

GENERAL STANDARDS, POLICIES AND UNIFORM COMPLAINT PROCESS

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EDUCATIONAL RECORDS AND STUDENT INFORMATION POLICY

Education Record:

An education record is any written or computerized document, file, entry, or record containing information directly relating to a student that is compiled and maintained by North County Trade Tech High School ("School"). Such information includes but is not limited to:

1. Date and place of birth; parents' address, and where the parties may be contacted for emergency purposes.
2. Grades, test scores, courses taken, academic specializations and school activities;
3. Special education records;
4. Disciplinary records;
5. Medical and health records;
6. Attendance records and records of past schools attended;
7. Personal information such as, but not limited to, student identification numbers, social security numbers, photographs, or any other type of information that aids in identification of a student.

An education record does not include any of the following:

1. Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
2. Records maintained by a law enforcement unit of a school that were created by that law enforcement unit for the purpose of law enforcement;
3. Records relating to a School employee that are made and maintained in the normal course of business, relate exclusively to the individual in that individual's capacity as an employee; and are not available for use for any other purpose;
4. Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are: a) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity; b) made, maintained, or used only in connection with treatment of the student; and c) disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the School; or
5. Records that only contain information about an individual after he or she is no longer a student at the School.

Annual Notification to Parents and Eligible Students:

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

- Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.
- If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.
- Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records,

without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- ✓ School officials with legitimate education interest;
- ✓ Other schools to which a student is transferring;
- ✓ Specified officials for audit or evaluation purposes;
- ✓ Appropriate parties in connection with financial aid to a student;
- ✓ Organizations conducting certain studies for or on behalf of the school;
- ✓ Accrediting organizations;
- ✓ To comply with a judicial order or lawfully issued subpoena;
- ✓ Appropriate officials in cases of health and safety emergencies; and
- ✓ State and local authorities, within a juvenile justice system, pursuant to specific State law.

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them.

For additional information, technical assistance, or to file a complaint, you may call (202) 260-3887 (voice). Individuals who use TDD may call the Federal Information Relay Service at 1-800-877-8339. Or, you may contact the: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW^{T-11}_{SEP} Washington, D.C. 20202-5920

Requesting Education Records:

To request a review of education records, please submit your request, in writing, to the Principal. Within three school days, the School will comply with the request. If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the education records, the School will provide the parent or eligible student with a copy of the requested records or make other arrangements for inspection and review of the requested records.

Copies of Education Records

The School will provide copies of requested documents within 10 school days of a request for copies. The School will charge reasonable fees for copies it provides to parents or eligible students, unless it effectively prevents a parent or eligible student from exercising the right to inspect and review the education records. The charge will not include a fee to search for or to retrieve the education records.

Request for Amendment to Education Records

If upon review, a parent or eligible student discovers any information or notation that is factually inaccurate, misleading or in violation of the student's right of privacy, he or she may request, in writing, that the School amend the record. The request must be submitted within thirty (30) days of the discovery of the inaccurate or misleading information or a violation of the student's right of privacy. The School will respond within ten (10) days of the receipt of the request to amend. The School's response will be in writing and if the request for amendment is denied, the School will set forth the reason for the denial and inform the parent or eligible student of his or her right to a hearing challenging the content of the education record.

Hearing to Challenge Education Record

If the School denies a parent or eligible student's request to amend an education record, the parent or eligible student may request in writing that he/she be given the opportunity for a hearing to challenge the content of the student's education records on the grounds that the information contained in the education records is inaccurate, misleading or in violation of the privacy rights of the student.

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

The Chief Executive Officer of the School will conduct the hearing. The parent or eligible student will be given a full and fair opportunity to present evidence relevant to the issues relating to the challenge to the education record. The parent or eligible student may also, at his/her own expense, be assisted or represented by one or more

individuals of his/her choice, including an attorney. The Chief Executive Officer's decision will be based solely on the evidence presented at the hearing. Within thirty (30) days of the conclusion of the hearing, the School's decision regarding the challenge will be made in writing and will include a summary of the evidence and the reasons for the decision.

If, as a result of the hearing, the School decides that the information is inaccurate, misleading or otherwise in violation of the privacy rights of the student, it will amend the record accordingly and inform the parent or eligible student of the amendment in writing.

If, as a result of the hearing, the School decides that the information in the education record is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, it will inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he/she disagrees with the decision of the School, or both. If the School places a statement by the parent or eligible student in the education records of a student, it will maintain the statement with the contested part of the record for as long as the record is maintained and disclose the statement whenever it discloses the portion of the record to which the statement relates.

Record Keeping Requirements

The School will maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student for as long as the records are maintained. For each request, the record must include the following information: the parties who have requested or received the information and the legitimate interests the parties had in requesting or obtaining the information.

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

These record keeping requirements do not apply to requests from or disclosure to parents and eligible students, School officials with a legitimate purpose of inspecting the records, a party with written consent from the parent or eligible student, or a party seeking or receiving the records as directed by a court order or subpoena.

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

HEALTH EXAMINATIONS AND IMMUNIZATIONS POLICY

Health Examinations:

Health Examination Certificates or Waivers: Upon enrollment, North County Trade Tech High School (“School”) will verify that the student’s file contains a certificate of the health examinations required under the Health & Safety Code, or a waiver from those requirements.

Health Examinations by the School: The School recognizes that periodic health examinations of students may lead to the detection and treatment of conditions that impact learning. Health examinations also may help in determining whether special adaptations of the School’s program are necessary. The School may request health examinations of students as needed to insure proper care of the students.

Immunizations

To protect the health of all students and staff and to curtail the spread of infectious diseases, the School desires to cooperate with state and local health agencies to encourage immunization of all district students against preventable diseases.

Students will not be unconditionally admitted to the School unless prior to his/her first admission to the School, he/she presents an immunization record that shows at least the month and year of each immunization the student has received, in accordance with law. Students may be conditionally admitted in accordance with the regulations promulgated by the Department of Health Services. If a student conditionally admitted fails to fulfill the conditions of admission, the School will prohibit the student from further attendance until that student has been fully immunized as required by law.

Immunization records will be part of the mandatory permanent student record and will be kept in accordance with the School’s record-keeping policy.

If the School discovers that an admitted student has not received all required immunizations, the School will notify his/her parent. If, within ten (10) school days of the notice, the student does not provide documentation of having received all required immunizations, the School will exclude the student from attendance.

Exemptions from Requirements: Students will be exempted from immunization requirements if his/her parent files with the School a letter or affidavit stating that the immunization is contrary to his/her beliefs. Additionally, a student will be exempted from the immunization requirements, to the extent indicated in the written statement, if his/her parent files with the School a written statement by a licensed physician to the effect that the physical condition of the student is such, or medical circumstances relating to the student are such, that the immunization is not considered safe. However, whenever there is good cause to believe that the person has been exposed to a communicable disease for which immunization is required, that student may be temporarily excluded from the School until the local health officer is satisfied that the person is no longer at risk of developing the disease.

OTHER HEALTH-RELATED POLICIES

Administration of Medications

The following policy regarding the administration of medications is applicable when the staff of North County Trade Tech High School (“School”) is responsible for the administration of, or assisting in the administration of, medication to students attending School during regular school hours, including before- or after-school programs, field trips, extra-curricular and co-curricular activities, and camps or other activities that typically involve at least one overnight stay away from home, because administration of the medication is absolutely necessary during school hours and the student cannot self-administer or another family member cannot administer the medication at school.

Requirements for Administration or Assistance: Before the School will allow a student to carry and self-administer prescription auto-injectable epinephrine, or inhaled asthma medication, or have authorized School personnel administer medications or otherwise assist a student in administering his or her medication, the School must receive a copy of the following:

- A written statement executed by the student’s authorized health care provider specifying the medication the student is to take, the dosage, and the period of time during which the medication is to be taken and a statement that the medication must be taken during regular school hours, as well as detailing the method, amount and time schedule by which the medication is to be taken;
- A written statement by the student’s parent initiating a request to have the medication administered to the student or to have the student otherwise assisted in the administration of the medication, in accordance with the authorized health care provider’s written statement. The written statement will also provide express permission for the School to communicate directly with the authorized health care provider, as may be necessary, regarding the authorized health care provider’s written statement.
- In the cases of self-administration of asthma medication or prescription auto-injectable epinephrine, the School must also receive a confirmation from the authorized health care provider that the student is able to self-administer the medication and a written statement from the parent consenting to the student’s self-administration and releasing the School and its personnel from civil liability if the self-administering student suffers an adverse reaction by self-administering his/her medication.

New statements by the parent and the authorized health care provider will be required annually and whenever there is a change in the student’s authorized health care provider, or a change in the medication, dosage, method by which the medication is required to be taken or date(s), or time(s) the medication is required to be taken. If there is not a current written statement by the student’s parent and authorized health care provider, the School may not administer or assist in administration of medication. The School will provide each parent with a reminder at the beginning of each school year that they are required to provide the proper written statements.

