

# Old Town Academy K-8 Charter School

## Policies and Procedures



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## OTA Policy #100-001

### **ACCESS TO SCHOOL RECORDS / RECORDS OPEN TO THE PUBLIC**

The Old Town Academy K-8 Charter School ("OTA") Board of Directors (the "Board") recognizes the right of citizens to have access to public records of the school. The Board intends to provide any person reasonable access to the public records of the school during normal business hours and within the requirements of state and federal law. Such records shall be examined in the presence of the staff member regularly responsible for their maintenance.

OTA may charge for copies of public records or other materials requested by individuals or groups. The charge shall be based on reasonable costs of duplication, as determined by the Board or its designee and as specified in administrative regulation.

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

Public records are open to inspection at all times during office hours. Any reasonably segregable portion of a record shall be made available for inspection by every person requesting the record after deletion of the portions that are exempted by law. (Government Code 6253)

Every person may request a copy of any school record open to the public and not exempt from disclosure. (Government Code 6253)

Within 10 days of receiving any request for a copy of records, the Board or their designee shall determine whether the request seeks copies of disclosable public records in the OTA's possession. The Principal or his/her designee shall promptly inform the person making the request of his/her determination and the reasons for the decision. (Government Code 6253)

In unusual circumstances, the Principal or designee may extend the 10-day limit for up to 14 days by providing written notice to the requester and setting forth the reasons for the extension and the date on which a determination is expected to be made. Unusual circumstances include, but are not limited to, the following, but only to the extent reasonably necessary to properly process the request: (Government Code 6253)

- The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;
- The need to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request;
- The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the school having substantial subject matter interest therein; or
- The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

If the Principal or designee determines that the request seeks disclosable public records, the determination shall state the estimated date and time when the records will be made available. (Government Code 6253)

Upon request for a copy that reasonably describes an identifiable record, an exact copy shall be promptly provided unless it is impracticable to do so. (Government Code 6253)

The Principal or designee shall charge an amount for copies that reflects reasonable costs of duplication. Written requests to waive the fee shall be submitted to the Principal or designee.

If any person requests a public record be provided in an electronic format, the school shall make that record available in any electronic format in which it holds the information.



The school shall provide a copy of the electronic record in the format requested as long as the requested format is one that has been used by the school to create copies for its own use or for use by other agencies. (Government Code 6253.9)

The cost of duplicating an electronic record shall be limited to a reasonable cost of producing a copy of the record in electronic format. However, the requester shall bear the cost of producing the copy of the electronic record, including the cost to construct the record and the cost of programming and computer services necessary to produce the copy, under the following circumstances: (Government Code 6253.9)

- The electronic record is one that is produced only at otherwise regularly scheduled intervals; or
- The request would require data compilation, extraction, or programming to produce the record Assistance in Identifying Requested Records.

If the Principal or designee denies a request for disclosable records, he/she shall assist the requester in making a focused and effective request that reasonably describes an identifiable record. To the extent reasonable under the circumstances, the Principal or designee shall do all of the following: (Government Code 6253.1)

- Assist in identifying records and information responsive to the request or the purpose of the request, if specified. If after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record, the Principal or designee is still unable to identify the information, this requirement will be deemed satisfied;
- Describe the information technology and physical location in which the records exist; and
- Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

Provisions of the Public Records Act shall not be construed so as to delay access for purposes of inspecting records open to the public. Any notification denying a request for public records shall state the name and title of each person responsible for the denial.

References: Government Code 6253

## OTA Policy # 100-004

### **BOARD MEETING, AGENDA, AND MEETING MATERIALS**

The Old Town Academy K-8 Charter School ("OTA") Board of Directors (the "Board") shall comply with the Brown Act and other applicable laws of the State of California with regard to open meetings and Board agendas.

The Board shall also give the public the opportunity to speak at regular meetings on matters which are not on the agenda, but which are within the subject matter jurisdiction of the Board. An agenda item for public comment shall be included on OTA Board agendas. The Board shall not take action on such matters at that meeting. (Education Code 35145.5, Government Code 54954.3)

A majority of the voting members of the Board shall constitute a quorum of the Board which is necessary for the Board to transact business. All motions, in order to pass, need positive affirmation (votes registering aye) by at least a majority of the Board present. Should there be fewer than a majority of the Board present at any meeting, the meeting shall be adjourned.

#### **REGULAR MEETINGS**

Regular meetings of the Board shall be held consistent with the calendar for such meetings as established by the Board each year.

If at any time any regular meeting falls on a holiday, (Federal, State or local), such regular meeting shall be held on the next business day.

#### **SPECIAL MEETINGS**

Special Meetings may be called on an as-needed basis, consistent with legal requirements.

#### **NOTIFICATION OF MEETINGS**

Not later than 72 hours prior to a regular meeting and not later than twenty-four (24) hours prior to a Special Meeting, the Principal shall provide notice of the time and place of the meeting, and the agenda shall be provided to all Board members and those persons or entities who have previously requested notice of such meetings.

#### **MEETINGS OPEN TO THE PUBLIC**

All meetings of the Board shall be open to the public and the press except Closed Sessions, as authorized by law.

Any person may address the Board concerning any item on the agenda and may, at the discretion of the Board, be granted five minutes to make a presentation to the Board at the time the specific item is under discussion. The President of the Board may grant additional time for an individual to address the Board if circumstances permit. The total time devoted to presentations to the Board on agenda items shall not exceed one-half hour unless additional time is warranted as permitted.

All presentations shall be heard by the Board prior to the formal discussion of the agenda topic by the Board and consideration of action.

Citizens may address the Board on any item not listed on the Board meeting agenda. Speakers will be limited to three (3) minutes. No more than a total of fifteen (15) minutes shall be devoted to all non-agenda items at a regular meeting. The President of the Board may grant additional time if circumstances permit. The President may disallow a request to address the Board if repetitive of other speakers, or if the speaker seeks to make a presentation that he or another speaker has made at a previous meeting, particularly if it appears that the total allotted time may be exceeded.

Citizens desiring Board action on an item are encouraged to seek placement of the issue on the Board agenda in accordance with policy rather than presenting the matter during "Oral Communications." This will facilitate discussion and expedite resolution.

Members of the public attempting to make complaints or charges against an OTA employee before the Board in open session will be referred to the appropriate staff for the purpose of receiving a complaint form and filing a complaint under OTA's established Conflict Resolution procedures.

Any person who willfully disturbs any Board meeting will be asked to leave immediately and may be guilty of a misdemeanor punishable by law.

## **MINUTES OF BOARD MEETINGS**

The minutes of open session meetings of the Board shall record all motions, show the names of Board members making and seconding motions and state the vote upon the motion. The open session minutes shall also record all resolutions, the recommendations of the administration and the substance of the Board's and staff's discussion and the names of the members of the public who make statements pertinent to the Board's business. The minutes shall follow the generally accepted pattern in form.

The original copy of the open session minutes shall be signed by the Secretary of the Board. Original minutes shall be bound in chronological order and volumed by fiscal year.

The official minutes of the Board shall be kept in fireproof storage. The following documents shall be bound with the official minutes and referred to in the text of the minutes to which they apply:

- Original copies of all resolutions unless required by other agencies, in which case photocopies of the originals may be substituted;
- Copies of any document determined by the Board to be attached to the official minutes; and
- Other documents which, in the opinion of the Secretary, are necessary to fully substantiate or record Board action.

In addition to the official minutes, an additional copy of all minutes and attached documents shall be maintained in the office of OTA. This set of minutes shall be bound, indexed by those categories detailed above and by subject.

## **AGENDA PREPARATION**

The Board Chairman and the Principal shall consult and determine an agenda for each meeting of the Board. The Board Chairman and Principal shall consult five business days prior to a regular meeting and two business days, if possible, prior to a special meeting.

The Board Chairman and Principal shall decide whether an agenda item is appropriate for discussion in open or closed session, and whether an item should be an action item, discussion item, or a consent item.

The Board Chairman and Principal shall determine whether items should be placed on the agenda, if at all. The Board Chairman's decision regarding whether or not to agendaize an item supersedes that of the Principal. When an item properly posted for a regular meeting is continued to a subsequent meeting, it may not be on the agenda of the subsequent meeting if the subsequent meeting occurs within five days. The Board shall publicly identify the item before discussing it. (Government Code 54954.2)

Any member of the Board may request that an item within the jurisdiction of the Board be placed on the agenda of a meeting. The request must be received by the Board Chairman or Principal at least five (5) days prior to the next scheduled Board meeting. If the Board Chairman and the Principal decline to place the item on the agenda, the requesting Board member can seek a simple majority Board vote to place the item on the agenda at the next scheduled Board meeting. If the item is time-sensitive, the requesting Board member may request a special Board meeting for the hearing of the agenda item.

The Principal shall include on the agenda all items known to him/her to require action by the Board and other topics containing information necessary for the Board to carry out its responsibilities. The Principal is responsible for preparing all supporting information which may accompany each agenda topic originating from the administration or the Board.

Any member of the public may request that an item within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request must be in writing and submitted to the Principal, with supporting documents and information, if any, at least 10 calendar days before the scheduled meeting date.

When constructing the agenda, the Board Chairman and Principal will decide whether a request is within the subject matter jurisdiction of the Board and whether it is appropriate as an agenda item. Individuals will be notified within a timely manner, of the disposition of their request.

Any Board action that involves borrowing \$100,000 or more shall be discussed, considered, and deliberated upon as a separate item of business on the meeting agenda. (Government Code 53635.7)

### **CONSENT ITEMS**

In order to promote efficient meetings, the Board may act upon more than one item by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature or items for which no Board discussion is anticipated and for which the Principal recommends approval.

In accordance with law, the public has a right to comment on any consent item. At the request of any member of the Board, any item on the consent agenda shall be removed and given individual consideration for action as a regular agenda item.

### **AGENDA DISSEMINATION**

The Board agenda with supporting information for a regular School Board meeting should be delivered to Board members as soon as is practicable but preferably 72 hours prior to the meeting. For special Board meetings, the agenda and supporting information should be delivered at least 24 hours prior to the meeting. The Board Chairman is responsible for the distribution of Board packets (which include the official agenda and all supporting information).

When special meetings are called, the Board Chairman shall make every effort to distribute the agenda and support materials to Board members as soon as possible, but no later than 24 hours prior to the start of the special board meeting.

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Principal or designee to request additional information on agenda items.

The Principal or designee shall mail a copy of the agenda, or a copy of all the documents constituting the agenda packet, to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (Government Code 54954.1)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee as determined by the Principal or designee.

### **AGENDA POSTING**

Agendas for regular Board meetings shall be posted 72 hours in advance of such meetings at the School for public preview. Special meeting agendas shall be posted at least 24 hours in advance of such meetings.

### **ANONYMOUS LETTERS**

It shall be the policy of the Board not to introduce anonymous letters in the agendas for Board meetings.

## **BOARD ACTION/VOTING**

The Board may only take action on items formally listed on the School Board agenda except in emergency or other circumstances as authorized by law.

When there is a tie vote on the agenda topic under consideration, the item shall be resubmitted to the Board at its next regular meeting.

Voting on resolutions shall be by the polling of voting Board members. The minutes shall record the person making the motion, the person seconding it, and the names of the trustees voting for and against the motion or abstaining, as well as Board members who are absent. Secret ballots and proxies are prohibited.

## **BOARD MEMBER COMPENSATION AND REIMBURSEMENT OF ACTUAL AND NECESSARY EXPENSES**

No member of the Board may receive a stipend for Board service. However, Board members may be reimbursed for actual and necessary expenses related to OTA's school business.

## **APPOINTMENT OF BOARD COMMITTEES**

Consistent with the charter and any other applicable provisions of contract or law, the Board may appoint committees for any purpose deemed appropriate by the Board. In meeting and carrying out designated purposes, any such committee shall comply with any applicable legal or contractual requirements.

## **BOARD ELECTION/NOMINATION PROCESS**

The Board shall carry out its election and nomination process consistent with the requirements of its Charter, Bylaws, and policies. Should the Charter, Bylaws or policies not address any issue which may arise, the Board may adopt regulations which address such concerns. Should the Board wish to alter its election or nomination process, it must do so consistent with any requirements of its Charter, Bylaws, and policies, unless the Charter is legally revised.

## **RECUSAL**

A Board member should consider recusal when the Board member believes he or she may have a conflict of interest in participating in or deciding any matter in which the Board member has a personal interest, such as a potential personnel action regarding an employee with whom the Board member has a personal relationship or friendship. The guiding principle for any such Board member is that the Board member must be able to remain neutral and objective in acting in the best interests of the Board.

References: EDUCATION CODE 35144 Special meetings; 35145 Public meetings; 35145.5 Right of public to place matters on agenda; GOVERNMENT CODE 53635.7 Separate item of business; 54954.1 Mailed agenda of meeting; 54954.2 Agenda posting requirements: Board actions; 54954.3 Opportunity for public to address legislative body; 54954.5 Closed session item descriptions; 54956.5 Emergency meetings; 54957.5 Public records

## OTA Policy #100-005

### **PROCUREMENT**

It is the intent of Old Town Academy K-8 Charter School ("OTA") to conduct all procurement activities consistent with the guidelines set forth herein. OTA's practices have been designed to give fair and equitable treatment to all persons who deal with our procurement system, to provide maximum economy in our procurement activities, and to foster competition within the free enterprise system.

#### **Procurement Defined**

Procurement is defined as buying, purchasing, renting, leasing, or otherwise acquiring goods, services, or construction. It also includes all functions that pertain to the obtaining of any goods, service, or construction, including description of requirements, selection, and solicitation of sources, preparation, and award of a contract and all phases of contract administration.

#### **Procurement Policy**

Any procurement of goods and services shall be made by the Principal or designee, in their best judgment, upon considering the totality of the circumstances surrounding the procurement, which may include but not be limited to price, quality, availability, timelines, reputation, and prior dealings.

#### **Informal Bidding**

All purchases over \$3,000 but less than \$50,000 must include documentation of a good faith effort to secure the lowest possible cost for comparable goods or services of similar value. The Principal shall not approve purchase orders or check requests lacking such documentation. Documentation shall be attached to all purchase order and check requests indicating that at least three vendors (where available) were contacted and such documentation shall be maintained for three years. Informal quotes or proposals for goods and/or services may be requested and received in writing by mail, email, facsimile, and/or verbally, such as by telephone, as long as properly documented.

#### **Formal Bidding**

All purchases in excess of \$50,000 must be bid by the competitive bidding process described below.

#### **Contract Award**

OTA shall award a competitively bid contract at the bid amount to the bidder offering the best value to OTA according to its selection criteria may include the following factors:

- Purchase price;
- Reputation of the vendor and of the vendor's goods and/or services;
- Quality of the vendor's goods and/or services;
- Extent to which the goods and/or services meet the needs of OTA;
- Vendor's past relationship with OTA; and
- Total long-term cost to OTA to acquire the goods and/or services.

## **Conflict of Interest**

Board action to purchase any goods or services shall be subject to the Conflicts Code adopted by the OTA Board of Directors.

## **Piggyback Bid**

Notwithstanding the terms of this policy, the OTA Board of Directors may purchase services, supplies, materials, and/or equipment awarded by various state agencies or educational institutions which have a piggyback clause in their contract without going out to formal bid.

## **Reservation**

OTA Procurement Policies and Procedures shall be amended and updated if necessary to comply with changes in acceptable procurement practices.

## **Use of Competitive Bidding**

OTA shall not be precluded from using a competitive bidding process as a method of entering into any contract for the purchase of goods or services that is not covered under this policy.

## **Professional Services Contracts**

OTA has the authority to hire such professional services as are needed for the operation of the school without complying with the bidding procedures described herein. Such professional services include, without limitation, services provided by the following professionals: attorneys, architects, engineers, accountants, construction management, and financial advisors. In selecting professionals for engagement, OTA may consider all relevant factors, including experience, education, expertise, reputation, and cost. The selection of professionals shall be within the discretion of the Board.

## **Competitive Bidding Procedure**

Seeking Bids – OTA shall seek bids from those sources able to offer the best prices, consistent with quality, quantity, delivery, and service. A request for bids shall be published in at least one newspaper of general circulation in San Diego County, once a week for at least two weeks before the deadline for receiving bids. The published request for bids shall include the criteria that will be used to evaluate the offers and the relative weights given to the criteria.

Specifications – Specifications regarding the goods and/or services requested shall be clear, complete, and conducive to competitive bidding and/or quoting of prices and shall include all information and conditions necessary to obtain bids or price quotations.

Opening Bids – Bids may be opened only at the prescribed time and place by an officer or designated employee of OTA. A bid that has been opened may not be changed for the purpose of correcting an error in the bid price. However, bidders retain the right to withdraw a bid due to a material mistake in the bid. After bids have been opened, they shall be available for inspection or copy by any interested party.

## OTA Policy #100-006

### **FACILITY, FURNITURE, AND EQUIPMENT IMPROVEMENTS**

The Old Town Academy K-8 Charter School ("OTA") Board of Directors (the "Board") intends to provide a systematic and comprehensive planning process for the development of facilities to meet the capital and operational needs of its charter schools. The Board's obligation is to provide facilities and operational equipment of the kind and size that will best support and accommodate its charter schools' educational programs for the current and projected enrollment.

The Board will ensure that there are long-term, adequate sources of funding to support planning, design, construction, operation, and maintenance of its charter school facilities and the purchase of furniture and equipment necessary for the successful operation of its schools. The majority of capital improvements required by growth and continued educational enhancement efforts may be supported by funding mechanisms such as monies that are administratively allocated and funded by other outside sources. OTA shall encourage public participation in facilities and operational planning, engaging school families to support OTA as the center of a community that offers school-based support to our children in order to eliminate barriers to success and serve the broader community.

The Board shall annually review the needs of the School and consider the Principal's recommendations to address these needs. The Board shall make sound fiscal decisions and shall not proceed with new facility or operational capital improvements until adequate funding sources have been identified and monies are committed. The Principal shall annually provide to the Board a report which details the facility, furniture and equipment needs of the school. This report is due to the Board, no later than March 15 in each given year.



## OTA Policy #100-007

### **CONFLICT OF INTEREST CODE**

In compliance with the Political Reform Act of 1974, California Government Code Section 87100, et seq., the Old Town Academy K-8 Charter School ("OTA"), hereby adopts this Conflict of Interest Code ("Code"), which shall apply to all Board of Directors members, candidates for member of the Board of Directors, and all other designated employees of OTA as specifically required by California Government Code Section 87300.

As applicable to a California public charter school, the definitions contained in the Political Reform Act of 1974, the regulations of the Fair Political Practices Commission, specifically California Code of Regulations Section 18730, and any amendments or modifications to the Act and regulations are incorporated by reference to this Code.

#### **DESIGNATED EMPLOYEES**

Employees of OTA, including Board of Directors members and candidates for election and/or appointment to the Board of Directors, who hold positions that involve the making or participation in the making, of decisions that may foreseeably have a material effect on any financial interest, shall be "designated employees." The designated positions are listed in "Exhibit A" attached to this policy and incorporated by reference herein.

#### **STATEMENT OF ECONOMIC INTERESTS: TIME OF FILING**

Each designated employee, including Board of Directors members and candidates for election and/or appointment to the Board of Directors, shall file a Statement of Economic Interest ("Statement") at the time and manner prescribed below, disclosing reportable investments, interests in real property, business positions, and income required to be reported under the category or categories to which the employee's position is assigned in "Exhibit A." All submitted Statement of Economic Interest documents shall be kept in OTA's bank safety deposit box, with one key to reside with the Principal and the other to reside with the Board Chairman.

An investment, interest in real property or income shall be reportable, if the business entity in which the investment is held, the interest in real property, the business position, or source of income may foreseeably be affected materially by a decision made or participate in by the designated employee by virtue of his or her position. The specific disclosure responsibilities assigned to each position are set forth in "Exhibit B."

#### Statements Filed with OTA

All Statements shall be supplied by OTA. All Statements shall be filed with OTA. OTA's Principal shall make and retain a copy of the Statement and forward the original to the County Board of Supervisors.

#### Initial Statements

All designated employees employed by OTA on the effective date of this Code, as originally adopted, promulgated and approved by OTA, shall file statements within 30 days after the effective date of this Code. Thereafter, each person in a position that becomes by an amendment to this Code a "designated employee" shall file an Initial Statement within 30 days after the effective date of the amendment.

#### Board of Directors Candidates

Candidates for election to the Board of Directors shall file statements within 5 days after the final date for filing nomination petitions.

#### Assuming Office Statements

All persons assuming designated positions after the effective date of this Code shall file statements within 30 days after assuming designated positions.

### Annual Statements

All designated employees shall file statements no later than April 1.

### Leaving Office Statements

All persons who leave designated positions shall file statements within 30 days after leaving office.

