter, the district sends a review team to review the self-study programmatic reviews submitted by the charter to the district. A written response from the district is returned and is shared with the board.

FAMILY LIFE AND SEX EDUCATION

The Governing Board believes that a wholesome, well-planned sequence of instruction about family life and human sexuality is essential to the general education of all students. Lack of information or pervasive misinformation can cause low self-esteem, increased risk for sexually transmitted disease, unintended pregnancy, or sterility. The charter curriculum shall help students understand the biological, social, moral, and ethical aspects of human sexuality.

All classes that teach family life/sex education shall comply with Education Code.

AIDS PREVENTION INSTRUCTION

The Governing Board recognizes that Human Immunodeficiency Virus (HIV) infection and Acquired Immune Deficiency Syndrome (AIDS) pose a public health crisis and that education is the most effective means for slowing the spread of this disease.

The charter shall offer a comprehensive, age-appropriate, K-12 HIV/AIDS prevention curriculum. HIV/AIDS prevention instruction shall be focused on giving students the knowledge, skills and motivation to avoid or reduce high-risk behavior that may lead to HIV infection.

The Director or designee shall inform parents/guardians of their right to inspect all instructional materials related to HIV/AIDS instruction and shall provide opportunities for inspection of materials before they are presented to students.

Staff members or others who present HIV/AIDS prevention instruction shall be adequately trained and have periodic in-service opportunities to remain knowledgeable of new prevention education techniques and new developments in the scientific understanding of HIV/AIDS. Other staff members and parents/guardians may have access to HIV/AIDS information in order to reinforce universal precautions and to present consistent messages and attitudes to students.

LEARNING THROUGH COMMUNITY SERVICE

The Governing Board recognizes that community service can help student's development skills, career awareness and self-esteem. Service experiences also can motivate students by letting them apply what they are studying to local needs and problems and by showing them that they can make a contribution to their community.

The Board supports the integration of community service activities with the curriculum so as to enhance learning in all subject areas. The Board encourages staff to collaborate with local public nonprofit agencies in order to develop service learning activities that meet educational objectives and also fit in with current community efforts to meet human, educational, environmental or public safety needs.

Community Service Classes

The Charter may offer community service classes which acquaint students with the history and importance of volunteer service and with a wide range of existing community needs, including needs within the school itself.

Students may be offered volunteer opportunities which support and strengthen their academic achievement and help them recognize the relevance of what they are learning in school. Insofar as possible, such opportunities shall also be designed to help students develop cross-cultural relationships within the community.

High school students must complete 200 approved hours of community service to meet the graduation requirements.

VISUAL AND PERFORMING ARTS

The Governing Board recognizes that by studying visual and performing arts, students develop critical and creative thinking skills, initiative, discipline and perceptual abilities that extend to all areas of life. The Board believes that a comprehensive arts education program should be an integral part of the basic education offered to all students in all grades.

A comprehensive arts education program includes a written, sequential curriculum in dance, drama/theater, music and the visual arts. The Board recognizes that instructional time, credentialed staff, facilities, supplies and curriculum materials all are needed to support a quality arts program.

The Board encourages all teachers to enliven and enrich the students they teach through use of the arts.

PHYSICAL EDUCATION

The Governing Board desires to provide a physical education program which builds interest and proficiency in movement skills and encourages students' lifelong fitness through physical activity. Besides promoting high levels of personal achievement and a positive self-image, physical education activities should teach students how to cooperate in the achievement of common goals.

The Board shall approve the components of the physical education program.

Physical education staff shall take special care to ensure that excessive physical exertion is not required of students who have informed staff of a heart or respiratory condition or other physical disability that may restrict such activity. Any dispute concerning such a condition shall be submitted to the principal or designee, who may make appropriate inquiries consistent with state and federal law. An appropriate alternative activity shall be provided for these students.

Physical education staff shall appropriately limit the amount or type of physical exercise required of students during air pollution episodes, hot weather, or other inclement conditions.

READING/LANGUAGE ARTS INSTRUCTION

The Governing Board recognizes that reading and other language arts constitute the basic foundation for learning in other disciplines. It will be given an essential part of the school day at the Primary and Discovery levels. Students must develop an appreciation for literature and for reading as a means to acquire knowledge. They also should develop oral and written language skills that enable them to effectively communicate with others.

The Board desires to offer a comprehensive, balanced reading/language arts program that ensures that all students have the skills necessary to read fluently and for meaning. The program shall integrate reading, writing, speaking and listening activities in order to build strong communication skills. They will have a very strong foundation in all aspects of English grammar. Writing will be a weekly part of the language arts program.

Teachers are encouraged to use a variety of instructional strategies to accommodate the needs of beginning readers and the varying abilities of more advanced readers.

The Director or designee shall ensure that the reading/language arts program offers sufficient access to reading materials of varying levels of difficulty, including fiction and nonfiction works, so that students are continually reading at an appropriate level. In addition, technology should be available to support all areas of literacy.

Grades K-3

The goal of the Primary early literacy program shall be to ensure that students are able to read fluently and at grade level by the end of third grade. To reach this goal, the Director or designee shall design a balanced and comprehensive reading/language arts program with the following components:

1. Explicit skill development for beginning readers that includes phonemic

READING AND LANGUAGE ARTS INSTRUCTION (continued)

awareness, phonics and decoding skills, and sufficient practice and repetition of these skills

2. A strong literature, language and comprehension program that includes a balance of oral and written language
3. Ongoing diagnosis of individual students' skills
4. A significant and sequential writing program

Grades 4-12

The Board recognizes that reading/language arts instruction is an integral component of the curriculum at all grades levels. Continuous progress in fluency and comprehension shall be the goal of reading/language arts instruction in grades 4 through 12.

The program in these grades shall promote reading for subject matter comprehension, developing understanding of progressively more advanced reading material, analyzing and discussing a variety of reading materials, increasing the frequency of reading, developing more complex writing skills with attention to composition and vocabulary, and developing proficient grammar skills.

When students in these grades do not have fully developed reading/language arts skills, resources shall be made available to assist them in reaching a reading level sufficient to meet the demands of grade-level material. Staff at all grade levels and in every subject shall take responsibility for supporting and expanding students' literacy skills.

MATHEMATICS

The Governing Board desires to offer a rigorous mathematics program that provides a strong foundation in basic mathematical skills and prepares students to apply mathematics in real life. The Director or designee shall develop grade-level curricula that offer a balanced instructional program, including but not limited to:

1. Basic mathematical skills: quantification, basic facts, sorting and classification, and computational skills including addition, subtraction, multiplication, division, fractions, decimals, squares and square roots.
2. Conceptual understanding: knowledge and application of facts and definitions, identification of principles, understanding of relationships among mathematical concepts, recognition and application of signs, symbols and terms.
3. Problem solving: use of mathematical concepts, skills, tools and reasoning strategies to formulate and solve problems in a variety of situations.

The mathematics program shall develop such knowledge and skills in the subject areas of numbers, measurement, geometry, functions, statistics and probability, logic algebra and discrete mathematics. Students should know, understand and demonstrate concepts through their application to classroom and real-life situations.

The Director or designee shall ensure that all students have many opportunities to take the full range of mathematics course options.

The Board shall establish specific content and performance standards in mathematical skills, concepts and problem-solving ability for each grade level. The students will be grouped in skill level groups appropriate for their level of mastery.

The Director or designee shall ensure that certificated staff have opportunities to participate in professional development activities designed to increase their

MATHEMATICS (continued)

knowledge and skills in effective mathematics teaching practices.

Students shall have access to sufficient instructional materials, including manipulative and technology, to support a balanced mathematics program.

Students at Millennium High School will be required to successfully complete four years of mathematics for graduation.

EXTRA CURRICULAR ACTIVITIES

The Governing Board recognizes that extracurricular and co-curricular activities enrich the educational and social development and experiences of students.

No student shall be prohibited from participating in extra/co-curricular activities related to the educational program because of inability to pay fees associated with the activity.

The Director or designee shall ensure that disabled students have access, to the extent possible, to extracurricular and co-curricular activities, student organizations and school-related social events, regardless of the severity or nature of their disabilities.

Extra/co-curricular activities shall be supervised by charter employees whenever they are conducted under the name of the district. The Director for the charter shall be responsible for establishing student activities.

Eligibility Requirements

In order to participate in extra/co-curricular activities, students in grades 6 through 12 must demonstrate satisfactory educational progress in meeting the requirements for graduation and must be in good standing behaviorally.

Students

Students in Grades 6 — 12, who participate in extra-curricular/co-curricular activities and/ or athletics within must comply with the minimum academic eligibility standards which follow:

1. A minimum of a "C" average (2.5 on a 4 point scale) for all classes.
1. No course failures in any certification period.

All incoming 9th graders are academically eligible to participate in extra/co-

EXTRA CURRICULAR ACTIVITIES (continued)

curricular activities. At the end of the first grading period, 9th graders must be eligible. They must have earned a "C+" average (2.5 on a 4 point scale) and no course failures.

The Governing Board also requires that participating students be satisfactorily progressing towards the graduation requirements in order to participate in a sport or activity. Satisfactory progress is hereby defined as the ability to graduate with one's class within conventional timelines, i.e.:

Grades 9-12: eight (8) consecutive semesters from freshman entrance, including FAST TRACK sessions.

The Board shall annually review this policy and implementing regulations

STUDENT ORGANIZATIONS AND EQUAL ACCESS

The Governing Board believes that student organizations reinforce the instructional program, give students practice in democratic self-government and provide social and recreational activities. Student organizations also serve to honor outstanding student achievement and enhance school spirit and students' sense of belonging.

The Executive Director or designee shall establish criteria and a process for school sponsorship of student clubs.

In accordance with provisions of the Federal Equal Access Act, non-curriculum-related student-initiated groups shall be given equal access to meet on school premises during non-instructional times without regard to their religious, political or philosophical views.

All student clubs or groups shall have equal access to the school media, including the public address system, the school newspaper, the school bulletin board, to announce meetings. The Executive Director or designee may inform students that certain groups are not school-sponsored.

STUDENT ORGANIZATIONS AND EQUAL ACCESS (continued)

Legal Reference:

Equal opportunity without regard to sex
School sponsored athletic programs; prohibited sex discrimination
Designation of secondary schools
Designation of high schools
Prohibition of discrimination on the basis of sex
Hazing
Student organizations
Freedom of speech
Athletic programs: Legislative intent
Equal opportunity for male and female students
Appointment of funds for male and female students
Expenditure of public funds; prohibited sex discrimination

STUDENT ORGANIZATIONS AND EQUAL ACCESS (continued)

PENAL CODE

627-627.10 Access to school premises

UNITED STATES CODE, TITLE 20

4071 et seq. The Equal Access Act

Hartzell versus Connell, (1834) 35 Cal. 3d 899

Perumal et al versus Saddleback Valley Unified School District, (1988) 198 Cal. App. 3d 64

Board of Education of Westside Community School District versus Mergens By and Through

Mergens (1989, 8th Cir.) 867 F. 2d 1076, affd.

(1990) 496 U.S. 226

Student Coalition for Peace vs. Lower Merion School District Board of Directors (1985) 776 F. 2d.
431

Ceniceros versus Board of Trustees of the San Diego Unified School District, (1995) 66 F. 3d 1535

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**STUDENT ORGANIZATIONS AND EQUAL
ACCESS (continued)**

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(1995) 66,F. 3d 1535

Graduation Requirements from Millennium High School

A student must complete 245 credits and will normally carry a minimum of thirty-five credits each semester while in school. Beginning with students whose class graduates in June 2006 passing the California High School Exit Exam is required for graduation. Students must also complete 200 hours of approved community service. Students must complete the total number of credits in each of the areas listed below:

English	40 credits
Social Studies	40 credits
Science	30 credits
Math	40 credits
Fine Arts	10 credits
Physical Education	20 credits
Life skills	10 credits
Career Education	10 credits
Internship Seminar	5 credits
Elective Courses	40 credits
TOTAL	245 credits

Three years of science is to include at least one course in biological science and at least one course in physical science.

HIGH SCHOOL GRADUATION REQUIREMENTS/STANDARDS OF PROFICIENCY

All students must take and pass at least four years of math while enrolled in high school and one of the four classes must be Algebra I.

Students must take four years of English, two of which must address the ninth and tenth grade standards addressed on the California High School Exit Exam.

Students may make up a class in FAST TRACK. FAST TRACK may also be used to advance or to improve a poor grade

DIFFERENTIAL GRADUATION AND COMPETENCY STANDARDS FOR INDIVIDUALS WITH EXCEPTIONAL NEEDS

Although proficiency standards adopted for regular educational programs may be appropriate for students enrolled in special education program, differential standards and assessments shall be adopted for special education students who are not able to attain the Charter's regular proficiency standards.

The Individualized Education Program (IEP) team shall determine whether a student with exceptional needs has the abilities to attain the Charter's regular proficiency standards with appropriate educational services and support. When necessary, the IEP team shall develop differential proficiency standards appropriate to the students' needs and potential. These differential standards shall be included in the students' individualized education program.

No student shall be classified as eligible for differential standards of proficiency for the purpose of circumventing the legal requirement to maintain academic eligibility for extracurricular or co-curricular activities. (Education Code 35160.5).

Special education students may earn a "Certificate of Completion" in lieu of a regular diploma if they meet requirements as specified by their IEP Team. Students earning a "Certificate of Completion" will participate in graduation ceremonies and receive their certificate in the same manner as non-disabled diploma students.

Legal Reference:

EDUCATION CODE

35160.5	Extracurricular activities; differential standards
51215	Proficiency standards in basic skills
56000	Education of individuals with exceptional needs
56341	Individualized education program team
56345	Elements of the IEP

CODE OF REGULATIONS, TITLE 5

3069	Graduation
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CLASS SIZE

The Governing Board recognizes that teachers today must meet the needs of students whose experiences and preparation for school are increasingly diverse, and that the number of students in a class impacts the extent to which teachers can identify and respond to individual student needs.

Class size of 22 for grades K

Grades 1 to 4 in teacher ratio of 16 to 1

Class sizes for grades 5 through 12 average 30

It shall be the policy of the charter to maintain reasonably equal class sizes within each grade level throughout the charter classes.

HOMEWORK

The Governing Board believes that homework has a place in education but in the lower grades should serve more as reinforcement for parents and students. Homework is referred to as Parent-Student Connection. In the middle school, homework should be finishing writing assignments and study more than daily work. High school homework is dependent on the level of classes taken. The Board believes that the longer year and day compensates for the time other students spend doing excessive homework.

Make-Up Work

Students shall be given the opportunity to make up school work missed because of an excused absence and shall receive full credit if the work is turned in according to a reasonable make-up schedule as established by the teacher..