Parents of students requiring administration of medication or assistance with administration of medication will personally deliver (or, if age appropriate, have the student deliver) the medication for administration to the Office Manager.

Responses to the Parent upon Request: The School will provide a response to the parent regarding which School employees, if any, will administer medication to the student, and what the employees of the School will do to administer the medication to the student or otherwise assist the student in the administration of the medication.

Termination of Consent: Parents of students who have previously provided consent for the School to administer medication or assist a student with the administration of medication may terminate consent by notifying the School, in writing, of their withdrawal of consent.

Authorized Personnel: A designated School employee who is legally able to and has consented to administer or assist in administering the medication to students will administer the medication or otherwise assist the students.

Storage of Medication: Medication for administration to students will be maintained in the School in a locked cabinet. It will be clearly marked for easy identification. If the medication requires refrigeration, the medication will be stored in a refrigerator, which may only be accessed by the authorized staff. If stored medication is unused, discontinued or outdated, the medication will be returned to the student’s parent. If it is not possible to return it the parent, the School will dispose of the medication by the end of the school year, in accordance with applicable law.

Confidentiality: School personnel with knowledge of the medical needs of students will maintain the students’ confidentiality. Any discussions with parents and/or authorized health care providers will take place in an area that

ensures student confidentiality. All medication records or other documentation relating to a student's medication needs will be maintained in a location where only the Principal or other designated staff have access to the information.

Medication Record: The School will maintain a medication record for each student that is allowed to carry and self-administer medication and for each student to whom medication is administered or other assistance is provided in the administration of medication.

The medication record will contain the following: 1) The authorized health care provider's written statement; 2) The written statement of the parent; 3) A medication log (see below); 4) Any other written documentation related to the administration of the medication to the student or otherwise assisting the student in the administration of the medication.

The medication log will contain the following information: 1) Student's name; 2) Name of the medication the student is required to take; 3) Dose of medication; 4) Method by which the student is required to take the medication; 5) Time the medication is to be taken during the regular school day; 6) Date(s) on which the student is required to take the medication; 7) Authorized health care provider's name and contact information; and 8) A space for daily recording of medication administration to the student or otherwise assisting the student, such as date, time, amount, and signature of the individual administering the medication or otherwise assisting in administration of the medication.

Deviation from Authorized Health Care Provider's Written Statement: If a material or significant deviation from the authorized health care provider's written statement is discovered, notification as quickly as possible will be made as follows: 1) If discovery is made by a licensed health care professional, notification of the deviation will be in accordance with applicable standards of professional practice; 2) If discovery is made by an individual other than a licensed health care professional, notification will be given to the Principal, the student's parent, any School employees that are licensed health care professionals and the student's authorized health care provider.

Specialized Physical Health Care Services for Individuals with Exceptional Needs:

Authorized Personnel: The following individuals may assist students with exceptional needs who require specialized physical health care services during the regular school day:

- Qualified persons who possess an appropriate credential issued pursuant to Education Code sections 44267 or 44267.5
- Qualified designated school personnel trained in the administration of specialized physical health care if they perform those services under the supervision, pursuant to 5 C.C.R. § 3051.12, of a credentialed school nurse or licensed physician and surgeon and the services are determined by the credentialed school nurse or licensed physician and surgeon, in consultation with the physician treating the student, to include all of the following:
 - Routine for the student;
 - Pose little potential for harm for the student;
 - Performed with predictable outcomes, as defined in the Individualized Education Program of the student;
 - Does not require a nursing assessment, interpretation, or decision making by the designated school personnel
- Persons providing specialized physical health care services for students with exceptional needs will demonstrate competence in basic cardiopulmonary resuscitation and will be knowledgeable of the emergency medical resources available in the community in which the services are performed.

Specialized health care or other services for students with exceptional needs that require medically related training will be provided pursuant to the procedures identified in this policy generally.

Specialized physical health care services include catheterization, gastric tube feeding, suctioning or other services that require medically related training.

Emergencies

First Aid and CPR: Some advisors are certified in first aid and CPR. Every Advisory area will have first aid supplies and the office will maintain a first aid kit. First aid will be administered whenever necessary by trained staff members. When necessary, the appropriate emergency personnel will be called to assist.

Resuscitation Orders: School employees are trained and expected to respond to emergency situations without discrimination. If any student needs resuscitation, trained staff will make every effort to resuscitate him/her. The School does not accept or follow any parental or medical “do not resuscitate” orders. School staff should not be placed in the position of determining whether such orders should be followed. The Principal, or his/her designee, will ensure that all parents are informed of this policy.

Emergency Contact Information: For the protection of a student’s health and welfare, the School will require the parents of all students to keep current with the School emergency information including the home address and telephone number, business address and telephone number of the parent(s), and the name, address and telephone number of a relative or friend who is authorized to care for the student in any emergency situation if the parent cannot be reached.

Head Lice

To prevent the spread of head lice infestations, School personnel will report all suspected cases of head lice to the Office Manager, or designee, as soon as possible. The Office Manager, or designee, will examine the student and any siblings of affected students or members of the same household in accordance with the School’s health examination policy. If nits or lice are found, the student(s) will be excluded from attendance and parent informed about recommended treatment procedures and sources of further information.

In the event of one or more persons infested with lice, an exposure notice with information about head lice will be sent home to all parents of the students that have been exposed to the head lice.

School personnel will maintain the privacy of students identified as having head lice and excluded from attendance.

Excluded students may return to School when reexamination by the Office Manager, a designee, or other authorized health care representative shows that all nits and lice have been removed. After returning, the student may be reexamined by the Office Manager as appropriate to ensure that re-infestation has not occurred

FREEDOM OF EXPRESSION POLICY

Students attending North County Trade Tech High School (“School”) have the right to exercise free expression including, but not limited to the use of bulletin boards, distribution of printed materials or petitions, and wearing buttons, badges and other insignia. The Board of Directors (“Board”) respects students’ rights to express ideas and opinions, take stands and support causes, whether controversial or not, through their speech, their writing, their clothing, and the printed materials they choose to post or distribute.

Student liberties of expression will be limited only as allowed by law in order to maintain an orderly school environment and to protect the rights, health and safety of all members of the School community.

FREEDOM OF EXPRESSION PROCEDURES

Circulation of Petitions and Other Printed Matter

Students will be allowed to distribute petitions and other printed matter subject to these procedures.

The time of distribution will be limited to the half hour before school begins, during the lunch period, and the half hour after school is dismissed.

The manner of distribution will be such that coercion is not used to induce students to accept the printed matter or to sign petitions. Materials are not to be left undistributed or stacked for pick-up while unattended at any place in the School or on School grounds.

Buttons, Badges and Other Insignia of Symbolic Expression

Students will be permitted to wear buttons, badges, armbands, and other insignia as a form of expression.

Students will be subject to disciplinary action when expressive activities such as the distribution of materials, wearing of buttons or displays, or posting of notices or other materials:

1. Are obscene, libelous or slanderous;
2. Incite students so as to create a clear and present danger of the imminent commission of unlawful acts on school premises or of the violation of lawful School regulations or of the substantial disruption of the orderly operation of the School;
3. Express or advocate racial, ethnic or religious prejudice so as to create a clear and present danger of imminent commission of unlawful acts on School premises or of the violation of lawful School regulations or of the substantial disruption of the orderly operation of the School;
4. Are distributed in violation of the time, place and manner requirements;
5. Are in violation of current federal, state and local laws.

Unofficial School Publications

School officials may not ban the distribution of non-School-sponsored publications on School grounds. Writers and editors of unofficial student publications who violate any state or federal law may be disciplined after distribution. Students distributing or posting any materials which are obscene, libelous or slanderous, or which demonstrably incite students to commit unlawful acts on School premises, violate School rules, or substantially disrupt the School’s orderly operation will be subject to disciplinary action.

The following points apply to unofficial student publications:

1. Schools may disassociate themselves from the material printed inasmuch as it is not an official publication of the School.
2. School officials may reasonably regulate the time, place and manner of distribution. This distribution will be limited to:
 - a. One half hour before school begins, during the lunch period, or the half hour after dismissal.
 - b. In locations that do not obstruct the normal flow of traffic within the School or at entrances.
 - c. Distribution in a manner that is not disruptive.
3. No student will use coercion to induce students or any other persons to accept printed matter or to sign petitions.

4. "Distribution" means dissemination of a publication to students at a time and place of normal School activity, or immediately prior to or subsequent thereto, by means of handing out free copies, selling or offering copies for sale, accepting donations for copies of the publication, or displaying the student publication in areas of the School which are generally frequented by students.

School officials cannot:

1. Prohibit the distribution of anonymous literature or require that literature bear the name of the sponsoring organization or author.
2. Ban the distribution of literature because it contains advertising.
3. Create regulations that discriminate against non-School-sponsored publications or interfere with the effective distribution of non-sponsored publications provided such publications abide by time, place and manner regulations.