### Statements for Persons Who Resign 30 Days After Appointment

Persons who resign within 30 days of initial appointment are not deemed to have assumed office or left office provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their appointment. Such persons shall not file either an Assuming or Leaving Office Statement.

## **STATEMENTS OF ECONOMIC INTERESTS: CONTENTS OF AND TIME PERIOD COVERED BY THE STATEMENTS**

### Contents of Initial Statements

Initial Statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the Code and income received during the 12 mos. prior to the effective date of the Code.

### Contents of Assuming Office Statements

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office and income received during the 12 months prior to the date of assuming office.

### Contents of Annual Statements

Annual Statements shall disclose any reportable investments, interest in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first Annual Statement shall begin on the effective date of the Code or date of assuming office, whichever is later. The statement shall include any reportable investment or interest in real property, partially or wholly acquired or disposed of during the period covered by the statement, with the date of acquisition of disposal.

### Contents of Leaving Office Statements

Leaving Office Statements shall disclose reportable investments, interest in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office. The statement shall include any reportable investment or interest in real property, partially or wholly acquired or disposed of during the period covered by the statement, with the date of acquisition or disposal.

## **STATEMENTS OF ECONOMIC INTERESTS: MANNER OF REPORTING**

### Investment and Real Property Disclosure

When an investment or interest in real property is required to be disclosed, the statement shall contain the following:

- A statement of the nature of the investment or interest;
- The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
- The address or other precise location of the real property; and
- A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

This information need not be provided with respect to an interest in real property that is used principally as the residence of the filer. Reportable investments or interest in real property do include those in excess of one thousand dollars (\$1,000) held by the filer's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the filer, spouse and dependent children together own a direct, indirect or beneficial interest of 10% or more.

#### Personal Income Disclosure

Personal income is required to be reported under this Code, the statement shall contain the following:

- The name and address of each source of income aggregating \$250 or more in value or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
- A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);
- A description of the consideration, if any, for which the income was received;
- In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift and the date on which the gift was received; and
- In the case of a loan, the annual interest rate and the security, if any, given for the loan.

#### Business Entity Income Disclosure

When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:

- The name, address, and a general description of the business activity; and
- The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such a person was equal to or greater than ten thousand dollars (\$10,000).

#### Business Positions Disclosure

When reporting business positions, a designated employee shall list the name of each business entity not specified above in which he/she is a director, officer, partner, trustee, employee, or in which he/she holds any position of management; a description of the business activity in which the entity is engaged; and designated employee's position with the business entity.

### **DISQUALIFICATION**

No designated employee shall make, participate in making, or try to use his/her official position to influence any OTA decision which he/she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

- Any business entity or real property in which the designated employee has a direct or indirect investment or interest worth one thousand dollars (\$1,000) or more;
- Any source of income totaling two hundred fifty dollars (\$250) or more provided or promised to the designated employee within twelve months prior to the decision (this category does not include gifts or loans made at regular rates by commercial lending institutions);
- Any business entity in which the designated employee is the director, officer, partner, trustee, employee, or any kind of manager; or
- Any donor of gifts totaling \$250 or more in value provided or promised to the designated within twelve months prior to the decision; any intermediary or agency for such a donor.

No designated employee shall be prevented from making or participating in any decision to the extent that his/her participation is legally required for the decision to be made. (The need to break a tie vote does not make the designated employee's participation legally required.)

### **MANNER OF DISQUALIFICATION**

When a designated employee determines that he/she should not make a decision because of a disqualifying interest, he/she should submit a written disclosure of the disqualifying interest to his/her immediate supervisor. The supervisor shall immediately reassign the matter to another employee and shall forward the disclosure notice to the Principal, who shall record the employee's disqualification. In the case of a designated employee who is head of an agency, this determination and disclosure shall be made in writing to his/her appointing authority.

Board members shall disclose a disqualifying interest at the meeting during which consideration of the decision takes place. This disclosure shall be made part of the Board's official record. The Board member shall then refrain from participating in the decision in any way.

## EXHIBIT A

### Designated Positions

Persons occupying the following positions are designated employees and must disclose financial interests in all categories defined in "Exhibit B" (i.e. categories 1, 2, and 3).

- Members of the Board of Directors
- Candidates for Member of the Board of Directors
- Finance Officer
- Principal
- Assistant Principal(s)
- Director of I.T./Education Technical Director
- Office Manager
- Director Personnel Services
- Assistant Director of Personnel Services
- Consultants

Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 1 of "Exhibit B."

- Purchasing Manager
- Assistant Business Officer

Persons occupying the following positions are designated employees and must disclose financial interests defined in Categories 2 and 3 of "Exhibit B."

- Information Systems Technician
- Contractor

The Principal may determine, in writing, that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Principal's determination is a public record and shall be retained for public inspection in the same manner and location of interest code.

## EXHIBIT B

### Category 1 Reporting

#### Disclosure Categories

Interest in real property which is located in whole or in part either:

- Within the boundaries of the District; or
- Within two miles of the boundaries of the District, including any leasehold, beneficial or ownership interests or option to acquire such interest in real property.

For the purposes of this policy, interests in real property of an individual include a business entity's share of interest in real property of any business entity or trust in which the designated employee or his or her spouse owns, directly, indirectly, or beneficially, a ten percent (10%) interest or greater.

Investments in or income from persons or business entities which are contractors or subcontractors which are or have been within the previous two-year period engaged in the performance of building construction or design within the District.

Investments in or income from persons or business entities engaged in the acquisition or disposal of real property within the jurisdiction.

(Investment includes any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments and any partnership interest or other ownership interests.)

(Investments of any individual include a pro rata share of investments of any business entity or trust in which the designated employee or his or her spouse owns, directly, indirectly or beneficially, a ten percent (10%) interest or greater.)

(Investment does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, or any bond or other debt instrument issued by any government or government agency.)

### Category 2 Reporting

Investments in or income from business entities, which manufacture or sell supplies, books, machinery or equipment of the type utilized by the department for which the designated employee is Manager or OTA Principal. Investments include interests described in Category 1.

### Category 3 Reporting

Investments in or income from business entities that are contractors or sub-contractors engaged in the performance of work or services of the type utilized by the department for which the designated employee is Manager or Principal. Investments include the interests described in Category 1.

## OTA Policy # 200-001

### **ADMISSIONS**

#### **Non-San Diego Resident Admission Policy**

Old Town Academy K-8 Charter School ("OTA") Board of Directors affirms as its policy that any person whether they be a resident of San Diego or otherwise, be allowed to apply for enrollment to any and all of the OTA schools.

All residents of San Diego who are residing in zip codes 92103 (which includes Grant Elementary School at 1425 Washington Place) and 92110 (which includes Dewey Elementary School at 3251 Rosecrans Street) will be given priority before any San Diego Unified District residents as well as non-residents provided that the resident's application was received during the open-enrollment period. The purpose of this policy is to clearly define a resident of San Diego and a non-resident. In addition, the Admission's Policy for both groups will be clearly articulated.

A resident of San Diego is defined as a person residing in the geographical boundary lines of the San Diego Unified School District ("SDUSD") by June 30<sup>th</sup> of the year in which they applied for enrollment. Proof of residency will be required to verify resident status. A copy of an electric bill, a property tax bill, escrow papers, a copy of a mortgage bill or a copy of a rental agreement are acceptable form of proof of residency. A person will be defined as a resident of San Diego for admission purposes (including the public random drawing) if they live outside the geographical boundaries of SDUSD provided they would be a resident of San Diego by June 30<sup>th</sup> of the year in which they applied for enrollment and their residency can be verified.

#### **Non-San Diego Resident Admission**

A non-resident of San Diego is defined as a person residing outside of the geographical boundary lines of SDUSD after June 30<sup>th</sup> of the year in which they applied for enrollment or a person who cannot provide acceptable form of proof of residency to verify their resident status.

If after the closure of an open-enrollment period it is determined that OTA will hold a public random drawing to determine the allocation of enrollment space, then any and all nonresident enrollment application's received during the open-enrollment period will be withheld from the public random drawing. Once the public random drawing is complete all non-resident enrollment applications will be placed into a separate public random drawing to determine their standing on the enrollment waiting list.

Once the waiting list has been determined after the closure of an open-enrollment period than any enrollment applications received will be added to the waiting list in the order received regardless of their residency status. Once open enrollment has closed and a waiting list has been established, non-resident applications cannot lose their place on the waiting list in favor of a resident enrollment application.

## OTA Policy #300-001

### **STUDENT ATTENDANCE**

Old Town Academy K-8 Charter School ("OTA") recognizes that success in school is in part related to prompt and regular classroom attendance. Frequent absences or tardies which result in a student missing all or parts of presentations, demonstrations, discussions, explanations, and/or other classroom activities are detrimental to the individual student and the class. Student non-attendance and/or persistent tardiness are therefore matters of serious concern. All absences from OTA negatively impacts student learning and school funding regardless of whether the absence is excused or unexcused.

#### **Excused Absences**

A student's absence shall be excused for the following reasons:

- Personal illness;
- Quarantine under the direction of a county or city health officer;
- Medical, dental, optometric, or chiropractic appointments;
- Attendance at funeral services for a member of the immediate family: "Immediate family" shall be defined as mother, father, grandmother, grandfather, brother, sister or any relative living in the student's immediate household;
- Participation in religious instruction or exercises in accordance with OTA Family-Student Handbook; or
- In such instances that the student attends at least the minimum school day. The student shall be excused for this purpose on no more than four school days per year.

In addition to the above, a student's absence may be excused for justifiable personal reasons. Advance written request by the parent/guardian and approval of the Principal or designee shall be required for absences for:

- Appearance in court;
- Attendance at a funeral;
- Observation of a holiday or ceremony of his/her religion; or
- Attendance at religious retreats for no more than four days during a year.

While family trips during the school year that cause the student to be taken out of the classroom setting for an extended period of time are strongly discouraged by the school's Principal and teachers and the Board, it is feasible for a family trip to be an excused absence if and only if the student completes an independent study contract. If the independent study contract is not strictly adhered to, then the independent study contract will be considered null and void and the absences that are a result of the family trip will be recorded as unexcused. It should be noted that a properly completed independent study contract does not make the absence excused, but rather indicates the student as being present.

#### **Unexcused Absences**

- Absence from school or class without a valid excuse;
- Absence as a result of participation in a school activity where the student has not followed established procedures for approval;
- Absence for valid reasons, such as family trips or emergencies, which are not covered by an independent study contract within OTA policies and procedures; and
- Absence from school or class where the student and/or parent guardian failed to follow established procedures for either checking into or out of school.

It is the responsibility of the parent and student to establish the legal nature of the absence to the satisfaction of the Principal or designee. All absences, which are not cleared within two (2) days after a student's return to school, shall be recorded as unexcused.



**Method of Verification**

When students who have been absent return to school, they must present a satisfactory explanation verifying the reason for the absence. The following methods may be used to verify student absences:

- Written note from parent/guardian, parent representative, or student if 18 or older;
- Conversation, in person or by telephone, between the school's office employee and the student's parent/guardian or parent representative. The employee shall subsequently record the following:
  - Name of student.
  - Name of parent/guardian or parent representative.
  - Name of verifying employee.
  - Date or dates of absence.
  - Reason for absence.
- Visit to the student's home by the school's office employee, or any other reasonable method, which establishes the fact that the student was absent for the reasons stated. A written recording shall be made, including information outlined above.
- Physician's verification:
  - When excusing students for confidential medical services or verifying such appointments, School staff shall not ask the purpose of such appointments but may contact a medical office to confirm the time of the appointment. When a student has had 8 absences in the school year for illness verified by methods listed in #1-#3 above, any further absences for illness must be verified by a physician.

Insofar as class participation is an integral part of students' learning experiences, parents/guardians and students shall be encouraged to schedule medical appointments during non-school hours.

Students should not be absent from school without their parents/guardians' knowledge or consent.

Unexcused Absence Number	Consequence
Three (3)	Official notice from the school – disciplinary consequences. Possible In-School Suspension.
Five (5)	Intervention Conference with student, parent/guardian and Principal, or designee; attendance plan will be developed. – Probable In-School Suspension
Eight (8)	2nd Intervention Conference with student, parent/guardian, and Principal or designee; attendance plan will be reviewed and re-drafted (if necessary) – In-School Suspension
Twelve (12)	Student may be expelled from school, per OTA Suspension and Expulsion Policy

**Unexcused Absences/Truancy for Classroom Based Attendance**

Students who are habitual truants or habitually insubordinate or disorderly during attendance at School may be referred to the appropriate law enforcement agency.

A student's grades may be affected by excessive unexcused absences in accordance with OTA Board policy.

Students shall be classified as truant if absent or tardy for a 30 minute period from school without a valid excuse. Such students shall be reported to the Principal.

The parent/guardian of a student classified as a truant shall be notified in writing of the following:

- The student is truant;
- The parent/guardian is obligated to have the student attend school;
- The parent/guardian who fails to meet this obligation may be guilty of an infraction of the law and subject to prosecution.

The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy.

A habitual truant is defined herein as a student who has three trancies. A habitual truant along with his/her parents/guardians will participate in a meeting with the Principal. The purpose of the meeting is to address the truancy issue and to establish a plan to eliminate the truancy problem. If such problem persists, the Principal has the authority to take disciplinary action against the student, which may include a recommendation of an In-School Suspension and or expulsion. (Reference Policy 300-003 – Suspension and Expulsion)

Whenever the school administration establishes that an absence was unexcused, the teacher is not obligated to provide makeup work for that absence.

### **Makeup Work for Excused Absences Covered by Independent Study Contract**

Students shall be given the opportunity to complete a written independent study contract during a planned absence or to make up work missed as a result of excused absences. The following guidelines shall apply provided that the planned or excused absences are a minimum of three or more consecutive days:

The parent and student shall be responsible for initiating the request for an independent study contract, if the student will be absent three days or more, and for obtaining the requirements of or the completion of makeup assignments.

No student is entitled to independent study without approval by the Principal.

Requests for independent study contracts must be given to the Principal at least **one week in advance** of the planned consecutive absences. Absent extenuating circumstances, students shall not be allowed more than 3 independent study contracts per year. Please take vacations during vacation days, to eliminate any issues.

All independent study assignments must be completed and turned into the teacher providing the independent study assignment the day the student returns to school. This is applicable for all grades levels and all subject materials.

A written record of the findings of any evaluation made pursuant to this subdivision shall be treated as a mandatory interim pupil record. The record shall be maintained for a period of three years from the date of the evaluation and, if the pupil transfers to another California public school, the record shall be forwarded to that school.

A current written agreement for each student assigned independent study shall be maintained on file including, but not limited to, all of the following:

- The manner, time, frequency, and place for submitting a student's independent study assignments and for reporting his or her progress;
- The objectives and methods of study for the pupil's work, and the methods used to evaluate that work;
- The specific resources, including materials and personnel that will be made available to the student;
- The duration of the independent study agreement, including the beginning and ending dates for the pupil's participation in independent study under the agreement. No independent study agreement shall be valid for any period longer than one semester and/or 90 school calendar days;
- A statement for the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned to be earned by the pupil upon completion.
- The inclusion of a statement in each independent study agreement that independent study is an optional educational alternative in which no pupil may be required to participate;
- All work assigned, while on Independent Study, must be completed and submitted to the teacher on the day the student returns to school.
- Each written agreement shall be signed, prior to the commencement of independent study, by the pupil, the pupil's parent, legal guardian or caregiver, if the pupil is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study, and all persons who will have responsibility of providing assistance to the pupil. For purposes of this paragraph "caregiver" means a person who has met the requirements of Part 1.5 (commencing with Section 6550) of the Family Code.

Upon completion and teacher approval/grading, a copy of the assignment(s) or other work completed shall be maintained with the independent study contract on file.

Teachers are not obligated to provide makeup assignments nor accept makeup work after three school days have elapsed since the excused absence ended.

Properly completed independent study contracts and makeup work shall be graded equivalent to the same work done by the non-absent students.

The Principal, or designee, shall gather and report to the Board of Directors the number truancy cases, the plans on file and any disciplinary actions as part of the Principal's report.

## Student OTA Policy #300-002

### STUDENT DRESS CODE

OTA is committed to a standard of dress that is appropriate for the school day in a superior charter school. The strictly enforced, non-negotiable, uniform policy frees the faculty and students to address the serious business of teaching and learning. We believe that students should be noticed for their academic progress and success, not their appearance, clothing or accessories. OTA reserves the right to interpret the appropriateness of student dress and grooming, even if such is not delineated specifically in the following regulations.

The uniform policy set out below lists permitted and prohibited attire at OTA. Students who do not comply with the uniform policy without a valid excuse, as defined below, may be required to serve an in-school suspension until the noncompliance is resolved (e.g. a loaner uniform put on; hair brushed; the prohibited item confiscated; etc.). Habitual unexcused non-compliance may result in more severe consequences, and such students should consider whether OTA is the school for them. Students must strive to be rule followers, not rule breakers. OTA reserves the right to interpret the appropriateness of student dress and grooming. For the full uniform policy, go to the Uniform Tab of the OTA website, [www.OldTownAcademy.org](http://www.OldTownAcademy.org). Students unable to comply with the uniform policy for legitimate reasons, must send an email or note signed by the parent/guardian to the principal, prior to the start of school (8:00 a.m.). No dress code restriction will be enforced in a manner such that it restricts a student's observance of his or her religious faith.

#### Provision of Uniforms/Uniform Store

Each newly admitted OTA student will be provided with one (1) royal purple and one (1) additional (in his/her color of choice) uniform compliant polo shirts, which may be new or gently used, at the discretion of the school staff. One complete PE uniform (top and bottom) will also be provided. Donations to help offset the costs of the uniforms are welcome and encouraged (see Uniform Cost Sheet in the Uniform Tab of the school's website). Funds raised from sales at the uniform store support academic programs and help OTA provide scholarships for field trips, free and reduced lunch, and other programs. While the OTA uniform store maintains a complete line of approved uniform polo shirts and p.e. clothes, students must obtain compliant uniform shorts, pants, and skirts from other sources. Any student who needs assistance with identifying or obtaining compliant uniform clothing should contact the Office Manager or Principal directly.

#### Old Town Academy Uniform

Short Sleeve Tops: OTA students must wear an OTA polo shirt in any of the following solid colors: royal purple, sport gray, or light blue. Polo shirts in these colors are available in the on-campus uniform store, and the online uniform store. All uniform shirts, have the OTA logo embroidered on them.

Long Sleeve Tops: To stay warm in colder weather, students may wear a solid white (no visible logo) long-sleeve turtleneck or athletic undergarment under their OTA uniform shirt. Students may also wear an approved sweatshirt over their uniform (see Outerwear below). In the unusual event of extreme cold temperature for which an approved undergarment or sweatshirt is insufficient, allowances will be made for non-uniform jackets worn by students on such dates.

Shorts/Pants: Students must wear navy blue or khaki uniform-style pants or uniform-style shorts. Uniform-style pants and shorts can be found in the uniform section of stores like Target, Old Navy, Sears and other retailers.

- **Not acceptable:** cargo pants or shorts; denim; excessively baggy or tight pants.

Skirts, Skorts and Jumpers: Kindergarten through 3<sup>rd</sup> grade students may wear jumpers. Kindergarten through 8<sup>th</sup> grade students may wear skorts or skirts with tights or black, mid-thigh bicycle shorts worn underneath. Skirts must be properly zipped, may not be rolled at the waistband, and must be no more than 3" above the top of the knee cap (a 3x5 index card held horizontally at the top of the knee cap should touch the bottom of the skirt). Tights must be solid white or navy blue and may be worn under jumpers as well. Skirts, skorts, and jumpers must be navy blue or khaki and uniform style.

PE Uniforms: OTA has only one approved PE uniform (shirt and shorts), and it must be obtained through the OTA uniform store. An OTA Jog-a-Thon shirt may be substituted for the approved PE shirt. On cold PE days, students may wear OTA sweatpants (available at the uniform store) over or in lieu of their PE shorts, leggings (black) under their p.e. shorts and/or an approved sweatshirt (see below) over their PE shirt.

Shoes: Students must wear athletic shoes only, since they have PE and/or recess every day. Shoelaces need to be the same color-no mismatch laces. Students must wear solid white, black, gray, or purple crew length or ankle socks (or approved leggings as set forth above) at all times. Both socks must be the same color.

- **Not permitted**: boots, sandals, slippers, open-toed shoes, crocs, flip-flops, or flashing lights.

Outerwear: When students choose to wear outerwear, they must wear an OTA logo sweatshirt (available at the uniform store) or a sweatshirt in any color imprinted with a tasteful College or University logo. Sweatshirts may be worn over an approved uniform shirt, but not in place thereof. Hooded sweatshirts within the above guidelines may be worn to school, but hoods are never permitted to be on the head when inside the building. Students may also wear a navy blue, non-branded cardigan-style zip-up or buttoned sweater.