Teachers may allow a suspended student to complete any assignments and tests missed during suspension. (Education Code 48205).

Students who miss school work because of unexcused absences may be given the opportunity to make up missed work for full or reduced credit. Teachers may assign such make-up work as necessary to ensure academic progress, not as a punitive measure.

INDIVIDUALIZED EDUCATION PROGRAM

Students with disabilities shall be placed in the least environment which meets their needs. The Governing Board provides a full range of educational alternatives to facilitate this placement so that these students may interact with children without disabilities in an understanding, cooperative and mutually respectful environment. Students shall be placed outside of the regular classroom only when the student's specific needs cannot be met in that setting with supplemental supports and services.

Upon the identification of a student's exceptional need(s), the Executive Director or designee shall appoint an individualized education program (IEP) team. This team shall consider the student's needs, determine the content of his/her IEP, and make placement decisions. Parents/guardians and students as appropriate shall have the right and responsibility to participate in the development of the IEP.

The IEP team shall consider the educational and nonacademic benefits of placing the student in a regular class and shall determine what support services would be needed in order to maintain this placement. All placement decisions should promote maximum social interaction between students with disabilities and their non-disabled peers, in a manner that is appropriate to the needs of both.

Students and parents/guardians shall have the right to approve the student's initial placement in a special education program, and written parental consent shall be obtained before any such placement is made unless a due process hearing officer authorizes the placement. Once an IEP team has determined an appropriate placement with the parent/guardian's approval, that placement remains in effect unless the parties agree otherwise or a due process hearing officer so orders.

A parent, special education or regular education teacher may request a review of the classroom assignment of an individual with exceptional needs in accordance with procedures set forth in the local plan.

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Legal Reference:

EDUCATION CODE

51225.3	Requirements of high school graduation and diploma
56221	Adoption of policies
56321	Development or revision of IEP
56321.5	Notice to include right to electronically record
56340-56341	Instructional planning and individualized education program
56380	IEP reviews; notice of right to request
56506	Due Process rights

CODE OF REGULATIONS, TITLE 5

3022	Assessment plan
3023	Assessment
3024	Transfer
3040	Individualized education program implementation
3043	Extended school year
3068	Review of individualized education program

UNITED STATES CODE - TITLE 20

1232g	Family Educational Rights and privacy Act of 1974
1400 et seq.	Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

300.340-349	Individualized education programs
300.503	Independent educational assessment
300-533	Placement procedures
300.550-300.553	Least restrictive environment; alternative placements; placement; nonacademic settings

Sacramento City School District versus Rachel H 14 F. 3d 1398 7(9th Cir. 1994)

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

The Charter shall follow all procedural safeguards for students and parents/guardians as set forth in law. Parents/guardians shall receive written notice of their rights, including the right to a due process hearing for any dispute related to the identification, assessment or educational placement of a child or the provision of a free, appropriate public education to the child.

The District (SELPA) designee shall represent the student in any due process hearings conducted with regard to charter students and shall provide the Governing Board with the results of these hearings.

Complaints

Complaints concerning compliance with state or federal law regarding special education shall be addressed in accordance with the SELPA local plan and the Charter's uniform complaint procedures.

Legal Reference:

EDUCATION CODE:

56000	Education for individuals with exceptional needs
56001	Provision of the special education programs
56020-56033	Definitions
56220	Written agreements
56221	Adoption of policies for programs and services
56240-56244	Staff development
56300-56381	Identification and referral, assessment, instructional planning, implementation, and review
56440-56449	Programs for individuals between the ages of Three and five years
56500-56507	Procedural safeguards, including due process rights

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

56600-56606 Evaluation, audits and information

CODE OF REGULATIONS, TITLE 5

3000-3082 Regulations governing special education (in general), especially

3021-3028 Identification, referral, and assessment

3040-3043 Instructional planning and individualized education program

NONPUBLIC NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

The Governing Board acknowledges that the SELPA (District) may contract with state-certified nonpublic nonsectarian schools or agencies to provide special education services or facilities when an appropriate public education program is not available as determined by the Individualized Education Program (IEP) Team.

Legal References:

EDUCATION CODE

56034-56035	Definitions of nonpublic nonsectarian school and agency
56042	Placement not to be recommended by attorney with conflict of interest
56101	Waivers
56160	Apportionment of funds
56163	Certification
56168	Responsibility for education of student in hospital or health facility school
56221	Adoption of policies
56361	Program Options
56365	Nonpublic nonsectarian school services; contracts; allowances for services; tuition
56365.5	Placements exceeding cost threshold
56366	Nonpublic, nonsectarian schools; legislative intent; alternative special education service; contracts, warrants; certification; standards Application for certification Waiver of requirements Contract prohibition re former agency employee

**NON-PUBLIC NON-SECTARIAN SCHOOL AND AGENCY SERVICES
FOR SPECIAL EDUCATION (continued)**

	Revocation or suspension of certification
	Payment for contract services; request; penalty for unjustified nonpayment
	Petition for review of denial, revocation or suspension of certification Tuition fee list
56711	Computation of state aid
56728.7	Pilot program for returning nonpublic school pupils to public schools
56740-56743	Appointments and reports

**NONPUBLIC NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR
SPECIAL EDUCATION (continued)**

56760	Annual budget plan; service proportions
56775.5	Reimbursement of assessment and identification costs
7572.55	Seriously emotionally distributed child; out-of-state placement

WELFARE AND INSTITUTIONS CODE

362.1	Out-of-home placement for IEP
727.1	Out-of-state placement of wards of court

CODE OF REGULATIONS, TITLE 5

3001	Definitions
3061-3069	Nonpublic nonsectarian school and agency service

BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS

A special education student's minor behavioral problems shall be subject to the disciplinary measures applicable to all students for such infractions.

When a special education student's serious behavioral problem significantly interferes with implementing the goals and objectives of his/her individualized education program, a functional analysis assessment shall be conducted with parental consent and a written behavioral intervention plan may be developed for the student in accordance with law and SELPA procedures.

The Executive Director or designee shall ensure that staff are informed of the SELPA's policy and regulations governing the systematic use of behavioral and emergency interventions.

Legal Reference:

EDUCATION CODE

49001	Prohibition of corporal punishment
56321	Notice of parental rights; consent of parents
56500-56507	Procedural safeguards, including due process rights
56520-56524	Behavioral Interventions

CODE OF REGULATIONS, Title

3001	Definitions
3052	Designated Positive Behavioral Interventions

EQUIPMENT, BOOKS AND MATERIALS

The governing board recognizes that students' educational opportunities are enhanced when they have sufficient access to high-quality equipment and other instructional materials for each of the subjects they are studying.

Textbooks are not the mainstay of the instructional program at the Tracy Learning Center. Staff is encouraged to prepare learning materials based on a wide variety of resources. Teachers use textbooks for reference and use the state standards for directing the curriculum they prepare.

Disposal of Surplus Obsolete Materials

The disposition of old instructional materials shall be accomplished under the direction of the Director of Facilities.

LEARNING GUIDES

The governing board recognizes the value derived from the utilization of auxiliary personnel, and believes that such personnel will provide greater personal contact and additional services which will assist the school in achieving and furthering its program objectives.

It is understood that such personnel, to be known as Learning Guide, will not release the professional of his/her basic responsibility for the supervision of pupils at all times. They will serve in addition to, not in place of, certificated personnel and will perform under the supervision of, but not necessarily in the physical presence of, certified personnel.

STUDENT ASSESSMENT

The Governing Board believes that the primary purpose of assessment is help students, parents/guardians and teachers identify individual students' academic strengths, weaknesses and progress in order to inform instructional practices to increase learning. Assessment should also be an important component and should use a variety of types of measures.

The Governing Board recognizes that a variety of evaluation measures are needed in order to reach the above goals. To have validity, tests must correspond to the material being taught and measure the extent to which students meet clearly specified standards of achievement.

The Director or designee shall administer mandatory student assessments as provided by the State Board of Education.

The Director or designee also shall administer achievement tests to all students in Grades 3 through 11 as part of the state's student testing incentive program. The Governing Board may meet in closed session to review the contents of any assessment approved or adopted for the statewide testing system. In order to maintain the confidentiality of the assessment under review, the Governing Board shall first agree by resolution to accept any State Board of Education terms or conditions for that review. Upon written request by the parent/guardian, a student shall be excused from any or all parts of student assessments administered for the statewide testing system.

Live Animals in the Classroom

Animals displayed in the classroom can be an effective instruction aid. This is particularly true with specific units of study. When animals are brought into the classroom, every precaution must be taken to protect the health and welfare of the student.

All animals used must be lawfully acquired in accordance with state and local laws. All mammals used in a classroom should be inoculated for rabies, unless purchased from a reliable scientific company. All live animal studies must be in compliance with Education Code Section 51540

Classroom pets are acceptable, but must be approved by the Executive Director before introduced to the children.

The following animals should never be brought into the classroom: wild birds and mammals, snapping turtles, poisonous snakes, or insects that may be carriers of disease.

Students should not bring their pets to the classroom unless the activity is carefully planned by the teacher and approved by the Executive Director.

Dead animals should not be brought into the classroom, unless prior approval has been given by the school Executive Director. Office Manager, site Administrator or appropriate animal control agency, to the County Health Department. Animal bites must be immediately treated and promptly reported to the school

Legal Reference:

Education Code

51540 Treatment of Animals

STUDENT USE OF TECHNOLOGY

The Governing Board recognizes that technology provides ways to access the most current and extensive sources of information. Technology also enables students to practice skills and to develop reasoning and problem-solving abilities. In addition, electronic resources foster workplace skills that may be transferable to new technologies. Every effort shall be made to provide equal access to technology throughout the schools and classes.

To discourage access to adult content on on-line electronic services and preclude other misuses of the system, the Director or designee shall establish age/grade- level qualifications and shall ensure that students receive training in user obligations and responsibilities.

Before using on-line services, the student and parent/guardian shall sign the charter's user contract indicating that the student understands and agrees to abide by specified user obligations and responsibilities.

Staff shall closely supervise students while using on-line services and may ask teacher aides and student aides to assist in this supervision.

The Director or designee shall establish administrative regulations governing use of the district's on-line services. He/she shall ensure that users have no expectation of privacy and understand that district staff may monitor or examine all system activities to ensure proper use of the system. Students who fail to abide by these regulations shall be subject to disciplinary action, revocation of the user account, and legal action as appropriate.

ENGLISH LANGUAGE LEARNERS

The Governing Board intends to provide English language learners with a challenging core curriculum and instruction that develops proficiency in English speaking, reading and writing as effectively and efficiently as possible.

SUMMER SCHOOL

The Tracy Learning Center believes that summer school should be a part of the school year, not something extra or optional. All students are enrolled for 180 school days and 25 additional days for a total of 205 days of school per year. The high school, conforming to the semester approach of other high schools, offers FAST TRACK. This is a five week shorter day for one class for four hours a day. The students are able to receive ten credits for the course.

Education of Homeless Youth Policy

The McKinney-Vento Homeless Assistance Act, reauthorized in December 2001, ensures educational rights and protections for children and youth experiencing homelessness. The purpose of this policy is to set forth the policies and procedures for enrollment and education of homeless children and youth at the charter schools operated by Tracy Learning Center (“TLC”).

Key Definitions:

“Homeless” students are those who lack fixed, regular, and adequate nighttime residences and include:

Children and youths who 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 (does not include trailers or mobile homes in a mobile home park), or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

Children and youths who 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;

Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing (e.g., condemned buildings), bus or train stations, or similar settings; and

Migratory children who qualify as homeless because the children are living in conditions described in (1)-(3) above.

“School of Origin” means the school that a homeless student attended when permanently housed or the school in which the homeless student was last enrolled.

“Best interest” means, to the extent feasible, continuing a student’s enrollment in the school of origin for the duration of his/her homelessness, except when doing so is contrary to the wishes of his/her parent/guardian.

“Unaccompanied youth” means a youth not in the physical custody of a parent or guardian.

Contact Information:

The TLC Liaison (“Liaison”) serves Primary, Discovery, and Millennium Charter Schools. The Liaison serves as a guide for homeless students and unaccompanied youth in the enrollment process with TLC’s charter schools. The Liaison is responsible for making placement decisions for homeless students on behalf of all TLC charter schools.

The contact information for the Liaison is as follows: Kathleen Fagundes, Assistant to Executive Director **51 E. Beverly Place Tracy, CA 95376**
209-290-0511

The Liaison for homeless students shall work to ensure that:

Homeless students are identified by school personnel and through coordinated activities with other entities and agencies;

Homeless students enroll in and have a full and equal opportunity to succeed in schools;

Homeless families and students receive educational services for which they are eligible;

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;

Notices of the educational rights of homeless children are distributed at places where children receive services;

Enrollment disputes are mediated in accordance with law, school policy, and administrative regulation; and

Parents/guardians are fully informed of all transportation services that may be offered by the schools.

Enrollment at TLC Charter Schools:

Homeless students may continue attending his/her School of Origin for the duration of the homelessness and until the end of any academic year in which he/she moves into permanent housing.

Homeless students and unaccompanied youth who are interested in enrolling at TLC charter schools will have their requests to enroll reviewed by the Liaison.

In accordance with TLC policies and Education Code § 47605(d), a homeless student or unaccompanied youth may enroll at a TLC charter school if the enrollment cap is not met for the student's grade level.

The Liaison will base placement decisions for the TLC charter schools based on the homeless student's best interest. A homeless student will, to the extent possible, be placed in his/her School of Origin, unless his/her parent/guardian requests otherwise.

If a TLC charter school is able to enroll the student, the Liaison or designee will work with school staff to enroll the homeless student, even if the parent/guardian is unable to provide the school with the records normally required for enrollment. The Liaison will help contact the school last attended by the student to obtain these records. If the student needs to obtain immunizations or does not have immunization or other medical records, the Liaison will assist the parent/guardian in obtaining the necessary immunizations or records for the student.

If the enrollment cap has been met for a prospective student's grade level, the student will be unable to immediately enroll with a TLC charter school. The Liaison will notify the student and his/her parent/guardian. A random public lottery will take place once a year to determine enrollment for the following school year per the terms of each respective charter school. Any students not enrolled through the lottery will be placed on the wait list. This lottery process will not discriminate against the homeless child or youth in any way.

Enrollment Dispute Resolution Process:

The dispute process only applies if the Liaison makes a determination that a homeless student be placed at a school other than his/her School of Origin. This dispute process does not apply if the schools' enrollment limitations prevented the TLC charter school from enrolling the student.

During the dispute process, the homeless student shall be immediately admitted to the School of Origin.