Other Forms of Student Expression

Forms of student expression may include, but are not limited to speech, debate, assemblies, posters, bulletin board announcements, and the wearing of buttons, badges and armbands. In general, the laws pertaining to all forms of student expression are the same. The rights of students to express their opinions are recognized by law and are not limited to verbal expression. The basic guidelines listed above for publications apply to all forms of student expression. No advisor or administrator will interfere with such expression on the grounds that the message may be unpopular with students or faculty.

In conforming to state and federal laws, student expression must obey copyright laws; for example, student posters cannot use nationally registered and copyrighted characters such as those from Walt Disney or "Peanuts" publications.

Distribution of Procedures Governing Student Rights

Site administrators will distribute copies of this Administrative Procedure to all staff who are working with students who produce publications or present public performances. It is the responsibility of the School and site administrators to see that these guidelines are kept up-to-date and accurate.

Appeals

The student and a School staff member will attempt to resolve the problem before consulting the administrative staff. If the issue cannot be resolved between the staff member and the student, the student may appeal the decision to the Principal or his/her designee. As a final step, the student may follow the School's complaint procedures as outlined in the Student/Parent Handbook.

STUDENT COMPLAINTS POLICY

Notification

It is the intent of North County Trade Tech High School (“School”) to integrate the School’s Conflict Resolution Strategies into the educational program. As such, students that have complaints against other students are encouraged to first address the issue with the person directly using the learned conflict resolution strategies without the intervention of a school employee. If, however, the student does not feel comfortable with this approach or the complaint involves sexual harassment or discrimination, the student may notify an Advisor or other school staff member. The Advisor staff member will notify the Principal of the complaint if it cannot be resolved immediately at that level. Administration may opt that Conflict Resolution may not be the best course of remediation and may opt for alternate methods.

Students who have complaints against school personnel or programs may notify an Advisor or the Principal. If an Advisor, or any other staff member, is notified of a student complaint against school personnel or programs, the Advisor will notify the Principal.

Procedures

Depending upon the nature of a complaint, the student will be provided information concerning the applicable policy and procedures to be followed. For instance, if the complaint is one of sexual harassment or other discrimination, the student will be provided with a copy of the School’s policy against harassment and discrimination and provided a Complaint Form and apprised of the procedures under the policy.

If the School has no specific policy or procedures for the particular complaint, the Principal, or his/her designee, will undertake a responsible inquiry into the student’s complaint to ensure it is reasonably and swiftly addressed. When appropriate, a written statement of the student’s complaint will be obtained from the student.

Confidentiality

Complainants will be notified that information obtained from the student and thereafter gathered will be maintained in a manner as confidential as possible, but in some circumstances absolute confidentiality cannot be assured.

Non-Retaliation

Complainants will be advised that they will be protected against retaliation as a result of the filing of any complaints or participation in any complaint process.

Resolution

The administration will investigate student complaints appropriately under the circumstances and pursuant to the applicable procedures, and if necessary, take appropriate remedial measures to ensure effective resolution of any complaint.

SEXUAL HARASSMENT POLICY

Sexual harassment of or by any student or member of the North County Trade Tech High School (“School”) staff will not be tolerated. The School considers sexual harassment to be a major offense, which may result in disciplinary action, up to and including dismissal, of the offending student or staff member, or other appropriate sanction.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when it interferes with an individual’s performance at school and/or creates an intimidating, hostile or offensive educational environment. The conduct described above is also sexual harassment when submission to it is made either explicitly or implicitly a term or condition of an individual’s access to education.

Sexual harassment regulated by this policy pertains to behavior of a sexual nature while students are under the jurisdiction of the School.

Students may receive age-appropriate training and/or instruction on the prohibition of sexual harassment at the School. Copies of this policy, implementing administrative regulations containing rules and procedures for reporting charges of sexual harassment and for pursuing available remedies will be available at the School’s administrative office.

Any student who believes that he or she has been harassed or has witnessed sexual harassment is encouraged to immediately report such incident to his or her advisor to the School’s Principal. The Principal will promptly investigate all such incidents in a confidential manner.

SEXUAL HARASSMENT PROCEDURES

Statement against Sexual Harassment

- No toleration policy - Sexual harassment of or by any faculty, staff or student is illegal and will not be tolerated. The School prohibits sexual harassment, and harassment based on pregnancy, childbirth or related medical conditions, race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal, state or local law or ordinance or regulation.
- To whom the policy applies - This policy applies to all persons involved in the operation of the School and prohibits unlawful harassment by faculty, staff, and students.
- Discipline - The School considers sexual harassment to be a major offense and any individuals who violate this policy are subject to discipline up to and including dismissal or other appropriate sanction.
- Prompt and Thorough Investigation - All claims of harassment will be taken seriously and will be investigated promptly and thoroughly.
- Confidentiality - Sexual harassment advisers and others responsible to implement this policy will respect the confidentiality and privacy of individuals reporting or accused of sexual harassment to the extent appropriate.
- No Retaliation - Retaliation against any employee or student who in good faith reports or provides information related to harassment in violation of this policy is against the law and will not be tolerated. Intentionally providing false information, however, is grounds for discipline.

Sexual Harassment Defined

Unwelcome sexual advances, requests for sexual favors, and other visual, verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made implicitly or explicitly a term or condition of employment or educational development;
- Submission or rejection of such conduct is used as a basis for employment or education decisions affecting individuals; or
- Such conduct has a purpose or effect of unreasonably interfering in an individual’s work or educational performance, or creating an intimidating, hostile or offensive working or educational environment.

- Sexual harassment in California also includes:
 - Verbal harassment, such as epithets, derogatory comments or slurs;
 - Physical harassment such as assault or physical interference with movement or work; and
 - Visual harassment, such as derogatory cartoons, drawings or posters.
 - Unwelcome sexual advances of an employer towards an employee or student of the same sex or different sex, and harassment on the basis of pregnancy disability are unlawful sexual harassment. Employees and students in California are protected from discrimination based on their actual or perceived sexual orientation. Sexual orientation is defined as “heterosexuality, homosexuality, and bisexuality.”
- Specifically, sexual harassment may occur as a pattern of degrading sexual speech or actions and may include, but is not limited to the following examples:
 - Vulgar remarks;
 - Sexually derogatory comments regarding a person’s appearance;
 - Physical touching, pinching, patting, or blocking free movement;
 - Sexual propositions or advances (with or without threats to a person’s job or promotion if that person does not submit);
 - Sexually suggestive or degrading posters, cartoons, pictures or drawings;
 - Offensive sexual jokes, slurs, insults, innuendos or comments; or
 - Physical assault.

Notification

- Students and staff will be notified of any changes in policy at the beginning of the school year.
- An update School policies and a review of the Sexual Harassment Policy will be provided as part of the student orientation at the beginning of each new school year.
- New employees to the School will receive a copy of the School’s Sexual Harassment Policy upon acceptance of employment.
- The School’s Sexual Harassment Policy will be displayed in a prominent location at the School.
- A copy of the School’s Sexual Harassment Policy will appear in any publication of the School that sets forth the comprehensive rules, regulations, procedures and standards of conduct from the School. Staff or students who have questions concerning this Policy are encouraged to contact the Principal.

Complaint Filing Procedure

- Informal Resolution - The School encourages communication among its employees and students. If you feel that you are being harassed by another student, if reasonably possible, we suggest informing the party directly that his or her conduct is unwelcome or offensive and it must stop. If this is not possible, or if the alleged harasser is an employee of the School, or if the behavior continues, follow the complaint filing procedure.
- Written Complaint – Complaints should be submitted within one (1) year of the alleged incident to ensure a prompt, thorough investigation.
- Any student who believes he/she has been harassed, or believes he/she has witnessed harassment by a peer, or agent of the School should promptly report in writing, using the attached form, incident(s) to his or her supervisor and / or the Principal.
- A Complaint Form may be obtained in the School office. It is important to fill in as much information as accurately as possible.
- The Principal, or designee, will investigate all reported incidents within ten (10) days of receiving a written complaint form, unless the Principal, or designee, is the subject of the investigation, in which case the Chief Executive Officer will appoint an investigator. The individual responsible for the investigation will hereinafter be referred to as the “Investigator.” If the Investigator deems it necessary, he or she will convene a team of trained investigators to proceed in the investigation.

Investigation

- Complaints will be treated seriously and investigated immediately.
- Complaints will be handled confidentially.

- Complainants will be promptly and fully informed of their rights pursuant to this policy.
- All witnesses and the accused will be properly and fully informed of their rights and remedies pursuant to this policy.
- All interviews of the accused, witnesses and the complainant will be conducted in a private area.
- The Investigator will be properly trained to listen to the allegations, make complete notes, attempt to identify all persons involved, as well as all possible witnesses, and interview the accused.
- No complainant, witness, or party who assists in the investigation will be retaliated against.
- The School will take steps to prevent the recurrence of any harassment and will correct any discriminatory effects on the complainant and others.