- **Not permitted**: branded logos such as Nike, Roxy, Quicksilver, etc.; denim jackets.

Hats/Headgear: Sunglasses and College or University baseball hats may be worn during Physical Education activities and outdoor recess times to protect from sun exposure, but they may not be worn in the building. Hats must be worn brim forward.

- **Not permitted**: hats with branded logos such as Nike, Roxy, Quicksilver, etc.; beanies, scarves, bandanas, decorative hats or knits.

## **General Body Appearance**

Hair/Tattoos: Students are expected to demonstrate respect for themselves and others. There may not be any writing on the student's body. No visible tattoos of any kind, temporary or otherwise are permitted. Existing tattoos should be covered with appropriate sleeve or make-up while at school. Facial hair, any extreme hairstyle, spiked hair, or any hair of unnatural color is not permitted. All students' hair should be out of their eyes and neatly groomed.

Jewelry: Simple studs in the ears are allowed. Jewelry in piercings other than ears shall not be worn at school, by anyone. Students should avoid dangling jewelry, especially earrings and other jewelry that could cause injury (including gauges in the ears).

### **Free Dress Days**

On occasion, individual classes or the entire school might be granted a "free dress" day. Students on overnight field trips might also be granted free dress. The following will serve as a guide to free dress.

#### Tops

- Shirts and blouses may be either short- or long-sleeved, but shoulders must be covered at all times. Exposed midsections are not acceptable.
- Sweaters and jackets of an appropriate size and length may be worn over, but not in place of, an appropriate shirt.
- Hooded sweatshirts are not a substitute for an appropriate shirt.

#### Bottoms

- Long pants, shorts, or skirts worn with the waistband at the waist are permitted.
- Mid-thigh bicycle shorts or tights must be worn under skirts.
- Excessively baggy or tight pants are not acceptable (this includes "skinny" jeans).
- Jeans in good repair are acceptable.

- Skirts and shorts must be of acceptable length (they must reach to the longest part of the student's hand when arms are held straight at the side).

#### Shoes

- Shoes should be comfortable, supportive and allow the student to actively participate in his/her physical education classes.
- Flip flops, open-toed shoes, sandals, crocs and slippers are not allowed, unless specifically approved in advance.

#### **Inappropriate & Prohibited Clothing/Accessories**

The following clothing is never appropriate, even on free dress days or school overnight trips.

Tops: Tops that expose shoulders, backs, bellies and/or undergarments are not permitted. This includes:

- Tank tops and shirts with spaghetti straps.
- Muscle shirts, half shirts or ripped clothing.
- See-through clothing.
- Low-cut tops exposing cleavage or undergarments.
- Strapless, backless or halter tops.

#### Generally Inappropriate Clothing

- Low-waist bottoms that expose undergarments.
- Clothing or accessories which advertise or denote profanity, sexual topics or innuendo are not permitted.
- Clothing which promotes gang affiliation, violence, alcohol, drugs or tobacco is not permitted.

Dangerous Items: Items that could present a danger to other students are not permitted. This includes things like:

- Chains (including chains connected to wallets).
- Spikes and safety pins.
- Rubber bands and any other items, which would be considered unsafe.
- All weapons, imitation weapons, or devices that may be used to harm others, or appear to harm others..
- Matches, lighters, firecrackers, caps or fireworks.
- Any controlled substances such as tobacco, drugs or alcohol.
- Laser pointers.
- Pepper spray, tear gas, etc.

## OTA Procedure #300-003:

### **STUDENT SUSPENSION AND EXPULSION PROCEDURES**

At the beginning of each school year, the Principal shall ensure that all students and parents/guardians are notified in writing, via the Family/Student Handbook, of all school rules related to discipline, suspension, and expulsion. Students and their parents/guardians shall also be notified at the time of enrollment. All families will be required to sign a letter of acknowledgement, located in the School's Family/Student Handbook that states that the parent/guardian and student have read, understand and agree to abide by all OTA policies and procedures. A copy of each signed and dated letter of acknowledgment will be kept in the student's file. Notification shall include information about the ongoing availability of individual school rules and all Old Town Academy K-8 Charter School ("OTA") Board policies and procedures pertaining to student discipline.

#### **Safety of Students & Zero Tolerance**

Student safety and security is a primary concern that OTA takes very seriously. A safe learning environment allows children to grow and attain success. If students, families, and staff are worried about their environment, opportunities for learning will be missed. Staff members and/or parent volunteers monitor all breaks and activities. Students are to report any sexual harassment, physical harassment, or psychological harassment concerns to a staff member. OTA policies and procedures clearly define the steps to be taken to address these concerns. The San Diego Unified School District (SDUSD) and OTA have a zero tolerance policy for weapons, drugs, violence, and bullying, and these behaviors will result in suspension and likely expulsion from OTA.

#### **Suspension and Expulsion Policy**

This Pupil Suspension and Expulsion Policy has been established in order to promote learning and protect the safety and well-being of all students at the School. When the Policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. This policy shall serve as the School's policy and procedures for student suspension and expulsion and it may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements. The School staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This Policy and its Procedures will be printed and distributed as part of the Student Handbook and will clearly describe discipline expectations. Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of or willfully causing the infliction of physical pain on a student. For purposes of 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 administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline policies and procedures. The notice shall state that this Policy and Procedures are available on request at the Principal's office.

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

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

## **Administrative Procedures for Pupil Suspension and Expulsion**

Definitions as used in this policy are:

- "Board" means governing body of OTA;
- "Expulsion" means disenrollment from OTA;
- "Pupil" includes a pupil's parent or guardian or legal counsel or other representative;
- "School" means the OTA;
- "School day" means a day upon which OTA is in session or weekdays during the summer recess; and
- "Suspension" means removal of a pupil from ongoing instruction for adjustment purposes;
- However, "suspension" does not mean the following:
  - Reassignment to another education program or class at OTA where the pupil will receive continuing instruction for the length of day prescribed by OTA Board for pupils of the same grade level;
  - Referral to a certificated employee designated by the Principal to advise pupils; or
  - Removal from the class but without reassignment to another class for the remainder of the class period without sending the pupil to the Principal or designee.

### **Grounds for Suspension or Expulsion of Students**

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

In preparing the lists of enumerated offenses and procedures listed below, OTA has reviewed the lists of offenses and procedures that apply to students attending non-charter public schools and private academies.

The proposed lists of enumerated offenses and procedures provide adequate safety for students, staff, and visitors to the school and serve the best interests the school's pupils and their parents (guardians).

A pupil shall not be suspended from school or recommended for expulsion unless the Principal and/or the OTA Board determines that the pupil has committed an act as defined in the following enumerated discretionary and/or non-discretionary offenses:

#### **Enumerated Offenses**

Discretionary Suspension Offenses – Students may be suspended for any of the following acts when it is determined the pupil:

- Caused, attempted to cause, or threatened to cause physical injury to another person.
- Willfully used force of violence upon the person of another, except self- defense.
- Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, alcoholic beverage, or intoxicant of any kind.
- Unlawfully offered, arranged, or negotiated to sell any controlled substance, 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.
- Committed or attempted to commit robbery or extortion.
- Caused or attempted to cause damage to school property or private property.
- Stole or attempted to steal school property or private property.
- Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew



packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.

- Committed an obscene act or engaged in habitual profanity or vulgarity.
  - Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
  - Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
  - Knowingly received stolen school property or private property.
- 
- 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.
  - Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.
  - 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.
  - Unlawfully offered, arranged to sell, negotiated to sell, or sold prescription drugs.
  - Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, "hazing" means a method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, "hazing" does not include athletic events or school-sanctioned events.
  - Made terrorist threats against school officials and/or school property. For purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school property, or the personal property of the person threatened or his or her immediate family.
  - Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
  - Caused, attempted to cause, threaten to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
  - 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. This section shall apply to pupils in any of grades 4 to 12, inclusive.
  - Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and of Section 32261 of the Education Code, directed specifically toward a pupil or school personnel.
  - A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and

abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1).

- Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Education Director or designee's concurrence.

Non-Discretionary Suspension Offenses – Students must be suspended and automatically recommended for expulsion for any of the following acts when it is determined the pupil:

- Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object
- Brandished a knife or other such dangerous object
- Unlawfully possessed, used, offered to sell, sold, or otherwise furnished, or was under the influence of any controlled/prohibited substance, as defined in Health and Safety Code sections 11053-11058, or alcoholic beverage or intoxicant of any kind.
- Unlawfully possessed, offered, arranged, negotiated to sell, or sold any drug paraphernalia
- Committed sexual assault or sexual battery

Discretionary Expellable Offenses – Students may be expelled for any of the following acts when it is determined the pupil:

- Caused, attempted to cause, or threatened to cause physical injury to another person.
- Willfully used force of violence upon the person of another, except self- defense.
- Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
- Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- Committed or attempted to commit robbery or extortion.
- Caused or attempted to cause damage to school property or private property.
- Stole or attempted to steal school property or private property.
- Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
- Committed an obscene act or engaged in habitual profanity or vulgarity.
- Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
- Knowingly received stolen school property or private property.
- 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.
- Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.

- 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.
- Unlawfully offered, arranged to sell, negotiated to sell, or sold prescription drugs.
- Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, "hazing" means a method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, "hazing" does not include athletic events or school-sanctioned events.
- Made terrorist threats against school officials and/or school property. For purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school property, or the personal property of the person threatened or his or her immediate family.
- Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- Caused, attempted to cause, threaten to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- 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. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and of Section 32261 of the Education Code, directed specifically toward a pupil or school personnel.
- A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1).
- Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Education Director or designee's concurrence.

Non -Discretionary Expellable Offenses – Students must be expelled for any of the following acts when it is determined pursuant to the procedures below that the pupil:

- Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Education Director or designee's concurrence.
- If it is determined by the OTA Board of Directors that a student has brought a fire arm or destructive device, as defined in Section 921 of Title 18 of the United States Code, on to campus or to have possessed a firearm or dangerous device on campus, the student shall be expelled for one year, pursuant to the Federal Gun Free Schools Act of 1994.

- Sold controlled substances or prohibited substances, of any amount
- Committed sexual assault or battery

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

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

### **Suspension Procedure**

Suspensions shall be initiated according to the following procedures:

#### Informal Conference

Suspension shall be preceded, if possible, by an informal conference conducted by the Principal designee with the student and his or her parent and, whenever practicable, the teacher, 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/guardian and student shall be notified of the student's right to return to school for the purpose of a conference.

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

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

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

#### Notice to Parents/Guardians

At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension.

This notice shall state the specific offense committed by the student. In addition, the notice may also state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent/guardian respond to such requests without delay.

### **Suspension Time Limits/Recommendation for Expulsion**

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive

school days per suspension.

Upon a recommendation of expulsion by the Principal, the pupil and the pupil's guardian or representative will be invited to a conference to determine if the suspension for the pupil should be extended pending an expulsion hearing.

This determination will be made by the Principal upon either of the following determinations:

- The pupil's presence will be disruptive to the education process; or
- The pupil poses a threat or danger to others.

Upon either determination, the pupil's suspension will be extended pending the results of an expulsion hearing.

Authority to Expel – A student may be expelled either by the Board following a hearing before it or by the Board upon the recommendation of an Administrative Panel to be assigned by the Board as needed. The Panel should consist of at least three members.

The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense.

### **Expulsion Procedures**

Students recommended for expulsion are entitled to a hearing, upon request, to determine whether the student should be expelled. Unless postponed for good cause, the hearing shall be held within fifteen (15) school days after the Principal or designee determines that the Pupil has committed an expellable offense. Any student recommended for expulsion will be suspended from school, pending the results of the expulsion hearing.

The expulsion hearing will be presided over by the Board Chairman or the chair of the Administrative Panel. In the event a Panel hears the case, it will make a recommendation to the Board for a final decision whether to expel. The hearing shall be held in closed session unless the pupil makes a written request for a public hearing at least three (3) days prior to the hearing.

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least ten (10) calendar days before the date of the hearing.

Upon mailing the notice, it shall be deemed served upon the pupil. The notice shall include:

- The date and place of the expulsion hearing;
- A statement of the specific facts, charges and offenses upon which the proposed expulsion is based;
- A copy of the School's disciplinary rules that relate to the alleged violation;
- Notification of the student's or parent/guardian'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;
- The opportunity for the student or the student's parent/guardian to appear in person or to employ and be represented by counsel or an advocate;
- The right to inspect and obtain copies of all documents to be used at the hearing;
- The opportunity to confront and question all witnesses who testify at the hearing;
- The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses.

### Record of Hearing

A record of the hearing shall be made and may be maintained by any means, including electronic recording,

as long as a reasonably accurate and complete written transcription of the proceedings can be made.

### Presentation of Evidence

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

Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay, and sworn declarations may be admitted as testimony from witnesses of whom the Board, 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 expelled pupil, the hearing is held at a public meeting, and the charge is committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public.

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

### Written Notice to Expel

The Principal or designee following a decision of the Board to expel shall send written notice of the decision to expel, including the Board's findings of fact, to the student or parent/guardian. This notice shall include the following:

- Notice of the specific offense committed by the student.
- Notice of any right to appeal the expulsion to the County Board of Education.

If this Board will not hear such appeals, OTA may establish a new panel of retired or current school administrators or teachers who are not related to OTA to hear expulsion appeals but who will follow the expulsion appeal procedures outlined in Education Code Sections 48921-48924.

Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the School.

The Principal or designee shall send written notice of the decision to expel to the Student's District of residence and the State Board of Education or designee.

This notice shall include the student's name and the specific expellable offense committed by the student.

### Disciplinary Records

The School shall maintain records of all student suspensions and expulsions at the School. Such records shall be made available for the Chartering Agency's review upon request.

### Expelled Pupils/Alternative Education

Pupils who are expelled shall be responsible for seeking alternative education programs including but not limited to programs within the County or their school district of residence.

### Readmission

The decision to readmit a pupil or to admit a previously expelled pupil from another school shall be in the sole discretion of the Board following a meeting with the Principal and the pupil and guardian or representative to determine whether the pupil has successfully completed the rehabilitation plan and whether the pupil poses a threat to others or will be disruptive to the school environment. The Principal shall make a recommendation to the Board following the meeting regarding his or her determination.

The pupil's readmission is also contingent upon the School's capacity at the time the student seeks readmission or admission.

## **SUSPENSION AND EXPULSION: SPECIAL EDUCATION**

### Notification of Special Education Local Plan Area Office

The School shall immediately notify the Special Education Local Plan Area office ("SELPA") and coordinate the procedures in this policy with the policies of SELPA for any student with a disability or student who OTA or SELPA would be deemed to have knowledge that the student had a disability.

### Services During Suspension

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

### Procedural Safeguards/Manifestation Determination

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

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

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

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

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

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

### **Due Process Appeals**

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

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or the School, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, whichever occurs first, unless the parent and the School agree otherwise.

### **Special Circumstances**

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

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

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

### Interim Alternative Educational Setting

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

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

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

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



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

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

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

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

#### Interim Alternative Setting

A school may move a student with a disability to an "interim alternative education setting" for no more than 45 days, regardless of whether the conduct was a manifestation of her/his disability, if the student, in connection with a school activity, possess a weapon; knowingly possesses, uses, sells, or solicits the sale of a controlled substance, or inflicts serious bodily injury on another person. 20 U.S.C. Section 1415(k)(1)(G).

The setting must be determined by then IEP team. 20 U.S.C. Section 1415(k)(2). Students in these settings have the same rights to FAPE, and FBA, and behavioral intervention services as student for whom no manifestation was found (see above). 20 U.S.C. Section 1415(k)(1)(D).

## Student OTA Policy #300-005

### **RELEASE OF STUDENTS TO PERSONS DURING SCHOOL HOURS**

Old Town Academy K-8 Charter School ("OTA") recognizes its responsibility for the proper care of students during school hours. Students shall not be removed from school grounds or school functions during school hours except by a person duly authorized in accordance with OTA procedures.

Students shall be released during school hours only when the Principal or designee is assured that the person making the request is the custodial parent/guardian or authorized designate.

A student may be removed from school under the following circumstances:

Law enforcement officers may be contacted by the Principal, or designee, to remove a student from school without parent authorization for disciplinary or safety reasons. Parents/Guardians should be contacted as soon as possible.

Anyone officially responding to a medical emergency call may remove a student without prior parental authorization.

Any agency must have a written administrative or court order directing the OTA to give custody. Proper identification is required before the student may be released.

A student may be released to his or her custodial parent(s)/legal guardian(s). When in doubt as to who has custodial rights, the school enrollment records must be relied upon or the most current court order provided to OTA. Parents have the burden of furnishing OTA with accurate, up-to-date information.

Both the father and the mother of the child are equally entitled to access to the child unless access is denied by a court order provided to OTA.

Prior written authorization from the custodial parent(s)/guardian(s) is required before releasing a student into non-custodial custody, unless an emergency situation justifies a waiver, as determined by the Principal, or designee.

Students involved in athletic events, co-curricular activities or extracurricular activities may be allowed to have early release from school according to the procedures established for those programs under the school's guidelines.

## OTA Policy #300-006

### **COMMUNICATION**

#### **CONCEPTS AND ROLES**

Old Town Academy K-8 Charter School ("OTA") and the Board of Directors ("Board") desires to provide leadership in addressing community issues related to education. Recognizing the importance of good communications between the school administration and its publics, the Board supports an active program of publications and public information that reflects an awareness of community needs, concerns and interests.

The Board and the Principal or designee shall work together with the staff, parents/guardians, community members and local organizations to continually collaborate as partners. They shall also seek to develop partnerships with local businesses, community colleges, and other public educational entities to enhance the educational opportunities for students. To that end a Board Member or the Principal will regularly attend meetings of the City Council, SDPD and SDUSD.

The administration shall maintain an active, ongoing program to disseminate information and respond to inquiries about OTA. Information dealing with OTA's operation is public information, and except where restricted by law, shall be made available to interested parties.

Community members are encouraged to attend Board meetings, participate in school activities, and take an active interest in issues that affect the schools. The Board and Principal or designee shall keep staff, parents/guardians, community members and local organizations well informed about corporate needs and accomplishments and shall ensure that they have opportunities to share in developing educational policies, programs and evaluation processes.

The Principal and or his/her designee shall keep staff, parents/guardians, community members and local organizations well informed about the individual school needs and accomplishments and shall ensure that they have opportunities to share in developing educational policies, programs and evaluation processes.

The Board recognizes that its ability to fulfill the community's expectations for a high-quality educational program depends on the level of support provided by the state and federal government as well as the community. The Board therefore shall study legislative processes and issues, establish ongoing relationships with state and local leaders and the media, adopt positions on key issues, set priorities for advocacy, and collaborate with other organizations and coalitions in legislative and legal advocacy efforts.

#### **ORGANIZATION**

The Principal or designee shall be the person immediately responsible for administering and executing OTA community relations and Principal is immediately responsible for executing the primary functions of the school's community relations program.

The Principal functions as the proactive spokesperson and media liaison produces corporate publications (including brochures, other print materials and video productions), supervises the web site and all other responsibilities as described below.

- Act as the corporate spokesperson and liaison with news media;
- Disseminate public information through corporate publications;
- Develop effective community relations and communications strategies including a proactive media communication plan;
- Advise OTA Principal and Board Chairman on matters of community relations;
- Represent OTA to businesses and community organizations;
- Train and support Principal, staff, and Board in community relations;

- Assist the Board in the planning and execution of crisis communication plans;
- Evaluate the effectiveness of OTA's community relations efforts;
- Provide a resource for legislation and information.

## **MASS MEDIA**

The Board appreciates the importance of community involvement and therefore shall strive to keep the community informed of developments within the school system in timely and understandable ways. To this end the Board shall attempt to:

- Keep themselves and the public informed regarding the policies, administration, operation, objectives and successes or failures of the schools;
- Provide the means for furnishing full and accurate information, favorable and unfavorable, together with interpretation and explanation of school plans and programs;
- Attempt to establish harmonious channels of communications with the public;
- The Principal and/or the Board may invite the local media to conduct on-campus interviews/visits throughout the school year. The purpose of these interviews/visits will be to provide the media with accurate coverage of OTA's progress, highlight our academic achievements, and allow the media to ask questions during a time that is not considered a crisis.

The Principal or designee shall use multiple means of communication to keep the public aware of the goals, programs, achievements and needs of our schools. Members of the community shall have opportunities to become involved in the schools and to express their interests and concerns.

OTA shall seek to communicate in ways that accommodate the needs of all members of the public, including the visually or hearing impaired and those who do not understand English.

## **MASS MAILINGS OR DISTRIBUTIONS**

In order to promote open communication between Board members and the public, corporate mass mailings shall include a roster of all Board member names in accordance with law.

Any use of pupils in the dissemination of materials shall be approved by the Principal.

No written material shall be distributed, offered for distribution, or shown to students without the permission of the Principal.

The Principal shall not permit students to take home materials of a political nature. For the purpose of this policy, political shall reference any viewpoint whose purpose is to influence voting by using propaganda which is directly aimed at influencing the opinions of people.

Only school-sponsored Principal-approved, materials may be sent home to parents via students.

## **DISTRIBUTION OF PRINTED MATERIALS**

The Principal is the designated representative of the Board. The Principal shall be responsible for all printed materials disseminated either within the school to students, staff, mailboxes, staff room, office counter, public address, or outside of the school to parents, community, media, etc.

The Principal is encouraged to cooperate with such student-oriented agencies as CCEF, PTO, Boy Scouts, Girl Scouts, etc., by enabling them to put up posters at the school regarding their activities and by distributing materials such as flyers according to the following rules:

The Principal or designee has the prerogative to send home flyers concerning Corporate and Board related activities.

The source of materials shall be identified. Only materials from non-profit agencies may be distributed. Fliers from for-profit groups may only be distributed at the discretion of the Principal. All materials must carry the name of the organization, the name of the representative, and the contact phone number. Fliers advertising fundraising activities approved by the Principal must designate the sponsor and the use of all proceeds.

Class time for distribution of flyers, questionnaires and other literature from out-of-school agencies, are at the discretion of the principal. Such material may be distributed after the end of the instructional day, or the Principal shall post in student announcements the fact that such information regarding a particular activity is available in the office, at a table outside the office, or in another designated place for interested persons.

Material to be distributed in classrooms after the end of the instructional day must be pre-counted to account for the respective number of students in each classroom.

No material or stationery containing the school or OTA letterhead may be used in political campaigns. Students may not be used to distribute political/campaign materials to parents or others.

## **PUBLIC RECORDS/INFORMATION**

It is the intent of the Board to maintain honest and open communications with the public as well as the news media. The following is designed to provide guidance to employees when responding to requests for information.

All employees should respond to inquiries for public information in a courteous and respectful manner. Employees should strive to give answers that are up-to-date and reflect the policies of OTA.

Employees should only respond to questions which they handle on a daily basis for OTA to ensure that correct information is given. Other questions should be referred to the Principal or the Board.

To maintain credibility and to provide accurate information, employees should verify information prior to releasing it to the public or news media.

Questions regarding crisis situations should be referred to the Principal. Employees shall not release records pertaining to personnel which could constitute an invasion of privacy. Information which may be released is: the school or location where an employee works, job title, and salary range.

Information which shall not be released includes, but is not limited to: home addresses and telephone numbers except with an employee's permission; specific information on promotions, demotions or suspensions; and medical information. Employees shall not comment on pending litigation. Other documents which are not public records include: an application for a state teaching credential; medical or similar records; complaints or investigation of complaints which pertain to certification of an employee; information about any complaints not placed in the employee personnel file, test questions, scoring keys or exam data; real estate appraisals; and medical or psychological exams.

Employees shall not release student information to the general public.

## **MEDIA RELATIONS**

The Board respects the public's right to information and recognizes that the media significantly influences the public's understanding of school issues and can greatly assist OTA in informing the community about school programs and issues. Media representatives are welcome at all Board meetings and shall receive meeting announcements and agendas upon request.

The Principal shall develop a plan for proactive communications with the media. The Principal and the Board Chairman are required to provide the media with information related to programs and needs, student awards, school accomplishments, and events of special interest.

Spokespersons authorized to speak to the media on behalf of the Board include the Board Chairman and the Principal. Other Board members and staff may be asked by the Board Chairman or Principal to speak to the media on a case-by case basis, depending on their expertise on an issue and their communications skills. Information shall not be released which is private or confidential as identified by law and Board policy.

In the event that the Board Chairman is incapacitated or traveling out of the area, the Vice-President shall be the official spokesperson for the Board. The Vice-President shall be followed by the Treasurer and then the Secretary of the Board.

All pre-arranged meetings with the media must be communicated to the Board prior to the meeting's occurrence. All meetings with the media that are not pre-arranged must be communicated to the Board within 24 hours or prior to the release the media story, whichever occurs first. The only exception is in the case of an emergency situation, whereby it is unavoidable to provide notification to the Board of media contact prior to the release of the story. In such a case, the spokesperson shall notify the Board as soon as reasonably possible.

During a disturbance or crisis situation, the first priority of school staff is to address the situation. During crisis situations, all media inquiries shall be routed to the Principal who shall:

- Prepare an official statement responding to the particular situation;
- Update the official statement as events unfold;
- Keep staff, students and parents/guardians well informed.

Like all other visitors, media representatives are expected to report to the school office, identify themselves and sign in immediately upon entering school grounds during school hours.

Media representatives who wish to interview or photograph students at school are strongly encouraged to make prior arrangements with the Principal so as to facilitate smooth operations, prevent delay and preclude the possibility of disturbances on campus. This prior notification also allows the Principal to arrange for interview times that will not interfere with students' class attendance.

## **CORPORATION and SCHOOL WEB SITES**

To enhance communication with students, parents/guardians, staff, community members and the public at large, the Board encourages the development and ongoing maintenance of OTA and school web sites on the Internet. Web sites shall support the mission and vision of OTA and shall be consistent with OTA's plans for communications and media relations.

The Principal shall develop guidelines regarding the content of OTA and school web sites which shall include standards for the ethical and responsible use of information and technology. These guidelines shall be consistent with law and Board policy. Corporation and school web sites shall not include content which is obscene, libelous or slanderous, or which creates a clear and present danger of inciting students to commit unlawful acts on school premises, violate school rules or substantially disrupt the school's orderly operation.

Any links to external sites shall follow the same guidelines applicable to OTA and school web sites.

The Principal shall ensure that copyright laws and Board policies are not violated in the use of material on OTA or school web sites. The Principal shall ensure that web site content protects the privacy rights of students, parents/guardians, staff, Board members and other individuals.

No personal information about students or their parents/guardians, including phone numbers, home addresses or e-mail addresses, shall be published on OTA or school web page. Student directory information shall not be published if parents/guardians have requested that it be withheld.

Photographs of students shall be used on the web site only with written permission from the students' parents/guardians.

Home addresses or telephone numbers of staff members shall not be posted.

The Principal may establish standards for the design of OTA and school web sites in order to maintain a consistent identity, professional appearance and ease of use.

Staff and students may submit materials for web site publication to the Technology Committee and/or Principal, who shall ensure that the content adheres to OTA's guidelines and policies.

## **CONTENT**

Corporation and school web sites shall provide current and useful information regarding corporate and school programs, activities and operations.

The content of web sites may include, but not be limited to, corporate or school news, missions and visions, agendas and minutes of Board meetings, policy information, messages from the Board or administrators, information about curriculum and instruction, school calendars, student projects, school clubs and activities, lunch information, school map, school handbook, parent conferences, educational resources, links to other educational sites and contacts for further information.

The Principal shall make the information contained in the School Accountability Report Card accessible on the Internet and shall ensure that such information is updated annually. (Education Code 35258) Student work may be published on a web site provided that both the student and his/her parent/guardian provide written permission or the work is part of an existing publication such as a newspaper or school newsletter.

Any group (including but not limited to CCEF, PTO, committees, clubs, and community groups) must have their information reviewed and approved by the Principal prior to posting on the website.

The endorsement of any political candidate, Measure, Proposition or any other item requiring a vote by the public is prohibited from being posted on OTA and school websites.

If any copyrighted material is posted on OTA or school web site, the web site shall include a notice crediting the original producer of the material and noting how and when permission to reprint the material was granted.

## **ROLES AND RESPONSIBILITIES**

The Technology Committee and/or Principal shall be responsible for the content and publication of OTA and school web sites upon approval of the Principal. Technology Committee and/or Principal shall review all content before publication, upload content to the web server, regularly check links for accuracy and appropriateness, keep the web server free of outdated or unused files, and provide technical assistance as needed. The Technology Committee shall notify the Principal regarding any requested changes to, and updating of, any school web site.

## **E-MAIL DISTRIBUTION**

OTA and its schools shall maintain a distribution list of the parents/guardians of its students. The distribution list may be used for official corporate or school communication only and no parent, committee, club, group or outside agency may use the distribution list, without prior approval from the Principal. It is contemplated that such approval, except in unusual circumstances, shall be granted to the OTA Parent Foundation Chair. The e-mail distribution list may not be used for any political purposes whatsoever.

## **"COMMUNICATION" SYSTEM**

OTA and its schools shall maintain a "communication" system, whereby the parents/guardians of students can be notified of important School and/or Corporate information via a mass replicated telephone and e-mail distribution channel. Only the Principal or the Board Chairman may authorize information to be disseminated via the "communication" system.

## **APPEAL PROCESS**

If any individual or group seeking to communicate to a school's students and/or parents/guardians is denied access, they may appeal their denial to the OTA Board, by submitting their request in writing to the Board Chairman. A sample of the material that the individual or group proposes to disseminate, must accompany the written request. The Board Chairman will consider placing the item on the agenda per Board Policy #100-004.

Legal Reference: EDUCATION CODE 32210 Willful disturbance of public school or meeting; 32211 Threatened disruption or interference with classes; 32212 Classroom interruptions; 35144 Special meetings; 35145 Public meetings; 35145.5 Agenda; public participation; 35146 Closed sessions 35160 Authority of Governing Boards 35172 Promotional Activities 35182.5 Contracts for advertising



## OTA Policy # 300-007

### **POLICY REGARDING STUDENTS WITH DISABILITIES**

Rehabilitation Act of 1973: Section 504 Compliance

Old Town Academy K-8 Charter School ("OTA's") Board of Directors recognizes its legal responsibility to ensure that "no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance." OTA has developed procedures that ensure the implementation of Section 504 of the Rehabilitation Act of 1973 ("Section 504"), as amended, which pertains to public schools. The intent of these procedures is to ensure that all students with disabilities, who are eligible under Section 504, have access to a Free, Appropriate Public Education ("FAPE").

Any student who has an objectively identified disability, which substantially limits a major life skill, such as learning, is eligible for services. The Principal, or designee, shall ensure that this policy and set of procedures is implemented and followed.

#### **DEFINITIONS**

Academic Setting – the regular, educational environment operated by OTA.

Disability – any person who has a disability:

- has a physical or mental impairment which substantially limits one or more major life activities;
- has a record of such an impairment; or
- is regarded as having such an impairment.

Evaluation – procedures used to determine whether a student has a disability, and the nature and extent of the services that the student needs. The term means procedures used selectively with an individual student and does not include basic tests administered to, or procedures used with, all students in the school, grade or class.

504 Plan – is an accommodation plan developed to identify the student's needs and the accommodations required for equal access to educational programs and activities and school-sponsored events and non-academic activities.

Free Appropriate Public Education – the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of persons with disabilities as adequately as the needs of persons without disabilities are met.

Is regarded as having an impairment means - a person who:

- has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation;
- has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or
- has none of the impairments defined in paragraph H. of this section but is treated by a recipient as having such an impairment.

Major Life Activities -means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Physical or Mental Impairment – any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genitourinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Special Services Coordinator -The School's Principal, or designee, shall serve as the School's Section 504 coordinator. The parents or guardians may request a Section 504 due process hearing, or any questions or concerns should be directed to the Principal, or designee.

## **PROCEDURES**

A student may be referred by anyone, including a parent/guardian, teacher, other school employee or community agency, for consideration as to whether the student qualifies as a student with disabilities under Section 504. An individual who believes a student may have a disability, as defined by Section 504 and Section I(B) of this policy, should contact the Principal, or designee, to file a request for evaluation of the student to determine whether accommodation of the student may be necessary.

Requests for evaluation shall be made in writing, and a copy of said request will remain in the student's file regardless of the final determination.

Within 60 days of receipt of the request for evaluation, a 504 Team will be assembled and consider the request.

The 504 Team will be assembled by the School's Principal, or designee, and shall include the student's parent/guardian(s) and other persons knowledgeable about the student (such as the student's regular education teachers), the student's school history, the student's individual needs (such as a person knowledgeable about the student's disabling condition), the meaning of evaluation data, the options for placement and services, and the legal requirements for least restrictive environment and comparable facilities.

The 504 Team will review the student's existing records, including academic, social and behavioral records and is responsible for making a determination as to whether an evaluation under this policy is appropriate.

If a student has already been evaluated under Individuals with Disabilities Education Improvement Act ("IDEIA"), those evaluations may be used to help determine eligibility under Section 504.

If a request for an evaluation is denied, the 504 Team will, in writing, inform the parent or guardian, in their primary language, of its decision and of the procedural safeguards available to them.

## **EVALUATION**

The 504 Team will carry out all applicable student evaluations.

The 504 Team will evaluate the nature of the student's disability and the impact upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation in the educational program and/or activities.

The 504 Team will consider the following information in its evaluation of the student:

- Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel;
- Tests and other evaluation materials including those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and
- Tests selected and administered so as to best ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).
- Teacher recommendations, and the student's physical condition, social or cultural background, and adaptive behavior.

The final determination of whether the student will or will not be identified as a person with a disability within the definition of Section 504 and Section I(B), of this administrative regulation will be made by the 504 Team.

A final decision regarding the evaluation of the student will be made by the 504 Team in writing and the parent or guardian of the student shall be notified in their primary language of the decisions of the 504 Team and procedural safeguards available to them.

If, during the evaluation, the 504 Team obtains information indicating possible eligibility of the student for special education per the California Education Code or IDEIA, a referral for special education assessment will be made by the 504 Team.

### **Accommodation Plan**

If a student is found by the 504 Team to have a disability under Section 504 and Section I(B) of this administrative regulation, the 504 Team shall be responsible for determining what, if any, accommodations are needed to ensure that the student receives a free, appropriate public education ("FAPE").

In developing the plan for accommodations ("504 Plan"), the 504 Team shall consider all relevant information utilized during the evaluation of the student, drawing upon a variety of sources including, but not limited to, assessments conducted by the School's professional staff.

The parent or guardian shall be invited to participate in 504 Team meetings where program modifications for the student will be determined and shall be given an opportunity to examine in advance all relevant records.

The 504 Plan shall describe the Section 504 disability and any program modification that may be necessary.

In considering the 504 Plan, a student with a disability requiring program modifications shall be placed in the regular educational environment of the School with the support of appropriate supplementary services, unless such placement cannot be achieved satisfactorily and/or without undue hardship. Students with disabilities shall be educated with those who are not disabled to the maximum extent appropriate to the individual needs of the student with a disability.

All 504 Team participants and parents or guardians will be given a copy of the final 504 Plan.

Appropriate teachers and all participants in the student's education, including substitutes, shall be informed of the services or modifications necessary for the student and, if appropriate, provided a copy of the 504 Plan. The Principal, or designee, will ensure that teachers include 504 plans with lesson plans for short-term substitutes and that he/she reviews the 504 plans with a long-term substitute.

A copy of the 504 Plan shall be maintained in the student's file in a manner that limits access to those persons involved in the 504 process and/or the provision of services and modifications.

Upon determining eligibility for Section 504 services and the creation of a student's 504 Plan, the School shall provide transition assistance in implementing the 504 Plan.

Each student's 504 Plan will be reviewed at least once per year to determine the appropriateness of the plan, continued eligibility, or readiness to discontinue the 504 Plan.

### **PROCEDURAL SAFEGUARDS**

The procedural safeguards shall include notice, an opportunity for the parent or guardian to examine relevant records, an impartial hearing with opportunity for participation by the person's parent or guardian and representation by counsel, and a review procedure.

## Notice

The parents or guardian shall, in their primary language, be notified in writing of all School decisions concerning the identification, evaluation, or accommodations of their child/children made under this policy and its procedures.

The parents/guardian shall be notified in their primary language that they may examine all records regarding their child maintained by the School.

The parents or guardian shall, in their primary language, be notified in writing of their right to have an impartial hearing with an opportunity for participation by the parents/guardians and their counsel or seek review in federal court if the parents/guardians disagree with the hearing decision.

## Opportunity to Examine Relevant Records

The parents or guardian shall be invited to participate in 504 Team meetings where accommodations for the student will be determined and shall be given an opportunity to examine in advance all relevant records.

## Right to an Impartial Hearing

If the parents or guardian disagree with any School decision involving identification, evaluation, or accommodation pursuant to Section 504, they shall have a right to an impartial hearing and representation by counsel as outlined in the form entitled "Procedural Safeguards for Section 504 Students" on file with the Principal. The parent/guardian shall set forth in writing his/her request for a hearing. A request for hearing should include:

- The specific decision or action with which the parent/guardian disagrees;
- The changes to the 504 Plan the parent/guardian seeks;
- Any other information the parent/guardian believes is pertinent.

Within 5 calendar days of receiving the parent/guardian's request for a hearing, OTA may offer the parent/guardian an optional alternative dispute resolution process. However, the timeline for the hearing shall remain in effect unless it is extended by mutual written agreement of the parent/guardian and OTA. Alternative dispute resolution options include: Mediation by a neutral third party.

## Review of the 504 Plan by the Principal or designee

OTA will maintain the responsibility for selecting an impartial hearing officer within 10 calendar days of receiving the parent/guardian's request. These 10 days may be extended for good cause or by mutual agreement of the parent/guardian and the Principal of OTA. To ensure impartiality, such officers shall not be employed by or under contract with any district within OTA's SELPA or the County Office of Education in any capacity other than that of hearing officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.

If both the parents or guardian and OTA agree that the student is not eligible for special education under the IDEIA, neither party is required to exhaust administrative proceedings under the IDEIA prior to the holding of a Section 504 appeal hearing.

In instances where a fair hearing has already been held under the IDEIA concerning issues relevant to the Section 504 proceeding, the Section 504 Hearing Officer shall, at the request of either party, accept into the record as evidence copies of the transcript of testimony and documents submitted in the IDEIA hearing. The Hearing Officer shall then provide opportunity for the submission of additional evidence by the parties that is relevant to determination of the issues under Section 504. The Section 504 Hearing Officer's jurisdiction shall be limited to Section 504 issues and shall not include a determination of eligibility for special education under the IDEIA.

Within 35 calendar days of the selection of the hearing officer, the due process hearing shall be conducted. These 35 days may be extended for good cause or by mutual agreement of the parent/guardian and OTA.

The parent/guardian and OTA shall be afforded the rights to:

- Be accompanied and advised by counsel and by individuals with special knowledge or training related to the individual needs of students who are qualified as disabled under Section 504.
- Present written and oral evidence.
- Question and cross-examine witnesses.
- Receive written findings by the hearing officer.
- The hearing officer shall issue a written decision within 10 calendar days of the hearing.
- The existence of OTA hearing and complaint procedures does not affect the right of any individual or group to file a discrimination complaint with the Office of Civil Rights ("OCR"), United States Department of Education.

The Hearing Officer shall render a decision pursuant to Section 504 (29 USC Section 794, et seq., 34 C.F.R. Part 104.) The parents or guardian shall be notified in writing of the decision in their primary language. Either party may seek review of the decision of the Hearing Officer by a court of competent jurisdiction.

## OTA Policy # 300-008

### **STUDENT SERVICES UNDER THE INDIVIDUALS WITH DISABILITIES IN EDUCATION IMPROVEMENT ACT**

Old Town Academy K-8 Charter School ("OTA")'s Board of Directors recognizes its responsibility to comply with the Individuals with Disabilities in Education Improvement Act ("IDEIA"). Under provision of IDEIA the students attending and OTA School shall be offered a Free Appropriate Public Education ("FAPE") in the least restrictive environment.

Under IDEIA provisions, a child with a disability means a child who meets criteria for one or more of the disabilities outlined by the act and who, by reason thereof, needs special education and related services.

In compliance with Education Code Section 47641 the OTA Board of Directors opts to function as a "public school of the district" for purposes of providing special education and related services.

The OTA Board of Directors may seek to join a Special Education Local Plan Area ("SELPA") as a Local Education Agency ("LEA") through which special education and related services will be provided to OTA students once all the resources of the regular education program are exhausted.

Contracts or Agreements with an LEA for student services shall include, but not be limited to; the general administrative and financial agreements between the LEA and OTA; division of responsibilities; student referral procedures; due process hearing procedures; and term of the contract. OTA, under said contract or agreement, shall abide by all policies and procedures of the LEA and the SELPA concerning special education and related services.

If an issue of non-compliance emerges, the OTA Board of Directors will seek to cooperatively resolve said issue with the contracting LEA and/or SELPA to ensure that all IDEIA provisions are met.

## OTA Procedure #300-008

### **IDENTIFICATION OF STUDENTS UNDER THE INDIVIDUALS WITH DISABILITIES IN EDUCATION IMPROVEMENT ACT**

This policy insures the identification, referral, assessment and instruction and services to all students with exceptional needs enrolled in Old Town Academy K-8 Charter School ("OTA"). All students at an OTA School shall have a right to participate in a free appropriate public education ("FAPE") tailored to each student's needs in the least restrictive environment that promotes maximum interaction with the general school population. This procedure is written to align with the provisions of the Individuals with Disabilities in Education Improvement Act ("IDEIA") (20 U.S.C. SEC. 1400, et seq.) Any conflict between this procedure and the IDEIA shall be resolved in favor of the IDEIA.

#### Identification

As a preliminary measure to determine if a referral for assessment is needed, all OTA students will be screened. Individual Learning Plan ("ILP") assessments and already available data (e.g., school tests, teacher observation, grades, etc.) will be used to identify a student's need for special education services.

If the preliminary measures indicate a student's need for further observation the Principal, or designee, shall obtain permission of the student's parent or guardian. No further assessments can be completed without parent or guardian permission.

#### Pre-Intervention Plans

If pre-intervention is required the Principal, or designee, will work with the School's faculty and the student's parent or guardian to design a pre-intervention plan detailed in the ILP to modify the student's educational program prior to referral to the Student Study Team.

#### Student Study Team

If measures outlined in the ILP do not bring forth the desired results for the student's successful mastery of the general education requirements the Principal, or designee, teachers, appropriate professionals, parents or guardians, or others may request an initial referral to the Student Study Team ("SST").

The SST is a general education team, made up of the School's teachers and a school psychologist or counselor, if available, that helps develop modifications for a student having difficulty. For assessment purposes, staff shall use appropriate tests to identify specific information about the student's abilities in skill areas. In addition, staff shall use multiple measures, including direct observation, to study the effect of interventions or modifications to the regular instructional program. Staff may also consider the student's personal history, development and adaptive behavior.

The SST is a necessary step because modifications to the general program must be documented prior to a referral for special education. A student shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and used where appropriate.

If the SST determines that the regular education program is not sufficient, it shall make a referral for a special education evaluation. The School may also choose to refer a student for services through the provision of a Section 504 Plan, if appropriate.

#### Referrals for Special Education Assessment

In compliance with Education Code Section 47641, OTA is deemed a "school of the local education agency ("LEA")." As such OTA participates in the LEA and follows this agency's policies and procedures for student referral for special education assessment.

All referrals from the SST shall include a brief reason for the referral and describe the regular program resources that were considered and/or modified for use with the student, and their effect.

The Principal, or designee, shall notify the LEA of the SST recommendation for special education assessment and any parental requests for special education assessment.

In accordance with LEA policies and procedures, parents/guardians will be notified in writing of their rights related to identification, referral, assessment, instructional planning, implementation and review. If deemed appropriate, a written proposed assessment plan will be included in this notification, along with an explanation that such notice is not an intention to establish an Individualized Education Plan ("IEP"). The IEP Team, at its sole discretion, will assess and determine the need for special education and related services.

If the parent/guardian disagrees with a special education assessment the parent/guardian may initiate a due process hearing under IDEIA provisions.



## OTA POLICY #300-011

### INTERNET USE POLICY AND AGREEMENT

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. Old Town Academy K-8 Charter School ("OTA") 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, OTA 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.

OTA has promulgated and adopted the 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 OTA equipment and resource network and when using email accounts maintained by OTA. The School has deemed certain uses of the Internet inappropriate for an educational setting and therefore not appropriate for use with OTA equipment and resource networks. OTA 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. Students are reminded that their use of OTA 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 OTA 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 they has a duty to use OTA equipment and resource networks only in a manner specified in the Policy.

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, OTA approved personal research activities, or other purposes as defined by OTA 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 OTA 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, they will acknowledge the source through quotation or any academically accepted form of notation.

Copyright. Student agrees that they will not use OTA 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 OTA.

Communication. Student agrees that they will use OTA equipment or resource networks or School email accounts in a way that is polite and respectful of others, and will not:

- Post on newsgroups or other message posting systems any communication containing profanity, racially disparaging remarks, or lewd and/or obscene language;
- Use speech that is not appropriate 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;
- Make threats against others;
- Reveal personal information about others;
- Use email to send chain letters or "spam" email to a list of people or to an individual;
- Place illegal information on the Internet;
- Use the Internet in any way that violates federal, state, or local law.

Student will not give out to any other Internet user or post on the Internet his or her name, address, or telephone number unless expressly authorized by the OTA in writing.

Illegal and Dangerous Activities. Student shall not use the Internet to perform any illegal act or to help others perform illegal acts. Illegal acts include, but are not limited to, any activities in violation of local, state, and federal law. Student shall 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.

Obscene Materials. Student acknowledges that obscene materials do not further an educational purpose. Accordingly, Student shall not use the Internet to access 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. 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 they will not access any Internet site which requires the Student to state that they is eighteen years of age or older as a condition of accessing the site.

Privacy. Student acknowledges that computer equipment, Internet access networks, and email policy. Student is aware that communication over OTA 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 widespread 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 student will not use the Internet to buy or sell, or attempt to buy or sell, any service or product unless authorized by OTA in writing.
- Information About Others. Student agrees that they will not make any statement or post any communication on the Internet about another person that they 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 a Student violates this Policy, or in any other way uses OTA equipment in a manner that is not consistent with educational use, the Student will be promptly notified that they has violated the Policy. The Student will be given the opportunity to explain why OTA should deem the activity in question a use consistent with the educational purposes stated in this Policy. If OTA deems that the use is inconsistent with the educational purposes stated in this Policy, OTA 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, OTA reserves the right to

fashion penalties to specific concerns or specific violations, and Student acknowledges that they 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. Repeated abuses of this policy may lead to disciplinary action, up to and including Suspension and/or Expulsion.

Student also acknowledges that OTA 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.

## OTA Policy # 400-001

### **CRIMINAL BACKGROUND CHECKS**

A commitment to the safety and well-being of our children is a core value of Old Town Academy K-8 Charter School ("OTA"). No condition or activity will be permitted that may compromise that safety, and the well-being of students takes precedence over all other considerations. While we place great value on the contributions of staff, educators, and volunteers, there are conditions that are incompatible with unescorted access to children. Conditions deemed by the Board to preclude working at OTA include conviction on charges of serious or violent misdemeanors or felonies, particularly those committed against minors or involving abuse or molestation. OTA has therefore adopted a strict policy of prohibiting any individual with such a history from contact with any of OTA's students on any of its school grounds or during field trips or other sanctioned school activities. The Board will adopt a specific list of offenses and offense categories deemed incompatible with work for or at school. To ensure the safety of the students, all individuals working or volunteering at OTA will be required to submit to a background criminal investigation as follows:

#### **Employees**

All employees of OTA are required to, (1) disclose any arrest and/or conviction, and (2) undergo fingerprint criminal background checks through the California Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) before employment to ensure that they have no arrest or conviction for any serious or violent misdemeanor or felony. Employment is contingent upon clearance by the Principal and/or the Board Chairman. All employees will be subject to DOJ subsequent arrest notification during the term of their employment with OTA. If OTA receives subsequent notification of an arrest for any serious or violent misdemeanor or felony, the Principal will have discretion as to whether or not to suspend employment until the arrest is adjudicated. All records will be maintained in a strictly confidential manner in compliance with DOJ reporting requirements.

#### **Volunteers**

All adults at the OTA schools who will be working with or supervising students in any capacity are required to: 1) disclose any arrest and/or conviction; and 2) undergo a "LiveScan check, which includes fingerprinting and criminal background checks through the Department of Justice (DOJ) and Federal Bureau of Investigation (FBI), before volunteering. Volunteers must be cleared by the Administration in accordance with OTA Procedure #400-001A. Persons receiving clearance from the School Administration will be termed "Registered Volunteers." Volunteers will be subject to DOJ subsequent arrest notifications during the term of their volunteerism at OTA. The principal will have the discretion to suspend volunteerism, until an arrest is adjudicated. All records will be maintained in a strictly confidential manner, in compliance with DOJ requirements.

Volunteers who will have no contact with students are not required to undergo fingerprint criminal background checks. Individuals who volunteer their time off campus or on campus during hours when there are no students present shall be referred to as "Volunteers".

#### **Visitors**

A person coming on to an OTA school's campus is exempt from having to go through a criminal background check through the California Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) if and only if one of the following apply:

- The visitor is coming on to campus for the sole purpose of observing an assembly, performance or speech or to participate in large scale school events, including but not limited to, Back to School Night, Open House, teacher, OTA Foundation, or other recognized school events;
- The visitor is coming on to campus to attend a classroom "party" or other classroom "special event".
- The visitor is a guest presenter/lecturer.

Such individuals will be referred to as "Visitor". Please refer to "Visitors on Campus", OTA Policy 400-006 for further

information concerning Visitors.

### **Contract Services**

Any employee who is under contract with OTA for services rendered must certify that any employee who renders those services and who may come into contact with students has no convictions for any serious or violent misdemeanor or felony before performing any work at an OTA school. This certification must be on file with OTA prior to commencement of work.

References: Education Code 35021, 45347, 45349, 45123, 45125, 45125.1; California Penal Code 290, 11105.2, 11105.3, Assembly Bill 1610 (Ortiz), Assembly Bill 1612 (Melby)

## OTA Procedure # 400-001A

### **CRIMINAL BACKGROUND CHECKS**

The Old Town Academy K-8 Charter School ("OTA") is committed to selecting quality staff and providing a safe environment for all individuals at the school. As part of that commitment, a criminal background check is required for all prospective employees. (California Education Code 45125) Additionally, all prospective volunteers who wish to work with OTA students are required to submit to a criminal background check. All applicants must complete their background check and obtain clearance prior to any work commencing on campus.

#### **Certificated Staff**

Credentialed employees are required to submit to a fingerprint criminal background check through the Department of Justice (DOJ). Applicants are required to sign a release for OTA to request the background check and to receive information from the DOJ on an ongoing basis during the term of their employment with OTA. The Principal can conditionally hire an applicant pending completion of the background check, but shall notify the applicant that if he/she fails the criminal background check the offer of employment will be withdrawn.

#### **All Other Employees**

All employees other than credentialed employees are required to submit to a fingerprint criminal background check through the DOJ and Federal Bureau of Investigation (FBI). Applicants are required to sign a release for OTA to request the background check and to receive information from the DOJ on an ongoing basis during the term of their employment with OTA. The Principal can conditionally hire an applicant pending completion of the background check, but shall notify the applicant that if he/she fails the criminal background check the offer of employment will be withdrawn.

#### **School Volunteers**

Volunteer applicants are required to submit a completed Livescan registration form, giving OTA permission to run fingerprint criminal background checks through the DOJ and FBI. Background check packets containing instructions and all of the required forms (with the school number) are available at the school office. The Office Manager will provide the address of a local firm that performs the Livescan reports. Once fingerprinting is completed it is valid for the term of the Livescan. The OTA Custodian of Records will handle the information returned from the Department of Justice (DOJ) in a strictly confidential manner. OTA will receive periodic "arrest notification" updates on all Registered Volunteers. If you experience an incident that will trigger an "arrest notification" you are advised to inform the OTA Office Manager. Failure to do so may result in the termination of your volunteer service. Upon permanent retirement from volunteer service with OTA, the Registered Volunteer must notify the OTA Office Manager so that OTA can file a "No Longer Interested Notification" as required by the DOJ.

#### **Fingerprint Background Check Application Process**

The applicant will complete and sign the appropriate authorization form allowing OTA to perform the background check:

- "Employee Fingerprint Criminal Background Check Authorization Form Notification and Release"; or
- "Registered Volunteer Fingerprint Criminal Background Check Authorization Form Notification and Release"

School Administration will complete the required OTA data on the "Request for Live Scan Service" triplicate form (BCII 8016) depending upon the type of work the individual will be performing at the school.

Applicants will then complete applicant data on the "Request for Live Scan Service" triplicate form (BCII 8016) and bring it with them to an authorized Live Scan service provider. Applicants must bring with them a picture ID and Social Security card for identification purposes.

After fingerprinting has been completed the applicant must return the "Requesting Agency" copy of the form (BCII 8016) to OTA. The "Applicant" copy of the form (BCII 6016) should be kept for the applicant's records.

### **Fingerprint Background Check Evaluation Process**

The DOJ carefully screens those individuals who are selected to receive and evaluate Criminal Offender Record Information (CORI) at OTA. The individuals at OTA who have been selected to receive and evaluate CORI data are: Members of the OTA Board of Directors, b) The Principal, c) The School's Office Manager, and the Principal's designee.

Information received by OTA from the Department of Justice (DOJ) will be handled in a strict confidential manner in accordance with DOJ requirements. There are severe penalties for any person who fails to handle records in accordance with DOJ requirements. (Penal Code Sections 11103 and 13300)

Information received from the DOJ results in either a criminal record (CORI) or "No Record". Individuals with no record will be cleared for employment or volunteer service.

Applicant employees' CORI records will be evaluated by the Principal. The Principal at his/her discretion may seek the counsel of the OTA Board of Directors, in closed session, in evaluating a potential employee's CORI for determining suitability for employment.

Applicant volunteers' CORI will be evaluated by the School's office manager. If there should be any reportable events in the CORI, then the office manager will seek the counsel of the School's Principal in evaluating a potential volunteer's suitability for volunteer service at an OTA school.

After CORI evaluation has taken place and either a clearance or denial of application has been determined, all CORI records received from the DOJ will be destroyed.

Applicants will receive confidential notification of the results of their background check.

Those individuals failing their background check can make a one-time appeal to the School's Principal for reconsideration if he/she feels there has been an error in the review of their record. The decision of the Principal is final.

### **Subsequent Arrest Notification Service**

Employees and Registered Volunteers are subject to "Subsequent Arrest Notification Service" by the DOJ once they have been fingerprinted for OTA. Any time an employee or Registered Volunteer is fingerprinted after their initial background clearance, the DOJ will notify the Principal and send OTA the new CORI information.

The Principal and the Board Chairman will evaluate the CORI information and determine whether it justifies suspension or termination of the individual's employment (in the case of an employee) or volunteer service (in the case of a Registered Volunteer). At the discretion of the Principal, he/she can seek counsel from the OTA Board of Directors, in closed session, in determining suitability for continue employment or volunteer service.

After a CORI evaluation has taken place and a decision has been made regarding the individual's suitability to continue employment or volunteer service, the CORI records received from the DOJ will be destroyed.

Applicants will receive confidential notification of their suspension or termination.

Those individuals who are suspended or terminated can make a one-time appeal to the Board Chairman for reconsideration if he/she feels there has been an error in the review of their record. The decision of the Board Chairman is final.

## **Terminating Employment or Volunteer Service**

Upon termination of employment or volunteer service with OTA, the Principal or his designee will file a "No Longer Interested Notification" form with the DOJ to inform the DOJ that OTA is no longer interested in receiving criminal history information pertaining to the terminated individual. (Penal Code Section 11105.2)

References: Education Code 35021 Education Code 45347 Education Code 45349 Education Code 45123 Education Code 45125 Education Code 45125.1 California Penal Code 290 California Penal Code 11105.2 California Penal Code 11105.3 Assembly Bill 1610 (Ortiz) Assembly Bill 1612 (Melby)



## OTA Policy #400-002

### **REPORTING SUSPECTED CHILD ABUSE/NEGLECT**

The Old Town Academy K-8 Charter School ("OTA") Board of Directors recognizes the importance of protecting the total well-being and safety of each student. The OTA Board affirms its position by supporting the regulations of the California Penal Code and the California Education Code which define the requirement of OTA employees to be trained annually in child abuse identification and reporting. Furthermore, the Board affirms that all OTA employees shall report known or suspected incidences of child abuse, in accordance with state law and OTA policies.

OTA employees shall cooperate with the child protective agencies responsible for reporting, investigating, and prosecuting cases of child abuse. This policy and procedure applies to all OTA employees.

The Principal or designee shall develop and implement procedures for identifying and reporting known or suspected child abuse. The Principal or designee shall coordinate with the Principal of each OTA School to provide training in child abuse identification and reporting for all OTA employees.

All employees trained in child abuse identification and reporting shall be given, as a part of that training, written notice of the child abuse reporting requirements and the employees' confidentiality rights. (California Penal Code 11165.7)

#### **Duty to Report**

Certificated employees and classified employees trained in child abuse identification and reporting shall report known or suspected child abuse to a child protective agency by telephone immediately or as soon as practically possible and in writing within thirty-six (36) hours of the telephone report. The reporting duties are individual and cannot be delegated to another individual. (California Penal Code 11166)

#### Definitions

"Child Abuse," as defined by law, pursuant to California Penal Code §11165, and for purposes of this procedure includes the following:

- Physical abuse resulting in a non-accidental physical injury.
- Physical neglect, including both severe and general neglect, resulting in negligent treatment or maltreatment of a child.
- Sexual abuse including both sexual assault and sexual exploitation.
- Emotional abuse and emotional deprivation including willful cruelty or unjustifiable punishment.
- Severe corporal punishment.

"Mandated Reporters" are those people required by law to report suspected instances of child abuse. The following OTA employees and contractors are identified as mandated reporters and shall be trained annually in identifying and reporting child abuse:

Teachers, counselors, instructional aides, food service staff, lunchroom supervisors, playground supervisors, clerical staff, custodians, nurses, health technicians, child welfare and attendance workers, psychologists, SDUSD employees, child care providers, designated instruction and services staff, Principal, and others as determined by the OTA School's administration.

Ensuring that all contract workers have been trained on their duty to report any suspected or known instances of child abuse will be a contractual requirement of the entity providing the services to OTA or any of its schools.

"Child Protective Agencies" are those law enforcement and child protective services responsible for investigating child abuse reports, including the local police or sheriff's department, county welfare, or juvenile probation department and child protective services. (California Penal Code §11165)

"Reasonable Suspicion" means that it is objectively reasonable for a person to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse. (California Penal Code §11165)

### What Must Be Reported

Knowledge or reasonable suspicion of the following MUST be reported to a child protection agency, no matter where they occur.

- Child Neglect

"Child neglect" is the negligent treatment or maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. The term includes both acts and omissions on the part of the responsible person.

"Severe neglect" means the negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed non-organic failure to thrive. Also those situations where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that his/her person or health is endangered, including the intentional failure to provide adequate food, clothing, shelter, or medical care.

"General neglect" means the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred.

- Child Abuse

Child abuse is a broad term which includes the following:

- Physical injury which is inflicted by other than accidental means on a child by another person.
- Sexual abuse.
- Willful cruelty or unjustifiable punishment of a child.
- Unlawful corporal punishment or injury.
- Neglect of a child in out-of-home care.

There are three types of non-accidental injuries that do not need to be reported:

Physical injuries incurred during "mutual affrays between minors"

Those caused by reasonable and necessary use of force by a public school employee to stop a disturbance threatening injury or property damage, for self-defense, or to obtain dangerous objects in a student's possession. Those caused by reasonable and necessary force by peace officers acting in the scope of their employment.

"Unlawful corporal punishment or injury" (Physical Abuse) is the willful infliction of cruel or inhuman corporal punishment or injury resulting in a traumatic physical condition. Corporal punishment, or physical discipline, is not in and of itself child abuse, and non-injurious spanking to the buttocks is not prohibited by law. However, when parents or caretakers use corporal punishment with sufficient force to cause internal or external injuries, this is child abuse.

"Willful cruelty or unjustifiable punishment of a child" is when any person willfully causes or permits any child to suffer or inflicts unjustifiable physical pain or mental suffering, or if the person having the care or custody willfully causes or permits the child or their health to be placed in an endangering situation.

Any mandated reporter who has knowledge of or who reasonably suspects that mental suffering has been inflicted upon a child or that his or her emotional wellbeing is endangered in any other way MAY report this. However, these reports are NOT mandated.

- Sexual Abuse - includes sexual assault or sexual exploitation.

Conduct described as "sexual assault" can include, but is not limited to, the following:

- Any penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen.
- Any sexual contact between the genitals or anal opening of one person and the mouth, lips or tongue of another person.
- Any intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose, except when performed for a valid medical purpose.
- The intentional touching of the genitals or intimate parts (including the breasts, genital area, groin, inner thighs, and buttocks) or the clothing covering them, of a child, for purposes of sexual arousal or gratification, except acts which may reasonably be construed to be normal caretaker responsibilities.
- The intentional masturbation of the perpetrator's genitals in the presence of a child.

NOTE: As of January 1, 1998, AB 327 amended the California Child Abuse and Neglect Reporting Act to add the following to the class of sexual assault crimes that require mandatory reporting:

- Unlawful sexual intercourse (statutory rape) with a child under the age of 16 years when the perpetrator is over the age of 21 years.
- Lewd and lascivious acts with children ages 14 or 15 by a perpetrator who is more than 10 years older than the victim.

"Sexual exploitation" can include, but is not limited to, prostitution of a child and depicting a minor engaged in obscene acts for purposes of preparing a film, photograph, negative, slide, drawing, painting, or other pictorial depiction.

### **Reporting Procedures**

School employees who have knowledge or observe a child whom he or she reasonably suspects has been the victim of child abuse, shall report the incident by telephone to:

The Child Abuse Hotline (800-344-6000 or 858-560-2191) and make a verbal report. Be sure to get the name of the hotline worker

If the child's safety is in danger, report the incident directly to the law enforcement agency where the incident took place. The child shall be kept at school until Child Protective Services or the law enforcement agency has been called and a follow-up plan has been determined.

The telephone report must be made immediately or as soon as practically possible upon suspicion. The verbal report will include:

- The name of the person making the report;
- The name of the child;
- The present location of the child;
- The nature and extent of any injury;
- Any other information requested by the child protective agency, including the information that led the mandated reporter to suspect child abuse;
- Write in the name of the official contacted in section B of Form SS 8572.

Within thirty-six (36) hours of making the telephone report, the school employee shall complete and mail the Suspected

Child Abuse Report Form SS 8572 to the local child protective agency. Child abuse report forms are available to download from the school's website and also in the school office. Completed forms should be mailed to:

- Send original to SD Child Abuse Hotline, P.O. Box 711341, San Diego, CA 92111;
- Send a copy to the SDPD, (MS) 719, Child Abuse Team, 1401 Broadway, SD, CA 92101;
- You may place a copy in a sealed envelope and keep in a confidential locked file in the principal's office. Record on the envelope: the name of the person to whom the phone report was made, date and time of the report.

School employees reporting child abuse to a child protective agency are encouraged, but not required, to notify the school Principal or designee as soon as possible after the initial verbal report by telephone.

If the Principal is so notified he/she shall provide the school employee with any assistance necessary to ensure that the verbal or written reporting procedures are carried out according to State law and OTA policy. If requested by the school employee, the Principal may assist in the completion and filing of these forms. (California Penal Code §11166, §11167)

If the Principal is so notified he/she shall provide the school employee with any assistance necessary to ensure that the verbal or written reporting procedures are carried out according to State law and OTA policy. If requested by the school employee, the Principal may assist in the completion and filing of these forms. (California Penal Code §11166, §11167)

### **Legal Responsibility and Liability**

OTA employees required to report are not civilly or criminally liable for filing a required or authorized report of known or suspected child abuse. (Penal Code 11172) OTA will defend employees who make a report consistent with policy in the course of their employment against any action or claims that may be made as a result of the report and will pay expenses associated with the defense.

The OTA employee who fails to report an instance of child abuse which he/she knows to exist or reasonably should know to exist is guilty of a misdemeanor and is punishable by confinement in jail for a term not to exceed six (6) months or by a fine of not more than one thousand dollars (\$1,000) or both. The school employee may also be held civilly liable for damages for any injury to the child after failure to report. (California Penal Code §11172)

When two (2) or more persons are required to report jointly, have knowledge of a suspected instance of child abuse, and when there is agreement among them, the telephone report may be made by any one of them who is selected by mutual agreement, and a single report may be made and signed by the person selected. However, if any person who knows or should know that the person designated to report failed to do so, that person then has a duty to make the report. (Penal Code 11166)

The duty to report child abuse is an individual duty and no supervisor or Principal shall impede or inhibit such reporting duties. Furthermore, no person making such a report shall be subject to any sanction. (Penal Code 11166.1)

State law requires that each person legally mandated to report child abuse who entered into employment on or after January 1, 1985, prior to and as a prerequisite to employment shall sign a statement to the effect that he knows of the requirements to report known or suspected instances of child abuse and will comply with such requirements. OTA policy requires that every employee sign this statement as a requirement of employment at each site at which the employee is assigned. The employee need sign only once at each site.

While each employee has the responsibility to report any child abuse he or she reasonably suspects, the employee is not to attempt to verify the suspicion or conduct an investigation to prove that abuse has occurred. Investigation (questioning witnesses, obtaining written statements) as well as notification (family alleged perpetrator), counseling and/or family intervention are the responsibility of the child protective agency and the OTA Principal or designee if the alleged perpetrator is a student or OTA employee.

## **Victim Interviews**

Upon request, a child protective agency representative may interview a suspected victim of child abuse during school hours, on school premises, concerning a report of suspected child abuse that occurred within the child's home or out-of-home care facility. The child shall be given the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child. The representative of the agency investigating suspected child abuse or neglect shall inform the child of that right prior to the interview.

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the Principal or designee shall inform him/her, before the interview takes place, of the following legal requirements:

- The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
- The selected person shall not participate in the interview.
- The selected person shall not discuss the facts or circumstances of the case with the child.
- The selected person is subject to the confidentiality requirements of Article 2.5 (Child Abuse Reporting, Penal Code 11165 et seq.), a violation of which is punishable as specified by Penal Code 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. (Penal Code 11174.3)

## **Release of Child to Peace Officer**

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse, the School's administration shall provide the peace officer with the address and telephone number of the child's parent or guardian. It is the responsibility of the peace officer to promptly notify the parent or guardian of the situation. Though the Principal is not required to do so, the Principal may use his/her discretion in notifying the parent or guardian of the removal of their child from school. Peace officers will be asked to sign an assumption of responsibility form. (E.C. 48906)

## **Allegations of Child Abuse Involving OTA Employees and Students**

Parents or guardians of students who desire to file a complaint against an employee for alleged child abuse shall be informed of the procedures for filing with Child Protective Services as set forth above. In the case of oral communications with the parent or guardian whose primary language is other than English, the OTA Board shall provide an interpreter for that parent or guardian.

Where an OTA employee or a student is named as an alleged perpetrator in a report of suspected child abuse, the Principal or designee shall conduct an independent investigation of the suspected child abuse. OTA's independent investigation should include, but is not limited to, interviewing witnesses; interviewing alleged perpetrator(s); taking written statements; seeking verification of information; and, recommending appropriate disciplinary action.

OTA, in conducting its own independent investigation, shall make every effort to cooperate with any agency or law enforcement investigation. However, OTA's first obligation is to its students: to protect them from abuse by students and/or OTA employees.

Parents/guardians shall be provided with information regarding child abuse and child abuse reporting by the Principal or other designee. Such information shall be provided to each parent at the start of the school year and as requested by parents/guardians and other members of the public during the course of the year.

Employees suspected of child abuse may be placed on administrative leave with or without pay, depending on the circumstances, pending the completion of OTA's investigation. If an employee is not placed on administrative leave pending OTA's completion of the investigation, then the student(s) involved in the incident shall be removed from the classroom and placed in alternate classroom.

Disciplinary actions resulting from the filing of formal charges or upon conviction shall be in accordance with the Education Code and OTA policies and procedures.

### **Confidentiality**

The identity of all persons who report shall be confidential and disclosed only:

- Between child protective agencies;
- To counsel representing a child protective agency;
- To the district attorney in a criminal prosecution or in an action initiated under the Welfare and Institutions Code, Section 602 arising from alleged child abuse;
- To counsel appointed pursuant to the Welfare and Institutions Code Section 317;
- To the county counsel or district attorney in an action initiated under Family Code Part 4, Div. 12 (termination of parental rights) or Welfare and Institutions Code Section 300 (dependent children);
- To a licensing agency when abuse in out-of-home care is suspected by court order;
- When the reporting person waives confidentiality;
- By court order;
- To appropriate OTA administrators to ensure proper investigation and follow-up regarding alleged students and employee perpetrators;
- By any authorized agency or individual (Calif. Penal Code §11167subd.(e)).

References: California Education Code §44690 et seq. Staff development in the detection of child abuse and neglect; §48906 Notification when pupil released to peace officer; California Penal Code §273a Willful cruelty or unjustifiable punishment of child; endangering life or health; §11164-11174.3 Child Abuse and Neglect Reporting Act, Article 2.5; Welfare and Institutions Code § 600 et seq. Referral by school attendance review board; minors failing to obey court order; §15630 et seq. Dependent adult abuse reporting; California Penal Code, Section 11161-11174 Ed. Code, § 48906 Ed. Code, § 48987

## OTA Policy #400-003

### **SEXUAL HARASSMENT (Employees)**

The Old Town Academy K-8 Charter School ("OTA") Board of Directors affirms as its policy that sexual harassment of or by any employee shall not be tolerated. The OTA Board considers sexual harassment to be a major offense which may result in disciplinary action up to and including dismissal of the offending employee.

Every employee has a right to a work environment that is free from all types of unlawful discrimination, including sexual harassment. Prompt, appropriate action may help to avoid, or at least minimize, the incidence of sexual harassment. The School's administration is responsible to ensure that unlawful discrimination, including sexual harassment, does not occur in the program(s) for which they are responsible. Therefore, they are responsible to ensure that employees are aware of the OTA Board's policy.

#### **Employee Communications**

Orientation programs and annual training of employees shall:

- Communicate that sexual harassment will not be tolerated and that those engaging in such harassment will be subject to disciplinary action, up to and including dismissal;
- Inform employees of the proper channels for raising complaints or concerns about harassment;
- Make clear that it is the OTA Board's intent that allegations of sexual harassment be thoroughly investigated, with sensitivity towards the alleged victim and the alleged harasser, and in a manner that protects the right to confidentiality of all persons involved.

#### Confidentiality

Effort will be made to protect the privacy of parties involved in a complaint. Files pertaining to complaints handled under this process are confidential and, therefore, will only be discussed on a need-to-know basis as a means of investigating and resolving the matter(s).

#### Definition

Pursuant to California Education Code §212.5 unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- Submission to the conduct is made either an explicit or implicit condition of employment, status, or promotion. 2) Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee.
- The harassment substantially interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment. 4) Submission to, or rejection of, the conduct is the basis for any decision affecting benefits, services, honors, programs, or other available activities.

Employees and students may file complaints of sexual harassment without fear of reprisal. Further, employees and students may proceed to "Step Two" of the complaint procedure if they fear reprisals from the offender. Complaints involving sexual harassment shall be resolved through the procedure set forth in OTA Procedure #400-003.

NOTE: Sexual harassment, as defined above, violates Title VII of the Civil Rights Act of 1964, regulatory guidelines of the Equal Employment Opportunity Commission, California law, and OTA Board Policy # 400-003.

## **Complaint Procedure**

Communication of Policy. It is the OTA Board's intent that the Sexual Harassment Policy will be known and understood by all employees and students. This will be accomplished by:

- Placing this policy in all OTA School's and its School's policy manuals;
- Providing copies of this policy to all employees;
- Providing copies of this policy, with appropriate instruction, to all administrators at all OTA Schools;
- Providing notification of this policy to students and parents;
- Making information and materials available at all times through the School's administration.

This complaint procedure does not preempt the employee's right to seek other civil remedies, including but not limited to injunctions, restraining orders, or other orders.

Students and parents who would like information about the topic of sexual harassment and/or the OTA Board's policy and sexual harassment complaint procedures are invited to contact the Principal.

### Complaints and Resolutions – Employees

Employees and students may file complaints of sexual harassment without fear of reprisal.

#### Step One – Informal Level

Employees who feel aggrieved because of conduct they believe constitutes sexual harassment should directly inform the person engaging in such conduct that such conduct is offensive and must stop. If the matter is resolved at this level, the aggrieved individual is not required to proceed to Step Two. If the matter is not resolved or reoccurs, the aggrieved individual must proceed to Step Two.

#### Step Two – Formal Verbal Level (Principal)

Within five (5) working days of the alleged incident of sexual harassment, the complainant shall verbally report the incident to the Principal, or designee. If the accused is an administrator, the complainant may proceed immediately to Step Four. In addition, if the accused is the Principal, the complainant may proceed directly to Step Five.

Within ten (10) working days after presentation of the complaint, the Principal or designee shall investigate the allegations and take appropriate corrective action.

#### Step Three – Formal Written Level (Principal)

If the complaint is not resolved at Step Two above, it shall be stated in writing within five (5) working days of the decision rendered at Step Two, signed by the complainant, and submitted to the Principal or designee as part of this procedure.

The complaint shall minimally provide the following information:

- The name of the individual involved;
- Clearly state the facts causing the complaint;
- Indicate the specific remedy being sought.



Within ten (10) working days after receiving the written complaint, the Principal or designee shall investigate, give a written response to the complainant, and take appropriate action including disciplinary measures.

The Principal or designee shall inform the OTA Board about the complaint and the results of the investigation and the corrective action taken.

#### Step Four – The Board Chairman

If the complaint is not resolved in Step Three, the complainant may within five (5) working days of receipt of the Principal's written response, appeal to the OTA Board Chairman by filing the complaint and the Principal's response, along with any written response of the complainant to the response of the Principal, with the OTA Board.

The Board Chairman shall investigate, give a written response to the complainant, and take appropriate action including disciplinary measures.

The Board Chairman shall inform the OTA Board about the complaint and the results of the investigation and the corrective action taken.

Both the complainant and the accused shall be afforded a full and fair opportunity to present evidence relevant to the facts and to the issues raised by the complainant and may be represented by counsel at the hearing of a complaint by the OTA Board.

The complainant shall be furnished a copy of the decision of the OTA Board. The decision of the OTA Board shall be final.

#### Step Five – The OTA Board of Directors (Closed Session)

If the complaint is not resolved in Step Four, the complainant may within five (5) working days of receipt of the Board Chairman's written response, appeal to the OTA Board of Directors by filing the complaint and the Board Chairman's response, along with any written response of the complainant to the response of the Principal, with the OTA Board.

The complainant may proceed directly to Step Five if the accused is the Principal.

The OTA Board shall hear, in closed session, the complaint within ten (10) working days after receipt of any written complaint properly filed with the OTA Board and shall render a decision in writing within ten (10) working days after such hearing.

Both the complainant and the accused shall be afforded a full and fair opportunity to present evidence relevant to the facts and to the issues raised by the complainant and may be represented by counsel at the hearing of a complaint by the OTA Board.

The complainant shall be furnished a copy of the decision of the OTA Board. The decision of the OTA Board shall be final.

Violation of OTA Board Policy # 400-003 shall constitute just and reasonable cause for discipline.

References: Government Code, §12940 (i) Equal Employment Commission guidelines; Education Code §200, §212.5, §220, §230, §263.3; Title VII of the Civil Rights Act of 1964 Title IX of the 1972 Education Amendments, § 106.8; Discipline Policy on Sexual Harassment Government Code, Section 12940(i) Equal Employment Commission Guidelines Education Code Sections 200, 212.5, 220, 230, 263.3 Title VII of the Civil Rights Act of 1964 Title IX of the 1972 Education Amendments, Section 106.8

## OTA Policy #400-004

### **SEXUAL HARASSMENT (Students)**

The Old Town Academy K-8 Charter School ("OTA") Board of Directors is committed to maintaining a school environment that is free from sexual harassment. The OTA Board prohibits sexual harassment of any student by another student, an employee or other person, at school or at a school-sponsored or school-related activity. The OTA Board also prohibits retaliatory behavior or action against any person who complains, testifies, assists or otherwise participates in the complaint process established in accordance with this policy.

Any student who engages in sexual harassment of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. Disciplinary action may include suspension and/or expulsion, provided that in imposing such discipline the entire circumstances of the incident(s) shall be taken into account. Such circumstances shall include but are not limited to:

- Age and maturity of the victim and the perpetrator;
- Pervasiveness of the alleged harassing conduct (i.e., how many times the act(s) occurred, how many individuals were involved, etc.);
- Prior complaints against the perpetrator.

The Principal or designee shall ensure that all students receive age-appropriate instruction and information on sexual harassment. Such instruction and information shall include:

- What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same gender;
- A clear message that students do not have to endure sexual harassment. Students should be encouraged to report observed instances of sexual harassment, even when the victim of the harassment has not complained;
- Information about the person(s) to whom a report of sexual harassment should be made.

Any student who feels that he/she is being or has been subjected to sexual harassment shall immediately contact a school employee. A school employee to whom a complaint is made shall within 24 hours of his/her receiving the complaint, report it to the Principal or designee, whether or not the victim makes a complaint.

If the alleged harasser is the Principal or designee, the employee may report the complaint or his/her observation of the incident directly to the Board Chairman. If the alleged harasser is the Board Chairman, the employee may report the complaint or his/her observation of the incident directly to the OTA Board of Directors.

The Principal or designee to whom a complaint of sexual harassment is reported shall immediately investigate the complaint. Where the Principal or designee finds that sexual harassment occurred, he/she shall take prompt appropriate action to end the harassment and address its effects on the victim. The Principal or designee shall also advise the victim of any other remedies that may be available. The Principal or designee shall maintain records of sexual harassment complaints and refer the matter to law enforcement authorities where necessary. In addition, the student may file a formal complaint with the OTA Board in accordance with the OTA uniform complaint procedures.

The Principal shall maintain a record of all reported cases of sexual harassment to enable the OTA Board to monitor, address, and prevent repetitive harassing behavior in the school. The Principal shall provide reports of sexual harassment complaints to the OTA Principal and the OTA Board within ten calendar days of finalizing the investigation.

Information gathered in the course of investigating a sexual harassment complaint shall be kept confidential to the extent possible.

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature when: (California Education Code §212.5)

Submission to the conduct is explicitly or implicitly made a term or condition of an individual's academic status or progress.

Submission to or rejection of the conduct by an individual is used as the basis for academic decisions affecting the individual.

The conduct has the purpose or effect of having a negative impact on the individual's academic performance, or of creating an intimidating, hostile or offensive educational environment.

Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services honors, programs, or activities available at or through the school.

Types of conduct which are prohibited at OTA Schools and which may constitute sexual harassment include, but are not limited to:

- Unwelcome sexual flirtations or propositions;
- Sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions;
- Graphic verbal comments about an individual's body, or overly personal conversation;
- Sexual jokes, notes, stories, drawings, pictures or gestures;
- Spreading sexual rumors;
- Touching an individual's body or clothes in a sexual way;
- Purposefully cornering or blocking normal movements;
- Displaying sexually suggestive objects.

#### Notifications

A copy of the OTA Board's Sexual Harassment Policy and Procedures shall:

- Be included in the notifications that are sent to parents/guardians at the beginning of each school year. (California Education Code §48980);
- Be displayed in a prominent location near the Principal's office. (California Education Code §231.5);
- Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester or summer session. (California Education Code §231.5);
- Appear in any OTA or School publication that sets forth the Board's or the School's comprehensive rules, regulations, procedures, and standards of conduct. (California Education Code §231.5);
- Be provided to employees and employee organizations.

#### Investigation of Complaints at School

The name of any student complaining of sexual harassment will be withheld from individuals not directly involved in the complaint to ensure confidentiality and privacy.

The Principal or designee shall promptly investigate all complaints of sexual harassment. In so doing, he/she shall talk individually with:

- The student who is complaining;
- The person accused of harassment;
- Anyone who saw the harassment take place;
- Anyone mentioned as having pertinent information.

The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment, and put his/her complaint in writing.

The Principal or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the Principal or designee also may discuss the complaint with the following persons:

- Principal;
- OTA board members;
- The parent/guardian of the student who complained;
- The parent/guardian of the person accused of harassing someone;
- A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth;
- Child protective agencies responsible for investigating child abuse reports;
- Legal counsel for OTA with pre-approval of the Principal.

When the student who complained and the person accused of harassment so agree, the Principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, Principal or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided.

The Principal or designee shall tell the student who complained that he/she has the right to file a formal complaint at any time in accordance with OTA's uniform complaint procedures. If the student wishes to file a formal complaint, the Principal or designee shall assist the student in doing this.

In reaching a decision about the complaint, the Principal or designee may take into account:

- Statements made by the persons identified above;
- The details and consistency of each person's account;
- Evidence of how the complaining student reacted to the incident;
- Evidence of past instances of harassment by the accused person;
- Evidence of past harassment complaints that were found to be untrue;

To judge the severity of the harassment, the Principal or designee may take into consideration:

- How the misconduct affected one or more student's education;
- The type, frequency, and duration of the misconduct;
- The number of persons involved;
- The age and sex of the person accused of harassment;
- The subject(s) of harassment;
- The place and situation at the school, including incidents of harassment that were not related to sex.
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The Principal or designee shall write a report of his/her findings, decision, and reasons for the decision and shall present this report to the student who complained and the person accused.

The Principal or designee shall give the OTA Board a written report of the complaint and investigation within ten days of finalizing the investigation. If he/she verifies that sexual harassment occurred, this report shall describe the actions he/she took to end the harassment, address the effects of the harassment on the person harassed, and prevent retaliation or further harassment.

Within two weeks after receiving the complaint, the Principal or designee shall determine whether or not the student who complained has been further harassed. The Principal or designee shall keep a record of this information and shall continue this follow-up at his/her discretion.

## Enforcement

The Principal or designee shall take appropriate actions to reinforce the OTA Sexual Harassment Policy. As needed, these actions may include any of the following:

- Removing vulgar or offending graffiti;
- Providing staff in-service and student instruction or counseling;
- Notifying parents/guardians;
- Notifying child protective services;
- Taking appropriate disciplinary action.

In addition, the Principal or designee may take disciplinary measures against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

References: CALIFORNIA EDUCATION CODE §200-262.4 Prohibition of discrimination on the basis of sex §48900.2 Additional ground for suspension or expulsion; sexual harassment §48904 Liability of parent/guardian for willful student misconduct §48980 Notice at beginning of term; CIVIL CODE §51.9 Liability for sexual harassment; business, service and professional relationships; §1714.1 Liability of parents/guardians for willful misconduct of minor; UNITED STATES CODE, TITLE 20 §1681 –§1688 Title IX, Discrimination; TITLE 42 §2000d -§2000d-7 Title VI, Civil Right Act of 1964 §2000e –§2000e-17 Title VII, Civil Rights Act of 1964 as amended; CODE OF FEDERAL REGULATIONS, TITLE 34 §106.1 – §106.71 Nondiscrimination on the basis of sex in education programs; COURT DECISIONS Davis v. Monroe County Board of Education (1999) No 97-843, 1999 U.S. Lexis 3452 Gebser v. Lago Vista Independent School District (1998) 118S.Ct. 1989; CALIFORNIA EDUCATION CODE §200-§262.4 Prohibition of discrimination on the basis of sex; §48900.2 Additional ground for suspension or expulsion; sexual harassment; §48904 Liability of parent/guardian for willful student misconduct; §48980 Notice at beginning of term; CIVIL CODE §51.9 Liability for sexual harassment; business, service and professional relationships; §1714.1 Liability of parents/guardians for willful misconduct of minor; UNITED STATES CODE, TITLE 20 §1681 – §1688 Title IX, Discrimination; UNITED STATES CODE, TITLE 42 §2000d -§2000d-7 Title VI, Civil Right Act of 1964 §2000e – §2000e-17 Title VII, Civil Rights Act of 1964 as amended; CODE OF FEDERAL REGULATIONS, TITLE 34 §106.1 – §106.71 Nondiscrimination on the basis of sex in education programs; OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL "Protecting Students from Harassment and Hate Crime: A Guide for Schools," January 1999. OFFICE OF CIVIL RIGHTS "Sexual Harassment Guidance," 62 FR 49, 1997; WEBSITES OCR: <http://www.ed.gov/offices/OCR>

## OTA Policy # 400-005

### **TUBERCULOSIS (TB) TESTING**

Students who have never attended a California school must present written evidence of testing for tuberculosis (TB) that shows them to be free of active TB prior to entering school. All kindergarten students must have TB testing completed within one year prior to the first day of school.

All Old Town Academy K-8 Charter School ("OTA") employees and independent contractors who provide direct services to students on behalf of OTA must be tested. This list includes but is not limited to teachers, nurses, administrators, physicians, dentists, dental hygienists, custodians, janitors, cooks, cafeteria workers, bus drivers, librarians, psychologists, audiologists, counselors, substitute teachers, student teachers, and Registered Volunteers who provide direct services to students on behalf of OTA.

"Registered Volunteers" are volunteers of OTA who have successfully completed a fingerprint criminal background check per OTA Policy 400-001.

All employees of OTA and Registered Volunteers must submit written proof from a physician of an examination for tuberculosis (TB) within the last two years showing that they are free of active TB. The examination for tuberculosis consists of an approved intradermal TB test which, if positive, will be followed by an x-ray of the lungs, or in the absence of skin testing, an x-ray of the lungs. Individuals who have had a past positive PPD skin test, have received a BCG vaccine, are pregnant, or are allergic to the preservative in the PPD testing solution, are required to complete a TB questionnaire, have it signed by their physician, and return it to the school as documentation they have been checked by their physician and are free of any signs of active TB.

All employees and Registered Volunteers will be required to undergo TB examination or return a completed and signed TB questionnaire at least once every two years. Food handlers will be required to have annual TB exams. Documentation of employee and volunteer compliance with TB exams will be kept on file in the office. This requirement also includes, contract food handlers, substitute teachers, student teachers and student teaching aides serving under the supervision of an educator.

TB examination is a condition of initial employment with OTA and the cost of the exam will be borne by the applicant. OTA will provide for the subsequent TB testing for its employees.

TB examination is a condition of becoming a Registered Volunteer. The cost of the exam will be borne by the volunteer applicant. In the event of financial hardship, the School's administration may provide for TB testing free of cost for the volunteer applicant.

Any entity providing student services to an OTA School will be contractually required to ensure that all contract workers have had TB testing that shows them to be free of active TB prior to conducting work with the School's students.

References: California Education Code §44839, §49406; California Health and Safety Code §1596.794

## OTA Policy #400-006

### **VISITORS ON CAMPUS**

A commitment to the safety and well-being of our children is a core value of Old Town Academy K-8 Charter School ("OTA"). The OTA Board encourages parents/guardians visit the schools and volunteer in the educational program. Volunteers in our schools enrich the educational program and strengthen our schools' relationships with homes, businesses, public agencies and private institutions. The OTA Board further believes that parents/guardians have an opportunity to be a partner with teachers and the educational process by providing an important link between the schools and the students in order to achieve the desired public education.

All visitors on an OTA campus are required to electronically sign in and sign out through the school office. A driver's license is required with our electronic sign-in system. This policy will be strictly enforced so that we are able to account for all individuals on campus at any given time. During sign-in, visitors must state their business on campus and their destination and will then be issued a badge by office staff. All visitors shall be escorted at all times by an employee or registered volunteer. While in a classroom, all visitors shall be under the direct supervision of an employee or Registered Volunteer (as defined by Policy 400-001 – Criminal Background Checks), at all times and shall never be left alone with any student. Identification badges must be visible at all times. At the conclusion of the visitor's business on campus he/she is required to return to the school office to sign out.

Any individual coming on to campus for the sole purpose of observing an assembly, performance or speech or to participate in large scale school events, including but not limited to, Back to School Night, Open House, and PTO or CCEF sponsored events, are not required to sign in at the office nor are they required to obtain a visitor badge. However, all such visitors must immediately leave the campus upon the conclusion of the event. Any visitor who wishes to remain on campus after the conclusion of the event must immediately sign-in at the office, state their business on campus and their destination and be issued a badge by office staff. Identification badges must be visible at all times.

Any person found on campus not wearing a badge, and not exempt as defined above, must immediately, upon the request of an employee or registered volunteer, immediately return to the school's office to sign in and have a visitor badge issued. Any person refusing to sign in and/or leave the school property voluntarily shall be immediately referred to the police department.

All campus visitors must first report to the school office. All sign-in sheets and sign-out sheets are located in the office, and managed by the office staff.

OTA reserves the right to refuse campus visitation privileges to anyone at the discretion of the Principal or designee.

## **STUDENT HEALTH EXAMINATIONS AND IMMUNIZATIONS**

### **Health Examinations**

The Board of Directors believes 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 program are necessary.

In addition to verifying that students have complied with legal requirements for health examinations and immunizations before enrolling at Old Town Academy K-8 Charter School ("OTA"), the school shall administer tests for vision, hearing, and scoliosis as required by law.

The Principal shall ensure that staff employed to examine students exercise proper care of each student and that examination results are kept confidential. Records related to these examinations shall be available only in accordance with law.

Reports to the Board of Directors regarding the number of students found to have physical problems and the effort made to correct them shall in no way reveal the identity of the students.

### **Health & Medical Conditions Requiring Accommodations**

The school office and administration must be notified if a student with a medical or health condition requires accommodations at school in order to participate in the educational program. The Principal, or designee, will arrange a meeting with the parent/guardian of the child to develop an accommodation plan for the student's medical or health condition. Students with diabetes, severe asthma, serious heart condition or severe allergies should have an accommodation plan at the school.

If your child has a food allergy, it must be disclosed on the enrollment form so that all teachers and staff are aware and can help protect your child.

### **Immunizations**

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

Students entering OTA shall present an immunization record which shows at least the month and year of each immunization the student has received, in accordance with law. Students shall be excluded from school or exempted from immunization requirements only as allowed by law.

Each student shall present his/her immunization record certifying that he/she has received all required immunizations currently due before he/she is admitted to OTA.

Effective July 1, 2016, all children entering Kindergarten or 7<sup>th</sup> grade must submit complete immunization records in order to attend school (see SB 277, Chapter 35). Children who received a signed medical exemption from their health care provider or students receiving special education services specified in an individual education program (IEP) will not have to meet existing immunization requirements, but still need to provide their immunization records to OTA before entry into school. Children currently attending OTA and who prior to January 1, 2016 have submitted a letter or affidavit stating beliefs that they are opposed to immunizations shall be allowed to continue at OTA without meeting complete immunization requirements. However, they will not be allowed to advance to the 7<sup>th</sup> grade as of July 1, 2016, without completion of the required immunization schedule.



The immunization record must be complete with a date and stamp for each vaccine given (a San Diego Immunization Registry [SDIR] copy may also be provided). The following immunizations are required:

- Polio (OPV/IPV): There should be **four (4)** dates and stamps (**3** if catching up)
- DTaP: There should be **five (5)** dates and stamps (**3 or 4** if catching up)
- MMR: There should be **two (2)** dates and stamps
- Varicella: There should be **two (2)** dates and stamps OR documentation of past chicken pox disease
- Hepatitis B: There should be **three (3)** dates and stamps
- Tdap: There should be **one (1)** date and stamp prior to 7<sup>th</sup> grade
- Hib: Not required after 5 years of age

## OTA Policy #400-008 **TOBACCO**

The Old Town Academy K-8 Charter School ("OTA") Board of Directors, recognizes that smoking and other tobacco uses can have serious health consequences for users and non-users. In accordance with federal and state law, the OTA Board prohibits smoking or other tobacco use in all school buildings, on school property (including vehicles located on school premises) or at any school-sponsored event. Placards clearly announcing this policy will be prominently posted at all OTA facilities.

Students shall not be allowed to smoke, chew, or possess tobacco or nicotine products on school property or at school-sponsored events, or under the supervision of OTA employees. Students who violate this policy shall be subject to disciplinary procedures which may result in suspension from school.

OTA employees shall not be allowed to smoke or chew on school property or during school hours at school-sponsored events. OTA employees who violate this policy shall be subject to disciplinary procedures which may result in termination.

### **Staff**

Staff members found violating this policy will be subject to progressive disciplinary penalties as follows:

- **First Offense:** An employee found in violation of the policy will receive a verbal warning and provided with information regarding smoking cessation resources. All such warnings shall be recorded by the supervisor in writing.
- **Second Offense:** For a second violation, the employee shall be given a warning letter stating that any subsequent violations will result in the employee being brought to a disciplinary hearing with additional sanctions up to and including termination. This letter will be placed in the employee's personnel folder.
- **Third Offense:** For any subsequent violation, the employee shall be disciplined accordingly up to and including termination as expressed in the employee handbook.

### **Students**

Students are prohibited from using and possessing any tobacco and/or nicotine products. See student disciplinary policy.

### **Others**

Other individuals found violating this policy will be asked to cease and desist and will be asked to leave the school premises or school activity if they don't comply immediately. Should he/she continue to smoke or use tobacco or refuse to leave, the police will be contacted to remove the individual.

## OTA Policy # 400-009

### **CRIMINAL OFFENDER RECORD INFORMATION**

This policy has been adopted by Old Town Academy K-8 Charter School ("OTA") to meet the requirements of the State of California, Department of Justice, Division of California Justice Information Services, for any agency that receives Criminal Offender Record Information ("CORI").

To ensure the suitability of individuals accessing confidential criminal history records, anyone with access to CORI shall be fingerprinted and processed through the California Department of Justice.

The overall responsibility for the administration of this policy rests with the Principal and the School's Principal.

**Record Security:** Any inquiries regarding the release, security, and privacy of CORI are to be resolved by the Principal and/or the School's Principal.

**Record Destruction:** CORI obtained for the purposes of employment or clearance of volunteers shall be destroyed once determination is made of the individual's suitability for employment or volunteer service in accordance with subdivision (a) of Section 708 of Title 11 of the California Code of Regulations.

**Record Dissemination:** CORI shall be used only for the purpose for which it was requested. When evaluating a CORI to determine employment and volunteer eligibility, a minimum of two authorized employees shall simultaneously evaluate the CORI.

**Record Storage:** CORI shall be securely maintained under lock and key, accessible only to the Principal and the School's Principal, or designee, who is committed to protect CORI from unauthorized access, use or disclosure.

**Record Reproduction:** CORI shall not be reproduced for secondary dissemination.

**Training:** The Principal and the School's Principal, or designee, shall:

- Understand and enforce this policy;
- Be fingerprinted and have a criminal history clearance;
- Have on file a signed copy of the Employee Statement form which acknowledges an understanding of laws prohibiting misuse of CORI.

**Penalties:** Misuse of CORI is a criminal offense. Misuse of CORI may result in criminal or civil prosecution and/or administrative action up to and including loss of access to information maintained by the Department of Justice.

The California constitution grants California citizens an absolute right to privacy. Any individuals or agencies violating these privacy rights by the unauthorized release of this information place themselves at both criminal and civil liability. Even when a criminal background check produces a response that no criminal record exists, that information is nonetheless confidential.

The OTA Board affirms as its policy that misuse of CORI data shall not be tolerated. The OTA Board considers the misuse of CORI data to be a major offense. Any individual who is responsible for such misuse is subject to disciplinary action up to and including termination.

**References:** California Penal Code §502, §11105, §13300, §11140, §11141, §11144, §13301-§13305 §111142: Authorized person furnishing to other (misdemeanor) §11143: Unauthorized person in possession (misdemeanor) Government Code §6200: Felony penalties for CORI misuse Civil Code §1798.53: Invasion of privacy California Constitution, Article 1, Section 1: Right to privacy Title 18, USC, §641 and §1030: Theft of records; fraud and false statements and related activity in connection with computers.

## OTA Policy # 400-010

### **DISQUALIFYING CRIMINAL OFFENSES**

A commitment to the safety and well-being of our children is a core value of the Old Town Academy K-8 Charter School ("OTA"). Conditions deemed by the OTA Board to preclude employment or volunteer service with children at OTA or any of its Schools, includes conviction on charges of serious or violent misdemeanors or felonies, particularly those committed against minors or involving abuse or molestation. These offenses will preclude employment or approval for volunteer service, and subsequent arrest notification from the Department of Justice ("DOJ") may require suspension of clearance pending adjudication. In accordance with OTA Policy #400-001 the OTA Board has adopted the following grounds for disqualification.

#### **Grounds for Disqualification**

An individual charged with any criminal offense provided herein shall be disqualified from employment or volunteer service with children for the purpose of this policy, except where 1) Criminal charges were subsequently dropped and the applicant was never prosecuted for the crime; or 2) Criminal charges were subsequently expunged from the applicant's record where the applicant was shown by court records to be factually innocent.

#### **List of Disqualifying Criminal Offenses**

The following is a list of offenses that would be grounds to disqualify an employee or volunteer from service with OTA:

- Abuse, exploitation, or neglect of elderly or disabled
- Arson
- Assault\*
- Assault w/ deadly weapon
- Aggravated kidnapping
- Aggravated robbery
- Aggravated sexual assault
- Bribes - offering or accepting
- Bribes for appointment to office
- Burglary
- Crimes against children:
  - Abandonment
  - Abuse/Neglect Endangerment Indecency
  - Sexual Assault
  - Pornography: possession or promotion of child pornography;
  - Enticement; solicitation; sale or purchase of child pornography
- Criminal nonsupport
- Criminally negligent homicide
- Deadly conduct Delivery of marijuana
- DWI, DUI\*\*
- Fraudulent claims
- Indecent exposure\*
- Intoxication manslaughter
- Kidnapping
- Manslaughter (involuntary or voluntary)
- Manufacture of or delivery of a controlled substance or dangerous drug or any violation of the law intended to control the possession or distribution of a controlled substance or illegal drug.
- Marijuana possession\*\*

- Murder
- Obscenity\*
- Presentation of fraudulent claims
- Prostitution (including promotion of or aggravated promotion of)
- Public lewdness\*
- Rape
- Sexual abuse
- Theft\*
- Weapons violations

\* Note: Assault/Theft/Obscenity/Public lewdness/Indecent exposure – eligibility is at the discretion of the Principal dependent upon the severity of the offense and the length of time passed since the offense.

\*\* Note: Marijuana possession/ DWI/DUI – if a single offense and not currently under probation – eligible. Two or more violations or currently on probation – ineligible.

In addition to the above, for positions relating to interaction with minors the following areas shall also be grounds to not hire or for discipline up to and including termination:

- Sex Offenses: Violations or attempted violations of California Penal Code Sections 220, 261.5, 262, 273a, 273d, or 273.5, 288 or any sex offense listed in Section 290;
- Drug Offenses: Any crime described in the California Uniform Controlled Substances Act (Division 10, commencing with Section 11000 of the Health and Safety Code);
- Kidnapping/Robbery/Carjacking/Use of Firearm in the Commission of a Felony/False Imprisonment/Violent Assault with Injury/Violent Felony Offenses: Any felony or misdemeanor conviction under subdivision (a), for violation or attempted violation Chapter 3 of Title 8 of the California Penal Code (commencing with Section 207); Section 211 or 215, wherein it is charged and proved that the defendant personally used a deadly or dangerous weapon, as provided in subdivision (b) of Section 12022, in the commission of that offense; Section 217.1, Chapter 8 of Title 8 of the California Penal Code (commencing with Section 236); Chapter 9 (commencing with Section 240); and for a violation of any of the offenses specified in subdivision (c) of Section 667.5;
- Child Pornography Offenses: Any felony or misdemeanor conviction under California Penal Code Section 311, et seq., photographic use of children relative to sexual conduct.

In addition to the above, for positions relating to the use of school funds and public records, the following shall also be grounds not to hire or for discipline up to and including termination:

- Use of a false or forged public record; alteration of certified copy of public record (California Penal Code 115, 1153);
- Embezzlement and falsification of accounts (California Penal Code 424);
- Forgery or counterfeiting (Title 13, Chapter 4).

For positions requiring strict public confidence such as Principal, personnel director, and office manager, in addition to all of the above, any California Penal Code violation which resulted in conviction shall be grounds not to hire and after hiring, grounds for discipline up to and including termination.

This list of offenses is intended to be non-exhaustive and in no way sets limits on the offenses that are deemed grounds for disqualifying an individual from affiliation with OTA or any of its schools. Decisions on all other crimes or offenses not otherwise described above will be made at the sole discretion of the Principal or the Board Chairman.

If an applicant is determined eligible for affiliation and is later arrested for any of the above- listed crimes, he or she is required to immediately notify the Principal. The Principal has discretion whether or not to suspend the individual from their position until the case is adjudicated. Failure to notify the Principal of an arrest for any of the above-listed crimes will result in immediate termination of the individual.

## OTA Policy #400-011

### **SAFE FACILITIES**

Old Town Academy K-8 Charter School ("OTA") is housed in facilities that have received Fire Marshall approval and have been evaluated by a qualified structural engineer, who has determined that the facilities present no substantial seismic hazard. OTA will not take possession of any facility that does not have all appropriate inspections and a valid Certificate of Occupancy. The Safe Facilities procedures will include provisions for periodic inspection and testing of the structure(s) and associated life safety systems.

Surveys and management plans will be maintained and updated for all hazardous building materials (i.e. lead, asbestos, etc.) and all hazardous materials used and stored in and around the facilities will be handled and dispensed properly. Additionally, appropriate training for staff working with hazardous materials (i.e. pesticides, herbicides, cleaning chemicals, etc.) will be provided. A comprehensive indoor air quality program modeled after the Healthy Schools program developed by the California Environmental Protection Agency will be implemented and maintained.

Inspections will be performed to ensure that daily operations do not compromise facility safety and health in any manner. The inspections will include, but are not limited to, safe access/egress paths (both routine and emergency), access to emergency equipment, eliminating obstructions to airflow, and ensuring that there is no disturbance of hazardous building materials.

## OTA Policy #400-012

### STUDENT DROP-OFF, PICK-UP, AND SCHOOL PARKING

The safe arrival and departure of students is of paramount importance to Old Town Academy K-8 Charter School ("OTA"). This Student Drop-Off, Pick-Up, and School Parking Policy requires that students and parents adhere to these procedures in order to ensure the safety of all students, staff, and volunteers. In addition, OTA desires to be a good neighbor to the residents surrounding the school premises. Parents can help OTA to be a good neighbor by following the rules of the road, following the instructions of our traffic volunteers, and exercising courtesy to neighborhood residents.

#### GENERAL GUIDELINES

All visitors to OTA are expected to adhere to the rules of the road when driving on or around OTA premises. All visitors are expected to use good judgment by reducing their speed, avoiding distracting activities, and paying close attention to other cars, bicycles, and pedestrians while driving in the school zone. Motor vehicles of any kind, including, but not limited to, motorcycles, motor scooters, and motorized skateboards are not allowed on OTA premises in any area except the parking lot. Motor driven scooters or skateboards are not allowed in the designated drop-off and pick-up areas.

#### ARRIVAL AND DEPARTURE OF STUDENTS

OTA desires to create a safe environment for school families arriving and departing school premises. OTA has established procedures to create an efficient and safe flow of traffic through the school's drop off and pick-up areas. To this effect, drivers are expected to show courtesy to others, remain patient, and pay close attention to the directions of any crossing guards, traffic volunteers, and staff members, and any posted signs. OTA enlists the assistance of the San Diego Police Department to enforce vehicle codes and promote safe driving practices.

School starts at **8:00 a.m.** and ends at **3:00 p.m.** The gates open for drop-off at 7:45 a.m. and close at 8:00 a.m. The gates open for pick-up at 3:00 p.m. and close at 3:15 p.m.

Student pick-up and drop-off takes place at the north end of the parking lot. Approach the entrance only from the south as if San Diego Avenue was a one-way street heading north (see diagram below). Take a right at the drop-off/pick-up entrance gate and pull forward when guided to do so by staff or the student safety patrol. While waiting in line, please do not stop in front of private residence driveways along San Diego Avenue and block their ability to enter/leave their driveways. Please do not park and walk your child onto campus. Doing so creates a safety hazard.

**Diagram of Pick-up & Drop-off Plan**



The following are not allowed during drop-off and pick-up (7:30-8:30 a.m. and 2:30-3:30 p.m.):

1. U-turn at the Bandini Street and San Diego Avenue intersection or anywhere North of Washington Street or South of Old Town Avenue;
2. Left-hand turn into the drop-off/pick-up entrance gate;
3. Left-hand turn out of the blacktop exit;



4. Left-hand turn into the teacher's garage (excluded activity for teachers as well);
5. Parking in the teachers' garage;
6. Parking in the green zone in front of the school; and
7. Jaywalking across San Diego Avenue. (Use crosswalk at corner of San Diego Ave. and Bandini St.)



Please note that Bandini Street is extremely steep (think San Francisco). Remember to curb your wheels (tickets have been given to cars in the past that did not).

## OTA Policy #400-013

### **MEDICAL EMERGENCIES**

The Old Town Academy K-8 Charter School ("OTA") Board of Directors recognizes the importance of taking appropriate preventative or remedial measures to minimize accidents or illness at its Schools or during school-sponsored activities. To this end, OTA expects parents/guardians to provide emergency information for their child/children and keep such information current in order to facilitate immediate contact with parents/guardians if an accident or illness occurs.

#### **First Aid and CPR**

OTA staff will be trained in first aid and CPR. All classrooms will be equipped with a First Aid Kit containing appropriate supplies. First aid will be administered whenever necessary by trained staff members. When necessary, the appropriate emergency personnel will be called to assist. Additionally, an Automated External Defibrillator ("AED") is located on each of the three floors at OTA (next to the elevator on the top two floors and next to the bathroom in the lunch room). In the event of a life-threatening situation, OTA will call 911. For other injuries and illnesses, OTA will provide basic first aid and notify the emergency contact numbers for parents/guardians.

All staff is to be certified in adult and pediatric CPR and First Aid and be recertified prior to expiration of certificates. Opportunities for adult and pediatric CPR and First Aid training will be offered to all School Registered Volunteers.

Old Town Academy is proud to be recognized as a Heart Safe School:

#### HEART SAFE SCHOOL ACCREDITATION (HESSA)

##### **element 1. screening/risk assessment**

Every September, a risk assessment form will go home with every student.

##### **element 2. Care plans**

Care plans will be reviewed on an annual basis

##### **element 3. emergency medical response drills**

Emergency Cardiac Drills will be held minimum of 3 times a year

Documentation of the drill will be sent to SADS, with a video, and debriefing minutes

OTA has added documentation in the Policy and Procedures (Parent Handbook), reflecting plan to hold Emergency Cardiac Drills 3 x per year.

##### **element 4. automatic external defibrillators (AED)**

OTA has 3 AED's on campus. One on each floor/level of the school. There are easily accessible in an unlocked wall unit, and visible with signage. Each AED is less than 2min away from the farthest point on ant floor.

There is a floor plan provided in the Parent Teacher Handbook defining the locations of each AED.

All staff and students are aware of the locations of the said AED/s

##### **element 5. CPR Training for Staff**



On an annual basis the staff and students will participate in an Awareness Field Day, where age appropriate CRP & AED training will be provided to the entire school.

It is documented in the Parent Teacher Handbook that the school has far exceeded the required 1:50 CPR trained staff to student ratio.

**element 6. CPR Training for Students**

On an annual basis the staff and students will participate in an Awareness Field Day, where age appropriate CRP & AED training will be provided to the entire school.

The entire school population is invited to such training, (approx. 270 students) K-8th grade.

It is reflected in the Parent Teacher Handbook that training will be provided to all students on an annual basis. By graduation, students from OTA will have had opportunity to be exposed and trained 9 times.

OTA is in contract agreement with The San Diego Fire and Rescue Department AED/PAD Program. Please see attached file.

**element 7. Cardiac Awareness Activities/Events**

Annually OTA will conduct an awareness event, and provide documentation of such event.

Planning on hosting a HEART FELT donations event every Grandparents Day, and/or on Valentines Day week.

Small felt hearts would be sold for a 'heart felt donation'. All proceed will go to the school for AED supplies and awareness events.

## OTA Policy #400-015

### **EMERGENCY SCHOOL CLOSURE AND DISMISSAL**

The Board of Directors believes that Old Town Academy K-8 Charter School ("OTA") should remain open as much as possible. There are very few occasions when the school should be closed. There are occasions, however, when students must be dismissed early due to emergencies.

An emergency closing is any unscheduled closing, late opening, or early release of school because of inclement weather, an epidemic, breakdown in school equipment, a threat to the safety or welfare of the students, or a locally, statewide, or nationally declared emergency that affects the ability to operate school safely. The Principal, or designee, will determine school closures and when late opening or early dismissal is warranted to ensure the safety of students.

In the event of a school closure or delayed opening, every effort will be made to notify OTA parents in a timely manner. In the event of an emergency occurring during the school day, the school will be closed as expeditiously as possible and prompt notification will be made to OTA families and local media.

## OTA Policy #400-016

### **ILLNESS & COMMUNICABLE DISEASE CONTROL**

The Old Town Academy K-8 Charter School ("OTA") Board of Directors recognizes its responsibility to protect the health of its students and employees as well as to uphold their individual rights. The Board of Directors is also aware of the public's concern regarding the admittance of students with communicable diseases. A communicable disease is one that is sufficiently contagious so as to expose students to an unacceptably high level of risk to their health and well-being.

OTA is committed to a positive approach in dealing with communicable diseases. Our purpose is to:

- Provide a supportive environment for and prevent unfair treatment of persons affected by a communicable disease.
- Ensure that adequate measures are taken to reduce the chance of disease transmission in the school setting.
- Set out a commitment to disease prevention through appropriate health education in the school.

#### **Confidentiality**

It is recognized that people with long term chronic communicable diseases are often healthy and are able to work and study. Staff and students at any stage of infection with most communicable diseases do not pose a health risk to others in the school setting. Confidentiality of communicable disease status of any member of the school community will be maintained at all times, within the terms of notifiable disease regulations.

The number of school personnel informed of the student's condition will be limited by the Principal to those essential in ensuring the proper care of the child and in protecting against transmission of the disease.

#### **Admission Requirements**

Prior to the start of school, new students must submit a California immunization certificate and a Physician Examination Form completed by their doctor. Students are expected to be in compliance with the California immunization schedule. The school is required to exclude children from school who are out of compliance with the state immunization schedule.

#### **Exposure Control**

The parent(s)/guardian(s) of a student with a communicable disease or infestation should notify the school as soon as they have knowledge of their child's condition. School guidelines for exclusion due to a communicable disease will follow recommendations from local, state, and federal agencies that address communicable disease standards. The determination regarding the conditions under which a child may or may not attend school will be made on a case-by-case basis by the Principal, or designee, in concert with the child's parent/guardian and the child's physician. A parent/guardian may appeal the decision of the Principal to exclude their child from school to the OTA Board of Directors by way of the uniform appeal policy.

The risk of transmitting blood borne pathogens, including Hepatitis B and C, HIV or AIDS is extremely low in school settings when standard precautions to prevent disease transmission are followed. OTA has developed an exposure control plan designed to protect employees and students from possible infection due to contact with blood borne pathogens during first aid treatment and potential emergency response.

#### **Education**

OTA will embrace an integrated school, parent, and community approach for enhancing the health and well-being of students. OTA will actively solicit parent involvement and engage community resources and services to respond more effectively to the health-related needs of students. A comprehensive health education curriculum will include such topics as personal health and prevention and control of diseases. Qualified, trained teachers shall provide health education.

## **Illness**

We wish to provide a healthy environment for students. For the sake of others, as well as your own child, parents should keep home any child who has a fever of 100.1 degrees or higher or who shows other symptoms of illness such as a severe cough or cold, difficulty breathing, diarrhea/vomiting, an unknown rash or a severe headache. Please utilize your health care provider when a diagnosis such as a rash might be uncertain. A student should be free from fever or contagious disease for 24 hours before returning to school.

A student returning to school following a serious or prolonged illness, injury, surgery or other hospitalization, must have written permission from their health care provider to attend school, including any recommendations regarding physical activity limitations.

## **Communicable Diseases**

Communicable diseases can spread quickly through a school and dramatically affect the attendance and learning of children. If your child has a contagious disease such as chicken pox, lice, influenza, measles, meningitis or whooping cough, he/she should be kept at home and his/her condition reported to the school. Once a contagious disease has been reported to the school, an exposure notice will be sent out to the parents/guardians of every student in the class of the affected student and/or to the entire school if pertinent.

## **Lice**

Students must be free of head lice and nits. It is important for parents to routinely check their children's hair for lice. Lice are small insects about the size of sesame seeds. Nits are tiny white oval eggs attached to the hair shaft. Nits do not come off easily like dandruff or lint. Lice do not jump or fly and they are transmitted via head-to-head contact and through personal articles such as hats, combs and pillows. Please remind your children not to share such things with others.

When head lice are identified on a student, that student will be excluded from attendance at school and any school-related function. All family members and classmates of the affected student must also be screened for infestation. The Principal, or his/her designee will notify parents of the affected student(s) and an exposure notice will be sent out to parents/guardians of all of the students in the class. Students must be free of head lice and nits for a minimum of 48 hours after treatment in order to return to school or receive an all-clear confirmation from a doctor's office or professional lice/nit removal service. OTA might invite a professional lice removal service to campus to conduct a class-wide lice screening in the event of an outbreak.

## OTA Policy #400-017

### **MEDICATION ADMINISTRATION**

The Old Town Academy K-8 Charter School ("OTA") Board of Directors recognizes that some students may need medication during the school day. Medication can allow a student with special health care needs to attend school and benefit from instruction.

The Board of Directors recognizes that whenever possible it is best for students to take medication at home rather than school. In the event medication is required during the school day, staff designated by the Principal, or designee, may assist the student if the school receives written approval from the physician and the parent/guardian. Injectable medications shall only be administered by qualified designated personnel that have been trained by a physician.

On a case-by-case basis, after consulting with the child's physician and parent/guardian, the Principal, or designee, may allow a student to carry self-administered medication. This is allowed only if the proper documentation is on file in the health office. Written approval for the child to carry and use any medication is required from the child's physician. Self-carry forms must be signed by the parent/guardian, student, and physician and shall be renewed annually.

Administration of a medication, both prescription and over-the-counter drugs, must follow the California State Health and Safety Codes. School personnel will give your child medication at school if the following guidelines are followed:

- For both over the counter medications and prescription medications, complete the Administering Medication form available in the office. This form must be updated each year.
- Prescription medications must be brought in a pharmacy labeled container that includes the student name, medication name, prescribing doctor, dosage and the frequency to be given.
- Over-the-counter medication must be in the original container, marked with the student's name.

## OTA Policy #500-001

### **CURRICULUM DEVELOPMENT AND MODIFICATION**

Development and implementation of curriculum shall be a top priority of the collaborative efforts of the OTA Staff, OTA Parents, OTA Student Leaders, and the OTA Board of Directors. The Board of Directors shall approve a comprehensive instructional program to serve the educational needs of the Old Town Academy K-8 Charter School ("OTA") students. The Board of Directors accepts responsibility for helping to establish and support what students should learn. Therefore, the Board of Directors shall adopt a curriculum which reflects the mission and vision of OTA to the greatest extent possible.

The Principal, or designee, shall have the general coordinating authority over the design and development of the curriculum. The Principal, or designee, shall develop a process for curriculum review and development, which may include the participation of teachers, administrators, students, parents/guardians, and members of the community.

The Principal, or designee, shall keep the Board of Directors informed regarding current curriculum efforts and student achievement. The Principal, or designee, shall provide all necessary assistance to the Board of Directors in reviewing reports, information, and data on each curriculum area for evaluation and adoption by the Board of Directors. Prior to adoption of curriculum, the Board of Directors shall discuss its findings with the public at a regularly scheduled Board meeting.

Curriculum development is to be based upon:

- Research that is educationally sound;
- Change in legislation;
- Needs of students, teachers, and parents.
- The following are to be considered when making any changes in program or curriculum:
  - Costs within budget approved by the Board of Directors;
  - Available facilities, material, and personnel.

The Principal, or designee, shall have the responsibility for implementing an instructional program which is articulated at all levels.

All curriculum shall be adopted by the Board of Directors; elimination of curriculum must also be approved by the Board of Directors.

## OTA Policy #500-002

### **FIELD TRIPS AND EXCURSIONS**

The Board of Directors recognizes that field trips and excursions are important components of a student's development, are supplemental, and not part of OTA's required curriculum. Field trips and excursions are educationally sound and important extended learning opportunities to the instructional program of OTA. Such activities supplement and enrich classroom learning and encourage new interests among students, make them more aware of community resources, and help students relate their educational experience to the outside world. Properly planned and executed, field trips and excursions enrich OTA's educational program and the social development of our students. Attendance at a field trip is not an entitlement, but represents an extra learning opportunity, or reward, available to students who **earn** them with exemplary, positive behavior.

Field trips and excursions are to be planned and carried out with safety as a priority.

#### **Monitoring Field Trips and Excursions**

The Principal, or designee, of OTA shall ensure that the effectiveness of field trips and excursions are monitored and continually evaluated to ensure that such activities continue to promote the goals and objectives of the OTA educational program. Teachers are to have a considerable degree of flexibility and innovation in planning field trips.

#### **Field Trip and Excursion Planning and Approval**

All field trips and excursions that take place during school hours must receive prior written approval by the Principal, or designee. The Principal, or designee, shall ensure that the sponsoring teacher has set out in writing the educational objective of the activity and how the proposed field trip or excursion relates to the OTA educational program, the ratio of adult/students for the activity, and plans showing the best use of the students' learning time. Such plans must also provide for adequate restroom facilities, that food and water will be available during the activity if necessary, and the means of transportation to and from the activity.

In addition to the above-listed criteria, field trips and excursions lasting longer than the school day require the prior approval of the Board of Directors.

If the Principal, or designee, or the Board of Directors does not approve the field trip or excursion, the reasons for not approving the activity must be stated in writing.

The Principal, or designee, may exclude from the field trip or excursion any student whose presence on the field trip or excursion would pose a safety or disciplinary risk.

The Principal, or designee, shall not approve activities that he/she considers to be inherently dangerous to students.

#### **Permission Slips**

No student will be permitted to go on a field trip or excursion without a permission slip signed by the student's parent or guardian. The permission slip shall include a waiver of all claims against OTA, its employees, and the State of California for injury, accident, illness or death occurring during or by reason of the field trip or excursion. In addition, the permission slip shall include an emergency telephone number for the student; any medications the student is required to take, along with the time and dosage required; and any medications the student is allergic to or other medical information necessary to ensure the student's safety.

One copy of the permission slip shall be filed with the school office and one copy shall be given to the teacher to take on the field trip or excursion. Each driver of the field trip or excursion will have a copy of the permission slips for the students within his or her vehicle.

## **Accident and Medical Insurance**

OTA does not provide student accident or medical insurance. However, information and applications for student injury and medical insurance are available from the school office. Applications and payments must be sent directly to the insurance company.

## **Supervision of Field Trips and Excursions**

The sponsoring teacher must be present to supervise the field trip or excursion unless otherwise authorized by the Principal, or designee. The Principal, or designee, shall be designated as the emergency contact for the group on the field trip or excursion. The sponsoring teacher and all accompanying OTA employees shall be trained in First Aid and CPR. A first aid kit shall be in the possession of the sponsoring teacher at all times during the field trip or excursion.

OTA employees and Registered Volunteers shall not consume alcohol or use controlled substances (except for medications taken under a physician's orders that do not impair driving ability) while accompanying and supervising students on a field trip or excursion. Smoking is prohibited on field trips or excursions.

Any injuries or unusual incidents occurring during the field trip or excursion shall be documented in writing on the injury log by the sponsoring teacher or other OTA employee accompanying the field trip and filed with the school office immediately up on return.

## **Adult/Student Ratio**

Adult/student supervision ratio must be observed at all times during the field trip or excursion.

## **Behavior of Participants**

Students are under the jurisdiction of the Board of Directors at all times during the field trip or excursion and school rules are to be adhered to at all times. Horseplay, practical jokes, harassment, taunting, rough play, aggressive or violent behavior, profanity, viewing of pornographic material and use of tobacco, alcohol, or controlled substances (except for medications taken under a physician's orders that do not impair driving ability) during the field trip or excursion are strictly prohibited.

## **Parent/Guardian Participation in Field Trips and Excursions**

Parents/guardians are encouraged to participate in field trips and excursions to assist with supervision of students. Parent/Guardian volunteers who desire to act as chaperones or supervisors on field trips or excursions must be "Registered Volunteers." Only the teacher(s), his/her students, and Registered Volunteers will be allowed to attend field trips or excursions. No siblings or guests are allowed to attend. Registered Volunteers accompanying the OTA group shall receive clear information regarding their responsibilities from the sponsoring teacher. Prior to the field trip or excursion, the Principal, or designee, may hold a meeting for Registered Volunteers accompanying the OTA group as supervisors to discuss, among other things, safety and the importance of safety-related rules for the field trip or excursion, how to keep a group together and what to do if an emergency occurs.

Registered Volunteers will be assigned a specific group of students and shall be responsible for the continuous monitoring of these students at all times. Registered Volunteers shall not consume alcohol or use controlled substances (except for medications taken under a physician's orders that do not impair driving ability) while accompanying and supervising students on a field trip or excursion.



## **Transportation**

Consideration will be given to the safest mode of transportation and the safest routes of travel. Registered Volunteers and OTA employees who will be transporting students to and from field trips and school sponsored events in their private vehicles must have on file in the school office a completed driver application form, a copy of their valid California driver's license, a copy of current auto registration, and a copy of current vehicle insurance coverage that reflects a minimum level of coverage as specified in the Family/Student Handbook. A new driver application form must be completed and the above listed documentation must be provided each school year. During any school year, any changes to the above listed documents must be reported to the school office and new copies retained on file.

The maximum number of passengers shall not exceed the number of passengers the vehicle is designed to carry. Students must be in seats, must wear seat belts, and may not be transported in the back of a pickup or camper or on the floor of any vehicle. Children under the age of 12 are not permitted to ride in the front seat of a vehicle. The vehicle must be mechanically sound and operated in a safe manner. Students shall not be left unattended in any vehicle.

## **Defraying Expenses of Field Trips and Excursions**

Students may be expected to defray field trip and excursion costs in order to participate. Generally, at OTA, a student may not be denied the privilege of participating in a field trip or excursion due to lack of funds. Other approved funding and fund-raising activities may also offset expenses of field trips and excursions. The sponsoring teacher shall provide alternative educational activities and projects for those students not participating in the field trip or excursion due to choosing not to attend or whose parents/guardians do not give permission for the student to participate in the field trip or excursion.