Written Explanation During Dispute

The parent/guardian will be provided with a written explanation of the placement decision, including an explanation of the parent/guardian's right to appeal the decision.

The written explanation will be complete, as brief as possible, simply stated, and provided in language that the parent/guardian or student can understand.

Rights of Appeal

The Liaison will carry out the dispute resolution process as quickly as possible after receiving notice of the dispute.

If a parent/guardian disagrees with the Liaison's enrollment decision, he/she may appeal the decision to TLC's Executive Director. The Executive Director will make a determination on this appeal within ten school days.

If the parent/guardian chooses to appeal TLC's placement decision, the Liaison shall forward all written documentation and related paperwork to the homeless liaison at the county office of education.

Community Relations

YOUTH SERVICES

The Governing Board realizes that schools must work with parents/guardians, businesses, government, and the community to meet the complex individual needs of children to ensure the coordination of multiple services.

The Board shall initiate or participate in collaborative relationships with city and county leaders to develop local policies and provide effective multi-agency programs that respond to the needs of children and families.

The Director and staff shall contact and cooperate with public and private agencies to ensure the availability and effective implementation of after-school programs, childcare programs, and other services for children.

Tracy Learning Center provides before and after school child care. There are opportunities for additional academic support.

The Board shall advocate for local, state, and national policies, legislation, and programs designed to provide or better coordinate services for children and families.

COMMUNICATION RELATIONS

The Governing Board appreciates the importance of community involvement, and therefore, shall strive to keep the community informed of developments within the charters in timely and understandable ways.

The Director or designee shall use all available means of communication to keep the public aware of the goals, programs, achievements, and needs of our students and schools. Members of the community shall have opportunities to become involved in the schools and to express their interests and concerns through membership in councils, parent clubs and by fulfilling the request to volunteer 10 hours per family each year.

In order to promote open communication between the charters and the families, a weekly newsletter will be sent home electronically and posted on the web. All previous newsletters will also be available. The web contains e-mail addresses for all governing board members and staff.

COMMENDATIONS AND AWARDS

The Governing Board believes that individuals and organizations deserve recognition when they provide contributions or longstanding service to charters. The Board believes that commending such service promotes increased community understanding and participation.

The Board encourages similar forms of recognition for achievement or services as part of the school-level commendation programs.

POLITICAL PROCESSES

The Governing Board has a responsibility to actively advocate fiscal and public policy that supports the charters and the children in the community. To the extent possible, the Board shall be proactive in defining the charters advocacy agenda based on the needs set forth in the district's vision and goals.

The Board's responsibility as an advocate for the charter may include lobbying at the state and national levels.

Because local governments also make decisions which impact the charters, the Board and the Executive Director shall work to establish ongoing relationships with city and county officials and agencies, and shall inform them of the potential effect of local issues on the charters.

The Board may provide fair and impartial information about legislative issues affecting charters and children and shall inform the community about its legislative advocacy activities.

PUBLIC PARTICIPATION

Any individual or group may address the Board on any item on the agenda, or on any subject that lies within the jurisdiction of the Governing Board as follows:

1. All speakers must complete a Speaker's Card to be given to the recording secretary prior to the meeting being called to order.
2. Speakers will be called on by the Board President during the "Delegations" or at the time that an item is being considered on the agenda. All questions shall be addressed directly to the Board President
3. All presentations will be held to a reasonable length, normally not to exceed five minutes. Speakers will be notified when their time is up. The President may establish time limits for any individual agenda item.
4. Speakers shall state their names and state whether the statement is being made as an individual or as a representative to an organization.
5. Concerns regarding employees or students will be directed to the Director.
6. Persons who unduly interfere with the orderly conduct of business, or who use defamatory, abusive or profane language will forfeit the opportunity to address the Board.

CITIZEN ADVISORY COMMITTEES

The Governing Board recognizes that citizen advisory committees enable the Board to better understand the beliefs, attitudes, and opinions held by the community.

The Board may participate in citizen advisory committees to consider school problems and issues as the need arises or when required by law. Such committees shall serve in a strictly advisory capacity; they may make recommendations regarding Board policy, but their actions shall not be binding on the Board. The Board or Director may dissolve any advisory committees not required by law at any time.

COMMUNITY SUPPORT ORGANIZATIONS

The Governing Board recognizes the importance of having parent support/booster clubs that enhance and assist in furthering the educational opportunities of students.

Community support organizations (CSO) such as Parent Club, approved by the Board to promote, encourage, and support the approved academic, co-curricular, and extracurricular activities of the Tracy Learning Center. All CSO's are directly responsible to the Executive Director who must operate under the laws of the State and administrative guidelines of the district.

VOLUNTEER ASSISTANCE

Volunteer non-teaching aides may work with students under the immediate supervision and direction of certificated personnel which assists certificated personnel in the performance of non-teaching and administrative responsibilities.

Volunteer instructional aides may assist certificated personnel in the performance of their duties, in the supervision of students, and in instructional tasks which, in the judgment of the certificated personnel to whom the instructional aide is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to students. An instructional aide need not perform his/her duties in the physical presence of the teacher, but the teacher retains responsibility for the instruction and supervision of students in his/her charge.

Facilities project volunteers may work on short-term facilities projects under the supervision of the Director of Facilities on projects approved by the Executive Director who has followed the guidelines of the District as outlined in the MOU.

Sex Offender Checks

Before authorizing any person to serve as a volunteer non-teaching aide or a volunteer instructional aide, Human Resources shall ask a local law enforcement agency to conduct an automated records check or shall call the Department of Justice to determine that the individual is not a registered sex offender. Volunteers shall be informed that the charter is conducting this record search.

Tuberculosis Testing

All volunteer instructional aides shall submit evidence that they are free from active tuberculosis at least once every four years pursuant to Education Code 49406. (Education Code 45106, 45347, 45349, 49406).

All volunteers in child care and development programs shall be tested for tuberculosis within 60 days before or within seven days after the volunteer service begins. Staff shall also maintain annual follow-up reports indicating that the volunteer is free from tuberculosis.

VOLUNTEER ASSISTANCE (continued)

Fingerprinting

Volunteer instructional aides shall undergo fingerprinting if the volunteer will be in direct contact with students without a teacher present, such as during science camp.

VISITORS

The Governing Board encourages parents, guardians and interested members of the community to visit the schools and view the educational program. Requests for tours, shadowing and other opportunities are always open to the parents and interested parties.

To ensure minimum interruption of the instructional program and preserve the peaceful conduct of school activities, the office clerk or registrar shall establish procedures which facilitate visits during regular school days. Visits during school hours should be first arranged prior to the day of the visit.

All outsiders as defined in law and administrative regulations shall register immediately upon entering any school building or grounds when school is in session.

For purposes of school safety and security, the school secretary issues a visible means of identification for visitors while on school premises.

No electronic listening or recording device may be used by students or visitors in a classroom without the teacher's written permission.

Students coming on campus from other schools to visit students will be asked to leave the school grounds and be asked to remain across the street. Disruptive or disrespectful visitors from other campus will be asked to leave the area.

TLC shall post signs at the entrance of its school grounds and/or on its publicly accessible websites to notify outsiders of the hours and requirements for registration/visitors.

No outsider—which would include immigration-enforcement officers—shall enter or remain on school grounds during school hours without having registered with the Executive Director, Director or their designee.

FOUNDATIONS FOR EDUCATION

The Governing Board recognizes that members of the community realize that demands on the educational system exceed available public funding.

Community members are often willing to develop resources, materials, or program-leased partnership, which focus on working collectively to expand opportunities for student achievement and success.

The Board, therefore, approves and encourages the creation of an independent educational foundation to actively raise funds that will enhance educational opportunities for our students. The Board desires to work collectively with the foundation in determining the purposes for which funds may be used to meet student needs that are consistent with the charter mission and vision

ACCESS TO CHARTER RECORDS

The Governing Board recognizes the right of citizens to have access to public records of the Charters. The Board intends the charter to provide any person reasonable access to the public records of the charters during normal business hours and within the requirements of state and federal law. Such records shall be examined under the direction of the staff member regularly responsible for their maintenance.

The Charter may charge for copies of public records or other materials requested by individuals or groups. The charge shall be based on actual costs and duplication, as determined by the registrar.

Public access shall not be given to records listed as exempt from public disclosure in the California Records Act or other statutes.

RELATIONS BETWEEN PRIVATE INDUSTRY AND THE SCHOOLS

The Governing Board encourages representatives of private industry to participate with the charters in preparing our students for challenges they will meet in the future. Working together as partners, business and charters should seek to educate citizens who can contribute to the productive workforce on which our economy depends.

The Phase Two High School counselors shall invite local employers to serve in a variety of ways for our high school students involved in aspects of Career Education Seminar as well as the required work internship program. Businesses may also provide classroom assistance, incentive and recognition programs, work experience opportunities, internships, and employment opportunities. The Board recognizes that staff members need adequate time to plan these activities in cooperation with the business volunteers.

The Board also encourages private industries to contribute funds and equipment to further the district's educational programs. To prepare for an increasingly technological job market, students especially need access to equipment that meets current business standards

STUDENTS

CONCEPTS AND ROLES

The focus of the school system is on the student. It is incumbent upon the Governing Board, Director and teachers to provide for the physical and intellectual welfare of the students in their charge. This shall be accomplished through the Board's policies. The school district shall work closely with parents/guardians and the community in order to achieve a harmony of interests.

Students must be recognized and understood as individuals, each with his/her own unique abilities, social and economic background, ambitions and educational needs. The programs and services of the district must be designed and executed with this concept well in mind if the fullest development of each is to be achieved.

Students are expected to accept personal responsibility for making maximum use of those educational opportunities afforded by applying themselves diligently to the enterprise of learning both in the classroom and in other school-sponsored settings. It is also expected that as a result of the total school experience students will come to appreciate the values of self-discipline, responsibility, and respect for others, their country and its governmental processes.

The Board will attempt to erase any limitations of facilities and means that stand in the way of our school's availability to all who wish to learn in the charter and the limitations set by the sponsoring district.

Discrimination among students applying for admission to or attending our schools with respect to color, creed, race, sex, religion, ancestry, handicap, or national origin is prohibited.

All pupils are expected to comply with school regulations, to pursue the required course of study, and to accept the authority of the administration, certificated and classified staff.

The Director or designee shall establish and keep parents/guardians and students well informed about school and charter rules and regulations related to attendance, health examinations, records, grades and student conduct. When conducting hearings related to discipline, attendance and other student matters, the Board shall afford students their due process rights in accordance with law.

CONCEPTS AND ROLES (continued)

Role of Governing Board

The Governing Board:

1. Establishes policies to provide the best attainable program of education for the Tracy Learning Center's students.
2. Provides for the physical and mental well-being of students.
3. Determines policies regarding student behavior and attendance within the limits of the law.

Role of Executive Director

The Executive Director of the Tracy Learning Center:

1. Administers all charters classes established by the Governing Board.
2. Directs the instruction, guidance and discipline of all students.
3. Provides leadership and guidance to establish the pattern of education to be offered to students.
4. Oversees adherence to the rules for enrollment set by the charters
5. Schedules all students for proper grouping and instruction
6. Has general charge of the enforcement of the compulsory attendance law and the issuance of work permits.
7. Has immediate authority for the closing of schools in case of emergencies involving the health and safety of students.

Working Relationships of Board and Director

Student welfare and guidance is the responsibility of the Director with the exception of the expulsion of students, which the Governing Board may not delegate.

NON-CUSTODIAL PARENTS

Noncustodial parents generally retain the same rights as custodial parents unless a court order restricts the rights of the noncustodial parent. These rights include but are not limited to accessing his/her child's student records, participating in school activities and visiting the child at school. If a completed or pending legal action curtails the noncustodial parent's rights, the parent/guardian with custody shall provide evidence of this action to the Director or designee.

Noncustodial parents do not have the right to challenge the content of student records, provide a written response to student records, or consent to their release to third parties. (Education Code 49061)

Upon request, the charter shall provide noncustodial parents with announcements and notices that are sent to the custodial parent.

While both parents can visit the child at school, only the custodial parent has the right to remove the child from school property. Only a verified note or an emergency card from the custodial parent will be cause for exception to this provision.

In the event of an attempted violation of a court order that restricts access to a student, staff shall contact the custodial parent and local law enforcement officials and shall make the student available only after one or both of these parties consent.

STUDENT WELLNESS

The Governing Board promotes healthy schools, by supporting wellness, good nutrition and regular physical activity as part of the total learning environment. The Charter along with staff, families, and the community supports a healthy environment where children learn and participate in positive dietary and lifestyle practices. Schools contribute to the basic wellness of children by facilitating learning through the support and promotion of health education, good nutrition and physical activity. Improved health optimizes student performance potential and ensures that no child is left behind.

The Board promotes long-term goals for achieving the Charter's vision for maintaining and promoting the health and wellness of its schools, students, staff, and the community.

The Charter shall adopt a wellness policy that at a minimum shall:

- Recognize the relationship between students' nutrition/health status and their attendance and ability to learn.
- Meet federal, state, and local legal requirements.
- Provide school environments that promote and protect children's health, well-being, and ability to learn
- Provide physical education and nutrition/health education activities to foster lifelong habits of healthy eating, physical activity, and practicing wellness behaviors.
- Recognize the Student Nutrition Advisory Committee (SNAC) and the Healthy Schools Advisory Committee to advise on health related issues, activities, policies and programs as well as promoting, monitoring and evaluating the Charter's Wellness Policy.
- Establish linkages between health education, school meal programs, physical education, school health services, counseling and psychological services, related community services, and the other components of coordinated school health.
- Strengthen the local capacity to protect and promote the health and academic performance of the students.
- Encourage site-based activities that promote wellness, good nutrition, and regular physical activity
- Encourage staff involvement in activities that promote wellness, good nutrition, and regular physical activity.

BULLYING

TLC believes that all students have a right to a safe and healthy school environment. Bullying has a negative effect on the social environment of schools, creates a climate of fear among students, and leads to other antisocial behavior. Recognizing the harmful effects of bullying on student learning and school attendance, school employees have an obligation to promote mutual respect, tolerance, and acceptance.

TLC will not tolerate behavior that infringes on the safety of any student. No individual or group shall intimidate, harass, sexually harass, threaten, cause bodily injury to, or commit hate violence against another student or school personnel through physical, written, verbal, or other means. Such behavior includes: direct physical contact, such as hitting or shoving, or taking or breaking another individual's property; verbal assaults, such as name-calling, taunting, making inappropriate sexual comments, or threatening to cause harm; and social isolation, embarrassment, or manipulation.