The Investigator will initiate an investigation to determine whether there is reasonable cause to believe that a violation of the School's sexual harassment policy has occurred. "Reasonable cause" is shown if a person of ordinary caution or prudence would be led to believe and conscientiously entertain a strong suspicion of a violation of the sexual harassment policy.

- All individuals involved in the investigation including the complainant, witnesses and the accused will be fully informed of their rights under this policy.
- The accused will be provided with a copy of the complaint form and an opportunity to respond to the allegations within seven (7) days of receipt of the request for a formal inquiry. The investigation will include interviews with the complainant and other witnesses as determined by the circumstances.
- The Investigator will fully and effectively conduct an investigation that includes interviewing:
 - 1) The complainant;
 - 2) The accused;
 - 3) Any witnesses to the conduct; and
 - 4) Any other person who may be mentioned during the course of the investigation as possibly having relevant information.
- When appropriate, interim protections or remedies for the complainant, such as limitations on contact, alternative course schedules, and the like, may be recommended to the appropriate School administrator at any time during the process. The complainant will be kept informed of the status of the complaint, consistent with the School's policy and regulation and applicable law.
- The formal investigation will typically be completed within sixty (60) days of the date of the filing of the request.
- The final determination of the Investigator's investigation will result in a report which will contain, at the minimum:
 - 1) Statement of the allegations and issues;
 - 2) Positions of the parties;
 - 3) Summary of the evidence received from the parties and the witnesses;
 - 4) Response the accused wishes to add to the report; and
 - 5) All findings of fact.
- The final determination report will state a conclusion that the Investigation Team:
 - 1) Found reasonable cause that the accused violated the sexual harassment policy; or
 - 2) Did not find sufficient evidence to find reasonable cause that the accused violated the sexual harassment policy. Where the Investigator did not find reasonable cause but believes the behavior complained of may constitute misconduct, the Investigator may state such a conclusion and refer the matter to the appropriate School administrator.
- The report will be submitted to the appropriate School administrator(s) for action, within thirty (30) days of the completion of the investigation or as soon thereafter as is feasible. The Investigator will inform the complainant and the accused that the report has been forwarded and to whom. The appropriate administrator(s) will ensure that the complainant and the accused are timely notified in writing of the disciplinary action taken.

- Within fifteen (15) days of disciplinary action being taken against the accused, or as required by applicable School procedures, the appropriate administrator(s) will provide written notification to the complainant indicating:
 - 1) Individual remedies available to the complainant; and
 - 2) All sanctions against the accused of which the complainant needs to be aware in order for the sanctions to be fully effective
- Within fifteen (15) days of taking disciplinary action against the accused, the appropriate administrator(s) will provide written notification to the Investigator indicating
 - 1) The results of any disciplinary actions and the initiation of any appeals; and
 - 2) All further individual remedies available to the complainant.

If the final determination is that sexual harassment has occurred, a prompt, relevant and effective remedy will be provided to the complainant and appropriate disciplinary action taken against the harasser.

Appeal

Appeal of sexual harassment investigation finding of no reasonable cause: There are different ways to appeal a finding of no reasonable cause depending on whether the complainant is a student, faculty, or staff. In most cases, existing School complaint procedures provide a mechanism for such an appeal, and where available, such procedures must be utilized.

Notice to the Complainant

Where the Investigator concludes that there is no reasonable cause to believe that a violation of the School's sexual harassment policy has occurred and the complaint is to be dismissed, a copy of the report will be sent to the complainant and the accused in accordance with the School's policies/regulations applying to the disclosure of information from school records.

Written Appeal

A written appeal must be directed to the Principal within thirty (30) days of notification to the complainant of the dismissal of the complaint.

Basis for Appeal - The appeal may be based only on one of the following grounds:

- 1) There is newly discovered important evidence not known at the time of the report;
- 2) Bias on the part of an Investigator member; or
- 3) The Investigator failed to follow appropriate procedures.

Decision

The Principal or his or her designee will consider the appeal and will provide a written decision to the complainant and the investigator within thirty (30) days of receipt of the appeal.

Extensions of Deadlines

Extensions of all deadlines contained in these procedures may be granted at the discretion of the Investigator for good cause. The Principal will be consulted before a decision is made on requests for extensions involving faculty and staff.

DISCRIMINATION, HARASSMENT, INTIMIDATION AND BULLYING PROCEDURES

Statement for the Safe Place to Learn Act

- No toleration policy – Trade Tech High School prohibits discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics set forth in Section 422.55 of the Penal Code and Section 220 of this code, and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. The policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the principal/superintendent of the school district.
- To whom the policy applies - This policy applies to all persons involved in the operation of the School and prohibits unlawful discrimination, harassment, intimidation, and bullying by faculty, staff, and students.
- Discipline - The School considers discrimination, harassment, intimidation, and bullying to be a major offense and any individuals who violate this policy are subject to discipline up to and including dismissal or other appropriate sanction.
- Prompt and Thorough Investigation - All claims of discrimination, harassment, intimidation, and bullying will be taken seriously and will be investigated promptly and thoroughly by the principal or designee.
- Confidentiality - Discrimination, harassment, intimidation, and bullying advisers and others responsible to implement this policy will respect the confidentiality and privacy of individuals reporting or accused of sexual harassment to the extent appropriate.
- No Retaliation - Retaliation against any employee or student who in good faith reports or provides information related to discrimination, harassment, intimidation, and bullying in violation of this policy is against the law and will not be tolerated. Intentionally providing false information, however, is grounds for discipline.
- Immediate Action - If school personnel witness an act of discrimination, harassment, intimidation, or bullying, they shall take immediate steps to intervene when safe to do so.
- Appeal Process – Should the complainant disagree with the resolution of a complaint, he/she will have the right to request a conference with the principal/designee about the resolution. This should be done within 3 school days of learning the outcome of the complaint.

DISPUTE RESOLUTION PROCESS

At the discretion of the school administrators, disputes arising from within North County Trade Tech High School ("School"), including all disputes among and between students, staff, parents, volunteers, advisors, partner organizations, and members of the Board of Directors will be resolved pursuant to the School's Dispute Resolution Process.

Each member of the school community should first attempt to resolve the conflict with the person or persons directly involved or affected by the issue using the following process:

- **Students:** If there is a conflict between students and/or students and staff and direct discussion cannot resolve the conflict, students will be expected to follow the School's Conflict Resolution Strategies (included in the Student-Parent Handbook). If students are unable to resolve the conflict they will be expected to ask an Advisor for assistance. If an Advisor is unable to resolve the conflict, the Principal will facilitate further intervention. If the conflict involves the Principal, the Chief Executive Officer should be contacted to facilitate further intervention. The school's intent is to use the Dispute Resolution Process and the related Conflict Resolution Strategies whenever possible and appropriate to resolve conflicts before engaging in the Suspension or Dismissal Process (also included in the Student-Parent Handbook).
- **Staff:** If there is a conflict between staff and staff members are unsuccessful in resolving it, the Principal will facilitate the Conflict Resolution Strategies. If the conflict involves the Principal, staff will request further intervention through the Chief Executive Officer.
- **Parents:** If a parent has a conflict and is unsuccessful in resolving it, the parent should contact the Principal for assistance in resolving the conflict. If the conflict involves the Principal, the parent should request further intervention through the Chief Executive Officer.
- **Volunteers:** If a volunteer has a conflict, the individual should contact the Principal for assistance in resolving the conflict. If the conflict involves the Principal, the individual should request further intervention through the Chief Executive Officer.
- **Board Members:** If a board member has a conflict, and the board member is unable to resolve it, the board member may request a Dispute Resolution Process through the entire Board of Directors.

The final school-level appeal is the Chief Executive Officer. The final level of appeal is the School's Board of Directors. The Vista Unified School District will not intervene in any internal disputes without the consent of the Board of Directors of Trade Tech; and will refer any such complaints or reports regarding such disputes to the Chief Executive Officer or, if it involves the Chief Executive Officer the School's Board of Directors for resolution.