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, videos, or images. Cyberbullying can include sharing personal or private information about another student, causing embarrassment or humiliation.

As appropriate, TLC may collaborate with law enforcement and community-based organizations and agencies in the development and implementation of strategies to promote safety in schools and the community and to provide services for alleged victims, witnesses, and perpetrators of bullying.

Bullying Intervention

Students are expected to immediately report to the Director or designee incidents of bullying or when there is suspicion that a student is being victimized on school grounds, while traveling to and from school, during the lunch period, and during a school-sponsored activity. The Director or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School employees who witness an act of bullying shall immediately intervene to stop the incident when it is safe to do so.

When appropriate based on the severity or pervasiveness of the bullying, the Executive Director, Director, or Director's designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

The Director or designee may refer a victim, witness, perpetrator, or other student affected by 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 a restorative justice program as appropriate.

Reporting and Filing of Complaints

Any individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the Director, a compliance officer, or any other available school employee. A school employee who receives a report or is

witness of an incident of bullying involving a student shall notify the Director, whether or not the alleged victim files a complaint.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the Director, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Executive Director or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

Complaints or reports filed should include, at minimum, the following information:

1. Description of the incident, including date, time, and location of such incident
2. Identity of the alleged victim(s) and alleged offender(s)
3. List of witnesses who may have relevant information
4. Any evidence of the bullying allegations

Investigation and Resolution of Complaints

All complaints of bullying must be investigated by the Director or designee. The Director or designee shall take all necessary actions to resolve the complaint. The Director or designee may provide the complainant with a final written decision that contains, at minimum, the following elements:

1. A description of the complaint
2. The list of evidence gathered and reviewed
3. The rationale for the decision based on evidence and any applicable laws or TLC policies
4. Corrective actions, if any are warranted

Discrimination, harassment, intimidation, and bullying based on actual or perceived status of a student belonging to a protected class is prohibited. If the Director or designee, in the course of the investigation, determines that discriminatory harassment, intimidation, or bullying has occurred, the Director or designee may inform the student or parent/guardian of the right to file a formal written complaint in accordance with TLC's Uniform Complaint Procedures (UCP). The Director or designee shall also inform the Executive Director of the complaint.

As part of the investigation, the Director or designee shall provide an opportunity for the complainant, or the complainant's representative, or both, to present evidence or information to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation. Refusal by the complainant to provide documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

Interviews of the alleged victim(s), any alleged offenders, and other relevant witnesses shall be conducted privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

All complainants shall be protected from retaliation. For any complaint alleging retaliation or discriminatory harassment, intimidation, or bullying, the Executive Director or designee shall keep the identity of the complainant, and/or the subject of the complaint if he/she is different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

As appropriate, interim measures shall be implemented during and pending the result of an investigation and shall remain in place until the Director or designee determines they are no longer necessary.

Corrective Actions and Disciplinary Measures

When a complaint is found to have merit, appropriate remedies that may be offered to the victim but not communicated to the offender may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided that the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and that there has been no retaliation

Corrective actions for a student determined to have committed an act of bullying of any type may include, but are not limited to, the following:

1. Transfer from a class or school
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges
7. Disciplinary action, such as suspension, expulsion, or involuntary removal as permitted by law

Any school employee who permits or engages in bullying or retaliation related to bullying shall be subjected to disciplinary action, up to and including dismissal.

Suicide Prevention Plan and Policy

The Board of Directors of Tracy Learning Center (“Charter School”) recognizes that suicide is a major cause of death among youth and should be taken seriously. This plan and policy aims to safeguard students against suicide attempts, deaths and other trauma associated with suicide, including ensuring adequate supports for Charter School families affected by suicide attempts and loss. As the emotional wellness of students greatly impacts school attendance and educational success, this policy shall be paired with other policies that support the emotional and behavioral wellness of students.

Suicide Prevention Education & Training:

The Charter School shall promote the healthy mental, emotional, and social development of students including, but not limited to, the development of problem-solving skills, coping skills, and self-esteem. Suicide prevention instruction may be incorporated into the health education curriculum where appropriate. Such instruction should be designed to help students analyze signs of depression and self-destructive behaviors, including potential suicide, and to identify suicide prevention strategies.

Charter School shall provide staff with access to training on the risk factors and warning signs of suicide, suicide prevention, intervention, referral, and postvention. Any such professional development also shall include additional information regarding groups of students judged by the Charter School to be at elevated risk for suicide. These groups include, but are not limited to, the following:

- Youth bereaved by suicide;
- Youth with disabilities, mental illness, or substance abuse disorders;
- Youth who have been excessively and continuously bullied
- Youth experiencing homelessness or in out-of-home settings, such as foster care; and
- Lesbian, gay, bisexual, transgender, or questioning youth;

Employee Reporting and Support:

Referral to Executive Director: Whenever a Charter School staff member suspects or has knowledge of a student's suicidal intentions, he/she shall promptly notify the Executive Director. The Executive Director or designee, if appropriate and in the best interest of the student, shall notify the student’s parents/guardians/caregivers as

Suicide Prevention Plan and Policy (continued)

soon as possible. Determination of notification to parents/guardians/caregivers should follow an initial assessment by the Executive Director or his/her designee to ensure that the student is not endangered by parental notification.

Supporting Students Who Have Attempted Suicide: If a suicide attempt by a student is made, it is crucial that the Charter School protects the privacy of the student and maintain a confidential record of the actions taken to intervene, support, and protect the student. The Executive Director or his/her designee should contact the parents/guardians/caregivers to offer support.

Re-Entry: A student who threatened or attempted suicide is at a higher risk for suicide in the months following the crisis. An appropriate re-entry process is an important component of suicide prevention and intervention. Involving students in planning for their return provides them with a sense of control, personal responsibility, and empowerment. The Executive Director or his/her designee should take steps to support the student upon re-entry, which may include:

- Discussing with the family about any specific requests they may have to support the student restarting his/her course of study;
- Informing staff about possible days of absences; and
- Allowing for reasonable accommodations for students to make up work (e.g., extended deadlines on assignments).

Postvention: Postvention is an intervention conducted after a suicide. A death by suicide in the school community (whether by a student or staff member) can have devastating consequences. The Executive Director or designee shall coordinate the response to such an event, which shall include:

- Where appropriate, notifying all staff members;
- Where appropriate, notify students about suicide death and the availability of any support services;
 - Messaging about suicide has an effect on suicidal thinking and behaviors. The Executive Director shall ensure appropriate communications are used in the event a suicide occurs or an attempt is made by a student.
- Identify students significantly affected by suicide death and prepare staff to respond to the needs of these and other students; and
- Respond to memorial requests in respectful and non-harmful manner; responses should be handed in a thoughtful way and their impact on other students should be considered;

Suicide Prevention Plan and Policy (continued)

Employee Qualifications and Scope of Services:

Charter School employees must act only within the authorization and scope of their credential or license. This policy does not authorize or encourage a Charter School employee to diagnose or treat mental illness unless the employee is specifically licensed and employed to do so.

Student Reporting:

Students are encouraged to notify a teacher, principal, or any other adult when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions.

Additional Resources:

Charter School staff and families are encouraged to review the following resources:

- **Parents as Partners: A Suicide Prevention Guide for Parents** is a booklet that contains useful information for parents/guardians/caregivers who are concerned that their children may be at risk for suicide. It is available from Suicide Awareness Voices of Education (SAVE). See the SAVE Web page at <https://www.save.org/product/parents-as-partners/>
- **Help & Hope for Survivors of Suicide Loss** is a guide to help those during the bereavement process and who were greatly affected by the death of a suicide. See the Suicide Prevention Resource Center Web page at <http://www.sprc.org/resources-programs/help-hope-survivors-suicide-loss>
- For additional information on suicide prevention, intervention, and postvention, see the Mental Health Recovery Services Model Protocol Web page at http://www.mhrsonline.org/resources/suicide%5Cattempted_suicide_resources_for_schools-9/
- **National Suicide Prevention Lifeline:** The Lifeline is a 24-hour, toll-free suicide prevention service available to anyone in suicidal crisis or their friends and loved ones. Call 1.800.273.8255 (TALK). Callers are routed to the closest possible crisis center in their area.
<http://www.suicidepreventionlifeline.org>

Suicide Prevention Plan and Policy (continued)

- **The Crisis Clinic**

1212 N. California Street, Stockton, CA 95202
Walk-in Hours: Monday-Friday from 8 a.m. - 5 p.m.
Crisis Phone (24-Hour Response): (209) 468-8686
Crisis Fax: (209) 468-2380

The Crisis Clinic is staffed with Mental Health Clinicians, Registered Nurses and Psychiatrists. If you are not currently receiving mental services you are welcome to come to Crisis Services to receive mental health services. (If you have Medi-Cal or Healthy Families insurance you may call instead of walking-in, Managed Care Access at 468-9370 to request mental health services)

ABSENCES AND EXCUSES

The Governing Board believes that regular attendance and punctuality plays a key role in student achievement. The Board recognizes its responsibility under the law to ensure that students attend school regularly. Parents/guardians of children aged six to 18 are obligated to send their children to school unless otherwise provided by law. The Board shall abide by all state attendance laws and may use appropriate legal means to correct the problems of excessive absence or truancy.

Excused Absences

Absence from school shall be excused only for health reasons, family emergencies and justifiable personal reasons, as permitted by law.

The Director shall establish such procedures as deemed necessary to determine the causes of habitual truancy, including medical verification for excessive absence, and cooperate with other private and governmental agencies in correcting the causes thereof.

Insofar as class participation is an integral part of students' learning experience, parents/guardians and students shall be encouraged to schedule medical opportunities during non-school hours. At the beginning of each academic year, notifications shall be sent to the parents/guardians of all students and to all students in grades 7 through 12, informing them that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian. (Education Code 46010.1)

Students should not be absent from school without their parents/guardians' knowledge or consent except in cases of medical emergency or confidential medical appointment.

Students may receive an excused absence, when requested in advance, to attend an observance of a holiday or religious ceremony of his or her religion.

The governing board does not authorize leave during the school day for students to attend moral or religious instruction away from the school.

Students who are absent from school for more than ten unexcused absences lose their preference for charter school attendance and are required to register in another school. They may resubmit for the waiting list at that time.

WORK PERMITS

The Governing Board recognizes that part-time jobs can give students needed supplementary income, valuable work experience, and enhanced self-esteem. However, the Board also believes that outside employment should not interfere with students' educational progress nor impair their health. In accordance with law, students must obtain work permits from school authorities before accepting employment.

The Registrar shall issue work permits only as allowed by law and only to the extent that outside employment does not significantly interfere with the students' schoolwork. Students granted work permits must demonstrate and maintain satisfactory grades, attendance and behavior. Poor grades or excessive inappropriate behavior will result in immediate revoking of the permit.

Students 16 or 17 years of age shall be granted approval to work more than 20 hours a week only when justified by unusual circumstances which shall be stated on the work permit.

ATTENDANCE RECORDS

The Charter will comply with the Education Code in attendance accounting. All records of attendance will be maintained as prescribed by the law and in an organized manner. Such records will be maintained in charter offices for a minimum of three (3) years.

Attendance in all schools and classes shall be recorded and kept according to pertinent state law and regulations of the State Board of Education.

Teachers are required to take attendance in classes taught by them, and shall do so personally. Attendance taking and recording shall not be delegated to students.

The appropriate school personnel shall receive daily attendance reports from teachers and insure that the data is placed in the computerized attendance accounting system. All documentation (e.g. notes the parents, physicians and telephone documentation) shall be maintained at the site until the system is audited by charter's auditors. Such documentation shall include regular daily attendance records for FAST TRACK and summer session. Upon completion of the audit of fiscal records, all of the documentation for attendance accounting shall be archived.

Legal Surnames

All students shall be recorded and referred to by their legal surname, as documented in a legally acceptable birth record or in a court order of change of name. A request from a parent or a student that a student's surname be changed in school records will not be honored without legal documentation.

CHARTER ENROLLMENT

The Governing Board shall regularly review the charters regarding enrollment procedures allowed by the charter.

The Charter provides for a selection method which includes: children of Board members, children of staff members, siblings, those residing within the TUSD high school boundaries, those outside the TUSD boundaries. This is the order for selection when more than the allotted spaces are available. All other students are placed on the waiting list with the same criteria. This is spelled out in the Charter.

There is a cap for enrollment set by the sponsoring district for each charter also outlined in the MOU. There are no boundaries for a charter school.

Open enrollment occurs every February. Lottery drawings are held in early March, these drawings determine acceptance and wait lists.

STUDENTS EXPELLED FROM OTHER DISTRICTS

The Governing Board will not admit students expelled from other districts who desire to enroll in the charter who have not completed the required term and conditions for expulsion. No student will be admitted to the charter who has been previously expelled if the staff review committee believes the admission will threaten a safe, secure and positive school environment for all students and staff.

In order to re-enroll in the high school, selected members from the charter staff will be selected to form a panel for reviewing records and interviewing the student petitioning entrance. The panel made up of staff and a student, must have a unanimous secret ballot vote to approve the student for admittance.

GRADES/EVALUATION OF STUDENT ACHIEVEMENT

The Governing Board believes that grades serve a valuable instructional purpose by helping students and parents/guardians identify the student's areas of strength and those areas needing improvement. Parents/guardians and students have the right to receive course grades that represent an accurate evaluation of the student's achievement.

Grades should be based on impartial, consistent observation of the quality of the student's work and his/her mastery of course content and objectives. Students shall have the opportunity to demonstrate this mastery through a variety of channels such as classroom participation, homework, tests and portfolios. The Board recognizes that portfolios may be especially useful in assessing how skills, knowledge and thought processes have been combined from a number of different subject areas.

When reporting student grades to parents/guardians, teachers may add narrative descriptions, observations, notes and/or samples of classroom work in order to better describe student progress in specific skills and subcategories of achievement.

The Board recognizes that the developmental levels of young children vary a great deal. In order to give parents/guardians more information and also promote students' self-esteem and experiences of success, students may receive narrative evaluations and/or other markings denoting achievement. In fact, both Primary and Discovery Charter follow this type of reporting.

Behavior, effort and attendance shall be reported in separate evaluations, not in the student's academic grade. Unless attendance, behavior and other issues directly affect student performance.

ACCELERATION/PLACEMENT/PROMOTION/ RETENTION

The Governing Board desires that students' progress with their peers through the Tracy Learning Center charters. To accomplish this, instruction should accommodate the varying interests and growth patterns of individual children and include strategies for addressing academic deficiencies as well as challenges.

The Tracy Learning Center is dedicated to the best possible development of each student enrolled. The professional staff is expected to place students at the grade level in the appropriate level of instruction for the student based on assessment.