CONFLICT RESOLUTION STRATEGIES

Step 1: Gain Understanding

- **Purpose:** This step is designed to sharpen everyone's understanding of the situation. The focus is on clearing up any misunderstandings and staying objective and non-judgmental, while connecting with how the other person is feeling. This step is not used to judge or decide what to do next.
- **What to Do:**
 - ✓ Clarify the Facts (How can I sharpen my understanding of the issues/what happened?):
 - Ask questions to further your understanding and clear up any confusion (Who? What? Where? When? Why? How?)
 - Insist on specific and accurate information (i.e. Can you be more specific?)
 - Persist until there is clarity (i.e. Can you clarify that point? What exactly did you mean?)
 - ✓ Tune-In to Feelings (What do I notice that will help me understand how they are feeling about this? About me?):
 - Pay attention to emotional cues, facial expressions, tone of voice, and body language
 - Listen, notice and sense without judging
 - Connect with how the person is speaking and operating, not just what they are saying
 - Be aware of your own feelings and emotions
 - ✓ Empathize with Others (How can I show kindness, caring, compassion, tolerance and connect with the other people involved?):
 - Build rapport by putting yourself in the other person's shoe (Ask yourself, if I were in their shoes what would I be experiencing/thinking/feeling?)
 - Value, listen to, and respect the other person's circumstance/perspective (What I hear you saying is...)
 - Demonstrate care and compassion

Step 2: Get to the Crux of the Issue/Problem

- **Purpose:** This step is designed to zero in on the heart of the issue (not symptoms), decide what the *real* problem is, set priorities, and decide what is most important before moving forward.
- **What to Do:**
 - ✓ Ask tough questions that strip away the surface issues and get right to the heart of the issue (What is the real problem here? Why is this a problem?)
 - ✓ Focus on priorities and on what matters most (If we could only do one thing to resolve this what would it be?)
 - ✓ Be relentless and objective

Step 3: Envision Possible Solutions

- **Purpose:** This step is designed to get a clear picture of where we want to end up by imagining "What if . . ." scenarios that might resolve the conflict before making any decisions.
- **What to Do:**
 - ✓ Picture what it would look/feel like if the issue/problem was resolved and describe it in detail – ask yourself and others questions like:
 - If this were solved, what would it look like?
 - What's my vision of this?
 - What are worst possible and best possible outcomes that could happen?
 - ✓ Focus first on where you want to end up, then work backwards from there
 - ✓ Imagine what could be, without judging

Step 4: Decide What to do Next

- **Purpose:** This step is designed to shift attention to decision making. The focus is on reaching a logical decision about the best way to proceed to resolve the problem/issue . . . "What should I/we do?"
- **What to Do:**
 - ✓ Base your conclusions on sound analysis and the crux of the issue (What is the most logical conclusion/solution?)

- ✓ Move to closure using common sense and logic (What makes the most sense?)
- ✓ Focus on practical, objective solutions that are fair for all parties (What is the best way to proceed? What is the option or plan that makes the most sense to everyone?)

Step 5: Create a Positive Outcome

- Purpose: This step is designed to facilitate a positive conclusion to the conflict resolution process.
- What to Do:
 - ✓ Model a positive outlook:
 - Focus on finding the silver lining in the problem
 - Look for what's right, not wrong with others
 - Transform problems/issues/negative events into useful learning opportunities . . . teachable moments
 - ✓ Provide ways for everyone to feel like they have a sense of control in the situation
 - Help everyone to see that their participation in the process make a difference in the outcome
 - ✓ Provide a means for each party to take initiative as part of the action plan going forward
 - Make sure everyone has a role in solving the problem/issue
 - Determine what each person's best contribution is to the solution

STUDENT SUSPENSION AND DISMISSAL POLICY

NOTE: THE TERM DISMISSAL IS USED WITHIN THIS DOCUMENT TO IDENTIFY THE PROCESS WHERE A STUDENT IS RELEASED FROM NORTH COUNTY TRADE TECH HIGH SCHOOL. IT DOES NOT INDICATE THAT A STUDENT IS DISMISSED FROM VISTA UNIFIED SCHOOL DISTRICT.

Introduction:

This Suspension and Dismissal Policy has been established in order to promote learning and protect the safety and well being of all students at North County Trade Tech High School (“School”). When the policy is violated, it may be necessary to suspend or dismiss a student from regular classroom instruction. This policy will serve as the School’s policy and procedures for student suspension and dismissal and it may be amended from time to time without the need to amend the Charter so long as the amendments comport with legal requirements.

School staff will enforce the School’s Dispute Resolution Process and Conflict Resolution Strategies fairly and consistently among all students. This policy and its procedures will be printed and distributed as part of the Student-Parent Handbook and will clearly describe discipline expectations.

Discipline includes, but is not limited to, advising and counseling students, conferring with parents, detention during and after school hours, use of alternative educational environments, suspension and dismissal.

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

The School’s administration will ensure that discipline-related policies and procedures are included in the Student-Parent Handbook.

Suspended or dismissed students will be excluded from all school and school-related activities unless otherwise agreed during the period of suspension or dismissal.

Trade Tech will take steps to dismiss students at the end of a semester or school year; however, it is sometimes necessary to immediately dismiss a student. Other options may include Independent Study for the remainder of an academic term, or reduction of classes to minimize time on campus, or other options as necessary.

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

Authorization to Dismiss:

The courts upheld a charter school’s right to dismiss students. On June 14, 2013, the California Court of Appeal in [Scott B. v. Board of Trustees of Orange County High School of the Arts](#) ruled that charter schools are exempt from California law requiring due process hearing procedures for students undergoing an expulsion from their local public school. The court held that the due process hearing protections of the California Education Code do not apply to charter schools because Scott was *dismissed* rather than expelled. According to the court, a dismissal does not raise due process concerns to the same degree as expulsion because after being dismissed, the student is free to enroll in the local public school. Unlike public schools, the court observed, a charter school is a school of choice.

Grounds for Suspension and Dismissal of Students:

A student may be suspended or dismissed for prohibited misconduct if the act is related to school activity or school attendance occurring at the School or at any other school or a School-sponsored event at anytime including but not

limited to: a) while on school grounds; b) while going to or coming from school; c) during the lunch period, whether on or off the school campus; d) during, going to, or coming from a school-sponsored activity.

Enumerated Offenses: Students may be suspended or dismissed for any of the following acts when it is determined the student:

- a. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force of violence upon the person of another, except self-defense.
- b. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Principal or designee's concurrence.
- c. Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind.
- d. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e. Committed or attempted to commit robbery or extortion.
- f. Caused or attempted to cause damage to school property or private property.
- g. Stole or attempted to steal school property or private property.
- h. Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, electronic smoking devices of any kind, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel.
- i. Committed an obscene act or engaged in habitual profanity or vulgarity.
- j. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5.
- k. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, advisors, administrators, other school officials, or other school personnel engaged in the performance of their duties.
- l. Knowingly received stolen school property or private property.
- m. Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4.
- o. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- p. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- q. Engaged in or attempted to engage in hazing of another.
- r. Aiding or abetting as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person.
- s. Made terrorist threats against school officials and/or school property.
- t. Committed sexual harassment.
- u. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence.
- v. Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading student rights by creating an intimidating or hostile educational environment.

Alternatives to suspension or dismissal will first be attempted with students who are truant, tardy, or otherwise absent from assigned school activities.

Suspension Procedure:

Suspensions will be initiated according to the following procedures:

- a. Conference: Suspension will be preceded, if possible, by a conference conducted by the Principal or the Principal's designee with the student and his or her parent and, whenever practical, the advisor, supervisor or school employee who referred the student to the Principal. The conference may be omitted if the Principal or designee determines that an emergency situation exists. An "emergency situation" involves a clear and present

danger to the lives, safety or health of students or school personnel. If a student is suspended without this conference, both the parent and student will be notified of the student's right to return to school for the purpose of a conference. If a parent or guardian is unable to attend, a conference by phone or email will be allowed.

At the conference, the student will be informed of the reason for the disciplinary action and the evidence against him or her and will be given the opportunity to present his or her version and evidence in his or her defense.

This conference will be held within two school days of the suspension, unless the student waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization.

No penalties may be imposed on a student for failure of the student's parent to attend a conference with school officials. Reinstatement of the suspended student will not be contingent upon attendance by the student's parent at the conference.

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

- c. Suspension Time Limits/Recommendation for Placement or Dismissal: Suspensions, when not including a pending dismissal, will not exceed five (5) consecutive school days per suspension.

Upon a recommendation of Placement or Dismissal by the Principal or Principal's designee, the student and the student's parents will be invited to a conference to determine if the suspension for the student should be extended or if there will be a pending dismissal conference/hearing. This determination will be made by the Principal or designee upon either of the following determinations: 1) the student's presence will be disruptive to the education process; or 2) the student poses a threat or danger to others. Upon either determination, the student's suspension will be extended pending the results of a dismissal conference/hearing.

Dismissal Procedures:

Students recommended for dismissal may be entitled to a hearing to determine whether the student should be dismissed. Unless postponed for good cause, the hearing will be held within thirty (30) school days after the Principal or designee determines that the student has committed a dismissible offense (See Administrator Recommendation for Expulsion Matrix on our website or on the CDE website at <http://www.cde.ca.gov/ls/ss/se/expulsionrecomm.asp?print=yes>).

In the event an Administrative Panel hears the case, it will make a recommendation to the Board for a final decision whether to dismiss. The hearing will be held in closed session unless the student makes a written request for a public hearing at least three (3) days prior to the hearing.

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

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

Special Procedures for Dismissal Hearings Involving Sexual Assault or Battery Offenses

The School may, upon a finding of good cause, determine that the disclosure of either the identity of the witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations, which will be examined only by the school or the hearing officer. Copies of these sworn declarations, edited to delete the name and identity of the witness, will be made available to the student.

- a) The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of his/her right to (a) receive five days notice of his/her scheduled testimony, (b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she testifies, which may include a parent, or legal counsel, and (c) elect to have the hearing closed while testifying.
- b) The School must also provide the victim a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.
- c) At the discretion of the person or Administrative Panel conducting the hearing, the complaining witness will be allowed periods of relief from examination and cross-examination during which he or she may leave the hearing room.
- d) The person conducting the dismissal hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.
- e) The person conducting the dismissal hearing may also limit time for taking the testimony of the complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
- f) Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the person presiding over the hearing from removing a support person whom the presiding person finds is disrupting the hearing. The person conducting the hearing may permit any one of the support persons for the complaining witness to accompany him or her to the witness stand.
- g) If one or both of the support persons is also a witness, the school must present evidence that the witness' presence is both desired by the witness and will be helpful to the school. The person presiding over the hearing will permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official will admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing will preclude the presiding officer from exercising his or her discretion to remove a person from the hearing whom he or she believes is prompting, swaying, or influencing the witness.
- h) The testimony of the support person will be presented before the testimony of the complaining witness and the complaining witness will be excluded from the courtroom during that testimony.
- i) Especially for charges involving sexual assault or battery, if the hearing is to be conducted in the public at the request of the student being dismissed, the complaining witness will have the right to have his/her testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.
- j) Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and will not be heard absent a determination by the person conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstance can be made, the witness will be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness will be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

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

Presentation of Evidence: While technical rules of evidence do not apply to Dismissal hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A recommendation by the Administrative Panel to dismiss must be supported by substantial evidence.

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

If, due to a written request by the dismissed student, the hearing is held at a public meeting, and the charge is committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900, a complaining witness will have the right to have his or her testimony heard in a session closed to the public.

The decision of the Administrative Panel will be in the form of written findings of fact and a written recommendation to the Board who will make a final determination regarding the Dismissal. The final decision by the Board will be made within ten (10) school days following the conclusion of the hearing. The decision of the Board is final.

If the Administrative Panel decides not to recommend Dismissal, the student will immediately be returned to his/her educational program.

Written Notice to Dismiss: The Principal or designee following a decision of the Board to dismiss will send written notice of the decision to dismiss, including the Board's adopted findings of fact, to the student or parent. This notice will also include the following:

- a) Notice of the specific offense committed by the student
- b) Notice of the student's or parent's obligation to inform any new district in which the student seeks to enroll of the student's status with the school.

The Principal or designee will send a copy of the written notice of the decision to dismiss to the District.

This notice will include the following:

- a) The student's name
- b) The specific dismissible offense committed by the student

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

Disciplinary Records: The School will maintain records of all student suspensions and dismissals at the school. Such records will be made available to the District upon request.

No Right to Appeal: The Student will have no right of appeal for dismissal from the School, as the administrative decision to dismiss will be final.

Dismissed Students/Alternative Education: Students who are dismissed will be responsible for seeking alternative education programs including, but not limited to, programs within the County or their school district of residence.

Rehabilitation Plans: Students who are dismissed from the School will, upon request, be given a rehabilitation plan upon dismissal as developed by the Principal at the time of the dismissal order, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date not later than one year from the date of dismissal when the student may reapply to the School for readmission.

Readmission: The decision to readmit a student or to admit a previously expelled or dismissed student from another school district or charter school will be in the sole discretion of the Board following a meeting with the Principal and the student and parent to determine whether the student has successfully completed the rehabilitation plan and to determine whether the student poses a threat to others or will be disruptive to the school environment. The Principal will make a recommendation to the Board following the meeting regarding his or her determination. The student's readmission is also contingent upon the School's capacity at the time the student seeks readmission.

VOLUNTEER POLICY

SCREENING:

Any volunteer at North County Trade Tech High School (“School”) that is working directly with students, must fulfill state law requirements regarding TB testing, fill out a confidential form containing the following information:

- Have you ever been convicted of a felony?
- Have you ever been charged with child abuse or neglect?

In order to preclude situations which could bring about a conflict of interest, a volunteer shall not ordinarily be appointed to a position, or be involved in volunteer activities, where a member of his/her immediate family maintains supervisory or evaluation responsibilities for the position. However, immediate family members may be employed or volunteer at the School with the approval of the Principal.

In addition, the law requires that certain volunteers are required to have a Live Scan background check performed.

STANDARDS:

- Volunteer services are available to the students as a whole and are based upon the assessment of the students’ needs. These may include, but are not limited to, teaching, facilitating or mentoring (with appropriate credentials or supervision), and supervision of enrichment activities.
- Volunteer activities may also include services that support the School’s needs and goals; including, but not limited to, fundraising, public relations, clerical, construction and maintenance.
- Volunteer services are offered in accordance with the needs of the School, under the authority of the Principal.
- Volunteers must be able to work without direct supervision. Overall direction and monitoring of volunteer activities will be under the supervision of an Advisor or other staff member, as appropriate.
- When working with students and families it is inevitable that volunteers will encounter confidential information protected by federal law. This could occur by overhearing students’ conversations, witnessing conflicts between students and advisors, or encountering a student with a medical, social, financial or educational problem. Volunteers must adhere to the same standards of confidentiality as professional staff. Volunteers are expected to maintain confidentiality when speaking about other people’s children in front of their own children, or in front of others who have no need to know.
- Volunteers shall not be in possession of or under the influence of alcoholic beverages and/or illegal drugs or in possession of firearms while serving in a volunteer capacity.
- When serving as a chaperone at an official School event, the volunteer will not leave the grounds unless approved by the staff in charge of the event.
- Volunteers shall not meet privately with one student at a time. Other students, or staff, must be present.
- Volunteers shall not use obscene or discriminatory language at any School event.
- Volunteers shall not sign any agreements on behalf of the School. If they are asked to sign such an agreement they should contact the Principal for assistance.

SIGNATURE: Volunteers must sign a statement acknowledging that they have read and agree to abide by the Volunteer Policy. Furthermore, that failure to comply with these standards may result in termination as a volunteer. In addition, the School agrees to hold harmless and indemnify volunteers for any and all liability resulting from their volunteer service.

VIOLATIONS: Failure to meet any standards may result in the discontinuance of any further volunteer activity by that individual.

CODE OF CONDUCT POLICY

North County Trade Tech High School (“School”) is committed to providing a safe and caring learning community and will embrace restorative Conflict Resolution Strategies. If an individual has a dispute with another person, they need to follow the School’s Dispute Resolution Process, which are included in the Student-Parent Handbook.

When a conflict arises and a person does not follow School’s Dispute Resolution Process and becomes disruptive, the school will exercise its rights under the Education Code and Penal Code to manage any disruptive behavior of any person while they are on the school campus. If a person is observed creating a disturbance on campus or creates a safety concern during drop-off and pick-up or while on campus, the Principal or a designated employee may direct the disruptive person to leave the school premises. A person that refuses to leave or returns within seven (7) days is subject to a fine and/or imprisonment, in accordance with the following sections of the Penal Code:

All public schools, including charter schools, have the right to maintain the peaceful conduct of the activities of the school. The Principal, or a designated employee, may direct any person, including the parent of a student, to leave the campus if it reasonably appears that the person is committing any act likely to interfere with the peaceful conduct of the activities of the campus, or has entered the campus for the purpose of committing any such act (Penal Code § 626.7(a)). Thus, if an individual is observed creating a disturbance such as shouting at a teacher or parking a vehicle in an improper, disruptive manner, or if it reasonably appears that the individual is entering the campus to commit a like disruption, the Principal may direct the person to leave. The Principal must notify the individual that if he/she re-enters the campus within 7 days, that he/she will be guilty of a crime (Penal Code § 626.7(c)).

An individual that refuses to leave, or re-enters the campus within 7 days, is guilty of a misdemeanor. He/she may be fined up to \$500 and/or imprisoned for up to six months for the first offense. A second offense calls for a *minimum* jail sentence of 10 days, in addition to a fine of up to \$500. However, the school may allow the parent to re-enter the campus to retrieve the student for disciplinary, medical, or family emergency reasons.

STUDENT ORGANIZATIONS & CLUBS POLICY

Philosophy

North County Trade Tech High School (“School”) recognizes the importance of allowing students to organize and participate in student organizations and clubs for purposes and activities that will forward the betterment of the school and its community.

Student Government

If appropriate, the School may establish a student government so long as there is a staff member who will supervise such activities and ensure compliance with School requirements and other applicable lawful regulations. The Principal or designee may establish a fair process for the nomination and election of officer for President, Vice President, Secretary and Treasurer. There shall be a minimum of two (2) class representatives, to be selected by procedures to be developed at the discretion of the faculty of the participating classes. Meetings shall be held in a manner and at times deemed necessary by the student government. Robert’s Rules of Order, or another agreed upon method shall be utilized by the body. However, the body shall generally determine all other rules for its operation and activities consistent with the established rules of the School.