Students will normally progress from one level to the next throughout the experience at the charter schools. Exceptions may be made when, in the judgment of the certificated staff, such exceptions are in the best interest of the students involved. Exceptions will always be made after prior notification and explanation to each student's parents or guardian, but the final decision shall be rest with the school authorities.

Acceleration

Acceleration is possible when high academic achievement is evident and cannot be sufficiently challenged in the appropriate phase of the charter. However, the student's social and emotional growth shall be taken into consideration before placing him/her in a higher grade.

Initial Placement

Placement below the age appropriate grade is possible when lack of skills to be successful in the age appropriate grade are evident and so significantly below the lowest level in the room that accommodations cannot be made. . However, the student's social and emotional growth shall be taken into consideration before maintaining him or her at a particular grade.

Promotion

Students shall progress through the charter programs by demonstrating growth and meeting individual standards of expected student achievement for the instructional group assigned.

COMMUNICATION WITH PARENTS/GUARDIANS

The Governing Board encourages parental involvement, which contributes greatly to student achievement and conduct, through frequent communication between parents/guardian and teachers by means of parent-teacher conferences, class newsletters, mail, telephone, electronic communication and visits by parents/guardians.

Reporting to Parents

The Governing Board believes that good communication between parent and teacher is important in the educational process.

As part of this communication, teachers shall send progress reports to parents/guardians at regular intervals and shall encourage parents/guardians to communicate any concerns to the teacher.

Students who are on an individualized education program are evaluated regularly, and the evaluations shall be communicated to the parents according to the regulations of the special education service region. The special education services supplied to the charters comes from the Tracy Unified School District. The charters pay a fee for these services and are assigned staff by the district.

Parent-Teacher Conferences

Parent-teacher conferences are deemed a valuable communication tool. Parent-teacher conferences shall be scheduled as needed by each school

RELEASE OF DIRECTORY INFORMATION

The Director or designee may authorize the release of student directory information to representatives of the news media, prospective employers or nonprofit organizations as provided by law. Unless prohibited by the parent/guardian in accordance with law, directory information which the charter may disclose consists of the following: student's name, date, major field of study, participation in officially recognized activities and sports, weight and height of athletic team members, dates of attendance, degrees and awards received, and most recent previous school attended.

CHALLENGING STUDENT RECORDS

The Governing Board desires to have a fair and equitable system when there is a challenge to school records. Whenever it becomes evident to a teacher that a student is in danger of failing a course, at the high school level, the teacher shall notify the student's parent/guardian or send the parent/guardian written notice. (Education Code 49067)

Parents, students, and staff need to work together to resolve student record challenges in the most informal and timely fashion possible. If no agreement can be reached, the Director assembles a panel of teachers to hear the challenge and make a decision. Parents and students have the right to appeal the challenge response to the board.

The Governing Board is the final authority on student record challenges unless the parent agrees to a panel per education code.

AWARDS FOR ACHIEVEMENT

The Governing Board encourages excellence as a goal for all students and wishes to publicly recognize students for unique or exemplary achievements in academic, extracurricular or community service activities.

The Governing Board is supportive of academic excellence by students. Such excellence is rewarded by placement on honor rolls. The student having the highest academic rank, using a 4.0 scale. In addition, the charter participates in the California Scholarship Federation (CSF) program and the California Junior Scholarship Federation (CJSF).

The Director or designee shall approve or reject proposed trophies, prizes, or other awards from non-school donors. The purpose of any such proposed award must be consistent with charter goals, and criteria for making the award must be either under professional staff control or acceptable to the staff.

During functions related to graduation from high school, special recognition shall be awarded to those students whose academic achievements have been outstanding. The Director or designee shall identify high school students who have demonstrated mastery.

Student awards may include verbal recognition, a letter, certificate or Board resolution, a public ceremony, or a sum of money.

CONDUCT

The Governing Board believes that all students have the right to be educated in a positive learning environment free from disruptions. To maintain such an environment, students, parents/guardians, staff and the Board all must understand and fulfill their responsibilities related to student conduct.

Student Responsibilities

The Board believes that it is important for students to understand that they have a choice to make regarding their actions and that appropriate conduct benefits both themselves and others. Students are encouraged to freely express their individuality as long as this expression does not infringe upon the rights of others or interfere with the instructional program. Behavior is considered appropriate when students are diligent in study, neat and clean, careful with school property, respectful towards their teachers, and courteous to other students, staff and volunteers. Students are expected to be punctual and regular in attendance and to remain on school premises in accordance with school rules. They are further expected to refrain from profane, vulgar or abusive language.

Students shall receive regular instruction in rules and regulations related to conduct; they shall then be responsible with understanding and complying with the standards. Students who violate these rules and regulations may be subject to discipline, suspension, exclusion, dismissal or expulsion.

Students who show no progress in improving grades and get so far behind in graduation credits that they cannot finish high school with an additional year, will be academically dismissed. Students receiving more than 10 days of suspension and/or unexcused absences within a given year will be dismissed.

CONDUCT (continued)

Parent/Guardian Responsibilities

Parents/guardians are expected to comply with laws governing the conduct and education of their children and to cooperate with school authorities regarding their children's behavior.

California law holds parents/guardians liable for any willful student misconduct which results in the death or injury of any student or persons employed by or volunteering for the charter. Parents/guardians are also liable for any defacement, injury or loss of property belonging to the charter or the leasing district. (Education Code 48904)

CONDUCT (continued)

Charter Responsibilities

The Board is responsible for prescribing behavioral and disciplinary guidelines for students outlined in the student handbooks. The Board shall give certificated staff all reasonable support with respect to student conduct and discipline. The Board holds the certificated personnel responsible for the proper conduct and control of pupils while legally under school jurisdiction.

BICYCLES

Students who ride bicycles to school must park them in the designated area. No one is to be in the bicycle area except when parking the bike in the morning or when getting it to go home in the afternoon.

The following bicycle rules should be observed:

1. Bicycles must be walked to the racks from the street. (No bike riding on the school grounds during school hours)
2. Bicycles are to be placed in the racks.
3. Bicycles should be locked. The charter is not responsible for bicycles and/or other personal items.
4. Regular bicycle traffic laws are to be observed, including the wearing of bicycle helmets.
5. Accessories that can be easily removed should not be put on bikes.
6. Courtesy to pedestrians is expected from all students.
7. Powered vehicles are prohibited on campus.

VANDALISM, THEFT AND GRAFFITI

The Governing Board considers vandalism a very serious matter. Vandalism includes the negligent, willful, or unlawful damaging or theft of any district- owned real or personal property, including the writing of graffiti.

It is the intention of the governing board to seek redress of any individual, in the amount of the damage for any act of vandalism committed by that individual, or from the parents of that individual if a minor.

Any student who commits an act of vandalism shall be subject to disciplinary action by the district and also may be prosecuted through other legal means. If reparation of damages is not made; the Charter also may withhold the student's grades, diploma and/or transcripts in accordance with law.

WEAPONS AND DANGEROUS INSTRUMENTS

The Governing Board desires students and staff to be free from the fear and danger presented by firearms and other weapons. The Board therefore prohibits any person other than authorized law enforcement from possessing weapons, imitation firearms, or dangerous instruments of any kind in school buildings, on school grounds or buses, at a school related or school sponsored activity away from school, or while under charter school jurisdiction.

Under the power granted to the Board to maintain order and discipline in the schools and to protect the safety of students, staff and the public, any school employee is authorized confiscate a weapon, dangerous instrument or imitation firearm from any person on school grounds.

Students possessing or threatening others with a weapon, dangerous instrument or imitation firearm is subject to suspension and/or expulsion in accordance with law.

The Director or designee shall notify law enforcement authorities when any student possesses a weapon or commits any act of assault with a firearm or other weapon. (20 U.S.C. 8922, Education Code 48902, Penal Code 245, 626.9, 626.10)

The Board encourages students to promptly report the presence of weapons, injurious objects or other suspicious activity to charter authorities. The identity of a student who reports such activity shall remain confidential to the extent permitted by law.

The Director or designee shall develop strategies designed to facilitate student reporting of the presence of injurious objects on school grounds that preserve the student's anonymity. Incident reports and records shall not identify the student who reported the possession. The strategy shall also include means of informing staff, students and parents/guardians that student who report the presence of injurious objects on school campuses are to be protected and their identity shielded.

WEAPONS AND OTHER DANGEROUS INSTRUMENTS (continued)

Any student who is determined to have brought a firearm (handgun, shotgun/rifle, or other firearms that include explosive devices) to school shall be expelled for not less than one year. Any incident shall be reviewed upon a case by case basis.

Look alike guns, air pellet guns and other such devices will be treated as seriously as the guns they represent.

Possession of Pepper Spray and Other Similar Substances

The Board recognizes that student's age 16 or older may legally possess tear gas or tear gas weapons such as pepper spray for the purpose of self-defense. However, to prevent potential misuse that may harm students or staff, students are prohibited from carrying such items or similar items on campus or at school activities.

STUDENT ACTIVITY TRIPS

The Governing Board directs the Director to develop and implement rules and regulations to ensure the safety of pupils and to provide for the proper conduct and control of students while they are away from the school campus on school-sponsored activities.

The students on such activity trips are to be under supervision of school personnel or authorized parents at all times whether the students are members of a school group such as an athletic team, class trip, etc.

Students taking the team or activity bus are under the authority of the bus driver while on the bus and under the authority of the activity sponsor, coach, musical director, or advisor of the club or class from the time they leave the bus until they return. Students are a legal responsibility of the charter while they are away from the bus; they can, and will, be held responsible for their behavior when it is such as to bring disrepute to the school.

Students providing their own transportation to a school-sponsored activity as observers or rooters shall not be considered to be under school supervision, and the charter shall not be held accountable for their acts.

All trips involving out-of-state or overnight travel shall require the prior approval of the Board. Other trips will be approved by the Director or designee.

The Director shall ensure that teachers develop plans which provide for the safety of students and their proper supervision by certificated staff on all school-sponsored trips. Other school employees and parents/guardians also may participate in this supervision and may be asked to attend preparatory training sessions and/or meetings. Signed parent/guardian permission slips will be required before students are allowed to go on a field trip.

To assure the safety of students and supervisors, all field trip transportation requests, whether for Charter, commercial, or private vehicles shall be routed to the Director. The chartered private carriers are the preferred means of transporting students. (However, it may be on occasion necessary to utilize a private vehicle of

STUDENT ACTIVITY TRIPS (continued)

an employee or parent/guardian. In such cases, it is the responsibility of the Director that the required forms are completed and filed in the school office before the field trip is taken).

No pupil shall be prevented from participating in a field trip because of lack of sufficient funds.

TOBACCO

Smoking presents a health hazard that can have serious consequences both for the smoker and the nonsmoker. Students shall not be allowed to smoke, chew or possess tobacco, e-cigarettes, vapor or nicotine products on school property or while attending school sponsored activities, or while under the supervision and control of charter employees. (Education Code 48901) Students who violate this policy shall be subject to disciplinary procedures that will result in suspension from school. (Education Code 48900)

The Charter shall provide instruction regarding the effects of smoking on the human body and shall take steps to discourage students from making it a practice to smoke. (Education Code 48901, 51502)

Student possession or use of tobacco on school premises or at school-sponsored events is a violation of law and Board policy and is not permitted. Students violating this policy shall be subject to disciplinary procedures.

All students in grades four through eight shall receive instruction that addresses the following topics: (Health and Safety Code 104420)

1. Immediate and long-term undesirable physiological, cosmetic and social consequences of tobacco use.
2. Reasons that adolescent say they smoke or use tobacco.
3. Peer norms and social influences that promote tobacco use.
4. Refusal skills for resisting social influences that promote tobacco use.

DRESS AND GROOMING

The Governing Board believes that appropriate dress and grooming contribute to a productive learning environment. Noting that when they are neatly attired and take pride in their appearance, there is less misbehavior and a better learning atmosphere is created. The Board expects students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate. Students' clothing must not present a health or safety hazard or a distraction, which would interfere with the educational process.

Students and parents/guardians shall be informed about dress and grooming standards at the beginning of the school year and whenever these standards are revised. A student who violates these standards shall be subject to appropriate disciplinary action.

Students are not to wear hats inside the buildings, unless it is a head covering related to a religious belief.

Gang-Related Apparel

The principal, staff and parents/guardians at a school, under district guidelines, may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Such a dress code may be included as part of the school safety plan and must be presented to the Board for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.

Eighth Grade Graduation Dress and Grooming

The following guidelines shall be observed in determining appropriate school attire for the eighth grade ceremony:

All students participating in the 8th grade graduation will wear clothing that is appropriate for dress up. Boys will wear a shirt and tie and dress shoes. Girls will wear a dress of modest length. Gowns will be provided for the ceremony.

GANGS

The Governing Board desires to keep charters and students free from the threats or harmful influence of any groups or gangs which advocate drug use, violence, or disruptive behavior. The Director or designee shall maintain continual, visible supervision of school premises so as to deter gang/group intimidation of students and confrontations between members of different gangs/groups.

The Director or designee shall establish open lines of communication with local law enforcement authorities so as to share information and provide mutual support in this effort.

The Director or designee shall in cooperation with law enforcement provide in-service training which helps staff to identify gangs and gang symbols, recognize early manifestations of disruptive activities, and respond appropriately to gang behavior. Staff and selected students shall be trained in the use of conflict management techniques and alerted to intervention measures and community resources, which may help our students.

The Board prohibits the presence of any apparel, jewelry, accessory, notebook or manner of grooming which, by virtue of its color, arrangements, trademark, or any other attribute, denotes membership in gangs/groups which advocate drug use, violence or disruptive behavior. This policy shall be applied as the need for it arises at individual school sites.

PROHIBITION OF HATE-MOTIVATED BEHAVIOR

In recognizing the need to provide orderly, caring and nondiscriminatory school learning environments, the Board of Trustees affirms the right of all students, staff and parent/guardians to be protected from all behavior that is hate-motivated. The Board of Education directs the Director to develop practices to insure protection from hate crimes, abusive statements or any activities that degrade an individual's race, culture, heritage, sexuality, physical/mental attributes, or religious beliefs and practices.

The Board recognizes that such hate-motivated acts, whether verbal or physical are not only inflammatory and damaging to the victim's self-esteem, but also serve to jeopardize the safety and well-being of students, staff and parents/guardians. Therefore, hate-motivated behavior will not be tolerated. This expectation shall be specifically delineated in the age appropriate Student Conduct Code. The Board directs the Director to develop procedures that prohibit such acts and appropriately discipline students and staff engaging in such unacceptable behavior. Such discipline procedures may include, but not be limited to, suspension or recommendation for expulsion as authorized in the Education Code.

Staff shall be expected to teach students the meaning of equality, human dignity, and mutual respect, and the employ cooperative learning strategies that foster positive interactions in the classroom among students from diverse backgrounds. The charter shall provide instruction designed to promote positive racial and ethnic identity, help students understand diverse cultures, teach them to think critically about racial bias, gender equity, and show them how to deal with discriminatory behavior in appropriate ways.

Students shall have opportunities to voice their concerns about school policies and practices and to share responsibility for solving problems that affect their school. The Director or designee may initiate student courts, campus beautification projects, buddy systems, vandalism prevention campaigns, and other similar programs. Staff shall encourage and reward success and achievement, participation in community projects, and positive student conduct.

MEDICATION

The Governing Board recognizes that students may need to take prescribed medication during the school day in order to be able to attend school without jeopardizing their health.

When the charter has received written statements from the student's physician and parent/guardian detailing the type of medication, dosage amount, administration method, and administration time, designated personnel shall assist the student in taking the medication. Medication will be given to the school in a pharmacy labeled bottle that includes the student's name, name of the physician, medication and dosage of medication to be given. Under no circumstances are school personnel to provide any medication to student's without proper authorization from a physician, including over-the-counter medication.

In addition, upon written request, designated personnel may assist the student in monitoring, testing or other treatment of an existing medical condition (Education Code 49423)

Upon written request by the parent/guardian and with the approval of the student's physician, a student with an existing medical condition that requires frequent monitoring, testing or treatment may be allowed to self-administer this service. The student shall observe universal precautions in the handling of blood and bodily fluids.

Anaphylactic Injections

The Board recognizes that some students have allergies of such severity that they may require an emergency anaphylactic injection during the course of the school day. Parents/guardians who are aware of this foreseeable need may ask the district to provide such injections in accordance with administrative regulations. All medication for injections shall be labeled with the student's name, type of medicine, and expiration date. As with any medication, a physician's signature and parent/guardian signature on the proper form is required.

MEDICATION

School staff who may be required to administer anaphylactic injections shall receive training from qualified medical personnel. They will be authorized to administer the injections in accordance with administrative regulations and will be accorded appropriate liability protection.

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

The Assistant to the Director shall schedule in-service meetings to:

1. Familiarize authorized staff with the prescribed medication and its location
2. Ensure that authorized staff is competent to administer anaphylactic injections.
3. Train all school personnel to recognize the symptoms of anaphylactic reactions.

Physicians and parents/guardians of students who may require anaphylactic injections may be invited to attend these meetings.

The Assistant to the Director shall prepare a list naming the student who may need emergency anaphylactic injects. This list shall be given to all concerned staff and updated annually. The Assistant to the Director shall post, in the school office, a list of symptoms usually associated with anaphylactic reactions and a clear, specific procedure for administering injections in case of emergency. If authorized staff is not available at the time of an emergency, these written procedures will be followed by anyone who must administer the injection in order to save a life.

INFECTIOUS DISEASE

The Governing Board recognizes its dual responsibility to protect the health of students from risks posed by infectious diseases and to uphold the right of students to a free and appropriate education. A comprehensive approach to disease prevention requires the cooperation of the home and the community. The Charter requires all staff to routinely observe universal precautions to prevent exposure to blood borne pathogens and prevent the spread of all infectious disease.

All students and employees shall be informed of the universal precautions to be used whenever anyone is exposed to blood or other body fluids through injury or accident. Science laboratory instruction shall be designed to protect students from contact with body fluids and with contaminated needles, sharps and other objects.

The admission of a student with a contagious disease within the school setting shall be determined by the Director in accordance with standard medical practice. The Charter shall exclude students only in accordance with law.

Students with Blood borne Pathogen Infections

The Board recognizes that human immunodeficiency virus (HIV) and hepatitis B virus (HBV) are blood borne pathogens and are not casually transmitted. Children with blood borne pathogen infections are entitled to attend school and receive an appropriate public education. The sole presence of blood borne pathogens is not sufficient reason to exclude students from attending school.

Parents/guardians are encouraged to inform the Director if their child has HIV/AIDS so that school staff may keep the student's parents/guardians informed of any outbreak of disease at school. The Charter will work cooperatively with the student's parent/guardian and physician to minimize the child's exposure to other diseases in the school setting. The Board and schools can play an important role in educating the school community about the nature of blood borne pathogens and help alleviate fears about their transmission.

INFECTIOUS DISEASE

Tuberculosis Testing

The Governing Board recognizes that tuberculosis poses a public health threat and that treatment of active cases of this disease is the most effective means of controlling its spread. All staff shall receive information on how tuberculosis is spread and how it can be prevented and treated.

The Director or designee may require a tuberculosis skin test when qualified medical personnel reasonably suspect that a student has active tuberculosis. If there is an outbreak of tuberculosis at any school, the Director or designee may require all students at the school to undergo tuberculosis skin tests.

Students known to have had a positive tuberculosis skin test shall be excluded from school until they provide evidence of a follow-up x-ray and appropriate medical care or are no longer suspected of having active tuberculosis.

HEALTH EXAMS

The Governing Board recognizes the importance of periodic health examinations conducted according to state health regulations.

To determine the health status of students, facilitate the removal of handicaps to learning, and determine whether special adaptations of the school program may be necessary, the Board shall require that periodic examinations be conducted which include tests for hearing and scoliosis. All personnel employed to examine students shall exercise proper care of each student being examined and shall ensure that the examination results are kept confidential.

A parent/guardian may annually file a statement with the Director withholding consent to any physical examination of his/her child. The child shall be exempt, but shall be subject to exclusion due to a suspected contagious or infectious disease.

The Director of each school shall notify parents/guardians of the rights of students and parents/guardians relating to health examination.

Hearing

Students shall have their hearing tested by qualified personnel authorized by the charter upon first enrollment in elementary school. Further examination shall take place every three years until the student has completed 8th grade. The results of the hearing exam shall be entered into the student's health record. All students shall be tested for hearing.

Hearing defects shall be reported to the parent/guardian with a request that remedial action be taken to correct or cure the defect. The written report shall not include a referral to any private practitioner. The student may be referred to a public clinic, or diagnostic and treatment center operated by a public hospital or by the state, or county department of public health.

HEALTH EXAMS (continued)

Scoliosis Screening

The Board shall provide for the screening of students for the condition known as scoliosis. Every female student in the 7th grade and every male student in the 8th grade shall be screened. The screening shall follow the standards established by the State Department of Education and shall be performed by qualified personnel as specified by law. Persons performing the screening shall not solicit, encourage or advise treatment to the student. The same shall apply to any other condition discovered in the course of the screening for scoliosis.

The parent/guardian of any student suspected of having scoliosis shall be notified. The notice shall include an explanation of scoliosis, the significance of treatment at an early age, and the public services available for treatment. A referral to the appropriate community resources for diagnosis and treatment shall be made.

HEALTH EXAMS (continued)

Interscholastic Athletic Competition

All students who participate as cheerleaders or athletes in interscholastic sports are required to file a current medical examination. Compliance with the medical examination requirement is not necessary for participants in a play day or a field day activity occurring occasionally during a school year in which students of one or more particular grade levels from two or more schools in the charter participate in athletic contests.

If a student sustains an injury or serious illness, the student may be required by school personnel to have another examination prior to further interscholastic competition.

A student who has been excused from the physical education program because of a medical reason may not participate in any interscholastic athletic competition.

All students engaging in interscholastic athletic competition are required to meet accident insurance requirements prescribed by law.

HEALTH EXAMS (continued)

Child Health and Disability Prevention Program

When parents/guardians enroll their children in kindergarten, the charter shall inform them about their obligation to obtain or waive a health screening for their children before they enter first grade. The charter shall also inform them about the availability of free health screening for low-income children, as provided under the Child Health and Disability Prevention Program, and about the evaluation services and other benefits provided under Division 106, Part 2, Chapter 3, Article 6 of the Health and Safety Code. The charter shall encourage parents/guardians to arrange for their children to obtain their health screening prior to or during their kindergarten year.

CHILD ABUSE

The Governing Board recognizes that the charter has a responsibility to facilitate the prompt reporting of incidents of child abuse and neglect. The Director or designee shall ensure that parents/guardians have access to procedures whereby they can report suspected child abuse at a charter to appropriate child protective agencies.

The Director or designee shall establish regulations for use by employees in identifying and reporting child abuse.

Charter employees shall report known or suspected incidences of child abuse in accordance with state law. Employees shall fully cooperate with the child protective agencies responsible for reporting, investigating and prosecuting cases of child abuse.

The Director or designee shall provide training in child abuse identification and reporting for all new certificated personnel.

The Director or designee shall also provide training in the duties of child abuse identification and reporting to instructional and teacher aides, teacher assistants and other classified employees. (Penal Code 11165.7)

As part of their training in child abuse identification and reporting, employees shall receive written notice of state child abuse reporting requirements and employee's confidentiality rights. (Penal Code 11165.7)

SAFETY

The Governing Board places a high priority on safety and on the prevention of student injury. The Director and staff are responsible for the conduct and safety of students from the time they come under school supervision until they leave school supervision, whether on school premises or not. The Director or designee shall establish regulations and procedures as necessary to protect students from dangerous situations.

Although the charter is not liable for the safety of pupils who are not under school supervision, the charter can, and does hold students accountable for their behavior from the time they leave their homes for school until they return to their homes from school, in the playgrounds and during recess, and while they are on school premises and/or under supervision of school staff.

Directors, teachers or Learning guides to whom they may delegate their authority are responsible for the conduct and safety of students enrolled in their schools from the time they come under school supervision until they leave school supervision, whether on school premises or not.

It is the responsibility of the Director is to provide for adequate supervision of playgrounds and other school facilities at all times when they are in use by students. Special attention should be given to the prevention of accidents, and to the development of habits of good citizenship.

The Director should make full use of the cooperative services of local and county organizations which provide safety services, such as fire, law enforcement, and disaster preparedness agencies.

A Director shall not permit a minor student to leave school in the custody of a person other than the student's legal parent or guardian unless that person has the verified authorization of one of the legal parents or guardian. Properly authorized law officers may seize or apprehend according to law.

SAFETY (continued)

Protection from Strangers

Children shall be instructed by school personnel not to accept gifts or automobile rides from strangers.

Playgrounds

Playground equipment shall be carefully selected and installed, so that it minimizes accidents and presents no unseen hazards. Safety shall receive prime consideration whenever playgrounds are planned or upgraded.

The Director or designee shall ensure that playgrounds and other school facilities are regularly inspected, well maintained, and adequately supervised whenever in use by students during the school day or at school-sponsored activities. The Director or designee shall establish playground safety rules.

INSURANCE

A group plan of pupil insurance shall be made available on a voluntary basis to every pupil registered in the charter schools from kindergarten through grade twelve. The specific plan, which will provide for the insurance agent's assuming all administrative processes, shall be approved by the governing board.

Accident insurance is required for all students who participate in interscholastic athletic programs.

SUSPENSION AND EXPULSION/DUE PROCESS

The Governing Board has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.

Except where suspension for a first offense is warranted in accordance with law, suspension shall be imposed only when other means of correction fail to bring about proper conduct (Education Code 48900.5).

The grounds for suspension and expulsion and the procedures for considering, recommending and/or implementing suspension and expulsion shall be specified in student/parent information.

Expulsion is an action taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion is used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to him/herself or others. (Education Code 48915).

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

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Student Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Director or designee shall comply with procedures for notices and appeals as specified in law. (Education Code 48911, 48915, 48915.5).

Required Parental Attendance

The Board believes that parental involvement plays an important role in the resolution of classroom behavior problems. The Board expects that teachers will communicate with parents/guardians when behavior problems arise.

Whenever a student is removed from a class because he/she committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities or otherwise willfully defied valid staff authority, the teacher of the class from which the student was removed may provide that the student's parent/guardian attend a portion of a school day in that class. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the Director or designee. (Education Code 48900.1).

The board encourages teachers, before requiring parental attendance, to make reasonable efforts to have the parent/guardian visit the class voluntarily. The teacher also may inform the parent/guardian about available resources and parent education opportunities. This policy shall apply only to a parent/guardian who lives with the student. (Education Code 48900.1).

Parental attendance may be requested on the day the student returns to class or within one week thereafter. The Board recognizes that parental compliance with this policy may be delayed, modified or prevented for reasons which as serious illness/injury/disability, absence from town, or inability to get certain release time from work.

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Labor Code 230.7 provides that no employer shall discharge or in any way discriminate against an employee who takes time off work to attend his/her child's class when requested pursuant to Education Code 48900.1, provided the employee gives the employer reasonable advance notice that he/she is requested to appear in school. Any employee who is discharged, threatened with discharge, demoted, suspended or in any other discriminated against by the employer for such an absence is entitled to reinstatement and reimbursement for lost wages and work benefits.

CIVIL AND LEGAL RIGHTS AND RESPONSIBILITIES

Schools are for students. Schools reflect the educational philosophy of the communities served. Parents, school staff, and students are in pursuit of a common goal, a program preparing the participants for full, active, responsible participation in the community throughout their lives.

Such a program implies an appreciation for what has preceded us, an understanding of who and where we are, and the opportunity to exercise our rights and assume our responsibilities in participating in the determination of the community's direction.

Such a program protects an individual through limitations upon the rights of others by living up to the guarantees of the U.S. Constitution and the laws of the state.

Personal or public irresponsibility, anarchy, or violence has no place in American Democracy; neither do the extremes of regimentation and authoritarianism.

School boards are legally responsible for the establishment of school policy, and every effort should be extended to include in the formulation of school consideration for the developing maturity of the student. Concomitant responsibilities flow from the exercise of rights and privileges. Among these are:

- a. Respect for one-self
- b. Respect for others and their rights
- c. Respect for individual dignity
- d. Respect for legally constituted authority and the legal responsibility of those in authority.

All rules and regulations to maintain the process of education must be common knowledge. Orientation programs and free student handbooks should provide this information in clear and understandable language. Any changes should be widely publicized in print in both school and parent media, and no regulations should be summarily drafted and enforced.

The board, certificated staff, and student governments should work cooperatively within the limitations prescribed by law in the establishment of these regulations.

CIVIL AND LEGAL RIGHTS AND RESPONSIBILITIES (continued)

The amending, appeal, and student referenda and recall processes for the establishment of these regulations. The amending, appeal, and student referenda and recall processes for the establishment and enforcement of these rules should be clearly defined and made available to all interested and affected parties.