Student Organizations

In addition to a student government body, students may establish organizations or clubs so long as approval is obtained by the Principal, consistent with this Policy and any other applicable requirements.

Approval

The student organization’s constitution and by-laws may be prepared through the cooperative work of the students and faculty. A copy of the constitution and by-laws must be submitted to the Principal for review to ensure consistency with School requirements. In reviewing such proposals, the Principal shall respect all student constitutional and statutory rights. Once this determination is made, the Principal shall approve the constitution and by-laws. The funds of every student organization shall be deposited, expended and accounted for in accordance with a written procedure developed by the student government, with the assistance of the Principal.

Fundraising

All funds raised by any student organization shall be supervised under the name of the School. The School shall also be responsible to periodically audit the funds of the organization. All fundraising must receive prior approval of the Principal and in cases when deemed necessary by the Principal, approval of the Chief Executive Officer will be required. Further, fundraising activities shall not be conducted during school hours.

Use of School Facilities

The use of school facilities by student organizations will be subject to reasonable rules established by the Principal. Students interested in initiating a meeting on school premises shall submit a request in writing to the school Principal. The request should state the name of the person requesting the meeting, the name of the group or type of group requesting the meeting, the number of persons expected to attend, the time requested, and the length of time for the meeting. The Principal or designee shall review the written application and determine, which, if any room is available to accommodate the request. Requests for use shall be presented to the Principal seven (7) school days in advance of the date requested for use. The Principal shall assign a teacher, administrator or other staff member to a meeting for “custodial” purposes. The employee shall not participate in the meetings, sponsor the meeting or attempt to influence the form or content of the meeting.

The granting of use of school facilities does not mean the School sponsors or endorses the activities of any student group.

Revocation of Privileges

Student groups and individual students meeting on school property or otherwise at a school sponsored event may have their privilege to meet revoked if they engage in conduct which violates this Policy, is disruptive to the educational process, damages school property or violates any law. Student organizations or their members shall not

engage in any activity that coerces, pressures, embarrasses or unduly influences other students to participate in any meeting.

STUDENT INTERNET USE POLICY

Introduction

The Internet is a place for the exchange of ideas and information. Accordingly, the Internet is an excellent educational tool that allows students to access a wide variety of information to supplement academic study and research. North County Trade Tech High School (“School”) provides students with Internet access to further their education and research. However, the access the Internet provides to computers and people across the world also provides access to materials that do not have educational value in a school setting. As such, students may encounter information and ideas they may consider obscene, controversial, abusive, or otherwise offensive. Despite these risks, the School believes that the value of the educational information available on the Internet far outweighs the risk that students may access information that is not consistent with educational goals and purposes.

The School has developed and adopted this Student Internet Use Policy and Agreement (“Policy”) to ensure that student access to and use of the Internet is consistent with the educational goals and purposes of the School. This Policy sets forth student responsibilities and duties when accessing and using the Internet through School equipment and resource networks and when using email accounts maintained by the School. The School has deemed certain uses of the Internet inappropriate for an educational setting and therefore not appropriate for use with School equipment and resource networks. The School stresses that an inappropriate use does not always mean that the use is in itself “bad” or illegal, but only that the use does not further the educational goals and purposes of the School.

In addition to the below identified policies, the School will use technology protection measures that protect against Internet access (by both minors and adults) to visual depictions that are obscene, child pornography, or with respect to use by minors, harmful to minors. These measures may include, but are not limited to, installing a blocking system to block specific internet sites, setting Internet browsers to block access to adult sites, using a filtering system that will filter all Internet traffic and report potential instances of misuse and using a spam filter.

Students are reminded that their use of School equipment and resource networks reflect upon the School, and Students should guide their activities accordingly.

Student Responsibilities

Use Limited to an Educational Purpose

The Student acknowledges that access to the Internet via School equipment and resource networks is intended to serve and pursue educational goals and purposes. Student use of the Internet is therefore limited to only those activities that further or enhance the delivery of education. The Student recognizes that he/she has a duty to use School equipment and resource networks only in a manner specified in the Policy.

- Educational Purpose

“Educational purpose” means classroom activities, research in academic subjects, career or professional development activities, research in matters of civic importance or that further citizenship in a democratic society, School approved personal research activities, or other purposes as defined by the School from time to time.

- Inappropriate Use

An “inappropriate use” is one that is inconsistent with an educational purpose or that is in clear violation of School policy.

Plagiarism

Researching information and incorporating that information into a student’s work is an acceptable educational use, but students have an obligation to credit and acknowledge the source of information. Accordingly, the Student acknowledges that plagiarism is inappropriate and unacceptable. Plagiarism means the copying of a phrase, a sentence, or a longer passage from a source written by someone else and claiming the written work as the student’s original work. Student agrees that when quoting from information obtained on the Internet, he/she will acknowledge the source through quotation or any academically accepted form of notation.

Copyright

Student agrees that he/she will not use School equipment or resource networks to download or print text, music, or pictures for the purpose of selling or giving the files to others unless specifically authorized by the School and the owner of the copyrighted material.

Communication

Student agrees that he/she will use School equipment or resource networks or School email accounts in the following manner:

- Student will not post on newsgroups or other message posting systems any communication containing profanity, racially disparaging remarks, or lewd and/or obscene language.
- Student will not at any time use speech that is inappropriate for an educational setting. Examples of speech that is not appropriate for an educational setting includes, but is not limited to, inflammatory language, profanity, personal attacks, harassment, threats to do personal harm or other criminal activity, and language that is intended to be racially derogatory.
- Student will not make threats against others.
- Student will not reveal personal information about others.
- Student will not use email to send chain letters or “spam” email to a list of people or to an individual. Excessive email use may constitute grounds for suspecting misuse.
- Student will not place illegal information on the Internet, nor will student use the Internet in any way that violates federal, state, or local law.
- All communications will be polite and respectful of others.
- Student will not give out to any other Internet user or post on the Internet his/her name, address, or telephone number unless expressly authorized by the School in writing.

In instances of misuse or suspected misuse, in addition to any disciplinary actions appropriate, the Student’s parent may be granted access to the Student’s email files.

Illegal, Dangerous Activities, and Hacking

Student will not use the Internet to perform any illegal act or to help others perform illegal acts. Illegal acts include, but are not limited to, any activities in violation of local, state, and federal law. Student will not access information designed to further criminal or dangerous activities. Such information includes, but is not limited to, information that if acted upon could cause damage, present a danger, or cause disruption to the School, other students, or the community. Additionally, student will not damage, debilitate or disable computers, computer networks or systems through the intentional or overuse of electronic distribution or the spreading of computer viruses or other harmful programs. Student will not engage in any unauthorized online access to other computers by means of hacking into other computers, download hacker tools such as port scanners and password crackers designed for use with Windows (or applicable operating systems), or use Internet Explorer (or other WWW browsing tools) to evade restrictions on what programs student can run on the School’s computers.

Obscene Materials

Student acknowledges that obscene materials do not further an educational purpose. Accordingly, student will not use the Internet to access, upload, download, distribute, or transmit obscene materials or images. Obscene materials include, but are not limited to, materials that offend generally accepted social standards. This includes the access of or retrieval of any sexually explicit materials, and materials that are pornographic, abusive or threatening. Students are to exercise their best judgment when encountering sexually explicit or obscene materials. As a general rule, if the material could not be openly displayed in a classroom setting without violating generally accepted social standards, the material is obscene for purposes of this Policy and must not be accessed. Student further agrees that he/ she will not access any Internet site which requires the student to state that he/she is eighteen (18) years of age or older as a condition of accessing the site.

Supervision and Student Privacy

Student acknowledges that computer equipment, Internet access networks, and email accounts are owned by the School and provided to students for educational purposes. The School will provide staff to monitor and supervise all student access to computer equipment, Internet access networks, and email accounts. To facilitate monitoring of

activities, computer screens will be positioned so that they are visible to the staff member supervising the students. The School also reserves the right to access stored computer records to assure compliance with this Policy. Student is aware that communication over School owned networks is not private and acknowledges that email and records of Internet activities will be accessed under, but not limited to, the following circumstances:

- Routine system maintenance.
- General inspection or monitoring, with or without notice to Student, if there is suspicion of inappropriate use.
- Specific review of individual files or monitoring of individual activity, with or without notice to Student, if there is suspicion that Student is engaging in inappropriate use.

Commercial Activities

Student agrees that he/she will not use the Internet to buy or sell, or attempt to buy or sell, any service or product unless authorized by the School in writing.

Information About Others

Student agrees that he/she will not make any statement or post any communication on the Internet about another person that he or she knows or suspects to be untrue.

Violation of Policy

The Student acknowledges that violation of this Policy can result in a loss of all Internet access and email privileges. If student violates this Policy, or in any other way uses School equipment in a manner that is not consistent with educational uses, the Student will be promptly notified that he/she has violated the Policy. The Student will be given the opportunity to explain why the School should deem the activity in question a use consistent with the educational purposes stated in this Policy. If the School deems that the use is inconsistent with the educational purposes stated in this Policy, the School may terminate the Student's Internet and email privileges. However, because one of the educational purposes in providing Internet access is to teach students to use the Internet appropriately, the School reserves the right to fashion penalties to specific concerns or specific violations, and Student acknowledges that he/she may receive penalties less than full termination of Internet or email privileges. Such penalties may include, but are not limited to, restricted access to Internet or supervised access to Internet and email.

Student also acknowledges that the School will contact the proper legal authorities if the School concludes or suspects that the student's Internet activity is a violation of any law or otherwise constitutes an illegal activity.

Training

Student acknowledges that he/she will be required to attend training on the requirements of this Internet use policy as a condition of using School owned technology. Student must demonstrate an understanding of the policy prior to receiving an individual account on the School's system.

UNIFORM COMPLAINT PROCEDURES

Some matters lie within the Uniform Complaint Procedures (UCP) scope. Federal and state laws and regulations specify which programs and issues do. Not all complaints are within the scope of the UCP, even if they involve alleged violations of law. The issues that may involve filing a complaint under the UCP are found in various state and federal programs that use categorical funds such as Adult Education, After School Education and Safety, Agricultural Vocational Education, American Indian Education Centers, American Indian Early Childhood Education, Career Technical Education, Child Care and Development, Consolidated Categorical Aid, Foster Youth Services, Local Control Funding Formula and Local Control Accountability Plans, Migrant Education, Nutrition Services, Regional Occupational Centers, School Facilities, Special Education, Tobacco-Use Prevention Education, and Unlawful Pupil Fees.

What is a complaint?

A complaint is a written and signed statement alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation, or bullying. If the complainant is unable to put the complaint in writing, due to conditions such as a disability or illiteracy, the agency shall assist the complainant in the filing of the complaint.

A Williams Complaint, another type of UCP complaint, regards instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils, and teacher vacancy or misassignment and may be filed anonymously. LEAs shall have a complaint form available for these types of complaints, but will not reject a complaint if the form is not used as long as the complaint is submitted in writing.

Where and How to File A Complaint of Discrimination, Harassment, Intimidation, and Bullying (From the CDE website)

The *California Code of Regulations* (Title 5, Section 4600 et seq.) requires the districts, among other things, to adopt and publish procedures referred to as the Uniform Complaint Procedures (UCP) that provide for prompt and equitable resolution of discrimination, harassment, intimidation, and bullying complaints. The district must notify students, employees, and parents, as well as others, of its local complaint procedures and identify the person or persons responsible for processing complaints.

If you are a student, parent or interested third party or organization and you want to report an instance of discrimination, harassment, intimidation and bullying, a complaint must be filed with your school district no later than six months from the date the incident occurred, or the date you first obtained knowledge that the incident occurred. Your school district may have a complaint form available for your use. It is a good idea to make a copy of the complaint for the record.

Response to complaints

Within 60 days from the date of receipt of the complaint, the district shall conduct and complete an investigation of the complaint and prepare a written decision. During this process, the person responsible for the filing of the complaint is to be given the opportunity to provide evidence he/she believes supports the allegations. The district decision should include: (1) findings of fact; (2) conclusions of law; (3) disposition of the complaint; (4) the rationale for such disposition; (5) corrective actions, if necessary; (6) notice of the right to appeal the district's decision to the California Department of Education (CDE) within 15 days; and, (7) the procedures to be followed to initiate such an appeal. If the school district fails to follow any of these rules a complaint can be filed directly with the CDE.

Appeals

The district has **60 days** to complete an investigation and provide a written decision to the person filing the complaint. If the person disagrees with the findings of the investigation he/she has the right to appeal those findings

within **15 days** of receiving the decision to the CDE. In addition, an appeal to the Department can be filed should the district fail to provide a written response. This appeal must be received by the Department within **15 days** of the date the response was due.

Special Education (from the CDE website)

The California Department of Education (CDE) resolves special education complaints.

Who may file a complaint?

Anyone, including parents, students, teachers, and agency representatives, may file complaints. The person filing a complaint is the complainant. The complaint must meet requirements as explained in this document.

Why file a complaint?

A complaint is a formal request to the CDE to investigate allegations of noncompliance with special education laws, federal or state. CDE ensures public agencies meet the educational needs of students with disabilities.

What is a complaint?

A complaint is a written document, including:

1. Statements that the school district or public agency violated special education law within one year prior to the complaint being filed
2. Facts on which such statements are based
3. Signature and contact information for the complainant
4. Child's name, address, and school if alleging violations that are child specific
5. Proposed resolutions

The complainant may use the [model complaint form](#) (DOC) or write a letter to file the complaint.

Where is a complaint filed?

Send complaints by fax or mail to:

California Department of Education
Special Education Division
Procedural Safeguards Referral Service (PSRS)
1430 N Street, Suite 2401
Sacramento, CA 95814-5901
Fax: 916-327-3704

How long is a complaint investigation?

Several timelines apply to the complaint investigation process:

1. Complaints must be filed within one year of the alleged violation
2. Complaint investigations are completed within 60 days of receipt in PSRS
3. The 60-day time limit may be extended under certain circumstances

What is a complaint investigation?

An investigator contacts the complainant and the school district or other public agency in the complaint. The investigator gathers facts about the allegations through:

1. Interviews
2. Reviews service logs and schedules
3. Reviews assessments
4. Reviews individualized education programs (IEPs)
5. Reviews IEP team meeting minutes
6. Reviews prior written notices
7. On-site investigations, as needed

What is in a complaint investigation report?

Based on documentation, the investigator prepares a complaint investigation report. The report contains:

1. Allegation summary
2. General investigation procedures
3. Applicable law and regulation
4. Findings of facts
5. Report conclusions (compliance or noncompliance)
6. Corrective actions and timelines, if applicable

The CDE sends copies of the investigation report to the complainant, the public agency, and the parent is different from the complainant.

What if there is noncompliance?

If the report includes corrective actions, the CDE may require the school district or public agency to:

1. Convene a new IEP meeting
2. Conduct further assessments
3. Submit plans outlining proposals to correct violations and prevent future ones
4. Initiate personnel training in the areas of violations
5. Provide compensatory education or reimbursement
6. Review and revise procedures and practices
7. Participate in monitoring and reporting activities

What if there is a disagreement with the report?

As explained at the end of each report, any party to the complaint may request reconsideration. The appeal process steps are:

1. Submit the reconsideration request no later than 35 calendar days after receiving the investigation report
2. Send a written request to the address found at the end of the investigation report
3. Identify the finding(s), conclusion(s), or corrective action(s) about which there is disagreement

4. Provide appropriate documentation or other information not previously considered
5. Identify the findings of fact that are incorrect and/or the law that is misapplied

Within 35 calendar days of the receipt of that request, the CDE will:

1. Review the investigator's report
2. Review the evidence presented at the investigation
3. If necessary, gather and/or review additional information
4. Review the decision
5. Issue a final written investigation report

What happens if corrective actions are not completed?

The CDE ensures compliance by applying sanctions.

How do school districts or public agencies respond to a complaint?

1. Cooperate with the investigator and provide documentation as requested in a timely manner
2. Submit all documentation regarding the complaint

Failure to respond may result in a finding and remedy in favor of the complainant.






What are the responsibilities of the investigator?

1. Reviews the submitted complaint request
2. Interviews the complainant
 - o Confirms allegations
 - o Keeps accurate notes
3. Contacts the school district or public agency
 - o Requests required materials for investigation
 - o Arranges interviews with school staff, if necessary
 - o Schedules dates and times for on-site visits, if necessary
4. Reviews pertinent documents
5. Conducts telephone, face-to-face, and/or on-site interviews with school staff, as necessary
6. Prepares an investigation report that addresses each alleged violation

What are the CDE's responsibilities in the complaint process?

1. Reviews the complaint and determines if all the required components are addressed, including contacting and interviewing the public agency and complainant
2. Adheres to timelines
3. Sends investigation report copies as appropriate
4. Provides technical assistance to school districts and public agencies for corrective actions
5. Reconsiders investigation reports
6. Retains all documents

Law and regulation governing the complaint investigation process include:

- Required State Complaint Procedures: Title 34, *Code of Federal Regulations (CFR)* Section [300.151](#) 
- Minimum State Complaint Procedures: 34 *CFR* Section [300.152](#) 
- Filing a Complaint: 34 *CFR* Section [300.153](#) 
- State Complaint Timelines and Procedures: California *Education Code* sections [56043\(p\)](#),  and [56500.2](#) 
- State Investigation procedures: Title 5, *California Code of Regulations* sections [4660-4670](#)