PARENTAL NOTIFICATIONS

The Governing Board recognizes that notifications are essential to effective communication between the school and the home. The Director or designee shall send students and parents/guardians all notifications required by law, including notifications about their legal rights, and any other notifications he/she believes will promote parental understanding and involvement.

Notifications to parents/guardians shall be written both in English and in the family's primary language when so required by law. Whenever an employee learns that a student's parent/guardian is for any reason unable to understand the printed notifications, the director or designee shall work with the parent/guardian to establish other appropriate means of communication.

SEXUAL HARASSMENT

The Governing Board is committed to maintaining a learning environment that is free of harassment. The Board prohibits the unlawful sexual harassment of any employee, student, or other person at school or at any school-related activity. Sexual harassment is a form of sex discrimination under Title IX of the Education Amendments of 1972 and is prohibited by both federal and state law.

It shall be a violation of this policy for any charter employee to harass another employee, applicant or student through conduct or communications of a sexual nature as defined in Section II. It shall also be a violation of this policy for students to harass other students or employees through conduct or communications of a sexual nature as defined by law.

The Director or designee shall ensure that students receive age-appropriate information related to sexual harassment. Students shall be assured that they need not endure any form of sexual conduct or communication, including harassment because of sexual orientation. They shall further be assured that they need not endure, for any reason, any harassment which impairs the educational environment or a student's emotional well-being at school. They shall be informed that they should immediately contact the Director or designee if they feel they are being harassed.

Any student who engages in the sexual harassment of anyone at school or a school-related activity shall be subject to disciplinary action up to and including expulsion.

The Board expects students or staff to immediately report incidents of sexual harassment to the Director or designee.

Any employee who engages in, permits or fails to report sexual harassment shall be subject to disciplinary action up to and including dismissal. In addition, criminal or civil charges may be brought against the alleged harasser; sexual harassment also may be considered a violation of laws relating to child abuse.

Teachers shall discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of sexual harassment.

SEXUAL HARASSMENT

Staff shall immediately report complaints of sexual harassment to the Director or designee. Staff shall similarly report any such incidents they may observe, even if the harassed student has not complained.

If a situation involving sexual harassment is not promptly investigated and remedied by the Director, a complaint of harassment may be filed in accordance with the charter's uniform complaint procedures or procedures for complaints concerning employees. The Director or designee shall determine which procedure is appropriate.

The charter prohibits retaliatory behavior against any complaint or any participant in the complaint process. Information related to a complaint of sexual harassment shall be confidential to the extent possible, and individuals involved in the investigation of such a complaint shall not discuss related information outside the investigation process.

QUESTIONING AND APPREHENSION

Law enforcement officers have the right to interview and question students on school premises. When such an interview is requested, the Director or designee shall ascertain the officer's identify official capacity, and the authority under which he/she acts. If the officer needs to interview or question the student immediately, the Director or designee shall accommodate the process in a way that causes the least possible disruption to the school, gives the student appropriate privacy, and models exemplary cooperation with community law enforcement authorities.

At the law officer's discretion and with the student's approval, the Director or designee may be present during the interview.

If the law officer finds it necessary to remove the student from school, the Director or designee shall first ascertain the reason for such action. Upon releasing the student, the Director or designee shall immediately attempt to inform the student's parent/guardian.

Personnel responsible for releasing a student from school custody shall exercise extreme diligence to prevent such release to any unauthorized or unidentified person.

Although subpoenas may legally be served at school, the Board believes that serving officials should be strongly urged to serve subpoenas at the home of the student whenever possible. In these situations, steps should be taken to ensure a minimum of embarrassment or loss of class time for the student.

SEARCH AND SEIZURE

The Governing Board recognizes that incidents may occur which jeopardize the health, safety and welfare of students and staff and which necessitate the search and seizure of students, their property, their lockers and/or vehicles by school officials.

School officials may search individual students and their property when there is a reasonable suspicion that the search will uncover evidence that the student is violating the law or the rules of the district or the school. The Board urges that discretion, good judgment and common sense be exercised in all cases of search and seizure.

When possible, staff may use a metal detector when searching an individual for weapons.

The parent/guardian of a student subjected to an individualized search shall be notified by the charter as soon after the search as possible.

Student Lockers

Because lockers are under the joint control of the student and the school, school officials shall have the right and ability to open and inspect any school locker without student permission when they have reasonable suspicion that the search will disclose evidence of illegal possessions or activity or when odors, smoke, fire and/or threats to student health, welfare or safety emanate from the locker.

For health and safety reasons, a general inspection of school properties such as lockers and desks may be conducted on a regular, announced basis, with students standing by their lockers or desks. Any items contained in a locker shall be considered to be the property of the student to whom the locker was assigned. Notice of this policy shall be given to all students when lockers are assigned.

Locker searches may be performed only by the Director or a designee. (Generally,

SEARCH AND SEIZURE (continued)

in the absence of an emergency situation, the search of the locker shall be observed by another adult.). Whenever practicable the student will be present during the locker search. In emergencies the student needs not be present while the search is conducted but all students shall be informed by means of the student handbook and any other means deemed appropriate by the administration that lockers may be subject to search and seizure at all times where there is reasonable belief to conduct a search. After a search has been conducted without the student present, the student will be advised of the search, and when appropriate, the seizure.

Immediately upon seizure of any item from a student locker, the charter official who conducted the search shall record the time, place, circumstances of the search, and list all items seized. The charter official shall file such report with the Director's office along with any item seized which shall be sealed and stored appropriately to assure that it is not tampered with or destroyed. The student shall be dealt with in accordance with existing policies concerning disciplinary procedures.

Random Search for Weapons

The Board finds that the growing presence of weapons in the schools threatens the charter's ability to provide the safe and orderly learning environment to which our students and staff are entitled. The Board also finds that random metal detector searches offer a reasonable means to keep weapons out of the schools and mitigate the fears of students and staff.

The Director or designee shall establish procedures which ensure that metal detector searches are conducted in a random fashion which excludes individual discretion as to who will be searched.

In an effort to keep the schools free of drugs, the Charter may use specially trained nonaggressive dogs to sniff out and alert staff to the presence of substances prohibited by law or charter policy. The dogs may sniff the air around lockers, desks, bags, items or vehicles on the school property or sponsored events as long as they are not allowed to sniff any person.

The above inspections shall be unannounced and may be made at the discretion of the Director or designee.

Students and parents/guardians shall be informed of this policy at the beginning of each school year.

PHOTOGRAPHING OF STUDENTS

Taking pictures of school pupils and buildings for commercial purposes is normally prohibited. Any exceptions require an application in writing and the approval of the Director.

1. "Commercial purposes" if this context is defined to mean
 - a) for sale whether at a profit or not, or
 - b) for use in connection with the advertisement or promotion of goods or services.
2. "School pupils" in this context means boys and girls enrolled in the school during that part of the day they are at school, on the school grounds, or engaged in any activity under the direction and supervision of the school.
3. Photographs of special education students may not be taken without prior consent of the parents or guardian.

Exceptions

Not included in the prohibitions are the following which are permissible within good judgment as to time, place, and circumstances and with the approval of the Director or person in charge:

1. Pictures by an established news service or publication for purely news or feature use.
2. Pictures taken for use by the schools for illustrative or historical purposes
3. Pictures taken by individuals for personal use and not for professional use and not for sale
4. Pictures taken for use in the school annuals/school records.

MARRIED/PREGNANT/PARENTING STUDENTS

Married, pregnant and parenting students in the Charter shall have the same educational opportunities as all students.

For school-related purposes, married students under the age of eighteen (18) are emancipated minors and have all the rights and privileges of a student who is 18, even if the marriage has been dissolved.

The Governing Board believes that pregnancy and parenting should not be a barrier to education or a reason for dropping out of school. Rather than ending the teenager's need for education, pregnancy and parenting increase the need to cope with adult responsibilities and to prepare for an economically self-sufficient future. Local District facilities may be more appropriate placement and should be explored since they do have programs for pregnant minors which are not part of the Charter program.

After the birth of her baby, the student may:

1. Return to regular high school or junior high classes.
2. Seek an alternative program within the local district
3. Attend continuation high school or adult education classes.
4. Request exemption from attendance because of personal services that must be rendered to a dependent (Education Code 48410C).

HEAD LICE

Because head lice are not uncommon and spread, the Director or designee shall send information about the treatment and control of head lice to parents/guardians as needed to prevent the spread of infestations.

School employees shall report all suspected cases of head lice to their school office. The school office staff shall examine the student and any siblings of affected students or members of the same household. Staff shall make every effort to maintain the privacy of students identified as having head lice. When lice or untreated nits are found, the student shall be sent home as soon as possible with proper parental notification.

If nits or lice are found, the student shall be excluded and parents/guardians informed about recommended treatment procedures, ways to check the hair, and sources of further information. The Governing Board recognizes that responsibility for the treatment of head lice rests with the home. If the student has head lice, all students in the classroom will also be inspected.

The Director shall send home the notification required by law for excluded students. The absence shall be treated in the same manner as an excused absence due to a medical problem for a maximum of two days. Excluded students may return to school after they have had treatment and when reexamination by school personnel shows that all lice and nits have been removed.

GENDER IDENTITY ACCESS

The Tracy Learning Center is committed to providing a safe, supportive, and inclusive learning environment for all students, including transgender students, and to ensuring that every student has equal educational opportunities and equal access to TLC's educational programs and activities. California and federal law (Cal. Ed. Code § 220 and Title IX, 20 U.S.C. § 1681) requires schools to treat transgender students equally and fairly. State and federal law and District policy require that all programs, activities, and employment practices be conducted without discrimination based on, among other things, actual or perceived gender identity, gender expression, or gender. California Education Code § 201 further provides that public schools have an affirmative obligation to combat bias, and a responsibility to provide equal educational opportunities to all pupils. Additionally, TLC policy requires that all schools and all personnel promote mutual respect and acceptance among students and staff. Thus, TLC has a legal obligation to ensure that transgender students are safe, supported, and fully included in all school activities, programs, facilities, and educational opportunities. No person shall be subjected to discrimination on the basis of actual or perceived gender identity, gender expression, gender, or sexual orientation. (Cal. Ed. Code § 220, 20 U.S.C. § 1681 (Title IX))

The Board of Trustees considers harassment, discrimination, intimidation, or bullying based on sexual orientation, gender identity, and gender expression to be a major offense. TLC shall investigate all complaints of harassment, discrimination, intimidation, or bullying and take appropriate action against any student or employee who is found to have violated this policy. Harassment, discrimination, intimidation, or bullying of a student by another student in violation of this policy may constitute cause for disciplinary action. Students shall be advised that harassment, discrimination, intimidation, or bullying based on sexual orientation, gender identity, and gender expression are unacceptable conduct and will not be tolerated. Students shall be informed that they should contact the school principal or designee if they experience such harassment, discrimination, intimidation, or bullying. Harassment, discrimination, intimidation, or bullying by an employee in violation of this policy constitutes cause for disciplinary action, up to and including dismissal.

The Executive Director shall adopt, and may periodically revise, administrative regulations necessary to implement and enforce this policy. The regulations shall provide an adequate description of this policy to parents, students and employees, provide appropriate complaint and resolution procedures, and establish due process for persons accused of harassment, discrimination, intimidation, or

Gender Identity Access (continued)

bullying based on sexual orientation, gender identity, and gender expression. The Executive Director shall ensure that students receive age-appropriate information and education related to sexual orientation, gender identity, and gender expression. In addition, the Executive Director shall designate qualified individuals to provide appropriate training and educational programs on the issue of harassment, discrimination, intimidation, or bullying based on sexual orientation, gender identity, and gender expression.

Each school must ensure that all students, including LGBTQ students, are provided a safe and supportive learning environment that is free of harassment, discrimination, intimidation and bullying. Administrators, faculty and staff are required to intervene when they witness harassment, discrimination, intimidation and bullying of any student if they can do so safely.

Complaints alleging discrimination, harassment or bullying based on a student's gender identity, gender expression, or gender nonconformity, are to be handled in the same manner as other discrimination/harassment/bullying complaints. Consistent with the Uniform Complaint Procedures, complaints alleging discrimination or harassment based on a student's gender identity, gender expression, or gender nonconformity should be given immediate attention; fully and appropriately investigated in a timely manner; and resolved through appropriate corrective action. This policy is intended to supplement, and not replace, state and federal laws prohibiting sexual harassment. Complaints under those laws shall be processed through the procedures established by appropriate state and/or federal agencies.

Annual Notification of FERPA Rights and Directory Information Policy

Notification of FERPA Rights:

This serves as the notification of rights under FERPA for Tracy Learning Center and its public charter schools (Primary Charter School, Discovery Charter School, and Millennium High School) (hereinafter “School”). The Family Educational Rights and Privacy Act (“FERPA”) affords parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. Tracy Learning Center (“stores various student records, including, but not limited to, transcripts, enrollment records, disciplinary records, and immunization records.

These rights are:

- (1) The right to inspect and review the student's education records within 45 days of the day the School receives a request for access.

Parents or eligible students should submit written requests for access to the Executive Director of Tracy Learning Center (“Executive Director”). This written request that identifies the record(s) they wish to inspect. The School official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

- (2) The right to request the amendment of the student’s education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA.

Parents or eligible students who wish to ask the School to amend a record should send a written request to the Executive Director. The written request should clearly identify the part of the record they want changed, and specify why it should be changed. If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

- (3) The right to privacy of personally identifiable information in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

FERPA permits the disclosure of personally identifiable information from students’ education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or

eligible student, § 99.32 of the FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. The School may disclose personally identifiable information from the education records of a student without obtaining prior written consent of the parents or the eligible student for limited circumstances, including, but not limited to –

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, attorneys, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met.
 - To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34.
 - To accrediting organizations to carry out their accrediting functions.
 - To comply with a judicial order or lawfully issued subpoena if applicable requirements are met. (§ 99.31(a)(9))
 - To appropriate officials in connection with a health or safety emergency, subject to § 99.36.
 - To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student's case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement. (20 U.S.C. § 1232g(b)(1)(L))
- (4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School to comply with the requirements of FERPA.
The name and address of the Office that administers FERPA are:

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

The School will not release information to third parties for immigration-enforcement purposes, except as required by law or court order.

Directory Information Policy:

The *Family Educational Rights and Privacy Act* (FERPA), a Federal law, requires that the School, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, the School may disclose appropriately designated "directory information" without written consent, unless you have advised the School to the contrary in accordance with the School procedures. The primary purpose of directory information is to allow the School to include information from your child's education records in certain school publications. Examples include:

- A playbill, showing your student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965, as amended (ESEA) to provide military recruiters, upon request, with the following information – names, addresses and telephone listings – unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.

If you do not want the School to disclose any or all of the types of information designated below as directory information from your child's education records without your prior written consent, you must notify the School in writing by the first day of the school year. The School has designated the following information as directory information:

- Student's name
- Address
- Telephone listing
- Electronic mail address
- Photograph
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams

- Degrees, honors, and awards received
- The most recent educational agency or institution attended
- Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.
- A student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

Annual Notification of Uniform Complaint Procedures

2018-2019

This notice is provided by Tracy Learning Center and its public charter schools (Primary Charter School, Discovery Charter School, and Millennium High School) (hereinafter the “School”) annually to our students, employees, parents or guardians of its students, school advisory committees, appropriate private school officials (if applicable), and other interested parties of the School’s Uniform Complaint Procedures (“UCP”) process.

The School is primarily responsible for compliance with federal and state laws and regulations, including those related to unlawful discrimination, harassment, intimidation or bullying against any protected group, pupil fees, Local Control Accountability Plan (“LCAP”) compliance and the following programs and activities, to the extent offered by the School:

- Adult Education
- After School Education and Safety
- Agricultural Vocational Education
- American Indian Education Centers and Early Childhood Education Program Assessments
- Bilingual Education
- California Peer Assistance and Review Programs for Teachers
- Child Care and Development
- Regional Occupational Centers and Programs
- School Safety Plans
- Special Education
- Career Technical and Technical Education; Career Technical; Technical Training
- Child Nutrition
- Consolidated Categorical Aide
- Economic Impact Aid
- Every Student Succeeds Act / No Child Left Behind (2001) Programs
- Foster and Homeless Youth Services
- Migrant Education
- State Preschool
- Tobacco-Use Prevention Education

A pupil shall not be required to pay a pupil fee for participation in an educational activity, unless the charge for such a fee is specifically authorized by law and does not violate Education Code §49011. A pupil fee includes, but is not limited to, all of the following:

1. 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.

2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

Complaints must be filed in writing with the following School employee responsible for processing UCP complaints:

Virginia Stewart
Executive Director
Tracy Learning Center
51 East Beverly Place
Tracy, CA 95376
209-831-5240

Pupil fee complaints must be filed no later than one (1) year from the date the alleged violation occurred and may also be filed with the Executive Director or designee. Complaints alleging discrimination, harassment, intimidation, or bullying, must be filed within six (6) months of the alleged misconduct or the date the complainant first obtained knowledge of the misconduct. A pupil fees and/or an LCAP complaint may be filed anonymously, however, the complainant must provide evidence or information leading to evidence to support the complaint

Complaints will be investigated and a written report with a decision will be sent to the complainant within sixty (60) days from the receipt of the complaint. This time period may be extended by written agreement of the complainant. The person responsible for investigating the complaint shall conduct and complete the investigation in accordance with our UCP policies and procedures.

The complainant has a right to appeal the School's decision concerning complaints regarding specific programs and activities subject to the UCP, pupil fees and the LCAP to the California Department of Education by filing a written appeal within 15 days of receiving our decision. The appeal must be accompanied by a copy of the originally-filed complaint and a copy of our decision.

Civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders, may be available to the complainant under state or federal discrimination, harassment, intimidation or bullying laws, if applicable.

Copies of our Uniform Complaint Procedures process shall be available free of charge.

The School posts a standardized notice of the educational rights of pupils in foster care, pupils who are homeless, and former juvenile court pupils now enrolled in a school district as specified in EC Sections 48853, 48853.5, 49069.5, 51225.1, and 51225.2. This notice shall include complaint process information, as applicable.

All School students have a right to a free public education, regardless of immigration status or religious beliefs. For more information about this issue, we recommend families review the “Know Your Rights” immigration enforcement established by the California Attorney General and available on the California Attorney General website here: <https://oag.ca.gov/immigrant/rights>.

The School shall inform students who are victims of hate crimes of their right to report such crimes.

AB 699 Policies

Tracy Learning Center (“TLC”) and its charter schools are committed to providing all students a safe, inviting, and healthy learning environment. These policies are adopted in compliance with AB 699, which requires all California public schools adopt equivalent policies to the California Attorney General’s Model Policies to Assist California’s K-12 Schools in Responding to Immigration Issues. If any TLC policy or guidelines conflict with the terms of the AB 699 policies, the AB 699 policies shall govern.

Collection and Maintenance of Student Information

The Executive Director is responsible for ensuring identifiable student information is maintained in a secure manner and access is only granted to authorized individuals in accordance with applicable law. Protecting student privacy is of utmost importance. The school shall adopt reasonable physical, administrative, and technical safeguards to protect student data. These safeguards include access control to school databases and use of locks and similar mechanisms to protect physically stored student information. Staff are advised to ensure sensitive student records are not left out and secured after use.

School staff shall not disclose personally identifiable information from a student education record to other staff members or third parties unless there is a legitimate educational interest. Requests for student information from third parties shall be reviewed consistent with these guidelines and school policies to prevent unauthorized disclosure.

If TLC possesses information that could indicate immigration status, citizenship status, or national origin information, TLC shall not use the acquired information to discriminate against any students or families or bar children from enrolling in or attending school.

If parents or guardians choose not to provide information that could indicate their or their children’s immigration status, citizenship status, or national origin information, TLC shall not use such actions as a basis to discriminate against any students or families or bar children from enrolling or attending school.

TLC shall not allow school resources or data to be used for the purpose of creating a registry primarily based on race, gender, sexual orientation, religion, ethnicity, or national origin. This policy shall not prevent TLC from completing required data collections and submissions, including data submissions to CALPADS.

Questions Regarding Immigration Status, Citizenship Status, and National Origin Information

TLC staff shall not inquire specifically about a student's citizenship or immigration status or the citizenship or immigration status of a student's parents or guardians; nor shall personnel seek or require, to the exclusion of other permissible documentation or information, documentation or information that may indicate a student's immigration status, such as a green card, voter registration, a passport, or citizenship papers.

Where any law contemplates submission of national origin related information to satisfy the requirements of a special program, TLC shall solicit that documentation or information separately from the school enrollment process.

Where permitted by law, the Executive Director of TLC shall enumerate alternative means to establish residency, age, or other eligibility criteria for enrollment or programs, and those alternative means shall include among them documentation or information that are available to persons regardless of immigration status, citizenship status, or national origin, and that do not reveal information related to citizenship or immigration status.

Where residency, age, and other eligibility criteria for purposes of enrollment or any program may be established by alternative documents or information permitted by law or this policy, upon request, TLC shall describe to the applicant, and accommodate, all alternatives specified in law and all alternatives authorized under this policy.

Questions Regarding Social Security Numbers

TLC shall not solicit or collect entire Social Security numbers or cards. TLC shall solicit and collect the last four digits of an adult household member's Social Security number only if required to establish eligibility for federal benefit programs. When collecting the last four digits of an adult household member's Social Security number to establish eligibility for a federal benefit program, the school shall endeavor to explain the limited purpose for which this information is collected, and clarify that a failure to provide this information will not bar the student from enrolling in or attending the school. TLC shall treat all students equitably in the receipt of all school services, including, but, not limited to, the gathering of student and family information for educational instruction.

Sharing Student Information Regarding Immigration Status

TLC shall avoid the disclosure of information that might indicate a student's or family's citizenship or immigration status if the disclosure is not authorized by Family Educational Rights and Privacy Act (FERPA) or other applicable law.

School personnel shall take the following action steps upon receiving an information request related to a student's or family's immigration or citizenship status:

- ✓ Notify the Executive Director about the information request.
- ✓ Provide students and families with appropriate notice and a description of the immigration officer's request.
- ✓ Document any verbal or written request for information by immigration authorities.
- ✓ Unless prohibited, provide students and parents/guardians with any documents issued by the immigration-enforcement officer.

Except for investigations of child abuse, child neglect, or child dependency, or when the subpoena served on TLC staff prohibits disclosure, TLC shall provide parental or guardian notification of any court orders, warrants, or subpoenas before responding to such requests.

TLC shall require written parental or guardian consent for release of student information to immigration authorities, unless the information is relevant for a legitimate educational interest or includes directory information only. Neither exception permits disclosing information to immigration authorities for immigration-enforcement purposes; no student information shall be disclosed to immigration authorities for immigration enforcement purposes without a court order or judicial subpoena.

TLC's request for written or parental or guardian consent for release of student information in this specific situation must include the following information: (1) the signature and date of the parent, guardian, or eligible student providing consent; (2) a description of the records to be disclosed; (3) the reason for release of information; (4) the parties or class of parties receiving the information; and (5) if requested by the parents, guardians or eligible student, a copy of the records to be released. TLC shall permanently keep the consent notice with the record file.

The parent, guardian, or eligible student is not required to sign the consent form. If the parent, guardian or eligible student refuses to provide written consent for the release of student information that this not otherwise subject to release, TLC shall not release the information.

Requests from Immigration Enforcement

Visits by Immigration Enforcement:

TLC personnel shall report entry by immigration-enforcement officers to the Executive Director as would be required for any unexpected or unscheduled outside visitor coming on campus. No outsider—which would include immigration-enforcement officers—shall enter or remain on school grounds during school hours without having registered with the Principal or designee.

As early as possible, school personnel shall notify the Executive Director of any request by an immigration-enforcement officer for school or student access, or any requests for review of school documents (including for the services of lawful subpoenas, petitions, complaints, warrants, etc.).

In addition to notifying the Executive Director, school personnel shall take the following action steps in response to an officer present on the school campus specifically for immigration-enforcement purposes:

1. Advise the officer that before proceeding with his or her request, and absent exigent circumstances, school personnel must first receive notification and direction from the Executive Director.
2. The Executive Director or his/her designee should consult legal counsel.
3. Ask to see, and make a copy of or note, the officer's credentials (name and badge number). Also ask for and copy or note the phone number of the officer's supervisor.
4. Ask the officer for his/her reason for being on school grounds and document it.
5. Ask the officer to produce any documentation that authorizes school access.
6. Make a copy of all documents provided by the officer. Retain one copy of the documents for school records.
7. If the officer declares that exigent circumstances (e.g. emergency situation) exist and demands immediate access to the campus, TLC staff should comply with the officer's orders and immediately contact the Principal.
8. If the officer does not declare that exigent circumstances exist, respond according to the requirements of the officer's documentation. If the immigration-enforcement officer has:
 - a. An ICE (Immigrations and Customs Enforcement) administrative warrant, school staff shall inform the agent that he or she cannot consent to any request without first consulting with the school's counsel or Principal
 - b. A federal judicial warrant (search-and-seizure warrant or arrest warrant),

prompt compliance with such a warrant is usually legally required. If possible, consult with TLC's legal counsel or Executive Director before providing the agent access to the person or materials specified in the warrant.

- c. A subpoena for production of documents or other evidence, immediate compliance is not required. Therefore, TLC staff shall inform the Executive Director of the subpoena, and await further instructions on how to proceed.
 - d. If the officer does not possess a judicial warrant, court order, subpoena, or other document that provides a basis for the visit, the officer must provide the following information to the Principal or designee: Name, address, occupation; age, if less than 21; and purpose in entering school grounds; proof of identity.
9. While school personnel should not consent to access by an immigration-enforcement officer, except as described above, he/she should not attempt to physically impede the officer, even if the officer appears to be exceeding the authorization given under a warrant or other document. If an officer enters the premises without consent, school personnel shall document his or her actions while on campus.
10. After the encounter with the officer, school personnel shall promptly take written notes of all interactions with the officer. The notes shall include the following items:
- ✓ List or copy of the officer's credentials and contact information;
 - ✓ Identity of all school personnel who communicated with the officer;
 - ✓ Details of the officer's request;
 - ✓ Whether the officer presented a warrant or subpoena to accompany his/her request, what was requested in the warrant/subpoena, and whether the warrant/subpoena was signed by a judge;
 - ✓ School staff's response to the officer's request;
 - ✓ Any further action taken by the agent; and
 - ✓ Photo or copy of any documents presented by the agent.
11. School personnel shall provide a copy of those notes, and associated documents collected from the officer, to the Principal.
12. In turn, the Principal or his/her designee shall inform the governing board regarding the officer's requests and actions and the school's response(s).
13. E-mail the Bureau of Children's Justice in the California Department of Justice, at

BCJ@doj.ca.gov, regarding any attempt by a law-enforcement officer to access a school site or a student for immigration-enforcement purposes.

Interviewing Students and Parental Notification

TLC staff must receive consent from the student's parent or guardian before a student can be interviewed or searched by any officer seeking to enforce the civil immigration laws at the school, unless the officer presents a valid, effective warrant signed by a judge, or presents a valid, effective court order.

TLC personnel shall immediately notify the student's parents or guardians if a law-enforcement officer requests or gains access to a student for immigration-enforcement purposes, unless such access was in compliance with a judicial warrant or subpoena that restricts the disclosure of the information to the parent or guardian.

Use of Emergency Contact Information

Families and students are encouraged to have and know their emergency phone numbers and know where to find important documentation, including birth certificates, passports, Social Security cards, doctors' contact information, medication lists, lists of allergies, etc., which will allow them to be prepared in the event that a family member is detained or deported.

TLC staff shall permit students and families to update students' emergency contact information as needed throughout the school year, and provide alternative contacts if no parent or guardian is available.

- ✓ TLC shall ensure that families may include the information of an identified trusted adult guardian as a secondary emergency contact in case a student's parent or guardian is detained.
- ✓ TLC shall communicate to families that information provided within the emergency cards will only be used in response to specified emergency situations, and not for any other purpose.

In the event a student's parent/guardian has been detained or deported by federal immigration authorities while a student is attending school/school activity, TLC shall use the student's emergency card contact information and release the student to the person(s) designated as emergency contacts. Alternatively, we may release the student into the custody of any individual who presents a Caregiver's Authorization Affidavit

on behalf of the student.

TLC will only contact Child Protective Services if we are unsuccessful in arranging for the timely care of the child through the emergency contact information that the school has, a Caregiver's Authorization Affidavit, or other information or instructions conveyed by the parent or guardian.

TLC shall educate students about the negative impact of bullying other students based on their actual or perceived immigration status or their religious beliefs or customs.

TLC shall also take steps to train teachers, staff, and personnel to ensure that they are aware of their legal duty to take reasonable steps to eliminate a hostile environment and respond to any incidents of harassment based on the actual or perceived characteristics noted above. Such training will endeavor to provide agency personnel with the skills to do the following:

- ✓ Discuss the varying immigration experiences among members of the student body and school community;
- ✓ Discuss bullying-prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims;
- ✓ Identify the signs of bullying or harassing behavior;
- ✓ Take immediate corrective action when bullying is observed; and
- ✓ Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior.