

# Comprehensive School Safety Plan



**Da Vinci RISE High**  
201 N. Douglas Street  
El Segundo, California 90245

*Revised July 2018*  
*Revised February 2019*

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## **SECTION 1: GENERAL INFORMATION**

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### **Commitment to School Safety**

Da Vinci Schools is committed to ensuring that students and staff attend campuses that are safe and secure, and where they are free from physical and psychological harm. Da Vinci Schools believes that a step towards maintaining safer schools is for each school site to develop a comprehensive school safety plan that takes into account the school's staffing, available resources, building design, and other factors unique to the site. The school site council shall be responsible for developing and annually reviewing and updating the plan by March 1 of each year and forwarded to the Board of Trustees for approval. The status of the school safety plan, including a description of its key elements, shall be reported every July in the annual school accountability report card. The Principal of each school site shall also ensure that the most current comprehensive school safety plan is readily available for inspection by the public.

### **Content of the Comprehensive Safety Plan**

The comprehensive safety plan shall include an assessment of the current status of any crime committed on campus and at school-related functions. Da Vinci RISE shall work with law enforcement, examine local assessments and data, and utilize Schoolzilla data warehouse of student information to assess reports of crime, suspension and expulsion rates, and surveys of students, parents/ guardians, and staff regarding their perceptions of school safety and school connectedness.

The plan shall also, at minimum, identify strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including all of the following:

1. Child abuse reporting procedures
2. Routine and emergency disaster procedures, including adaptations for students with disabilities
3. Policies for students who commit acts which would lead to suspension or expulsion
4. Procedures to notify teachers of dangerous students
5. Policies prohibiting discrimination, harassment, intimidation, and bullying
6. Provision of a schoolwide dress code, which defines and prohibits "gang-related apparel"
7. Procedures for safe ingress and egress
8. Policies enacted to maintain a safe and orderly environment conducive to learning
9. Rules and procedures on school discipline

## School Profile

Da Vinci RISE High is a countywide charter authorized by the Los Angeles County Office of Education, and operated by Da Vinci Schools, a California nonprofit public benefit corporation. RISE High currently has two Learning Sites, each serving approximately 100-125 students in grades 9-12. The first Learning Site is located in the City of Hawthorne, while the second Learning Site is located in the City of Los Angeles. RISE High seeks to create a highly responsive, holistic, and integrated model that serves disconnected and marginalized students in small school sites embedded within multiple social-service-provider locations in high-need area to create a countywide campus that will provide continuity and a continuum of care and stability for students experiencing transiency. This unique program design allows RISE High students to master a real-world, project-based college- and career-ready curriculum, and our partnerships are carefully selected to help students access housing, legal, mental health and medical resources, case management, tutoring, job readiness training, career pathways, internships, extracurricular opportunities, leadership development, and more. RISE High is a promising new model that shows what is possible when a network of youth-development agencies, educators, municipalities, and social-support centers break through silos to create a truly student-centered ecosystem.

## School Site Council Membership

The School Site Council (SSC), established pursuant to Education Code section 52852, at RISE High is responsible for writing and developing a comprehensive school safety plan relevant to the needs and resources of the school. The RISE High SSC for the 2018-2019 school year is comprised of the individuals listed in the chart below.

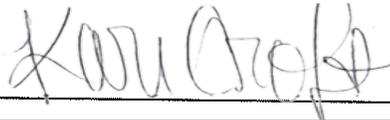
<i>Name</i>	<i>Title/Position</i>
Kari Croft	Principal
Erin Whalen	Assistant Principal
MyGeisha Bennett	Parent
Jennifer Morrison	Parent
Kimberlee Kelly	Parent
Aracely Sotelo	Student
Tayler Venable	Student

## Principal's Certification

As the Principal of RISE High, I certify the following:

1. In accordance with Education Code section 32281(b)(3), the School Site Council consulted with Interim Chief Michael Ishii from the Hawthorne Police Department and Resource Officer from the Los Angeles Police Department in the writing and development of this Comprehensive School Safety Plan.
2. A meeting for public input on this Comprehensive School Safety Plan was held on February 8, 2019. The following persons and entities were notified in writing of the public meeting in accordance with Education Code section 32288: [provide specific names and organizations below, if applicable]
  - Local mayor
  - Representative of the local school employee organization
  - Representative of each parent organization at the school site
  - Representative of the student body government
  - Representative of local churches (optional)
  - Local civic leaders (optional)
  - Local business organizations (optional)
3. The plan was adopted by the School Site Council on November 15, 2018.
4. The plan was approved by the Board of Trustees of Da Vinci Schools on February 21, 2019
5. The Plan is available for public inspection.

Principal's Signature: \_\_\_\_\_



Date: 02-13-2019

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## SECTION 2: SCHOOL CRIME ASSESSMENT

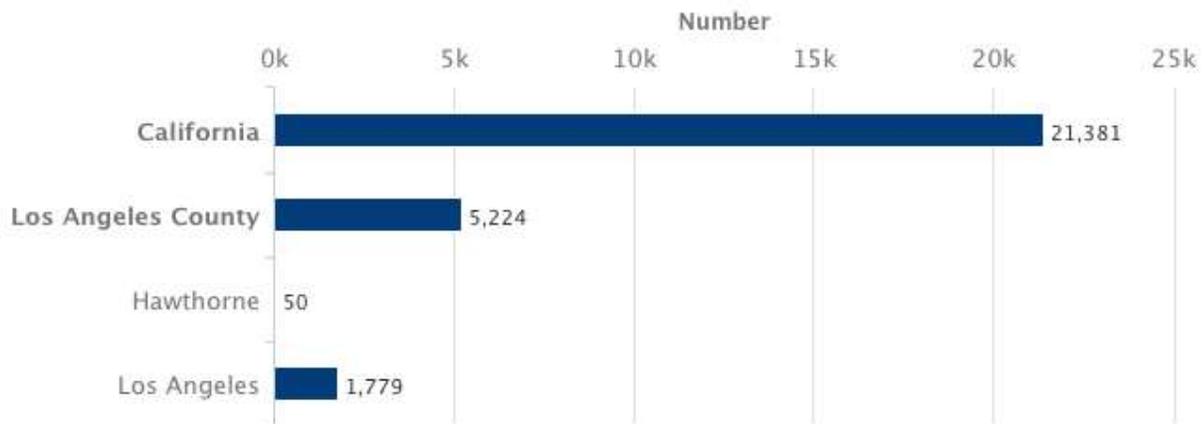
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### Data Reviewed

*Attendance Data:* Our attendance data is currently at 81.1%. Attendance is derived from on-campus attendance as well as independent study work completion.

*Suspension/Expulsion data:* Suspension rates are low at Da Vinci RISE. We've had two suspensions due to a physical altercation. The remaining suspensions have been due to bullying or substance abuse. Given the small environment very few behaviors go unnoticed. 1.3%

*Juvenile crime data from local police*



### Key Analysis Points

*The SSC took a look at attendance data, suspension/expulsion data and crime data.*

### Findings

*The SSC suggested that we create protocols for an unidentified person on campus in order to ensure the safety of students and staff in the case of a person on campus whose intent is to cause harm. Given that our South Central location is within an area with a high crime rate, it is imperative that we have clear protocols to address this reality. After meeting with the staff at a Place Called Home, the SSC concluded that the front door security, ID scan, sign in/sign out system is clear enough to ensure that we are always aware of who is on campus.*

### Sharing of Information

*The School Site Council reviewed the findings and provided insight on other potential concerns in the community during our November 8<sup>th</sup> meeting. The SSC engaged in a discussion around environmental and social concerns in the area including neighboring high schools, neighborhood crime, pollutants and gang activity.*

### Strategies and Programs

It is a priority of the administration and staff at RISE High that every student who attends our school will be provided with an environment in which the students not only feel physically safe, but that there is also a positive school climate in all activities both in and out of the classroom.

Our administration and staff desire to provide an orderly, caring, and nondiscriminatory learning environment in which all students can feel comfortable and take pride in their school and their achievements.

Our administration encourages staff to teach students the meaning of equality, human dignity, and mutual respect, and to employ cooperative learning strategies that foster positive interactions in the classroom among students from diverse backgrounds.

Students shall have opportunities to voice their concerns about school policies and practices and to share responsibility for solving problems that affect their school. Staff shall encourage and reward success and achievement, participation in community projects, and positive student conduct.

RISE High promotes nonviolent resolution techniques to encourage attitudes and behaviors that foster harmonious relations. Staff shall receive training which implements and supports conflict resolution.

RISE High shall comply with existing state and federal laws related to school safety. This comprehensive safety plan outlines several elements critical to maintaining a safe school environment.

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## SECTION 3: CHILD ABUSE REPORTING PROCEDURES

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RISE High is committed to supporting the safety and well-being of all students and desires to facilitate the prevention of and response to child abuse and neglect.

RISE High employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect. All mandated reporters shall receive training on child abuse identification and reporting within the first six weeks of each school year, or within the first six weeks of employment if employed after the beginning of the school year.

RISE High's instructional program may include age-appropriate and culturally sensitive curriculum in the prevention of child abuse, sexual abuse, sexual assault, and human trafficking. Upon written request of a student's parent/guardian, the student shall be excused from taking such instruction.

### **Definitions**

"Child abuse or neglect" includes the following:

1. A physical injury or death inflicted on a child by another person other than by accidental means
2. The sexual abuse, assault, or exploitation of a child
3. 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, whether the harm or threatened harm is from acts or omissions on the part of the responsible person
4. Willful harming or injuring of a child or the endangering of the person or health of a child where the person responsible for the child's welfare is a licensee, administrator, or employee of any facility licensed to care for children or an administrator or employee of a public or private school or other institution or agency
5. The willful infliction upon a child of any cruel or inhumane corporal punishment or any injury resulting in a traumatic condition

Child abuse or neglect does not include the following:

1. A mutual fight between minors
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment
3. An injury caused by any force that is reasonable and necessary for a person employed by or engaged in a school to accomplish any of the following:
  - a. To stop a disturbance threatening physical injury to people or damage to property
  - b. For purposes of self defense
  - c. To obtain possession of weapons or other dangerous objects within control of a student
  - d. To exercise the degree of control reasonably necessary to maintain order, protect property, protect the health and safety of students, and maintain proper and appropriate conditions conducive to learning
4. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by a student
5. Homelessness or classification as an unaccompanied minor

“Mandated reporters” include, but are not limited to: teachers; instructional aides; teacher’s aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; athletic coaches, administrators, and directors; administrators and employees of a licensed child day care facility; Head Start teachers; school security officers; licensed nurses or health care providers; and administrators, presenters, and counselors of a child abuse prevention program.

“Reasonable suspicion” means that it is objectively reasonable for a person to entertain 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 or neglect. However, reasonable suspicion does not require certainty that child abuse or neglect has occurred, nor does it require a specific medical indication of child abuse or neglect.

### **Notifications**

The Chief Executive Officer or designee shall provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, their reporting obligations under Penal Code 11166, and their confidentiality rights under Penal Code 11167. Da Vinci Schools also shall provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167.

Before beginning employment, any person who will be a mandated reporter by virtue of his/her position shall sign a statement indicating that he/she has knowledge of the reporting obligations under Penal Code 11166 and will comply with those provisions. The signed statement shall be retained by the Chief Executive Officer or designee.

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures pursuant to Welfare and Institutions Code 15630-15637.

### **Mandated Reporter Training**

Within the first six weeks of each school year, the Chief Executive Officer or designee shall provide training on mandated reporting requirements to RISE High employees and persons working on their behalf who are mandated reporters. Any school personnel hired during the school year shall receive such training within the first six weeks of employment. Proof of each mandated reporter’s completion of the training shall be maintained by the Chief Executive Officer or designee.

The Chief Executive Officer or designee shall use the online training module provided by the California Department of Social Services.

The training shall include, but not necessarily be limited to, training in identification and reporting of child abuse and neglect. In addition, the training shall include information that failure to report an incident of known or reasonably suspected child abuse or neglect as required by law is a misdemeanor punishable by imprisonment and/or a fine as specified.

### **Reportable Offenses**

A mandated reporter shall make a report using the established procedures whenever, in his/her professional capacity or within the scope of his/her employment, he/she has knowledge of or observes a child whom the mandated reporter knows, or reasonably suspects, has been the victim of child abuse or neglect.

Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, based on evidence

of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency.

Any RISE High employee who reasonably believes that he/she has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury against a victim who is a child under age 14 shall notify a peace officer.

### **Reporting Responsibility and Liability**

The reporting duties of mandated reporters are individual and cannot be delegated to another person.

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report.

Any person not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. No employee shall be subject to any sanction by Da Vinci Schools for making a report unless it can be shown that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report.

No mandated reporter shall be civilly or criminally liable for filing a report of known or suspected child abuse as required or authorized by law. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report.

### **Reporting Procedures**

Reports of known or suspected child abuse or neglect may be filed with any police department (excluding the charter school security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department.

#### **1. Initial Telephone Report**

Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to:

#### Learning Site #1 – Hawthorne

##### **Compton West (SB II)**

11539 Hawthorne Blvd., 1st Floor,  
Hawthorne, CA 90250  
Agustin Martinez , RA  
(310) 668-6605  
Reception (310) 263-2178

#### Learning Site #2 – Los Angeles

##### **Metro North (SB I)**

1933 S. Broadway, Suite 6  
Los Angeles, CA 90007

Helen Maxwell, RA (213) 763-1528  
Reception (213) 763-1440

When the initial telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

## 2. Written Report

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report, which includes a completed Department of Justice form (SS 8572).

The Department of Children and Family Services has created the Suspected Child Abuse Reporting (SCAR) System that enables mandated reporters to complete their written report online at <https://mandreptla.org/>. To utilize the SCAR System, the mandated reporter must have obtained a referral number when making the initial telephone report.

Form SS 8572 may also be accessed through the State of California Department of Justice website at [http://ag.ca.gov/childabuse/pdf/ss\\_8572.pdf](http://ag.ca.gov/childabuse/pdf/ss_8572.pdf).

Reports of suspected child abuse or neglect shall include, if known:

- a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter
- b. The student's name and address, present location, and, where applicable, school, grade, and class
- c. The names, addresses, and telephone numbers of the student's parents/guardians
- d. The name, address, telephone number, and other relevant personal information about the person who might have abused or neglected the student
- e. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information

The mandated reporter shall make a report even if some of this information is not known or is uncertain to him/her.

The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made for serious emotional damage pursuant to Penal Code 11166.05.

## 3. Internal Reporting

The mandated reporter shall not be required to disclose his/her identity to his/her supervisor, the principal, or the Chief Executive Officer or designee.

However, employees reporting child abuse or neglect to an appropriate agency are encouraged, but not required, to notify the principal as soon as possible after the initial telephone report to the appropriate agency. When so notified, the principal shall inform the Chief Executive Officer or designee.

The principal so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Board policy, and administrative regulation. At the mandated reporter's request, the principal may assist in completing and filing the necessary forms.

Reporting the information to an employer, supervisor, principal, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency.

## **Complaint of Child Abuse Committed at a School Site**

Upon request, the Chief Executive Officer or designee shall provide parents/guardians with procedures for reporting suspected child abuse occurring at a Learning Site to appropriate agencies. For parents/guardians whose primary language is not English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided.

To file a complaint against a RISE High employee or other person suspected of child abuse or neglect at a Learning Site, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee also is obligated pursuant to Penal Code 11166 to file a report himself/herself using the procedures described above for mandated reporters.

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR 4650.

## **Interview of Student by an Agency Representative**

Whenever a representative of police, sheriff's, or county welfare department is investigating suspected child abuse or neglect that occurred within the student's home or out-of-home care facility, the student may be interviewed by an agency representative during school hours, on school premises. The principal or designee shall give the student the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the student.

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

1. The purpose of the selected person's presence at the interview is to lend support to the student and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the student.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in 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.

## **Release of Student to Peace Officer**

When a student is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the peace officer shall be provided with the address and telephone number of the child's parent/guardian. No employee at RISE High shall notify the parent/guardian of the student's release to the peace officer; it is the responsibility of the peace officer to notify the parent/guardian of the situation.

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## SECTION 4: DISASTER PROCEDURES

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RISE High will take all necessary measures to protect the lives and well-being of its students and staff through the prompt and timely response of trained school personnel should an emergency affect the school. To meet these objectives, the school has established a comprehensive emergency operations program that includes plans and procedures, training and exercise, and plan review and maintenance. The plan is in alignment and compliance with all facets of the Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS). The following sections outline basic responsibilities for all staff for specific incidents.

### Chain of Command

<i>Rank</i>	<i>Title</i>	<i>Name</i>	<i>Responsibilities</i>
1	Chief Administrative Officer	Vicente Bravo	Liaison between school sites, central offices, and public
2	Principal (Primary Incident Commander)	Kari Croft	Ensures the safe and orderly implementation of emergency procedures
3	Assistant Principal (Secondary Incident Commander)	Erin Whalen	Coordination between Incident Commander and staff
4	Manager of Services & Partnerships	Cherokee Perez-Rogers	Coordination of student accounting and release to parents
5	Office Manger (Hawthorne)	Crystal Pojas	Manages emergency supplies and materials (Hawthorne)
6	Office Manager (APCH)	Koatzin Cruz	Manages emergency supplies and materials (APCH)

### Emergency Procedures for Students with Disabilities

Additional procedures for students with disabilities may need to be implemented in an emergency situation to accommodate and address each student's specific needs and/or limitations. As such, the IEP or Section 504 team shall, as part of the plan development and annual review, also ensure that an Individual Emergency Procedures Plan (IEPP) is established and up to date. The IEPP shall consider the degree of the student's mental and physical impairment and determine if assistance and/or specialized equipment will be required so that the student may, for example, evacuate the classroom or building in a timely manner. A copy of each student's IEP shall be placed in the Site Emergency Operations Plan and with the individual classroom teacher's emergency materials.

### Biological/Chemical Weapons Assault

Biological and chemical weapons are unconventional warfare tactics that can be deployed upon the public with little or no notice. Such weapons typically involve microscopic materials that may be organic or synthetically manufactured in laboratories. Biological or chemical weapons can be in powder form, liquid, or vaporous. Agents used in biological/chemical attacks include, but are not limited to: anthrax,

smallpox, other harmful viruses, various forms of nerve gas, tear gas, and other vaporous irritants. Pranks using stink bombs should also be considered a chemical weapons attack.

There are several possible dispersion techniques to deliver biological and chemical agents. The following procedures should be utilized in the event of an assault involving biological or chemical weapons.

1. Any possible biological/chemical weapons assault should be reported immediately to the principal.
2. The principal should notify law enforcement authorities immediately.
3. As necessary alert all site employees of the situation via Slack and Walkie-talkie.

If the agent is delivered *via aircraft*:

- All staff and students should be moved indoors.
- Keep students inside and take roll.
- Close and secure all doors and windows.
- Ensure that the HVAC is shut down.
- Cover vents with plastic or thick paper using tape to create a seal.
- Inspect all windows and doors for cracks, gaps, or holes. Cover any with plastic or thick paper using tape to create a seal.
- Remain in this area until notified to leave by the principal, principal's designee or officers of emergency response agencies.
- Immediately report any injuries or illnesses to the principal, principal's designee or officers of emergency response agencies.

If the agent is delivered *via dispersion device that is outdoors*:

- All staff and students should be moved indoors.
- Keep students inside and take roll.
- Close and secure all doors and windows.
- Ensure that the HVAC is shut down.
- Cover vents with plastic or thick paper using tape to create a seal.
- Inspect all windows and doors for cracks, gaps, or holes. Cover any with plastic or thick paper using tape to create a seal.
- Remain in this area until notified to leave by the principal, principal's designee or officers of emergency response agencies.
- Immediately report any injuries or illnesses to the principal, principal's designee or officers of emergency response agencies.

If the agent is delivered *via dispersion device that is indoors*:

- All staff and students should be evacuated to the Learning Site's normal outdoor evacuation assembly area unless that area may be affected by the assault.
- Take roll of students and staff.

- Remain in this area until notified to leave by the principal, principal's designee or officers of emergency response agencies.
- The HVAC system should be shut down.

If the agent is delivered *via the school's HVAC system*:

- All staff and students should be evacuated to the Learning Site's normal outdoor evacuation assembly area unless that area may be affected by the assault. Role should be taken.
- Remain in this area until notified to leave by the principal, principal's designee or officers of emergency response agencies.
- The HVAC system should be shut down.

In any situation involving biological or chemical weapons, the principal and staff must follow all instructions given by officers of emergency response agencies. The Chief Operations Officer will develop an action plan to handle telephone inquiries, rumor control, media relations, public information, employee/student crisis counseling, and facility damage assessment/control.

### **Bomb Threat**

Bomb threats are serious until proven otherwise. Threats are usually received as an anonymous telephone call, or arrive as a letter or handwritten note, email, social media posting, or suspicious package. Staff that receives a bomb threat shall adhere to the following procedures:

If the bomb threat is received as an *anonymous telephone call*:

- Remain calm. Keep the caller on the line as long as possible. DO NOT HANG UP, even if the caller does.
- Listen carefully. Be polite and show interest.
- Notify a coworker via note or hand signals.
- Complete the Bomb Threat Checklist. Write down as many details as can be remembered. Try to use exact words.
- If the telephone has a display, copy the number and/or letters on the display window.
- Attempt to get information on the location of the bomb, and any identifying characteristics of the caller.
- Have the caller repeat the message.
- Immediately upon termination of the call, do not hang up. From a different telephone, call 911.

If the bomb threat is received as a *letter or handwritten note*:

- Handle the letter or note as minimally as possible.
- Notify the principal or call 911.

If the bomb threat is received as an *email or social media posting*:

- Do not delete the message.
- If possible, take a picture or snapshot of the message with a camera.
- Notify the principal or call 911.

If the bomb threat is received as a *suspicious package or device*:

- Do not touch or approach the device or package.
- Notify the principal immediately or call 911.
- Evacuate the immediate areas and wait for the instruction of the principal or designee.
- Follow the principal's or designee's instructions for appropriate emergency procedures.

### **Earthquake Procedures**

In the event of an earthquake, follow the following procedures:

- When inside the classroom or office, students and staff are to take cover under a table or desk, dropping to their knees, with the head and neck protected by the arms and facing away from the windows.
- If outside, teachers are to instruct students to find shelter away from windows, drop to the ground, place their heads between their knees and cover their head and eyes with arms and hands.
- Teachers should account for their students and report any who are missing to the principal or designee.
- The Chief Operating Officer or principal may order an evacuation.

### **Explosion, Aircraft Crash or Similar Incident**

The RISE High Hawthorne location is located approximately 3.4 miles away from Los Angeles International Airport and is only blocks away from a U.S. Airforce Base.

- If possible, duck and cover under a desk or table.
- Call 911.
- Assist any injured requiring first aid treatment.
- If necessary because of fire, building damage etc., evacuate building.
- Assist any persons who would have physical problems evacuating the building.
- Go to an outdoor evacuation/assembly area which is hazard free and not affected by the explosion or crash.
- Keep fire lanes, streets and walkways open for emergency responders.
- Stay in assembly area and account for all personnel and students.
- Do not return to buildings until authorized by fire department or principal.

### **Fire Procedures**

When a fire is discovered in any part of the school, the following actions shall be taken:

- Sound the fire alarm, unless the school and/or building is equipped with an automatic fire detection and alarm system.
- Call 911.
- Direct all persons to leave the building and proceed outside to designated assembly areas.

- Staff must give students clear direction and supervision and help maintain a calm and orderly response.
- In outside assembly areas, teachers are to take roll, report missing students, and provide assistance to any injured students.
- In outside assembly areas, the principal or designee must account for his/her staff, report missing staff, and provide assistance to any injured staff.
- If the fire is extensive, take students to an alternate location for protective custody until parents/guardians can pick them up or until they can be safely transported to their homes.

### **Flood Procedures**

If a flood warning is received, notify the Chief Operating Officer immediately. Based upon the specific threat, the Chief Operations Officer in conjunction with the Operational Area EOC and SEMS system will develop an action plan to protect personnel, students and facilities. Evacuation of specific schools, facilities or areas will be directed by the Chief Operations Officer or site principal in coordination with SEMS.

### **Hazardous Substance Incident**

Hazardous substance means a substance, material, or mixture which is likely to cause illness or injury by reason of being explosive, flammable, poisonous, corrosive, oxidizing, an irritant, or otherwise harmful. Should an incident occur that involves a hazardous substance:

- Identify the hazardous material(s).
- Limit incident site entry to trained personnel with appropriate personal protective equipment.
- Evacuation of facilities or areas will be directed by the Chief Operations Officer in coordination with SEMS.

Hazardous materials are kept in locked and secure compartments within the office at each school site. These materials are only utilized during science labs and when monitored by our credentialed and trained instructor.

### **Severe Windstorm Procedures**

If a severe wind warning is received, notify the Chief Operating Officer immediately. Based upon the specific threat, the Chief Operations Officer in conjunction with the Operational Area EOC or City EOC will develop an action plan to protect personnel, students and facilities. In general, if severe winds are affecting a school or facility:

- Staff and students should be moved to the interior core area of the building (inside wall on the ground floor) away from outside windows and doors.
- Close all windows and blinds and avoid auditoriums, gymnasiums and other building locations that have large roof areas or spans.
- Avoid all areas that have large concentrations of electrical equipment or power cables.
- Evacuation of facilities or areas will be directed by the Chief Operations Officer in coordination with SEMS.

## Suspicious Mail/Packages

All incoming mail and packages should be handled with caution. Below are indicators of suspicious mail and steps to take in the event that suspicious mail is received.

Mail that:

- Is unexpected or from an unfamiliar source
- Has excessive postage
- Is addressed to someone who no longer works at RISE High or any Da Vinci schools
- Is addressed to a current employee but with the wrong title
- Contains several misspelled words on the envelope
- Marked with restrictive endorsements such as “Personal” or “Confidential”
- Has no return address or an address that cannot be verified
- Mail that is from a foreign country
- Shows a city or state in the postmark that does not match the return address
- Is lopsided, oddly shaped, or has an unusual weight, given its size
- Has protruding wires, strange odors, or stains
- Has powdery substance on the outside
- Has an unusual amount of tape on it
- Is ticking or making unusual sounds

Not all mail comes perfectly packaged or with accurate information on it, so it is important that employees handling mail remain sensible in the screening of mail. However, prudent scrutiny conducted in a reasonable manner can greatly reduce the chance of becoming the victim of attack by mail.

What to do with suspicious mail (general response):

- Do not try to open the package or envelope.
- Do not sniff, taste or shake the package.
- Isolate the package.
- Evacuate the immediate area; close the door.
- Contact your supervisor and call 911.

Response to mail suspected of delivering biological/chemical agents in powder form:

- Notify the principal.
- The principal or designee should immediately contact the local police (911) or the U.S. Postal Inspection Service (1-877-876-2455).
- The principal should notify the Chief Operating Officer.
- Do not open an envelope or package with powder on the outside.
- If powder is spilled from an envelope or package, do not try to clean up the powder.
- Cover the spilled contents immediately with anything (*e.g.*, clothing, paper, trash can).

- Do not remove the cover.
- Leave the room and close the door or otherwise prevent access to the room.
- Ensure that everyone who had contact with the piece of mail washes his/her hands with soap and hot water.
- Remove heavily contaminated clothing as soon as possible and place inside a plastic bag or some other container that can be sealed. This clothing should be given to the responding emergency response units.
- Shower with soap and water as soon as possible. Do not use bleach or other disinfectant on your skin.
- Make a list of all the people who were in the room or area, especially those who had contact with the envelope or package. Provide this list to the emergency response teams investigating the incident.
- Investigators will remove the envelope or package and conduct a thorough check of the area for contamination.
- If you are prescribed medicine as a result of this exposure, take it until instructed or until it runs out.

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## SECTION 5: SCHOOL RULES AND REGULATIONS

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RISE High is committed to serving its students in a holistic way that prepares them both to be successful in their personal post-secondary pursuits and to positively contribute to the world around them through actions that lead to a more equitable society. We believe this commitment requires intentionality in the planning of our entire program – from academics to wraparound services to student behavior support. Data has shown that traditional means of school discipline have been disproportionately leveraged against students of color, students who identify as LGBT, students who have disabilities, and EL students.

Disciplinary actions serve to deepen the academic achievement gap and increase the number of students directed into school-to-prison pipeline, which The National Education Association as “the policies and practices that are directly and indirectly pushing students of color out of school and on a pathway to prison, including, but not limited to: harsh school discipline policies that overuse suspension and expulsion, increased policing and surveillance that create prison-like environments in schools, overreliance on referrals to law enforcement and the juvenile justice system, and an alienating and punitive high-stakes testing-driven academic environment.” Given that RISE High’s demographics consist primarily of the students most impacted by these discipline practices – and that many of our students have already had interaction with the juvenile justice system – it is imperative that we pursue different means of student behavior support.

All RISE High staff are trained to fully implement Restorative Practices, which consists of two core practices that live in the day-to-day activities and experiences across the school:

1. The building of healthy relationships and the fostering of a strong sense community and trust
2. The protecting and restoring of these relationships and trust when a breach occurs

In order to build relationships and community, RISE High staff establish clear boundaries around the ways we treat each other and what our community non-negotiables are. All students participate in RISE High Orientation, which provides an overview of the rules we have agreed to, including the creation of a safe space that is drug- and weapon-free, that does not participate in bullying, and that respects those around us through the use of our language. RISE students all participate in an Advisory, which provides students with a family-like structure that can motivate and hold them accountable to reaching their goals. These close knit communities serve as a place for consistent check-in’s, youth-adult feedback cycles and are built to support the wellbeing of the students beyond the Rise High campus.

In order to provide an effective, safe, focused, and enjoyable learning environment, RISE High has behavioral expectations for all students. The following is an outline of what is expected for our students and consequences for misconduct.

Students are to adhere to the Da Vinci Code of Conduct at all times by:

1. Treating everyone with courtesy and respect.
2. Treating personal and school property with respect.
3. Helping create and maintain a positive and safe environment.
4. Coming to school prepared for learning.
5. Acting responsibly and accepting consequences for one’s own actions.
6. Connecting and contributing to the community and the world around them.

7. Striving to make their community a safe, healthy learning environment for all.

The essence of discipline is to understand the root cause of the behavior and find effective alternatives to punishment in order to correct that behavior. Discipline includes, but is not limited to, advising and counseling students, and conferring with parents, and determining appropriate consequences. It is our strong belief that while punishment may work in the short term to stop unwanted behavior immediately, long-range results may include resentment, revenge, rebellion, and/or retreat.

The main objective in assigning consequences for misbehavior is to assist students in making good choices. When a student is unsafe, interrupts learning, or clearly does not respect the needs of others, the following course of action occurs:

1. Students are reminded of the expected behavior and previously agreed-upon school standards.
2. Staff shall enforce disciplinary rules and procedures fairly and consistently amongst all students and afford all students with similar rights to due process.
3. Should the behavior continue, the teacher will conference with the student to determine good decision making.
4. When the inappropriate behavior does not change, the Principal and/or counselor will be consulted to determine appropriate action.
5. Finally, a conference will be called with the parent in order to assist the student in meeting the school's expectations for behavior.

These disciplinary rules and 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. It 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 principal shall ensure that students and parents/guardians are notified in writing of all discipline policies, rules, and procedures and given an opportunity to provide input and feedback on discipline policies and procedures. Transfer students and their parents/guardians shall be so advised upon enrollment. The notice shall state that these disciplinary rules and procedures are available upon request in the office.

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

RISE High recognizes that engaging and rigorous curriculum, strong and individualized relationships with adults, positive activities and recognition programs, adequate supervision, and a solid culture of respect and regard for students, are excellent deterrents to negative behavior.

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## **SECTION 6: SUSPENSION AND EXPULSION PROCEDURES**

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The following Student Suspension and Expulsion Policy has been established to promote learning and protect the safety and well-being of all students at RISE High. Staff shall enforce disciplinary rules and procedures fairly and consistently among all students.

### **Alternatives to Suspension**

Suspension shall be imposed only when other means of correction fail to bring about proper conduct. The following are list of alternatives to be considered before suspending a student:

1. Conference between staff, parent, and the student
2. Parent shadowing
3. Mentorship (peer/teacher)
4. Written assignment, research, or presentation reflecting on the student's behavior
5. Referral to a school counselor, psychologist, social worker, case manager, or other school support service personnel for case management and counseling
6. Intervention-related teams to assess student behavior, and develop and implement an individualized behavior plan in partnership with the student and his/her parent
7. Referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an IEP or Section 504 Plan
8. Enrollment in a program for teaching prosocial behavior or anger management
9. Participation in a restorative justice program
10. A positive behavior support approach with tiered interventions that occur during the school day at the Learning Site
11. Out-of-school programs that address specific behavioral issues or expose students to positive activities and behaviors
12. Volunteer work or community service
13. Loss of privileges

### **Grounds for Suspension**

Suspension means removal of a student from ongoing instruction for adjustment purposes. A student may be suspended when his/her behavior is related to a school activity or school attendance occurring at RISE High or at any other school, regardless of when it occurs, including, but not limited to, the following:

- while on school grounds;
- while going to or coming from school;
- during the lunch period, whether on or off the school campus; or
- during, going to, or coming from a school-sponsored activity.

### Discretionary Suspendable Offenses

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

- (1) Caused, attempted to cause, or threatened to cause physical injury to another person.
- (2) Willfully used force or violence upon the person of another, except in self-defense.
- (3) Possessed, sold, or otherwise furnished an object that could be deemed dangerous, unless, in the case of possession of an object of this type, the student had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or his/her designee.
- (4) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- (5) Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
- (6) Committed or attempted to commit robbery or extortion.
- (7) Caused or attempted to cause damage to school property or private property.
- (8) Stole or attempted to steal school property or private property.
- (9) Possessed, smoked, or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit the use or possession by a student of his/her own prescription products.
  - (A) "Smoking" has the same meaning as in subdivision (c) of Section 22950.5 of the Business and Professions Code
  - (B) "Tobacco product" means a product or device as defined in subdivision (d) of Section 22950.5 of the Business and Professions Code.
- (10) Committed an obscene act or engaged in habitual profanity or vulgarity.
- (11) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- (12) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
- (13) Knowingly received stolen school property or private property.
- (14) Possessed an imitation firearm. "Imitation firearm" means 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.
- (15) Harassed, threatened, or intimidated a student who is a complaining witness or a witness in a school disciplinary proceeding for purposes of either preventing that student from being a witness and/or retaliating against that student for being a witness.

- (16) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- (17) Engaged in, or attempted to engage in, hazing. "Hazing" means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, that is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. "Hazing" does not include athletic events or school-sanctioned events.
- (18) Aided or abetted, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person.
- (19) Committed sexual harassment as defined in Section 212.5 of the Education Code. The conduct 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.
- (20) Caused, attempted to cause, threatened to cause, or participated in an act of, hate violence, as defined in subdivision (e) of Section 233 of the Education Code.
- (21) Intentionally engaged in harassment, threats, or intimidation, directed against school personnel or students, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or students by creating an intimidating or hostile educational environment.
- (22) Made terroristic threats against school officials and/or school property. "Terroristic threat" includes any written or oral statement 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/her own safety or for his/her immediate family's safety, or for the protection of school property, or the personal property of the person threatened or his/her immediate family.
- (23) Engaged in an act of bullying. The following terms have the following meanings:
  - (A) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students as described in #19-21 above, directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
    - (i) Placing a reasonable student in fear of harm his/her person or property.
    - (ii) Causing a reasonable student to experience a substantially detrimental effect on his/her physical or mental health.
    - (iii) Causing a reasonable student to experience substantial interference with his/her academic performance.
    - (iv) Causing a reasonable student to experience substantial interference with his/her ability to participate in or benefit from the services, activities, or privileges provided by the school.

- (B) “Electronic act” means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
- (i) A message, text, sound, video, or image.
  - (ii) A post on a social network Internet Web site, including, but not limited to:
    - (a) Posting to or creating a burn page. “Burn page” means an Internet Web site created for the purpose of having one or more of the effects listed in paragraph (A).
    - (b) Creating a credible impersonation of another actual student for the purpose of having one or more of the effects listed in paragraph (A). “Credible impersonation” means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.
    - (c) Creating a false profile for the purpose of having one or more of the effects listed in paragraph (A). “False profile” means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.
  - (iii) An act of cyber sexual bullying.
    - (a) “Cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in paragraph (A). The photograph or other visual recording must include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
    - (b) “Cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
- (C) An electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
- (D) “Reasonable student” means a student, including, but not limited to, an exceptional needs student, who exercises average care, skill, and judgment in conduct for a person of his/her age, or for a person of his/her age with his/her exceptional needs.

#### Non-Discretionary Suspendable Offenses

A student shall be suspended when there is evidence that the lives, safety or health of other students and/or school personnel are otherwise in clear, present, and continuing jeopardy or danger as a result of any of the following acts committed by the student:

- (1) Caused serious physical injury to another person, except in self-defense.
- (2) Committed assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.

- (3) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object of no reasonable use to the pupil.
- (4) Brandished a knife at another person.
- (5) Committed robbery or extortion.
- (6) Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code that is more than one avoirdupois ounce of marijuana, and/or the possession of the controlled substance is not the first offense of this nature.
- (7) Unlawful sale of a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
- (8) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of an alcoholic beverage, or an intoxicant of any kind.
- (9) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.

### **Suspension Procedures**

Suspension shall be initiated according to the following procedures:

#### Authority to Suspend

Only the Principal or the Principal's designee(s) may suspend a student from RISE High. The "designee" is one or more administrators specifically designated by the Principal, in writing, to assist with disciplinary procedures.

The Principal may, in writing, also designate a certificated employee as a secondary designee to assist with disciplinary procedures when no administrator is at the school at which the suspension needs to be issued. The Principal may designate only one certificated person at a time.

#### Conference

Suspension shall be preceded by a conference conducted by the Principal or designee with the student and his/her parent and, whenever practical, 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 and student shall be notified of the student's right to return to school for the purpose of a conference. This conference shall be held within two (2) school days, unless the student waives this right or is physically unable to attend for any reason, including, but not limited to, incarceration or hospitalization. The conference shall then be held as soon as the student is physically able to return to school for the conference.

At the conference, the student shall be:

- Informed, orally or in writing, of the charges against him/her, including the other means of correction that were attempted before the suspension.
- Provided with an explanation of the evidence that supports the charges.
- Given the opportunity to present his/her side of the story.

### Notice to Parents

At the time of suspension, the Principal or designee shall make a reasonable effort to contact the parent by telephone or in person. Whenever a student is suspended, the parent shall be notified in writing of the suspension. This notice shall state the specific offense(s) committed by the student and indicate the date and time when the student may return to school. If school officials wish to ask the parent to confer regarding matters pertinent to the suspension, the notice will request that the parent respond to such requests without delay.

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

### Suspension Time Limits

A student shall not be suspended from school for more than five (5) consecutive school days, and not more than twenty (20) school days in any school year. These restrictions on the number of days of suspension do not apply when the suspension is extended pending an expulsion.

A student with an IEP or Section 504 Plan may be suspended from school in the same manner as all other students. However, after ten (10) days of suspension in the same school year, where the student is removed from his/her current placement, a manifestation determination meeting must be held with a team comprised of staff, the parent, and relevant persons to review the student's IEP or Section 504 Plan, any teacher observations, and any relevant information provided by the parent to determine if the conduct was:

1. Caused by, or had a direct and substantial relationship to, the student's disability; or
2. The direct result of the RISE High's failure to implement the IEP or Section 504 Plan.

### Suspension Appeals

A parent may appeal a suspension within five (5) school days from the date the suspension was issued. The request is to be submitted to the Principal to correct or remove any information (regarding the incident and circumstances that resulted in the suspension) recorded in the student's record which the student or parent alleges to be any of the following:

1. Inaccurate.
2. An unsubstantiated personal conclusion or inference.
3. A conclusion or inference outside of the observer's area of competence.
4. Not based on the personal observation of a named person with the time and place of the observation noted.
5. Misleading.
6. In violation of the privacy or other rights of the student.

Within thirty (30) days of receipt of an appeal, a neutral officer or a hearing panel shall meet with the student and parent and any pertinent school personnel. A hearing panel shall be composed of the following persons, provided that the parent or adult student has given written consent to release information from the student's records to the members of the panel so convened: a school administrator of a school other than RISE High, a certificated employee, and a non-certificated employee.

If the neutral officer or hearing panel sustains any or all of the allegations, the Principal shall be ordered to correct or remove and destroy the information regarding the incident and circumstances that resulted

in the suspension from the student's records. If the neutral officer or hearing panel upholds the suspension, the matter is closed. The parent or student has the right to include in the student's record a written statement or response concerning the disciplinary action.

### **Grounds for Expulsion**

Expulsion means the removal of a student from the immediate supervision and control, or the general supervision, of school personnel at RISE High. A student may be expelled when his/her behavior is related to a school activity or school attendance occurring at RISE High or at any other school, regardless of when it occurs, including, but not limited to, the following:

- while on school grounds;
- while going to or coming from school;
- during the lunch period, whether on or off the school campus; or
- during, going to, or coming from a school-sponsored activity.

### Discretionary Expellable Offenses

The Principal may recommend the expulsion of a student for any of the following acts, unless the Principal determines that expulsion should not be recommended under the circumstances or that an alternative means of correction could appropriately address the conduct:

- (1) Caused, attempted to cause, or threatened to cause physical injury to another person.
- (2) Willfully used force or violence upon the person of another, except in self-defense.
- (3) Possessed, sold, or otherwise furnished an object that could be deemed dangerous, unless, in the case of possession of an object of this type, the student had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or his/her designee.
- (4) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- (5) Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
- (6) Committed or attempted to commit robbery or extortion.
- (7) Caused or attempted to cause damage to school property or private property.
- (8) Stole or attempted to steal school property or private property.
- (9) Possessed, smoked, or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit the use or possession by a student of his/her own prescription products.
  - (A) "Smoking" has the same meaning as in subdivision (c) of Section 22950.5 of the Business and Professions Code

(B) “Tobacco product” means a product or device as defined in subdivision (d) of Section 22950.5 of the Business and Professions Code.

- (10) Committed an obscene act or engaged in habitual profanity or vulgarity.
- (11) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- (12) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
- (13) Knowingly received stolen school property or private property.
- (14) Possessed an imitation firearm. “Imitation firearm” means 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.
- (15) Harassed, threatened, or intimidated a student who is a complaining witness or a witness in a school disciplinary proceeding for purposes of either preventing that student from being a witness and/or retaliating against that student for being a witness.
- (16) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- (17) Engaged in, or attempted to engage in, hazing. “Hazing” means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, that is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. “Hazing” does not include athletic events or school-sanctioned events.
- (18) Aided or abetted, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person.
- (19) Committed sexual harassment as defined in Section 212.5 of the Education Code. The conduct 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.
- (20) Caused, attempted to cause, threatened to cause, or participated in an act of, hate violence, as defined in subdivision (e) of Section 233 of the Education Code.
- (21) Intentionally engaged in harassment, threats, or intimidation, directed against school personnel or students, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or students by creating an intimidating or hostile educational environment.
- (22) Made terroristic threats against school officials and/or school property. “Terroristic threat” includes any written or oral statement 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/her own safety or for his/her immediate family’s safety, or for the protection of school property, or the personal property of the person threatened or his/her immediate family.

- (23) Engaged in an act of bullying. The following terms have the following meanings:
- (A) “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students as described in #19-21 above, directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
- (i) Placing a reasonable student in fear of harm his/her person or property.
  - (ii) Causing a reasonable student to experience a substantially detrimental effect on his/her physical or mental health.
  - (iii) Causing a reasonable student to experience substantial interference with his/her academic performance.
  - (iv) Causing a reasonable student to experience substantial interference with his/her ability to participate in or benefit from the services, activities, or privileges provided by the school.
- (B) “Electronic act” means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
- (i) A message, text, sound, video, or image.
  - (ii) A post on a social network Internet Web site, including, but not limited to:
    - (a) Posting to or creating a burn page. “Burn page” means an Internet Web site created for the purpose of having one or more of the effects listed in paragraph (A).
    - (b) Creating a credible impersonation of another actual student for the purpose of having one or more of the effects listed in paragraph (A). “Credible impersonation” means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.
    - (c) Creating a false profile for the purpose of having one or more of the effects listed in paragraph (A). “False profile” means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.
  - (iii) An act of cyber sexual bullying.
    - (a) “Cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in paragraph (A). The photograph or other visual recording must include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.

(b) “Cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

(C) An electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

(D) “Reasonable student” means a student, including, but not limited to, an exceptional needs student, who exercises average care, skill, and judgment in conduct for a person of his/her age, or for a person of his/her age with his/her exceptional needs.

Both the recommendation and order to expel a student for committing any of the acts listed above must be based on a finding of one or both of the following:

1. Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
2. Due to the nature of the act, the presence of the student causes a continuing danger to the physical safety of the student or others.

#### Mandatory Expellable Offenses

The Principal shall recommend expulsion of a student that is determined to have committed any of the following acts:

- (1) Possessed, sold, or otherwise furnished a firearm. The act of possessing an imitation firearm, as defined above, is not an offense for which expulsion is mandatory.
- (2) Brandished a knife at another person.
- (3) Unlawful sale of a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
- (4) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.
- (5) Possessed an explosive.

#### **Expulsion Procedures**

##### Extension of Suspension

Upon a recommendation for expulsion, the student and parent will be invited to a meeting with the Principal to determine if the suspension should be extended, beyond five (5) days, pending an expulsion hearing. That determination shall be based on a finding that either the student’s presence would cause a danger to persons or property or a threat of disrupting the instructional process.

If a student is a foster youth, as defined in EC 48853.5, the Principal or designee shall also invite the student’s attorney and appropriate representative of the county child welfare agency to participate in the extension of suspension meeting

##### Authority to Expel

Only the Principal can recommend the expulsion of a student from RISE High, and only the Administrative Hearing Panel (“Panel”) may order the expulsion following a hearing before it. The Panel shall include three or more certificated persons – none of whom are members of the Board or on the staff of RISE High in which the student is enrolled – that are familiar with the state and federal laws governing the suspension and expulsion process. Panel members may include teachers, school

administrators, Chiefs or Directors from Da Vinci Schools, one of whom shall be identified as the presiding officer. Da Vinci Schools shall be responsible for assembling the Panel that will hear and determine the outcome of each expulsion matter. The Panel's decision in the matter is final.

### Notice of Expulsion Hearing

Written notice of the hearing shall be forwarded to the student and the student's parent at least ten (10) calendar days before the date of the hearing. The notice shall include all of the following:

1. The date, time, and place of the hearing.
2. A statement of specific facts and charges upon which the proposed expulsion is based.
3. A copy of RISE High's disciplinary rules that relate to the alleged violation.
4. A statement of the student's or parent's obligation to provide information about the student's status at the school to any other school district or school to which the student seeks enrollment.
5. The right to appear in person or to be represented by legal counsel or a non-attorney advisor.
  - "Legal counsel" means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.
  - "Nonattorney adviser" means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or parent to provide assistance at the hearing.
6. The right to inspect and obtain copies of all documents to be used at the hearing.
7. The right to confront and question all witnesses who testify at the hearing.
8. The right to question all evidence presented, and to present oral and documentary evidence on the student's behalf, including witnesses.

If a foster youth, as defined in EC 48853.5, is recommended for expulsion, the notice of hearing must also be provided to the student's attorney and an appropriate representative of the county child welfare agency at least ten (10) days prior to the date of the hearing. The notice may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.

If a homeless youth, as defined in 42 USC 11434a(2), is recommended for expulsion, the notice of hearing must also be provided to the Da Vinci School's designated homeless liaison at least ten (10) days prior to the date of the hearing. The notice may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.

### Expulsion Hearing

Students recommended for expulsion are entitled to a hearing before the Panel, as described above, to determine whether the student should be expelled. The hearing shall be held within thirty (30) school days after the Principal determines that the student has committed an expellable offense. The student is entitled to one postponement of an expulsion hearing, for a period of not more than thirty (30) calendar days. Any additional postponements may be granted at the discretion of the Da Vinci Schools for good cause.

The hearing shall be conducted in a session closed to the public, unless the student submits a written request, at least five (5) days prior to the date of the hearing, to have the hearing conducted at a public meeting. Regardless of whether the expulsion hearing is conducted in closed or public session, the Panel may meet in closed session to deliberate and determine whether the student should be expelled.

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 decision of the Panel to expel must be documented in its findings of fact based upon substantial evidence relevant to the charges presented at the hearing. No decision to expel shall be based solely on hearsay evidence, except when the Panel, upon finding that good cause exists, determines that the disclosure of either the identity of a witness and/or the testimony of that witness at the hearing would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations that shall be examined only by the Panel. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the student.

If the Panel decides not to order the expulsion, the student shall be immediately reinstated and permitted to return to his/her educational program at RISE High.

### Expulsion Hearings Involving Allegations of Sexual Assault or Sexual Battery

In a hearing involving allegations of sexual assault or sexual battery, a complaining witness shall be provided with a copy of the applicable disciplinary rules and advised of his/her right to:

1. Receive five (5) days' notice before being called to testify at the hearing.
2. Have up to two adult support persons of his/her choosing (*i.e.*, parent, legal counsel), present in the hearing at the time he/she testifies.
3. Have the hearing closed during the time he/she testifies.

The following are procedures for all hearings involving allegations of sexual assault or sexual battery:

1. The hearing may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of the complaining witness.
2. A nonthreatening environment shall be provided for a complaining witness in order to better enable him/her to speak freely and accurately of the experiences that are the subject of the expulsion hearing, and to prevent discouragement of complaints.
3. A room separate from the hearing room must be provided for the complaining witness to use prior to and during breaks in the testimony.
4. The presiding officer:
  - a. Shall allow the complaining witness reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
  - b. May arrange the seating within the hearing room of those present in order to facilitate a less intimidating environment for the complaining witness.
  - c. May limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
  - d. May permit one of the complaining witness's support persons to accompany him or her to the witness stand.
5. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential and may not be discussed with anyone not in attendance at the hearing. The presiding officer of the Panel may remove a support person whom he/she finds is disrupting the hearing. If one or both of the support persons is also a witness, the following provisions apply:

- a. RISE High must present evidence that the person's presence is both desired by, and will be helpful to, the complaining witness.
  - b. The presiding officer shall permit the person to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person.
  - c. The presiding officer may remove a person from the hearing whom he/she believes is prompting, swaying, or influencing the witness.
  - d. The testimony of the support person shall be presented before the testimony of the complaining witness and the complaining witness shall be excluded from hearing room during that testimony.
6. Evidence of specific instances, of a complaining witness' prior sexual conduct is to be presumed inadmissible and shall not be heard absent a determination by the presiding officer that extraordinary circumstances exist requiring the evidence be heard. Before the person conducting the hearing makes the determination on whether extraordinary circumstances exist requiring that specific instances of a complaining witness' prior sexual conduct be heard, the complaining witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.
7. If the hearing is to be conducted at a public meeting, a complaining witness shall have the right to have his/her testimony heard in a session closed to the public when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.

#### Record of Expulsion and Expulsion 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.

RISE High shall maintain a record of each expulsion, including the expulsion order and the causes for the expulsion, in the student's mandatory interim record. The record shall be forwarded to any school in which the student subsequently enrolls upon receipt of a request from the new school for the student's records.

#### Written Notice to Expel

Within three (3) school days after the hearing, the Principal shall send written notice of the Panel's decision to expel, including the findings of fact, to the student and parent. This notice shall also include the following:

1. The specific offense committed by the student.
2. A statement of the student's or parent's obligation to inform any school which the student seeks to enroll of the student's expulsion.
3. The date when the student can be reviewed for readmission, and a description of the process by which readmission is conducted.
4. A copy of the rehabilitation plan

5. The education alternative placement to be provided to the student during the time of expulsion.
6. The right to appeal the expulsion to Da Vinci Schools Board of Trustees, including the timeline and manner in which an appeal must be submitted.

#### Rehabilitation Plan

At the time of the expulsion order, the Panel shall establish a rehabilitation plan for the student, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The plan should include the specific conditions that the student must satisfy during the period of expulsion and can include improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs. The stipulated conditions should be reasonable for the student to meet based on his/her specific circumstances, address the act(s) for which the student was expelled, and not require a cost or fee to the student or parent. The student may not be required to enroll in a drug rehabilitation program without parental consent.

#### Placement

Da Vinci Schools shall be responsible for the appropriate interim placement of students pending the outcome of the expulsion proceedings and shall facilitate the placement of an expelled student. If a parent chooses a different placement, Da Vinci Schools shall ensure that the student will be able to meet the conditions of the rehabilitation plan through that placement.

#### Period of Expulsion and Readmission

At the time of the expulsion order, the Panel shall set a date not more than one (1) calendar year from the date the expulsion occurred, when the student shall be reviewed for readmission to RISE High. In determining the period of expulsion, the Panel shall consider the nature of the act that resulted in the student's expulsion, including, but not limited to, the severity and intent of the act, the student's specific circumstances, and the safety of the student and others at RISE High.

Ten (10) calendar days prior to the date set for readmission, the Principal or designee shall contact the expelled student at his/her last known address to schedule a readmission meeting with the CEO. The student shall be asked to provide documentation of proof that he/she has satisfactorily met the conditions of the rehabilitation plan.

On the date set for readmission, Da Vinci Schools shall review the expulsion case, with or without the student, to determine whether the student has met the conditions for readmission and determine placement. If the student has met the conditions of the rehabilitation plan and completes the readmission process, the student is reinstated. If certain conditions of the rehabilitation plan are not met, the CEO has the discretion to waive those conditions due to mitigating circumstances or deny readmission until the student has satisfactorily met all the conditions of the plan. The CEO may also deny readmission to a student if he/she finds that the student poses a danger to campus safety or to others.

A student who has been denied readmission shall either continue attendance at his/her placement during the period of expulsion or another educational program. The CEO shall provide written notice to the expelled student and his/her parent describing the reason(s) for denying the student's readmittance into RISE High, the educational placement during the extended period of expulsion, and the conditions for readmittance. The student shall be readmitted once he/she can provide the CEO with proof that he/she has satisfactorily met all the conditions for readmittance.

## **Expulsion Appeals**

The parent may appeal the expulsion by submitting a written request to the CEO of Da Vinci Schools within ten (10) calendar days from the date of the written notice to expel. The request must specify the reason(s) for the appeal and include any supporting documentation.

Upon receipt of a timely request, the CEO shall convene a hearing before the Board of Trustees (“Board”) within thirty (30) calendar days. Notice of the hearing shall be provided to the student and parent at least ten (10) calendar days prior to the date of the hearing. The notice shall include all of the following:

1. The date, time, and place of the hearing.
2. A statement of specific facts and charges upon which the expulsion is based.
3. The right to appear in person or to be represented by legal counsel or a non-attorney advisor.
4. A statement that the appeal shall be heard in closed session, unless the parent requests in writing at least five (5) calendar days prior to the hearing that it be conducted at a public meeting. If such request is made, the hearing shall be held in public session as long as the privacy rights of any other students would not be violated by doing so.
5. The right to provide a five-minute oral presentation before the Board, summarizing the reason(s) for the appeal.
6. A statement that failure to pursue the appeal with diligence within the time frames established by RISE High may be deemed an abandonment of the appeal and the CEO may dismiss the appeal.

The Board’s review is limited to the record of proceeding of the Panel. Unless evidence was improperly excluded or, in the exercise, no evidence other than that contained in the record of proceeding may be heard. The Board’s review of the Panel’s decision shall be limited to the following questions:

1. Whether the Panel acted without or in excess of its jurisdiction (*e.g.*, the hearing was not commenced within the time periods established by RISE High, the expulsion order is not based on an expellable act, the act is not related to school activity or school attendance).
2. Whether there was a fair hearing before the Panel.
3. Whether there was a prejudicial abuse of discretion in the hearing (*e.g.*, school officials did not meet the procedural requirements established by RISE High, the decision to expel is not support by the prescribed findings, the findings are not supported by substantial evidence).
4. Whether there is relevant and material evidence which, in the exercise of reasonable diligence, could not be produced at the time of the expulsion hearing.

The Board may either reverse or uphold the decision of the Panel. If the Board enters a decision to reverse the Panel’s decision, the Board may direct RISE High to expunge any references to the expulsion action in its records and that of the student, and the expulsion shall be deemed not to have occurred. The Board’s decision shall be final. Within three (3) school days of the hearing, the student and the RISE High Principal shall be notified, in writing, of the Board’s final order.

## **Special Considerations: Suspension and Expulsion of Students with Disabilities**

### Notification of SELPA

RISE High shall immediately notify and coordinate with the SELPA the suspension or expulsion of any student with a disability or whom RISE High or SELPA would be deemed to have knowledge of having 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; to progress toward meeting the goals set forth in the student's IEP or Section 504 Plan; and to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, that are designed to address the misconduct so that it does not recur. These services may be provided in an interim alternative educational setting.

### Procedural Safeguards/Manifestation Determination

Within five (5) school days of a recommendation for expulsion, and prior to the extension of suspension meeting, or any decision to change the placement of a student due to behavioral issues, staff, the parent, and relevant members of the IEP or Section 504 Team ("Team") shall review all relevant information in the student's file, including the student's IEP or Section 504 Plan, any teacher observations, and any relevant information provided by the parents to determine:

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or
2. If the conduct in question was the direct result of RISE High's failure to implement the IEP or Section 504 Plan.

If the student is a foster youth, as defined in EC § 48853.5, and RISE High has proposed a change of placement due to an act for which a decision to recommend expulsion is at the discretion of the Principal, the student's attorney and an appropriate representative of the county child welfare agency shall be invited to participate in a Team meeting that makes a manifestation determination. The invitation may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.

If the student is a homeless youth, as defined in 42 USC § 11434a(2), and RISE High has proposed a change of placement due to an act for which a decision to recommend expulsion is at the discretion of the Principal, the designated homeless liaison for Da Vinci Schools shall be invited to participate in the Team meeting that makes a manifestation determination. The invitation may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.

If the Team determines that either of the above is applicable for the student, the conduct shall be determined to be a manifestation of the student's disability. In which case, the Team shall:

1. Conduct a functional behavioral assessment and implement a behavioral intervention plan for the student, provided that RISE High had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;
2. Develop a behavior intervention plan, or if a plan has already been developed, review and modify it, as necessary, to address the behavior; and
3. Return the student to the placement from which he/she was removed, unless the parent and RISE High agree to a change of placement as part of the modification of the behavioral intervention plan.

If the Team determines that the behavior was not a manifestation of the student's disability and that the conduct in question was not a result of RISE High's failure to implement the IEP or Section 504 Plan, then RISE High may apply the relevant disciplinary procedures to students 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 student with a disability who disagrees with any decision regarding placement or the manifestation determination, or RISE High believes that maintaining the current placement of the student is substantially likely to result in injury to the student 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 RISE High, 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) school day time period provided for in an interim alternative educational setting, whichever occurs first, unless the parent and RISE High agree otherwise.

#### Special Circumstances

RISE High 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 RISE High's 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:

1. 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;
2. 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
3. Has inflicted serious bodily injury, as defined by 20 USC § 1415(k)(7)(D), upon another person while at school, on school premises, or at a school function.

The student's interim alternative educational setting shall be determined by the 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 RISE High's code of student conduct may assert the procedural safeguards granted under this administrative regulation only if RISE High had knowledge that the student was disabled before the behavior occurred.

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

1. The parent expressed concern, in writing, or orally if the parent does not know how to write or has a disability that prevents a written statement, to the supervisory or administrative personnel of RISE High, or to one of the student's teachers, that the student is in need of special education or related services;
2. The parent has requested an evaluation of the student pursuant to 20 USC § 1414(a)(1)(B); or
3. The student's teacher, or other RISE High personnel, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the director of special education or to other supervisory personnel of RISE High.

If RISE High knew or should have known the student had a disability under any of the three (3) circumstances described above, the student may assert any of the protections available to IDEIA-eligible individual with disabilities, including the right to stay-put.

RISE High shall not be deemed to have knowledge 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. If RISE High had no basis for knowledge of the student's disability, it shall proceed with the proposed discipline. RISE High shall conduct an expedited evaluation if requested by the parent; the student shall remain in the education placement determined by RISE High pending the results of the evaluation.

### **Involuntary Removals**

A student shall not be involuntarily removed by RISE High for any reason unless the parent has been provided written notice the intent to remove the student no less than five (5) school days before the effective date of action. "Involuntary removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions or expulsions.

The written notice shall be in the native language of the student or parent and shall inform him/her of the right to a hearing with the CEO, or other neutral officer designated by the CEO. A hearing requested by the parent shall be subsequently followed by a timely, written notice that includes:

1. The date, time, and location of the hearing, that is reasonable to the student and parent.
2. A statement of specific facts and charges upon which the proposed involuntary removal is based.
3. The right to appear in person or to be represented by legal counsel or a non-attorney advisor.
4. The right to inspect and obtain copies of all documents to be used at the hearing.
5. The right to confront and question all witnesses who testify at the hearing.
6. The right to question all evidence presented, and to present oral and documentary evidence on the student's behalf, including witnesses.
7. The student's right to remain enrolled and not be removed until a final decision is issued.

A decision of the CEO or designee must be documented in his/her findings of fact based upon substantial evidence relevant to the charges presented at the hearing. No decision to involuntarily remove a student shall be based solely on hearsay evidence, except when the CEO or designee, upon finding that good cause exists, determines that the disclosure of either the identity of a witness and/or the testimony of that witness at the hearing would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations that shall be examined only by the CEO or designee. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the student.

If the CEO or designee decides not to order the involuntary removal of a student, the student shall be immediately reinstated and permitted to return to his/her educational program at RISE High.

If the CEO or designee determines that there is sufficient evidence to involuntarily remove a student, his/her decision, along with the findings of fact, shall be provided to the student and parent in writing within three (3) school days from the date of the hearing. The decision of the CEO or designee is final.

### **Notification Requirements**

If a student, subject to compulsory full-time education pursuant to EC 48200, is expelled or leaves RISE High without graduating or completing the school year for any reason, RISE High notify the superintendent of the school district of the student's last known address within thirty (30) days and shall, upon request, provide that school district with a copy of the student's records, including report cards or a transcript of grades, and health information.

Upon the severance of attendance by any student subject to the compulsory education laws of California, whether by expulsion, exclusion, exemption, transfer, suspension beyond ten (10) school days, or other reasons, RISE High shall report such severance to the Superintendent of the Los Angeles County Office of Education. The report shall include names, ages, last known address, and the reason for each such severance.

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## **SECTION 7: NOTIFYING TEACHERS OF DANGEROUS STUDENTS**

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Education Code 49079 requires the notification of teachers of students assigned to them who, in the last three years, have engaged in, or are reasonably suspected to have engaged in, any of the acts which could constitute grounds for suspension or expulsion, with the exception of the possession or use of tobacco products. This information shall be based upon any records maintained by the school (*i.e.*, discipline referrals, suspension notices), or received from a law enforcement agency.

Teachers shall receive the information in confidence and shall not disseminate it further. The information is also available in the student's education records.

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## SECTION 8: BULLYING & CYBERBULLYING

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

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

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

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

### **Bullying Intervention**

The Board of Trustees recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. RISE High staff shall establish student safety as a high priority and shall not tolerate bullying of any student. No student or group of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel.

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

Strategies for bullying prevention and intervention shall be developed with involvement of key stakeholders in accordance with law and school policy governing the development of comprehensive safety plans and shall be incorporated into such plans.

To the extent possible, RISE High strategies shall focus on prevention of bullying by establishing clear rules for student conduct and strategies to establish a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying.

RISE High may provide students with instruction, in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies. Based on an assessment of bullying incidents at school, the Principal or designee may increase supervision and security in areas where bullying most often occurs.

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

School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1) When appropriate, the Principal or designee shall notify the parents/guardians of victims and perpetrators. He/she also may involve school counselors, mental health counselors, and/or law enforcement.

Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying (Bullying Incident Form attached in appendix). Complaints of bullying shall be investigated and resolved in accordance with the district's uniform complaint procedures.

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

The principal or designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate.

### **Reporting and Filing of Complaints**

Any individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee. A school employee who receives a report or is witness of an incident of bullying involving a student shall notify the principal within one business day, whether or not the alleged victim files a complaint.

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

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

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

## **Investigation and Resolution of Complaints**

All complaints of bullying must be investigated by the principal or designee within ten business days from the date the complaint was filed. The principal or designee shall take all necessary actions to resolve the complaint and provide the complainant with a final written decision that contains, at minimum, the following elements:

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

Discrimination, harassment, intimidation, and bullying based on actual or perceived status of a student belonging to a protected class is prohibited. If the principal or designee, in the course of the investigation, determines that discriminatory harassment, intimidation, or bullying has occurred, the principal or designee shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with Da Vinci Schools' Uniform Complaint Procedures (UCP). The principal or designee shall also inform the Chief Executive Officer of the complaint, who shall then investigate and resolve the complaint in accordance with the UCP.

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

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

All complainants shall be protected from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or discriminatory harassment, intimidation, or bullying, the Chief Executive Officer or designee shall keep the identity of the complainant, and/or the subject of the complaint if he/she is different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

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

## **Corrective Actions and Disciplinary Measures**

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

1. Counseling
2. Academic support
3. Health services

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

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

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

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

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## **SECTION 9: DRESS AND GROOMING**

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Da Vinci RISE strives to promote a safe educational environment. With that in mind, dress code is focused on the safety and security of the learning community and does not strive to limit student's creativity, self expression or gender expression. We also recognize that clothing is often tied to identity and access and will strive to be responsive to the individualized needs and experiences of each community member when monitoring dress code. There are times when students are encouraged or required to dress professionally, and RISE High will work with students to ensure they have access to this clothing. With that in mind, the following rules and regulations must be followed to ensure a safe and conducive learning environment.

- No Gang-Related clothing - These may include gang colors, head coverings like a do-rag or hat, jewelry, emblems, or clothing depicting gang symbols or graffiti of any kind
- Appropriate Messages - Clothing promoting alcohol, tobacco, drugs, hate speech, objectification, violence, or weapons is not allowed. This includes offensive words and designs, violence (blood, death, weapons), sex, playboy symbols, hate groups, tobacco products, drugs, and alcohol.
- Inappropriately revealing clothing is not allowed. This includes but is not limited to sheer clothing, clothing that reveals the chest or upper thigh/rear. These regulations apply to students regardless of gender identity.

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## **SECTION 10: SAFE INGRESS AND EGRESS**

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RISE High is committed to providing a safe and secure environment for all students, parents, and school employees. As such, each Learning Site will take measures to ensure the safe ingress and egress of all students, parents, school employees, and visitors to and from campus by:

1. Conducting periodic reviews of its procedures for ingress and egress, taking into account any input from the community.
2. Ensuring that all passageways to and from school buildings, corridors within school buildings and emergency exits remain clear of all obstruction and hazards to allow flow of pedestrian and vehicular traffic.
3. Collaborating with local law enforcement agencies and appropriate city officials to ensure that the Learning Site's immediate community is safe.
4. Coordinating with local law enforcement agencies to ensure safe ingress and egress from the Learning Site's parking lot.
5. Addressing any problems associated with safe ingress and egress immediately.

### **Arrival and Departure of Students**

All Learning Sites are open at 8:00am and offer classes from 9:00am until 4:00pm. Additional programming may be provided after 4:00pm by wraparound service providers, other Da Vinci schools, and industry partners.

RISE High is a closed campus, meaning that students are not permitted to leave campus during the school day without special permissions on their individualized schedules to allow for jobs, internships, or other administration-approved priorities. A student will only be released during his/her scheduled session to his/her parent/guardian listed in PowerSchool. If a parent/guardian wishes for one of the emergency contacts listed in PowerSchool to pick up a student early, the parent/guardian must make the request in person or by phone. When picking up students early from school, office staff may require photo identification for verification of parent/guardian/emergency contact identity. The student will only be called out of session when the parent/guardian/emergency contact arrives at the school to pick him/her up. Students 18 years of age or older may sign themselves into and off campus.

### **Visitors/Outsiders**

All visitors to campus, including alumni, parents/guardians, and family members, must have an ID present. Visitors sign in with security and/or the office manager and are provided with a visitor's badge. Staff may call local law enforcement in the event of any unauthorized persons who are on campus without permission and/or who refuse to leave the school campus.

### **Sexual Offenders**

When law enforcement has determined that parents/guardians should be notified regarding the presence of a sex offender in the community, the Chief Executive Officer or designee shall collaborate with local law enforcement in order to determine an appropriate response. This response may include:

1. An article in a school or parent council newsletter notifying parents/guardians that law enforcement information about registered sex offenders is available at the local law enforcement agency headquarters and/or at the school office. This article shall encourage parents/guardians to contact

local law enforcement and access the Department of Justice's (DOJ) Megan's Law Internet website for additional information.

2. A mailing, at the expense of law enforcement or Da Vinci Schools, prepared by law enforcement, and printed on law enforcement letterhead and envelopes, notifying parents/guardians of the presence of registered sex offenders. This notification shall encourage parents/guardians to contact local law enforcement and access the DOJ's Megan's Law Internet website for additional information.

Whenever the principal has granted permission to a person who is not a family member of a student and who is required to register as a sex offender pursuant to Penal Code 290 to come into a school building or upon school grounds to volunteer at the school, the principal shall notify the parent/guardian of each student at that school, at least 14 days in advance, that a registered sex offender has been granted such permission, the date(s) and times for which permission has been granted, and the parent/guardian's right to obtain information regarding the person from a designated law enforcement agency. Notice may be provided using any of the following methods:

1. By regular mail
2. In electronic format upon request of the parent/guardian
3. By any other method normally used to communicate with parents/guardians in writing

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## **SECTION 11: RESPONSE TO IMMIGRATION ENFORCEMENT**

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RISE High is committed to providing a safe and welcoming learning environment for all students and their families irrespective of their citizenship or immigration status.

Immigration enforcement actions at or focused on sensitive locations are generally avoided but may occur. As such, school personnel shall respond appropriately to the request of immigration authorities for access to student information, contact with a student, or school facilities. Da Vinci Schools defines sensitive locations to include its schools, school-sponsored activities, including those occurring in public places and adjacent areas, and all of the charter school's properties, including but not limited to, facilities owned, controlled by, or leased by the charter school.

### **Responding to Request for Information**

Unless authorized by the Family Educational Rights and Privacy Act pursuant to 20 USC 1232g, student information, including personal information of the student's family members, shall not be disclosed to an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws without parental consent, a court order, or judicial subpoena.

Upon receiving any verbal or written request for information related to the immigration or citizenship status of a student or members of the student's family, school personnel shall:

1. Notify the principal about the information request
2. Provide students and families with appropriate notice and a description of the immigration enforcement officer's request
3. Document any request for information by immigration authorities
4. Provide students and parents/guardians with any documents issued by the immigration enforcement officer, unless prohibited by a lawfully issued and effective subpoena served on the charter school or in cases involving investigations of child abuse, child neglect, or child dependency

### **Responding to Requests for Access to Students or School Facilities**

School personnel shall obtain parent/guardian consent before a student is interviewed or searched by an officer seeking to enforce civil immigration laws at the school, unless the officer presents a valid, effective warrant signed by a judge or a valid, effective court order. A student's parent/guardian shall be immediately notified if the officer requests or gains access to the student for immigration enforcement purposes, unless the judicial warrant or subpoena restricts disclosure to the parent/guardian.

All visitors and outsiders, including immigration enforcement officers, shall register with the designated school personnel upon entering school grounds during school hours. Each visitor or outsider shall provide the designated school personnel with his/her name, address, occupation, age if less than 21, purpose in entering school grounds, proof of identity, and any other information required by law.

School personnel shall report the presence of any immigration enforcement officers to the principal or designee, and shall take the following actions in response to an officer present on the school campus specifically for immigration enforcement purposes:

1. Advise the officer that before school personnel can respond to his/her request, they must first receive notification and direction from the Chief Executive Officer or designee, except under exigent circumstances that necessitate immediate action.

2. Ask to see, and make a copy of or note, the officer's credentials (name and badge number) and phone number of his/her supervisor.
3. Ask the officer for his/her reason for being on school grounds and document the response.
4. Ask the officer to produce any documentation that authorizes school access.
5. Make a copy of all documents provided by the officer and retain one copy for school records.
6. If the officer declares that exigent circumstances exist and demands immediate access to school grounds, comply with the officer's orders and immediately contact the Chief Executive Officer or designee. Exigent circumstances exist when there is an:
  - a. Enforcement action involving a national security or terrorism matter;
  - b. Enforcement action involving the immediate arrest or pursuit of a dangerous felon, terrorist suspect, or any other individual posing an imminent danger to public safety;
  - c. Imminent risk of death, violence, or physical harm to a person or property; or
  - d. Imminent risk of destruction of evidence material to an ongoing criminal case
7. If the officer does not declare that exigent circumstances exist, respond according to the requirements of the officer's documentation, as follows:
  - a. If the officer has an Immigrations and Customs Enforcement (ICE) administrative warrant, school personnel shall inform the officer that they cannot consent to any request without first consulting with the charter school's legal counsel or Chief Executive Officer.
  - b. If the officer has a federal judicial warrant, such as a search and seizure warrant or an arrest warrant signed by a federal judge or magistrate, school personnel shall promptly comply with the warrant. If feasible, school personnel staff shall consult with the charter school's legal counsel or Chief Executive Officer before providing the officer with access to the person or materials specified in the warrant.
  - c. If the officer has a subpoena for production of documents or other evidence, school personnel shall inform the charter school's legal counsel or Chief Executive Officer of the subpoena and await further instructions as to how to proceed.
8. Do not attempt to physically impede the officer, even if the officer appears to be exceeding the authorization given under a warrant or other document. If an officer enters the premises without consent, school personnel shall document the officer's actions while on school grounds.
9. After the encounter with the officer, promptly make written notes of all interactions with the officer, including:
  - a. A list or copy of the officer's credentials and contact information
  - b. The identity of all school personnel who communicated with the officer
  - c. Details of the officer's request
  - d. Whether the officer presented a warrant or subpoena to accompany his/her request, what was requested in the warrant or subpoena, and whether the warrant or subpoena was signed by a judge
  - e. School personnel's response to the officer's request
  - f. Any further action taken by the officer

g. A photo or copy of any documents presented by the officer

10. Provide a copy of these notes and associated documents collected from the officer to the charter school's legal counsel or Chief Executive Officer.

The charter school's legal counsel or Chief Executive Officer shall submit a timely report to the Board of Trustees regarding the officer's requests and actions and the charter school's responses. (Education Code 234.7)

The Chief Executive Officer or designee shall email the Bureau of Children's Justice in the California Department of Justice, at [BCJ@doj.ca.gov](mailto:BCJ@doj.ca.gov), regarding any attempt by an officer or employee of a law enforcement agency to access a school site or a student for immigration enforcement purposes.

### **Responding to the Detention or Deportation of a Student's Family Member**

The principal or designee shall encourage students and their families to update their emergency contact information as needed throughout the school year and to provide alternative contacts, including an identified trusted adult guardian, in case a student's parent/guardian is detained or is otherwise unavailable. The principal or designee shall notify students' families that information provided on the emergency cards will only be used in response to specific emergency situations and not for any other purpose.

The principal or designee shall also encourage all students and families to learn their emergency phone numbers and know where to find important documentation, including birth certificates, passports, social security cards, doctors' contact information, medication lists, lists of allergies, and other such information that would allow the them to be prepared in the event that a family member is detained or deported.

In the event that a student's parent/guardian is detained or deported by federal immigration authorities, the principal or designee shall release the student to the person(s) designated in the student's emergency contact information or to any individual who presents a caregiver's authorization affidavit on behalf of the student. The principal or designee shall only contact child protective services if school personnel are unable to arrange for the timely care of the student by the person(s) designated in the emergency contact information maintained by the school or identified on a caregiver's authorization affidavit.

### **Notification Requirements**

Parents/guardians shall receive annual notification of the following, including information relating to "know your rights" immigration enforcement established by the California Office of the Attorney General:

1. Students have the right to equal access to free public education, regardless of immigration status or religious beliefs.
2. The charter school will not release student information to third parties for immigration enforcement purposes, unless the parent/guardian consents or it is in compliance with a court order or judicial subpoena.
3. The categories of information that the charter school has classified as directory information that may be disclosed without parent/guardian consent does not include citizenship status, immigration status, place of birth, or any other information indicating national origin.
4. School personnel must receive consent from the student's parent/guardian before a student can be interviewed or searched by any officer seeking to enforce the civil immigration laws at the school,

unless the officer presents a valid, effective warrant, signed by a judge, or presents a valid, effective court order.

5. School personnel shall immediately notify the student's parent/guardian if an officer or employee of a law enforcement agency requests or gains access to a student for immigration enforcement purposes, unless such access was in compliance with a judicial warrant or subpoena that restricts the disclosure of the information to the parent/guardian.
6. The charter school receives and investigates complaints of discrimination, harassment, intimidation, and bullying based on immigration status in accordance with its Uniform Complaint Procedures.
7. Students who are victims of hate crimes have the right to report such crimes.

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## SECTION 12: NONDISCRIMINATION & HARASSMENT

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RISE High's programs, activities, and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. Programs and activities shall also be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames.

All individuals shall be treated equitably in the receipt of services. Personally identifiable information collected in the implementation of any program, including, but not limited to, student and family information for the free and reduced-price lunch program, transportation, or any other educational program, shall be used only for the purposes of the program, except when the Chief Executive Officer or designee authorizes its use for another purpose in accordance with law. Resources and data collected by RISE High shall not be used, directly or by others, to compile a list, registry, or database of individuals based on race, gender, sexual orientation, religion, ethnicity, national origin, or immigration status or any other category identified above.

All allegations of unlawful discrimination in RISE High's programs and activities shall be investigated and resolved in accordance with the procedures specified in the Uniform Complaint Procedures.

The Chief Executive Officer or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about Da Vinci Schools' policy on nondiscrimination and related complaint procedures. Such notification shall be included in the annual parental notification distributed pursuant to Education Code 48980 and, as applicable, in announcements, bulletins, catalogs, handbooks, application forms, or other materials distributed by RISE High. The notification shall also be posted on Da Vinci Schools' web site and social media and in schools and offices, including staff lounges, student government meeting rooms, and other prominent locations as appropriate.

The nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language.

### **Access for Individuals with Disabilities**

RISE High's programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act (ADA) and any implementing standards and/or regulations. When structural changes to existing district facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, the Chief Executive Officer or designee shall develop a transition plan that sets forth the steps for completing the changes.

The Chief Executive Officer or designee shall ensure RISE High provides appropriate auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, assistive technologies or other modifications to increase accessibility to district and school web sites, notetakers, written materials, taped text, and Braille or large-print materials. Individuals with disabilities shall notify the Chief Executive Officer or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to a school-sponsored function, program, or meeting.

The individual identified in the Uniform Complaint Procedures as the employee responsible for coordinating Da Vinci Schools' response to complaints and for complying with state federal civil rights laws is hereby designated as the ADA coordinator. He/she shall receive and address requests for accommodation submitted by individuals with disabilities and shall investigate and resolve complaints regarding their access to programs, services, activities, or facilities.

**Hawthorne Campus**

Name: Dionna McDowell  
Title: Special Education Teacher  
Address: 13500 Aviation Blvd, Hawthorne Ca, 90250  
Phone: (310) 725-5800  
Email: [Dmcdowell@davincischools.org](mailto:Dmcdowell@davincischools.org)

**A Place Called Home Campus**

Name: Spencer Lee  
Title: Special Education Teacher  
Address: 2830 S Central Ave, Los Angeles Ca, 90011  
Phone: (310) 725-5800  
Email: [Dmcdowell@davincischools.org](mailto:Dmcdowell@davincischools.org)

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## **SECTION 13: SEXUAL HARASSMENT**

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The administration, teachers and staff at RISE High actively strive to eliminate acts of sexual harassment at the school. All personnel are aware of the mandates from the State of California, the California Department of Education, and the Da Vinci Schools Board of Trustees and support them fully. All personnel shall receive instruction regarding the recognition, prevention, and reporting of acts of sexual harassment.

### **Employees – Sexual Harassment Policy**

Da Vinci Schools prohibits sexual harassment in the working environment of its employees or applicants. Employees who permit or engage in such harassment may be subject to disciplinary action up to and including dismissal.

Any employee or applicant for employment who feels that he/she or another individual in RISE High is being sexually harassed should immediately contact his/her supervisor, principal, other administrator, or the Chief Executive Officer or designee in order to obtain procedures for reporting a complaint. Any supervisor who receives a harassment complaint shall notify the Chief Executive Officer or designee, who shall ensure that the complaint is appropriately investigated.

Retaliatory behavior against any complainant or any participant in the complaint process is prohibited. Each complaint of sexual harassment shall be promptly investigated in a way that respects the privacy of all parties concerned.

### **Employees – Prohibited Acts**

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature made by someone from or in the work or educational setting when:

1. Submission to the conduct is made either expressly or by implication in terms or condition of any individual's employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting the individual.
3. The conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or of creating an intimidating, hostile, or offensive working or educational environment, or of adversely affecting the student or employee's performance, evaluation, advancement, assigned duties, or any other condition of education, employment or career development.
4. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

Other examples of sexual harassment, whether committed by a supervisor or any other employee, are:

1. Unwelcome leering, sexual flirtations or propositions.
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions.
3. Graphic verbal comments about an individual's body, or overly personal conversation.
4. Sexual jokes, stories, drawings, pictures, or gestures.

5. Spreading sexual rumors.
6. Touching an individual's body or clothes in a sexual way.
7. Cornering or blocking of normal movements.
8. Displaying sexually suggestive objects in the educational or work environment.
9. Any act of retaliation against an individual who reports a violation of Da Vinci Schools' sexual harassment policy or who participates in the investigation of a sexual harassment.

### **Employees – Notifications**

Each principal and supervisor has the responsibility of maintaining an educational and work environment free of sexual harassment. This responsibility includes disseminating and/or discussing Da Vinci Schools' sexual harassment policy with staff and assuring them that they are not required to endure sexually insulting, degrading, or exploitive treatment or any other form of sexual harassment.

A copy of Da Vinci Schools' policy on Harassment in Employment shall:

1. Be provided to each faculty member and all members of the support staff at the beginning of the first quarter or semester of the school year, or whenever a new employee is hired.
2. Appear in any school or Da Vinci Schools publication that sets forth the charter school's comprehensive rules, regulations, procedures, and standards of conduct.

All employees shall receive a Da Vinci Schools employee handbook that contains:

1. The illegality of sexual harassment.
2. The definition of sexual harassment under applicable state and federal law.
3. A description of sexual harassment.
4. Da Vinci Schools' complaint process available to the employee.
5. The legal remedies and complaint process available through the Fair Employment and Housing Department and Commission.
6. Direction on how to contact the Fair Employment and Housing Department and Commission.

### **Students – Sexual Harassment Policy**

Da Vinci Schools prohibits unlawful sexual harassment of or by any student by anyone in or from Da Vinci Schools. Any student who engages in the sexual harassment of anyone in or from RISE High may be subject to disciplinary action up to and including expulsion. Any employee who permits or engages in sexual harassment may be subject to disciplinary action up to and including dismissal.

Students or staff are expected to immediately report incidents of sexual harassment to the principal or designee or to another administrator. Any student who feels that he/she is being harassed should immediately contact the principal or designee or another administrator in order to obtain a copy of the Uniform Complaint Procedures. Complaints of harassment can be filed in accordance with these procedures.

Retaliatory behavior against any complainant or any participant in the complaint process is prohibited. Each complaint of sexual harassment shall be promptly investigated in a way that respects the privacy of all parties concerned.

## **Students – Prohibited Acts**

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:

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status or progress.
2. Submission to or rejection of the conduct by an individual is used as the basis for academic or employment decisions affecting the individual.
3. The conduct has the purpose or effect of having a negative impact on the individual's academic or work performance, or of creating an intimidating, hostile, or offensive educational or work environment.
4. 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.

Other types of conduct which are prohibited in RISE High and which may constitute sexual harassment include:

1. Unwelcome leering, sexual flirtations or propositions.
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions.
3. Graphic verbal comments about an individual's body, or overly personal conversation.
4. Sexual jokes, stories, drawings, pictures, or gestures.
5. Spreading sexual rumors.
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class.
7. Touching an individual's body or clothes in a sexual way.
8. Purposefully limiting a student's access to educational tools.
9. Cornering or blocking of normal movements.
10. Displaying sexually suggestive objects in the educational environment.
11. Any act of retaliation against an individual who reports a violation of the Da Vinci Schools' sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

## **Students – Notifications**

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

A copy of Da Vinci Schools' sexual harassment policy shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year.
2. Be displayed in a prominent location near each school principal's office.
3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session.

4. Appear in any school or Da Vinci Schools publication that sets forth the school's comprehensive rules, regulations, procedures, and standards of conduct.

### **Enforcement**

The principal or designee shall take appropriate actions to reinforce Da Vinci Schools' sexual harassment policy. These actions may include:

1. Removing vulgar or offending graffiti.
2. Providing staff in-service and student instruction or counseling.
3. Taking appropriate disciplinary action as needed.

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## SECTION 14: UNIFORM COMPLAINT PROCEDURES

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The Board of Trustees recognizes that Da Vinci Schools has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. The uniform complaint procedures (UCP) specified in 5 CCR 4600-4670 shall be used to investigate and resolve complaints that require a more formal process.

### **Complaints Subject to UCP**

1. Any complaint alleging that the charter school is in violation of applicable state or federal law or regulations governing career technical education, child nutrition programs, consolidated categorical aid programs, English learner programs, federal education programs in Title I-VII, school safety plans, special education programs, and any other charter school-implemented program
2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any student, employee, or other person participating in charter school programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics
3. Any complaint alleging that the charter school has not complied with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student
4. Any complaint alleging charter school noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities
5. Any complaint alleging that the charter school has not complied with legal requirements related to the implementation of the local control and accountability plan
6. Any complaint, by or on behalf of any student who is a foster youth, alleging that the charter school has not complied with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the charter school's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the granting of an exemption from Board-imposed graduation requirements
7. Any complaint, by or on behalf of a homeless student, a former juvenile court school student, or a child of a military family who transfers into Da Vinci Schools after his/her second year of high school, alleging that the charter school has not complied with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the granting of an exemption from Board-imposed graduation requirements
8. Any complaint alleging that the charter school has not complied with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9-12 to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions

9. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy
10. Any other complaint as specified in a Da Vinci Schools policy

When an allegation that is not subject to the UCP is included in a UCP complaint, the Chief Executive Officer or designee shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through Da Vinci Schools' UCP.

### **Non-UCP Complaints**

The following complaints shall not be subject to Da Vinci School's UCP but shall be referred to the specified agency:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.

Any complaint alleging employment discrimination or harassment shall be investigated and resolved in accordance with the procedures specified in Da Vinci Schools' Nondiscrimination in Employment policy (policy provided in handbook).

Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and mis-assignments shall be investigated and resolved in accordance with the procedures specified in Da Vinci Schools' Williams Uniform Complaint policy.

### **Compliance Officer**

The individual identified below shall be responsible for receiving and coordinating Da Vinci Schools' response to complaints and for complying with state and federal civil rights laws.

Name: Dr. Matthew Wunder  
Title: Chief Executive Officer  
Address: 2021 N. Douglas Street, El Segundo, California 90245  
Phone: (310) 725-5800  
Email: [mwunder@davincischools.org](mailto:mwunder@davincischools.org)

The compliance officer may assign another compliance officer to investigate and resolve a complaint. In such a case, the compliance officer shall promptly notify the complainant and respondent, if applicable.

In no instance shall a compliance officer be assigned to a complaint in which he/she has a bias or conflict of interest that would prohibit him/her from fairly investigating or resolving the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Board of Trustees who shall determine how the complaint will be investigated.

The Chief Executive Officer or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the

complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Chief Executive Officer or designee.

## **Notifications**

Da Vinci Schools' UCP policy and procedures shall be posted in all schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

The Chief Executive Officer or designee shall annually provide written notification of Da Vinci Schools' UCP to students, employees, parents/guardians, advisory committee members, and other interested parties. The notice shall:

1. Identify the person responsible for receiving complaints and provide his/her complete contact information.
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal antidiscrimination laws, if applicable.
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).
4. Include statements that:
  - a. Da Vinci Schools has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
  - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
  - c. A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Chief Executive Officer or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
  - d. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing due to conditions such as a disability or illiteracy, staff shall assist him/her in the filing of the complaint.
  - e. If a complaint is not filed in writing but Da Vinci Schools receives notice of any allegation that is subject to the UCP, affirmative steps shall be taken to investigate and address the allegations, in a manner appropriate to the particular circumstances.
  - f. If the allegation involves retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and the investigation confirms that discrimination has occurred, steps shall be taken to prevent recurrence of discrimination and correct its discriminatory effects on the complainant, and on others, if appropriate.

- g. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of Da Vinci Schools' educational program, including curricular and extracurricular activities.
- h. The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.
- i. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the charter school liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or districts.
- j. A foster youth, homeless student, former juvenile court school student, or child of a military family who transfers into a high school or between high schools as applicable shall be notified of the charter school's responsibility to:
  - (1) Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed
  - (2) Not require the student to retake any course or a portion of a course which he/she has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency
  - (3) If the student has completed his/her second year of high school before the transfer, provide the student information about Board-imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.1
- k. The complainant has a right to appeal Da Vinci Schools' decision to CDE by filing a written appeal within 15 calendar days of receiving the decision.
- l. The appeal to CDE must include a copy of the complaint filed with Da Vinci Schools and a copy of Da Vinci Schools' decision.
- m. Copies of Da Vinci Schools' UCP are available free of charge.

Information related to Title IX as required pursuant to Education Code 221.61 shall be posted on Da Vinci Schools' web site.

The Chief Executive Officer or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in Da Vinci Schools' policy, procedures, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular school speak a single primary language other than English, the policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, Da Vinci Schools shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

### **Responsibilities**

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the compliance officer's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process.

Da Vinci Schools shall protect all complainants from retaliation.

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the compliance officer shall consult with the site principal to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

The compliance officer shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

The Chief Executive Officer or designee shall provide training to staff to ensure awareness and knowledge of current law and related requirements, including the steps and timelines specified in this policy.

### **Filing of Complaints**

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

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, staff shall assist him/her in the filing of the complaint.

Complaints shall also be filed in accordance with the following rules, as applicable:

1. Any complaint alleging that the charter school inappropriately imposed student fees, deposits, and charges may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred.
2. Any complaint alleging noncompliance with any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance.
3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Chief Executive Officer or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
4. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation

or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

5. When the complainant of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when he/she is not the complainant, requests confidentiality, the compliance officer shall inform him/her that the request may limit the charter school's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the charter school shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

## **Mediation**

Within three business days after the compliance officer receives the complaint, he/she may informally discuss with all the parties the possibility of using mediation. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

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

The use of mediation shall not extend the timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then Da Vinci Schools shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, Da Vinci Schools shall then continue with subsequent steps specified in this policy.

## **Investigation of Complaint**

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative with the opportunity to present the information contained in the complaint and shall notify the complainant and/or his/her representative of the opportunity to present any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. He/she shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any

alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the compliance officer with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Similarly, a respondent's refusal to provide the compliance officer with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant.

In accordance with law, the compliance officer shall have access to records and other information related to the allegation in the complaint. Failure or refusal of staff to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant.

The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

### **Final Written Decision**

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant, and respondent if there is one, a final written decision within 60 calendar days of the compliance officer's receipt of the complaint. (5 CCR 4631)

In consultation with Da Vinci Schools' legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), notice of the decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language. In all other instances, Da Vinci Schools shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For all complaints, the final written decision shall include:

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:
  - a. Statements made by any witnesses
  - b. The relative credibility of the individuals involved
  - c. How the complaining individual reacted to the incident
  - d. Any documentary or other evidence relating to the alleged conduct
  - e. Past instances of similar conduct by any alleged offenders
  - f. Past false allegations made by the complainant

2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition

For complaints of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

- a. The manner in which the misconduct affected one or more students' education
  - b. The type, frequency, and duration of the misconduct
  - c. The relationship between the alleged victim(s) and offender(s)
  - d. The number of persons engaged in the conduct and at whom the conduct was directed
  - e. The location of the incidents and context in which they occurred
  - f. Other incidents at the school involving different individuals
5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the decision may, as required by law, include:

- a. The corrective actions imposed on the respondent
  - b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information should not be shared with the respondent.
  - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's and respondent's right to appeal Da Vinci Schools' decision to CDE within 15 calendar days, and procedures to be followed for initiating such an appeal

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

1. He/she may pursue available civil law remedies outside of Da Vinci Schools' complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with CDE.
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law.
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights within 180 days of the alleged discrimination.

## **Corrective Actions**

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law, and/or shall provide an appropriate remedy to the complainant or other affected persons. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce Da Vinci Schools policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

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

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

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

When an employee is found to have committed retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), Da Vinci Schools shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law.

If a complaint alleging noncompliance with any requirement related to the LCAP is found to have merit, Da Vinci Schools shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education.

For complaints alleging noncompliance with the laws regarding student fees, the district shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint.

### **Appeals to the California Department of Education**

Any complainant who is dissatisfied with the final written decision of a complaint regarding any specified federal or state educational program subject to the UCP may file an appeal in writing with CDE within 15 calendar days of receiving Da Vinci Schools' decision.

When a respondent in any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) is dissatisfied with the final written decision, he/she, in the same manner as the complainant, may file an appeal with CDE.

The complainant or respondent shall specify the basis for the appeal of the decision and how the facts of the decision are incorrect and/or the law has been misapplied. The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of Da Vinci Schools' decision in that complaint.

Upon notification by CDE that the complainant or respondent has appealed Da Vinci Schools' decision, the Chief Executive Officer or designee shall forward the following documents to CDE:

1. A copy of the original complaint
2. A copy of the written decision
3. A summary of the nature and extent of the investigation conducted by the charter school, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the compliance officer
5. A report of any action taken to resolve the complaint
6. A copy of Da Vinci Schools' UCP
7. Other relevant information requested by CDE

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## SECTION 15: SUICIDE PREVENTION

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RISE High is committed to protecting the health and well-being of all students by having procedures in place to prevent, assess the risk of, intervene in, and respond to suicide. RISE High:

- Recognizes that physical, behavioral, and emotional health is an integral component of a student's educational outcomes
- Recognizes that suicide is a leading cause of death among young people
- Has an ethical responsibility to take a proactive approach in preventing deaths by suicide
- Acknowledges the school's role in providing an environment which is sensitive to individual and societal factors that place youth at greater risk for suicide and one which helps to foster positive youth development.

### **Suicide Prevention**

The principal shall designate a suicide prevention coordinator to act as a point of contact at each Learning Site to address issues relating to suicide prevention and policy implementation. All staff members shall report students they believe to be at elevated risk for suicide to the suicide prevention coordinator.

#### Staff Professional Development

All staff will receive annual professional development on risk factors, warning signs, protective factors, response procedures, referrals, postvention, and resources regarding youth suicide prevention. The professional development will include additional information regarding groups of students at elevated risk for suicide, including those:

- Living with mental and/or substance use disorders
- Who engage in self harm or have attempted suicide
- In out-of-home settings
- Experiencing homelessness
- Who are American Indian/Alaska Native
- Who are LGBTQ (lesbian, gay, bisexual, transgender, and questioning)
- Bereaved by suicide
- With medical conditions or certain types of disabilities

Additional professional development in risk assessment and crisis intervention will be provided to school employed mental health professionals and school nurses.

#### Youth Suicide Prevention Programming

Developmentally-appropriate, student-centered education materials will be integrated into the curriculum of all K-12 advisory classes. The content of these age-appropriate materials will include:

The importance of safe and healthy choices and coping strategies,

How to recognize risk factors and warning signs of mental disorders and suicide in oneself and others,

Help-seeking strategies for oneself or others, including how to engage school resources and refer friends for help. In addition, schools may provide supplemental small group suicide prevention programming for students.

## Publication and Distribution

Da Vinci Schools' suicide prevention policy will be distributed annually and included in all student and teacher handbooks and posted on the school website.

## **Assessment and Referral**

When a student is identified by a staff person as potentially suicidal (*i.e.*, verbalizes about suicide, presents overt risk factors such as agitation or intoxication, the act of self-harm occurs, or a student self-refers) the student will be seen by a school employed mental health professional within the same school day to assess risk and facilitate referral. If there is no mental health professional available, a school nurse or administrator will fill this role until a mental health professional can be brought in.

For youth at risk:

1. School staff will continuously supervise the student to ensure their safety.
2. The principal and school suicide prevention coordinator will be made aware of the situation as soon as reasonably possible.
3. The school-employed mental health professional or principal will contact the student's parent/guardian, as described in the Parental Notification and Involvement section, and will assist the family with urgent referral. When appropriate, this may include calling emergency services or bringing the student to the local Emergency Department, but in most cases will involve setting up an outpatient mental health or primary care appointment and communicating the reason for referral to the healthcare provider.
4. Staff will ask the student's parent/guardian for written permission to discuss the student's health with outside care, if appropriate.

## **In-School Suicide Attempts**

In the case of an in-school suicide attempt, the health and safety of the student is paramount. In these situations:

1. First aid will be rendered until professional medical treatment and/or transportation can be received, following Da Vinci Schools' emergency medical procedures.
2. Staff will supervise the student to ensure his/her safety.
3. Staff will move all other students out of the immediate area as soon as possible.
4. If appropriate, staff will immediately request a mental health assessment for the youth.
5. The school-employed mental health professional or principal will contact the student's parent/guardian, as described in the Parental Notification and Involvement section.
6. Staff will immediately notify the principal or school suicide prevention coordinator regarding in-school suicide attempts.
7. The suicide prevention coordinator will engage, as necessary, the crisis team to assess whether additional steps should be taken to ensure student safety and well-being.

## **Re-Entry Procedure**

For students returning to school after a mental health crisis (e.g., suicide attempt or psychiatric hospitalization), a school-employed mental health professional, the principal or designee will meet with the student's parent/guardian, and if appropriate, meet with the student to discuss re-entry and appropriate next steps to ensure the student's readiness for return to school.

1. A school-employed mental health professional or other designee will be identified to coordinate with the student, their parent/guardian, and any outside mental health care providers.
2. The parent/guardian will provide documentation from a mental health care provider that the student has undergone examination and that they are no longer a danger to themselves or others.
3. The designated staff person will periodically check in with student to help the student readjust to the school community and address any ongoing concerns.

## **Out-of-School Suicide Attempts**

If a staff member becomes aware of a suicide attempt by a student that is in progress in an out-of-school location, the staff member will:

1. Call the police and/or emergency medical services, such as 911.
2. Inform the student's parent/guardian.
3. Inform the suicide prevention coordinator and principal.

If the student contacts the staff member and expresses suicidal ideation, the staff member should maintain contact with the student (either in person, online, or on the phone). The staff member should then enlist the assistance of another person to contact the police while maintaining verbal engagement with the student.

## **Parental Notification and Involvement**

In situations where a student is assessed at risk for suicide or has made a suicide attempt, the student's parent/guardian will be informed as soon as practicable by the principal, designee, or mental health professional. If the student has exhibited any kind of suicidal behavior, the parent/guardian should be counseled on "means restriction," limiting the child's access to mechanisms for carrying out a suicide attempt. Staff will also seek parental permission to communicate with outside mental health care providers regarding their child.

Through discussion with the student, the principal or school-employed mental health professional will assess whether there is further risk of harm due to parent/guardian notification. If the principal, designee, or mental health professional believes, in their professional capacity, that contacting the parent/guardian would endanger the health or well-being of the student, he/she may delay such contact as appropriate. If contact is delayed, the reasons for the delay should be documented.

## **Postvention**

### Development and Implementation of an Action Plan

The crisis team will develop an action plan to guide school response following a death by suicide. A meeting of the crisis team to implement the action plan should take place immediately following news of the suicide death. The action plan may include the following steps:

1. **Verify the death.** Staff will confirm the death and determine the cause of death through communication with a coroner's office, local hospital, the student's parent/guardian, or police department. Even when a case is perceived as being an obvious instance of suicide, it should not be labeled as such until after a cause of death ruling has been made. If the cause of death has been confirmed as suicide but the parent/ guardian will not permit the cause of death to be disclosed, the school will not share the cause of death but will use the opportunity to discuss suicide prevention with students.
2. **Assess the situation.** The crisis team will meet to prepare the postvention response, to consider how severely the death is likely to affect other students, and to determine which students are most likely to be affected. The crisis team will also consider how recently other traumatic events have occurred within the school community and the time of year of the suicide. If the death occurred during a school vacation, the need for or scale of postvention activities may be reduced.
3. **Share information.** Before the death is officially classified as a suicide by the coroner's office, the death can and should be reported to staff, students, and parents/guardians with an acknowledgement that its cause is unknown. Inform the faculty that a sudden death has occurred, preferably in a staff meeting. Write a statement for staff members to share with students. The statement should include the basic facts of the death and known funeral arrangements (without providing details of the suicide method), recognition of the sorrow the news will cause, and information about the resources available to help students cope with their grief. Public address system announcements and school-wide assemblies should be avoided. The crisis team may prepare a letter (with the input and permission from the student's parent/ guardian) to send home with students that includes facts about the death, information about what the school is doing to support students, the warning signs of suicidal behavior, and a list of resources available.
4. **Avoid suicide contagion.** It should be explained in the staff meeting described above that one purpose of trying to identify and give services to other high-risk students is to prevent another death. The crisis team will work with teachers to identify students who are most likely to be significantly affected by the death. In the staff meeting, the crisis team will review suicide warning signs and procedures for reporting students who generate concern.
5. **Initiate support services.** Students identified as being more likely to be affected by the death will be assessed by a school-employed mental health professional to determine the level of support needed. The crisis team will coordinate support services for students and staff in need of individual and small group counseling as needed. In concert with parents/guardians, crisis team members will refer to community mental healthcare providers to ensure a smooth transition from the crisis intervention phase to meeting underlying or ongoing mental health needs.
6. **Develop memorial plans.** The school should not create on-campus physical memorials (e.g., photos, flowers), funeral services, or fly the flag at half-mast because it may sensationalize the death and encourage suicide contagion. School should not be canceled for the funeral. Any school-based memorials (e.g., small gatherings) will include a focus on how to prevent future suicides and prevention resources available.

### External Communication

The principal or designee will be the sole media spokesperson. Staff will refer all inquiries from the media directly to the spokesperson. The spokesperson will:

1. Keep Da Vinci Schools suicide prevention coordinator and Executive Director informed of school actions relating to the death.

2. Prepare a statement for the media including the facts of the death, postvention plans, and available resources. The statement will not include confidential information, speculation about victim motivation, means of suicide, or personal family information.
3. Answer all media inquiries. If a suicide is to be reported by news media, the spokesperson should encourage reporters not to make it a front-page story, not to use pictures of the suicide victim, not to use the word suicide in the caption of the story, not to describe the method of suicide, and not to use the phrase “suicide epidemic” – as this may elevate the risk of suicide contagion. They should also be encouraged not to link bullying to suicide and not to speculate about the reason for suicide. Media should be asked to offer the community information on suicide risk factors, warning signs, and resources available.

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## SECTION 16: APPENDIX

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### **Appendix A. School Safety Plans (Education Code 32280-32289)**

#### *EC 32280. Legislative Intent*

It is the intent of the Legislature that all California public schools, in kindergarten, and grades 1 to 12, inclusive, operated by school districts, in cooperation with local law enforcement agencies, community leaders, parents, pupils, teachers, administrators, and other persons who may be interested in the prevention of campus crime and violence, develop a comprehensive school safety plan that addresses the safety concerns identified through a systematic planning process. For the purposes of this section, law enforcement agencies include local police departments, county sheriffs' offices, school district police or security departments, probation departments, and district attorneys' offices. For purposes of this section, a "safety plan" means a plan to develop strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on the school campus. (Stats. 2003, Ch. 828)

#### *EC 32281. Development*

(a) Each school district and county office of education is responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 to 12, inclusive.

(b) (1) Except as provided in subdivision (d) with regard to a small school district, the schoolsite council established pursuant to former Section 52012, as it existed before July 1, 2005, or Section 52852 shall write and develop a comprehensive school safety plan relevant to the needs and resources of that particular school.

(2) The schoolsite council may delegate this responsibility to a school safety planning committee made up of the following members:

(A) The principal or the principal's designee.

(B) One teacher who is a representative of the recognized certificated employee organization.

(C) One parent whose child attends the school.

(D) One classified employee who is a representative of the recognized classified employee organization.

(E) Other members, if desired.

(3) The schoolsite council shall consult with a representative from a law enforcement agency in the writing and development of the comprehensive school safety plan.

(4) In the absence of a schoolsite council, the members specified in paragraph (2) shall serve as the school safety planning committee.

(c) Nothing in this article shall limit or take away the authority of school boards as guaranteed under this code.

(d) (1) Subdivision (b) shall not apply to a small school district, as defined in paragraph (2), if the small school district develops a districtwide comprehensive school safety plan that is applicable to each schoolsite.

(2) As used in this article, "small school district" means a school district that has fewer than 2,501 units of average daily attendance at the beginning of each fiscal year.

(e) (1) When a principal or his or her designee verifies through local law enforcement officials that a report has been filed of the occurrence of a violent crime on the schoolsite of an elementary or

secondary school at which he or she is the principal, the principal or the principal's designee may send to each pupil's parent or legal guardian and each school employee a written notice of the occurrence and general nature of the crime. If the principal or his or her designee chooses to send the written notice, the Legislature encourages the notice be sent no later than the end of business on the second regular work day after the verification. If, at the time of verification, local law enforcement officials determine that notification of the violent crime would hinder an ongoing investigation, the notification authorized by this subdivision shall be made within a reasonable period of time, to be determined by the local law enforcement agency and the school district. For purposes of this section, an act that is considered a "violent crime" shall meet the definition of Section 67381 and be an act for which a pupil could or would be expelled pursuant to Section 48915.

(2) Nothing in this subdivision shall create any liability in a school district or its employees for complying with paragraph (1).

(f) (1) Notwithstanding subdivision (b), a school district or county office of education may, in consultation with law enforcement officials, elect to not have its schoolsite council develop and write those portions of its comprehensive school safety plan that include tactical responses to criminal incidents that may result in death or serious bodily injury at the schoolsite. The portions of a school safety plan that include tactical responses to criminal incidents may be developed by administrators of the school district or county office of education in consultation with law enforcement officials and with a representative of an exclusive bargaining unit of employees of that school district or county office of education, if he or she chooses to participate. The school district or county office of education may elect not to disclose those portions of the comprehensive school safety plan that include tactical responses to criminal incidents.

(2) As used in this article, "tactical responses to criminal incidents" means steps taken to safeguard pupils and staff, to secure the affected school premises, and to apprehend the criminal perpetrator or perpetrators.

(3) Nothing in this subdivision precludes the governing board of a school district or county office of education from conferring in a closed session with law enforcement officials pursuant to Section 54957 of the Government Code to approve a tactical response plan developed in consultation with those officials pursuant to this subdivision. Any vote to approve the tactical response plan shall be announced in open session following the closed session.

(4) Nothing in this subdivision shall be construed to reduce or eliminate the requirements of Section 32282. (Stats. 2011, Ch. 438)

#### *EC 32282. Content*

(a) The comprehensive school safety plan shall include, but not be limited to, both of the following:

(1) Assessing the current status of school crime committed on school campuses and at school-related functions.

(2) Identifying appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, which shall include the development of all of the following:

(A) Child abuse reporting procedures consistent with Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code.

(B) Disaster procedures, routine and emergency, including adaptations for pupils with disabilities in accordance with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.). The disaster procedures shall also include, but not be limited to, both of the following:

(i) Establishing an earthquake emergency procedure system in every public school building having an occupant capacity of 50 or more pupils or more than one classroom. A school district or county office of education may work with the Office of Emergency Services and the Alfred E. Alquist Seismic Safety Commission to develop and establish the earthquake emergency procedure system. The system shall include, but not be limited to, all of the following:

(I) A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of pupils and staff.

(II) A drop procedure whereby each pupil and staff member takes cover under a table or desk, dropping to his or her knees, with the head protected by the arms, and the back to the windows. A drop procedure practice shall be held at least once each school quarter in elementary schools and at least once a semester in secondary schools.

(III) Protective measures to be taken before, during, and following an earthquake.

(IV) A program to ensure that pupils and both the certificated and classified staff are aware of, and properly trained in, the earthquake emergency procedure system.

(ii) Establishing a procedure to allow a public agency, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The school district or county office of education shall cooperate with the public agency in furnishing and maintaining the services as the school district or county office of education may deem necessary to meet the needs of the community.

(C) Policies pursuant to subdivision (d) of Section 48915 for pupils who committed an act listed in subdivision (c) of Section 48915 and other school-designated serious acts which would lead to suspension, expulsion, or mandatory expulsion recommendations pursuant to Article 1 (commencing with Section 48900) of Chapter 6 of Part 27 of Division 4 of Title 2.

(D) Procedures to notify teachers of dangerous pupils pursuant to Section 49079.

(E) A discrimination and harassment policy consistent with the prohibition against discrimination contained in Chapter 2 (commencing with Section 200) of Part 1.

(F) The provisions of any schoolwide dress code, pursuant to Section 35183, that prohibits pupils from wearing “gang-related apparel,” if the school has adopted that type of a dress code. For those purposes, the comprehensive school safety plan shall define “gang-related apparel.” The definition shall be limited to apparel that, if worn or displayed on a school campus, reasonably could be determined to threaten the health and safety of the school environment. A schoolwide dress code established pursuant to this section and Section 35183 shall be enforced on the school campus and at any school-sponsored activity by the principal of the school or the person designated by the principal. For purposes of this paragraph, “gang-related apparel” shall not be considered a protected form of speech pursuant to Section 48950.

(G) Procedures for safe ingress and egress of pupils, parents, and school employees to and from school.

(H) A safe and orderly environment conducive to learning at the school.

(I) The rules and procedures on school discipline adopted pursuant to Sections 35291 and 35291.5.

(b) It is the intent of the Legislature that schools develop comprehensive school safety plans using existing resources, including the materials and services of the partnership, pursuant to this chapter. It is also the intent of the Legislature that schools use the handbook developed and distributed by the School/Law Enforcement Partnership Program entitled “Safe Schools: A Planning Guide for Action” in conjunction with developing their plan for school safety.

- (c) Each schoolsite council or school safety planning committee, in developing and updating a comprehensive school safety plan, shall, where practical, consult, cooperate, and coordinate with other schoolsite councils or school safety planning committees.
- (d) The comprehensive school safety plan may be evaluated and amended, as needed, by the school safety planning committee, but shall be evaluated at least once a year, to ensure that the comprehensive school safety plan is properly implemented. An updated file of all safety-related plans and materials shall be readily available for inspection by the public.
- (e) As comprehensive school safety plans are reviewed and updated, the Legislature encourages all plans, to the extent that resources are available, to include policies and procedures aimed at the prevention of bullying.
- (f) The comprehensive school safety plan, as written and updated by the schoolsite council or school safety planning committee, shall be submitted for approval pursuant to subdivision (a) of Section 32288. (Stats. 2015, Ch. 303)

*EC 32282.1. Roles and Responsibilities; Guidelines*

- (a) As comprehensive school safety plans are reviewed and updated, the Legislature encourages all plans, to the extent that resources are available, to include clear guidelines for the roles and responsibilities of mental health professionals, community intervention professionals, school counselors, school resource officers, and police officers on school campuses, if the school district uses these people.
- (b) The guidelines developed pursuant to subdivision (a) are encouraged to include both of the following:
  - (1) Primary strategies to create and maintain a positive school climate, promote school safety, and increase pupil achievement, and prioritize mental health and intervention services, restorative and transformative justice programs, and positive behavior interventions and support.
  - (2) Consistent with paragraph (2) of subdivision (a) of Section 32282, protocols to address the mental health care of pupils who have witnessed a violent act at any time, including, but not limited to, any of the following:
    - (A) While on school grounds.
    - (B) While going to or coming from school.
    - (C) During a lunch period whether on or off campus.
    - (D) During, or while going to or coming from, a school-sponsored activity. (Stats. 2014, Ch. 794)

*EC 32282.5. Disaster Preparedness Materials*

- (a) The department shall electronically distribute disaster preparedness educational materials and lesson plans that are currently available to school districts and county offices of education.
- (b) The department shall ensure that the disaster preparedness materials are available in at least the three most dominant primary languages spoken by English learners in California, according to the language census.
- (c) The department shall coordinate with the Office of Emergency Services to make sure that all materials are reviewed and updated annually. (Stats. 2013, Ch. 352)

*EC 32283. Contract with Professional Trainers*

The Department of Justice and the State Department of Education, in accordance with Section 32262, shall contract with one or more professional trainers to coordinate statewide workshops for school districts, county offices of education, and schoolsite personnel, and in particular school principals, to assist them in the development of their respective school safety and crisis response plans, and provide training in the prevention of bullying as defined in subdivision (r) of Section 48900. The Department of Justice and the State Department of Education shall work in cooperation with regard to the workshops coordinated and presented pursuant to the contracts. Implementation of this section shall be contingent upon the availability of funds in the annual Budget Act. (Stats. 2011, Ch. 732)

*EC 32283.5. Bullying and Cyberbullying*

The department shall develop an online training module to assist all school staff, school administrators, parents, pupils, and community members in increasing their knowledge of the dynamics of bullying and cyberbullying. The online training module shall include, but is not limited to, identifying an act of bullying or cyberbullying, and implementing strategies to address bullying and cyberbullying. (Stats. 2014, Ch. 418)

*EC 32284. Pesticide or Other Toxic Substance*

The comprehensive school safety plan may also include, at local discretion of the governing board of the school district and using local funds, procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of a school. No funds received from the state may be used for this purpose. (Stats. 2003, Ch. 828)

*EC 32286. Deadline*

(a) Each school shall adopt its comprehensive school safety plan by March 1, 2000, and shall review and update its plan by March 1, every year thereafter. A new school campus that begins offering classes to pupils after March 1, 2001, shall adopt a comprehensive school safety plan within one year of initiating operation, and shall review and update its plan by March 1, every year thereafter.

(b) Commencing in July 2000, and every July thereafter, each school shall report on the status of its school safety plan, including a description of its key elements in the annual school accountability report card prepared pursuant to Sections 33126 and 35256. (Stats. 2003, Ch. 828)

*EC 32287. Willful Failure to Make Reports*

If the Superintendent of Public Instruction determines that there has been a willful failure to make any report required by this article, the superintendent shall do both of the following:

(a) Notify the school district or the county office of education in which the willful failure has occurred.

(b) Make an assessment of not more than two thousand dollars (\$2,000) against that school district or county office of education. This may be accomplished by deducting an amount equal to the amount of the assessment from the school district's or county office of education's future apportionment. (Stats. 2003, Ch. 828)

*EC 32288. Compliance; Notification*

(a) In order to ensure compliance with this article, each school shall forward its comprehensive school safety plan to the school district or county office of education for approval.

(b) (1) Before adopting its comprehensive school safety plan, the schoolsite council or school safety planning committee shall hold a public meeting at the schoolsite in order to allow members of the public the opportunity to express an opinion about the school safety plan.

(2) The schoolsite council or school safety planning committee shall notify, in writing, the following persons and entities, if available, of the public meeting:

(A) The local mayor.

(B) A representative of the local school employee organization.

(C) A representative of each parent organization at the schoolsite, including the parent teacher association and parent teacher clubs.

(D) A representative of each teacher organization at the schoolsite.

(E) A representative of the student body government.

(F) All persons who have indicated they want to be notified.

(3) The schoolsite council or school safety planning committee is encouraged to notify, in writing, the following persons and entities, if available, of the public meeting:

(A) A representative of the local churches.

(B) Local civic leaders.

(C) Local business organizations.

(c) In order to ensure compliance with this article, each school district or county office of education shall annually notify the State Department of Education by October 15 of any schools that have not complied with Section 32281. (Stats. 2003, Ch. 828)

#### *EC 32289. Complaint of Noncompliance*

A complaint of noncompliance with the school safety planning requirements of Title IV of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 7114 (d)(7)) may be filed with the department under the Uniform Complaint Procedures as set forth in Chapter 5.1 (commencing with Section 4600) of Title 5 of the California Code of Regulations. (Stats. 2015, Ch. 303)

Source: <http://leginfo.legislature.ca.gov/>

Note: Assembly Bill 1747 (Rodriguez) seeks to explicitly require charter schools to develop a comprehensive school safety plan. If it is approved by the Governor, it will amend several of the sections provided above, and EC 47605 and 47605.6 related to charter school petitions.

## **Appendix B. Child Abuse and Neglect Reporting Act [Penal Code 11166]**

(a) Except as provided in subdivision (d), and in Section 11166.05, a mandated reporter shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make an initial report by telephone to the agency immediately or as soon as is practicably possible, and shall prepare and send, fax, or electronically transmit a written followup report within 36 hours of receiving the information concerning the incident. The mandated reporter may include with the report any nonprivileged documentary evidence the mandated reporter possesses relating to the incident.

(1) For purposes of this article, “reasonable suspicion” means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect. “Reasonable suspicion” does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any “reasonable suspicion” is sufficient. For purposes of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.

(2) The agency shall be notified and a report shall be prepared and sent, faxed, or electronically transmitted even if the child has expired, regardless of whether or not the possible abuse was a factor contributing to the death, and even if suspected child abuse was discovered during an autopsy.

(3) A report made by a mandated reporter pursuant to this section shall be known as a mandated report.

(b) If, after reasonable efforts, a mandated reporter is unable to submit an initial report by telephone, he or she shall immediately or as soon as is practicably possible, by fax or electronic transmission, make a one-time automated written report on the form prescribed by the Department of Justice, and shall also be available to respond to a telephone followup call by the agency with which he or she filed the report. A mandated reporter who files a one-time automated written report because he or she was unable to submit an initial report by telephone is not required to submit a written followup report.

(1) The one-time automated written report form prescribed by the Department of Justice shall be clearly identifiable so that it is not mistaken for a standard written followup report. In addition, the automated one-time report shall contain a section that allows the mandated reporter to state the reason the initial telephone call was not able to be completed. The reason for the submission of the one-time automated written report in lieu of the procedure prescribed in subdivision (a) shall be captured in the Child Welfare Services/Case Management System (CWS/CMS). The department shall work with stakeholders to modify reporting forms and the CWS/CMS as is necessary to accommodate the changes enacted by these provisions.

(2) This subdivision shall not become operative until the CWS/CMS is updated to capture the information prescribed in this subdivision.

(3) This subdivision shall become inoperative three years after this subdivision becomes operative or on January 1, 2009, whichever occurs first.

(4) On the inoperative date of these provisions, a report shall be submitted to the counties and the Legislature by the State Department of Social Services that reflects the data collected from automated one-time reports indicating the reasons stated as to why the automated one-time report was filed in lieu of the initial telephone report.

(5) Nothing in this section shall supersede the requirement that a mandated reporter first attempt to make a report via telephone, or that agencies specified in Section 11165.9 accept reports from mandated reporters and other persons as required.

(c) A mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by this section is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of one thousand dollars (\$1,000) or by both that imprisonment and fine. If a mandated reporter intentionally conceals his or her failure to report an incident known by the mandated reporter to be abuse or severe neglect under this section, the failure to report is a continuing offense until an agency specified in Section 11165.9 discovers the offense.

(d) (1) A clergy member who acquires knowledge or a reasonable suspicion of child abuse or neglect during a penitential communication is not subject to subdivision (a). For the purposes of this subdivision, "penitential communication" means a communication, intended to be in confidence, including, but not limited to, a sacramental confession, made to a clergy member who, in the course of the discipline or practice of his or her church, denomination, or organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of his or her church, denomination, or organization, has a duty to keep those communications secret.

(2) Nothing in this subdivision shall be construed to modify or limit a clergy member's duty to report known or suspected child abuse or neglect when the clergy member is acting in some other capacity that would otherwise make the clergy member a mandated reporter.

(3) (A) On or before January 1, 2004, a clergy member or any custodian of records for the clergy member may report to an agency specified in Section 11165.9 that the clergy member or any custodian of records for the clergy member, prior to January 1, 1997, in his or her professional capacity or within the scope of his or her employment, other than during a penitential communication, acquired knowledge or had a reasonable suspicion that a child had been the victim of sexual abuse and that the clergy member or any custodian of records for the clergy member did not previously report the abuse to an agency specified in Section 11165.9. The provisions of Section 11172 shall apply to all reports made pursuant to this paragraph.

(B) This paragraph shall apply even if the victim of the known or suspected abuse has reached the age of majority by the time the required report is made.

(C) The local law enforcement agency shall have jurisdiction to investigate any report of child abuse made pursuant to this paragraph even if the report is made after the victim has reached the age of majority.

(e) (1) A commercial film, photographic print, or image processor who has knowledge of or observes, within the scope of his or her professional capacity or employment, any film, photograph, videotape, negative, slide, or any representation of information, data, or an image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image depicting a child under 16 years of age engaged in an act of sexual conduct, shall, immediately or as soon as practicably possible, telephonically report the instance of suspected abuse to the law enforcement agency located in the county in which the images are seen. Within 36 hours of receiving the information concerning the incident, the reporter shall prepare and send, fax, or electronically transmit a written followup report of the incident with a copy of the image or material attached.

(2) A commercial computer technician who has knowledge of or observes, within the scope of his or her professional capacity or employment, any representation of information, data, or an image, including, but not limited to, any computer hardware, computer software, computer file, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image that is retrievable in perceivable form and that is intentionally saved, transmitted, or organized on an electronic medium, depicting a child under 16 years of age engaged in an act of sexual conduct, shall immediately, or as soon as practicably possible, telephonically report the instance of suspected

abuse to the law enforcement agency located in the county in which the images or materials are seen. As soon as practicably possible after receiving the information concerning the incident, the reporter shall prepare and send, fax, or electronically transmit a written followup report of the incident with a brief description of the images or materials.

(3) For purposes of this article, “commercial computer technician” includes an employee designated by an employer to receive reports pursuant to an established reporting process authorized by subparagraph (B) of paragraph (43) of subdivision (a) of Section 11165.7.

(4) As used in this subdivision, “electronic medium” includes, but is not limited to, a recording, CD-ROM, magnetic disk memory, magnetic tape memory, CD, DVD, thumbdrive, or any other computer hardware or media.

(5) As used in this subdivision, “sexual conduct” means any of the following:

(A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals.

(B) Penetration of the vagina or rectum by any object.

(C) Masturbation for the purpose of sexual stimulation of the viewer.

(D) Sadoomasochistic abuse for the purpose of sexual stimulation of the viewer.

(E) Exhibition of the genitals, pubic, or rectal areas of a person for the purpose of sexual stimulation of the viewer.

(f) Any mandated reporter who knows or reasonably suspects that the home or institution in which a child resides is unsuitable for the child because of abuse or neglect of the child shall bring the condition to the attention of the agency to which, and at the same time as, he or she makes a report of the abuse or neglect pursuant to subdivision (a).

(g) Any other person who has knowledge of or observes a child whom he or she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to an agency specified in Section 11165.9. For purposes of this section, “any other person” includes a mandated reporter who acts in his or her private capacity and not in his or her professional capacity or within the scope of his or her employment.

(h) When two or more persons, who are required to report, jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

(i) (1) The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties, and no person making a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with this article. An internal policy shall not direct an employee to allow his or her supervisor to file or process a mandated report under any circumstances.

(2) The internal procedures shall not require any employee required to make reports pursuant to this article to disclose his or her identity to the employer.

(3) Reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, school principal, school counselor, coworker, or other person shall not be a substitute for making a mandated report to an agency specified in Section 11165.9.

(j) (1) A county probation or welfare department shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the law enforcement agency having jurisdiction

over the case, to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, and to the district attorney's office every known or suspected instance of child abuse or neglect, as defined in Section 11165.6, except acts or omissions coming within subdivision (b) of Section 11165.2, or reports made pursuant to Section 11165.13 based on risk to a child that relates solely to the inability of the parent to provide the child with regular care due to the parent's substance abuse, which shall be reported only to the county welfare or probation department. A county probation or welfare department also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

(2) A county probation or welfare department shall immediately, and in no case in more than 24 hours, report to the law enforcement agency having jurisdiction over the case after receiving information that a child or youth who is receiving child welfare services has been identified as the victim of commercial sexual exploitation, as defined in subdivision (d) of Section 11165.1.

(3) When a child or youth who is receiving child welfare services and who is reasonably believed to be the victim of, or is at risk of being the victim of, commercial sexual exploitation, as defined in Section 11165.1, is missing or has been abducted, the county probation or welfare department shall immediately, or in no case later than 24 hours from receipt of the information, report the incident to the appropriate law enforcement authority for entry into the National Crime Information Center database of the Federal Bureau of Investigation and to the National Center for Missing and Exploited Children.

(k) A law enforcement agency shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the agency given responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code and to the district attorney's office every known or suspected instance of child abuse or neglect reported to it, except acts or omissions coming within subdivision (b) of Section 11165.2, which shall be reported only to the county welfare or probation department. A law enforcement agency shall report to the county welfare or probation department every known or suspected instance of child abuse or neglect reported to it which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or as the result of the failure of a person responsible for the child's welfare to adequately protect the minor from abuse when the person responsible for the child's welfare knew or reasonably should have known that the minor was in danger of abuse. A law enforcement agency also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

## **Appendix C. Employee Acknowledgement of Child Abuse Reporting Requirements**

California law requires school employees to report known or suspected child abuse. As a condition of employment, you must sign a statement signifying that you: 1) have knowledge of the laws relating to child abuse relating requirements specified in Penal Code 11166; and 2) will comply with these laws and requirements.

Please read Section 3: Child Abuse Reporting Procedures, which explains your responsibilities and the procedures to report any suspected instances of child abuse. After you have done so, sign as indicated on the form below and return it to Erin Whalen (Hawthorne) or Kari Croft (APCH).

### **Receipt and Acknowledgement of Child Abuse Reporting Requirements**

This is to acknowledge receipt of a copy of Penal Code Section 11166 with explanations and procedures pertaining to child abuse reporting requirements. My signature below verifies that I have read and understand all the material received and that I agree to comply with all state and Da Vinci School's reporting requirements.

---

NAME (PLEASE PRINT)

---

DATE

---

SIGNATURE

# Appendix D. Child Abuse Reporting Form



STATE OF CALIFORNIA  
BCIA 8572  
(Rev. 04/2017)

DEPARTMENT OF JUSTICE  
Page 1 of 2

## SUSPECTED CHILD ABUSE REPORT (Pursuant to Penal Code section 11166)

[Print Form](#) [Clear Form](#)

**To Be Completed by Mandated Child Abuse Reporters**  
PLEASE PRINT OR TYPE

CASE NAME: \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

<b>A. REPORTING PARTY</b>	NAME OF MANDATED REPORTER		TITLE		MANDATED REPORTER CATEGORY				
	REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS			Street	City	Zip	DID MANDATED REPORTER WITNESS THE INCIDENT? <input type="checkbox"/> YES <input type="checkbox"/> NO		
	REPORTER'S TELEPHONE (DAYTIME)		SIGNATURE			TODAY'S DATE			
<b>B. REPORT NOTIFICATION</b>	<input type="checkbox"/> LAW ENFORCEMENT <input type="checkbox"/> COUNTY PROBATION		AGENCY						
	<input type="checkbox"/> COUNTY WELFARE / CPS (Child Protective Services)								
	ADDRESS			Street	City	Zip	DATE/TIME OF PHONE CALL		
OFFICIAL CONTACTED - NAME AND TITLE					TELEPHONE				
<b>C. VICTIM One report per victim</b>	NAME (LAST, FIRST, MIDDLE)			BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY			
	ADDRESS			Street	City	Zip	TELEPHONE		
	PRESENT LOCATION OF VICTIM			SCHOOL	CLASS	GRADE			
	PHYSICALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO	DEVELOPMENTALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO	OTHER DISABILITY (SPECIFY)		PRIMARY LANGUAGE SPOKEN IN HOME				
	IN FOSTER CARE? <input type="checkbox"/> YES <input type="checkbox"/> NO	IF VICTIM WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE: <input type="checkbox"/> DAY CARE <input type="checkbox"/> CHILD CARE CENTER <input type="checkbox"/> FOSTER FAMILY HOME <input type="checkbox"/> FAMILY FRIEND <input type="checkbox"/> GROUP HOME OR INSTITUTION <input type="checkbox"/> RELATIVE'S HOME			TYPE OF ABUSE (CHECK ONE OR MORE) <input type="checkbox"/> PHYSICAL <input type="checkbox"/> MENTAL <input type="checkbox"/> SEXUAL <input type="checkbox"/> NEGLECT <input type="checkbox"/> OTHER (SPECIFY)				
	RELATIONSHIP TO SUSPECT			PHOTOS TAKEN? <input type="checkbox"/> YES <input type="checkbox"/> NO	DID THE INCIDENT RESULT IN THIS VICTIM'S DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK				
	VICTIMS SIBLINGS		NAME	BIRTHDATE	SEX	ETHNICITY	NAME	BIRTHDATE	SEX
		1. _____				3. _____			
		2. _____				4. _____			
<b>D. INVOLVED PARTIES</b>	NAME (LAST, FIRST, MIDDLE)		BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY			
	ADDRESS			Street	City	Zip	HOME PHONE	BUSINESS PHONE	
	NAME (LAST, FIRST, MIDDLE)		BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY			
	ADDRESS			Street	City	Zip	HOME PHONE	BUSINESS PHONE	
<b>SUSPECT</b>	SUSPECT'S NAME (LAST, FIRST, MIDDLE)			BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY		
	ADDRESS			Street	City	Zip	TELEPHONE		
	OTHER RELEVANT INFORMATION								
<b>E. INCIDENT INFORMATION</b>	IF NECESSARY, ATTACH EXTRA SHEET(S) OR OTHER FORM(S) AND CHECK THIS BOX <input type="checkbox"/> IF MULTIPLE VICTIMS, INDICATE NUMBER: _____								
	DATE/TIME OF INCIDENT			PLACE OF INCIDENT					
	NARRATIVE DESCRIPTION (What victim(s) said/what the mandated reporter observed/what person accompanying the victim(s) said/similar or past incident's involving the victim(s) or suspect)								

DO NOT submit a copy of this form to the Department of Justice (DOJ). The investigating agency is required under Penal Code section 11169 to submit to DOJ a Child Abuse or Severe Neglect Indexing Form BCIA 8583 if (1) an active investigation was conducted and (2) the incident was determined to be substantiated.



## SUSPECTED CHILD ABUSE REPORT (Pursuant to Penal Code section 11166)

### DEFINITIONS AND GENERAL INSTRUCTIONS FOR COMPLETION OF FORM BCIA 8572

All Penal Code (PC) references are located in Article 2.5 of the California PC. This article is known as the Child Abuse and Neglect Reporting Act (CANRA). The provisions of CANRA may be viewed at: <http://leginfo.ca.gov/faces/codes.xhtml> (specify "Penal Code" and search for sections 11164-11174.3). A mandated reporter must complete and submit form BCIA 8572 even if some of the requested information is not known. (PC section 11167(a).)

#### I. MANDATED CHILD ABUSE REPORTERS

Mandated child abuse reporters include all those individuals and entities listed in PC section 11165.7.

#### II. TO WHOM REPORTS ARE TO BE MADE ("DESIGNATED AGENCIES")

Reports of suspected child abuse or neglect shall be made by mandated reporters to any police department or sheriff's department (not including a school district police or security department), the county probation department (if designated by the county to receive mandated reports), or the county welfare department. (PC section 11165.9.)

#### III. REPORTING RESPONSIBILITIES

Any mandated reporter who has knowledge of or observes a child, in his or her professional capacity or within the scope of his or her employment, whom he or she knows or reasonably suspects has been the victim of child abuse or neglect shall report such suspected incident of abuse or neglect to a designated agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof **within 36 hours** of receiving the information concerning the incident. (PC section 11166(a).)

No mandated reporter who reports a suspected incident of child abuse or neglect shall be held civilly or criminally liable for any report required or authorized by CANRA. Any other person reporting a known or suspected incident of child abuse or neglect shall not incur civil or criminal liability as a result of any report authorized by CANRA unless it can be proven the report was false and the person knew it was false or made the report with reckless disregard of its truth or falsity. (PC section 11172(a).)

#### IV. INSTRUCTIONS

**SECTION A – REPORTING PARTY:** Enter the mandated reporter's name, title, category (from PC section 11165.7), business/agency name and address, daytime telephone number, and today's date. Check yes/no whether the mandated reporter witnessed the incident. The signature area is for either the mandated reporter or, if the report is telephoned in by the mandated reporter, the person taking the telephoned report.

#### IV. INSTRUCTIONS (continued)

**SECTION B – REPORT NOTIFICATION:** Complete the name and address of the designated agency notified, the date/time of the phone call, and the name, title, and telephone number of the official contacted.

**SECTION C – VICTIM (One Report per Victim):** Enter the victim's name, birthdate or approximate age, sex, ethnicity, address, telephone number, present location, and, where applicable, enter the school, class (indicate the teacher's name or room number), and grade. List the primary language spoken in the victim's home. Check the appropriate yes/no box to indicate whether the victim may have a developmental disability or physical disability and specify any other apparent disability. Check the appropriate yes/no box to indicate whether the victim is in foster care, and check the appropriate box to indicate the type of care if the victim was in out-of-home care. Check the appropriate box to indicate the type of abuse. List the victim's relationship to the suspect. Check the appropriate yes/no box to indicate whether photos of the injuries were taken. Check the appropriate box to indicate whether the incident resulted in the victim's death.

**SECTION D – INVOLVED PARTIES:** Enter the requested information for Victim's Siblings, Victim's Parents/Guardians, and Suspect. Attach extra sheet(s) if needed (provide the requested information for each individual on the attached sheet(s)).

**SECTION E – INCIDENT INFORMATION:** If multiple victims, indicate the number and submit a form for each victim. Enter date/time and place of the incident. Provide a narrative of the incident. Attach extra sheet(s) if needed.

#### V. DISTRIBUTION

**Reporting Party:** After completing form BCIA 8572, retain a copy for your records and submit copies to the designated agency.

**Designated Agency:** *Within 36 hours* of receipt of form BCIA 8572, the initial designated agency will send a copy of the completed form to the district attorney and any additional designated agencies in compliance with PC sections 11166(j) and 11166(k).

#### ETHNICITY CODES

1 Alaskan Native	6 Caribbean	11 Guamanian	16 Korean	22 Polynesian	27 White-Armenian
2 American Indian	7 Central American	12 Hawaiian	17 Laotian	23 Samoan	28 White-Central American
3 Asian Indian	8 Chinese	13 Hispanic	18 Mexican	24 South American	29 White-European
4 Black	9 Ethiopian	14 Hmong	19 Other Asian	25 Vietnamese	30 White-Middle Eastern
5 Cambodian	10 Filipino	15 Japanese	21 Other Pacific Islander	26 White	31 White-Romanian

## Appendix E. Bomb Threat Checklist

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

Time call began: \_\_\_\_\_ caller hung up: \_\_\_\_\_

Number and extension that received the call:

Number or letters on caller ID, if applicable:

Exact wording of the bomb threat: \_\_\_\_\_

### Questions for the caller:

1. When will the bomb explode?

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

2. Where is it right now? \_\_\_\_\_

3. Where will it explode? \_\_\_\_\_

4. What does the bomb look like? \_\_\_\_\_

5. What kind of bomb is it? \_\_\_\_\_

6. What will cause it to explode? \_\_\_\_\_

7. Did you place the bomb? \_\_\_\_\_

8. Why? \_\_\_\_\_

9. What's your name? \_\_\_\_\_

10. Where are you calling from? \_\_\_\_\_

11. What's your address? \_\_\_\_\_

Additional notes: \_\_\_\_\_

### Caller's voice: (check all that apply)

- |                                     |  |                                   |
|-------------------------------------|--|-----------------------------------|
| <input type="checkbox"/> Feminine   | <input type="checkbox"/> Breathy         | <input type="checkbox"/> Angry    |
| <input type="checkbox"/> Masculine  | <input type="checkbox"/> Clearing throat | <input type="checkbox"/> Bitter   |
| <input type="checkbox"/> Child-like | <input type="checkbox"/> Deep breathing  | <input type="checkbox"/> Calm     |
| <input type="checkbox"/> Accent     | <input type="checkbox"/> High-pitched    | <input type="checkbox"/> Crying   |
| <input type="checkbox"/> Disguised  | <input type="checkbox"/> Hoarse          | <input type="checkbox"/> Excited  |
| <input type="checkbox"/> Monotone   | <input type="checkbox"/> Lisp            | <input type="checkbox"/> Laughter |
| <input type="checkbox"/> Sing-song  | <input type="checkbox"/> Nasal           | <input type="checkbox"/> Nervous  |
| <input type="checkbox"/> Normal     | <input type="checkbox"/> Ragged          | <input type="checkbox"/> Playful  |
| <input type="checkbox"/> Slow       | <input type="checkbox"/> Raspy           | <input type="checkbox"/> Sad      |
| <input type="checkbox"/> Rapid      | <input type="checkbox"/> Stutter         | <input type="checkbox"/> Scared   |
| <input type="checkbox"/> Choppy     | <input type="checkbox"/> Wheezy          | <input type="checkbox"/> Slurred  |

Describe the voice more specifically: \_\_\_\_\_

If the voice sounded familiar, who did it sound like?

### Threat language:

- Well-spoken/educated
- Uneducated
- Foul/obscene
- Incoherent
- Irrational
- Pre-recorded
- Message read
- Other \_\_\_\_\_

### Background sound/noise: (check all that apply)

- |                                       |                                     |
|---------------------------------------|-------------------------------------|
| <input type="checkbox"/> Construction | <input type="checkbox"/> Clear      |
| <input type="checkbox"/> Factory      | <input type="checkbox"/> Animal(s)  |
| <input type="checkbox"/> House        | <input type="checkbox"/> Music      |
| <input type="checkbox"/> Office       | <input type="checkbox"/> Television |
| <input type="checkbox"/> Playground   | <input type="checkbox"/> PA system  |
| <input type="checkbox"/> Restaurant   | <input type="checkbox"/> Static     |

Street  Train  
 Freeway  Other \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Describe the sound/noise heard: \_\_\_\_\_

**Appendix F. Bullying Incident Report Form**

School: \_\_\_\_\_ Today's Date: \_\_\_\_\_

Alleged Victim's Name: \_\_\_\_\_ Grade: \_\_\_\_\_ Gender: \_\_\_\_\_

Reporter's Name: \_\_\_\_\_  Student  Parent  Staff  Other  
adult

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**What type of bullying occurred?**

- Physical (*i.e.*, hitting, kicking, pushing, tripping, damaging property, etc.)
- Verbal (*i.e.*, name-calling, insults, racist remarks, verbal abuse, etc.)
- Social (*i.e.*, lying or spreading rumors, exclusion, making negative facial or physical gestures, etc.)
- Cyber. Indicate the social media app used (*i.e.*, Snapchat, Instagram): \_\_\_\_\_

**Who allegedly committed the act of bullying?** \_\_\_\_\_

**When did the bullying occur?** Date: \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m.

**Where did the incident occur?**  Classroom  Library

Cafeteria/Lunch Area  Gym/P.E. Area

School Theater  Restroom  Playground  Hallway  School Bus  Route to/from  
School

School-sponsored Activity  After School Program  Other \_\_\_\_\_

**Were there any witnesses?**  No  Yes (*please provide name and indicate if "student" or "staff"*)

\_\_\_\_\_  
\_\_\_\_\_

**What were the actions and/or words of the person accused of bullying?** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

**Why do you think it happened?** \_\_\_\_\_

---

**What was the reaction and/or response of the person being bullied?** \_\_\_\_\_

---

**Is there any evidence (i.e., documents, pictures, screenshots) you can provide?**  No  Yes

**Has law enforcement been contacted about this incident?**  Don't know  No  Yes

Not yet

**Has this happened before?**  No  Yes (*Please answer questions below*)

- List the dates/times of the other incidents. \_\_\_\_\_
- List any witnesses. \_\_\_\_\_
- If it was not reported, explain why. \_\_\_\_\_
- If it was reported, who was it reported to and what was done? \_\_\_\_\_

**Please indicate if any of the following occurred to the student who was bullied because of the incident:**

	<i>Don't Know</i>	<i>No</i>	<i>Yes</i>
There was physical injury, and no medical attention was needed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
There was physical injury, and medical attention was needed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
There was emotional harm, and no services were sought.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
There was emotional harm, and services were sought.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
There was damage to personal property.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The student was absent from school. (If yes, number of days____)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The student refuses to return to school.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The student stopped attending or participating in school-sponsored activities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**What do you expect to happen as a result of an investigation?** \_\_\_\_\_

---

Reporter's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Please submit this completed form to the school principal. The principal will contact the Compliance Officer and initiate an investigation within [insert number days] calendar days. Any complaint of bullying will be investigated using the Uniform Complaint Procedures.*

**FOR OFFICE USE ONLY**

Date received \_\_\_\_\_ Time received \_\_\_\_\_ Principal's signature \_\_\_\_\_

Date the Compliance Officer was contacted \_\_\_\_\_ Date investigation was initiated \_\_\_\_\_

Did the incident(s) meet the definition of "bullying" under "Grounds for Suspension"?  Yes  No

Was a parent informed of the incident?  Yes  No Did a UCP complaint need to be filed?  Yes  No

Was law enforcement involved?  Yes  No Did it result in a referral for services?  Yes  No

Comments/Outcome: \_\_\_\_\_

**Appendix G. Response to Immigration Enforcement**

Consistent with the requirements of the California Office of the Attorney General and Da Vinci School's Board Policy (Response to Immigration Issues), school personnel are to follow the steps provided on this form when addressing any requests by a law enforcement officer for access to student information, students, or school facilities for the purpose of immigration enforcement.

1. Advise the immigration officer that, before proceeding with the request, and absent  Yes  No any exigent circumstances, you must first receive direction from the CEO or designee.
2. Ask to see, and make a copy of or note, the officer's credentials (name and badge  Yes  No number), and the phone number of his/her supervisor.
3. Make a copy of all documents presented by the officer; in particular, documentation  Yes  No that authorizes his/her school access.
4. Notify [name of person and contact information] of the request.  Yes  No
5. Obtain written consent from parent for release of student information, if applicable.  Yes  No

Name of School: \_\_\_\_\_ Date of Request: \_\_\_\_\_

Name of Student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Name of the Officer: \_\_\_\_\_ Badge No.: \_\_\_\_\_

Agency: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Describe the officer's request and the reason(s)/circumstance(s) behind the request.

\_\_\_\_\_

- Any warrants, subpoenas, or court orders?  No
- DHS Immigration Enforcement Subpoena (Form I-138)
  - DHS Warrant for Arrest of Alien (Form I-200)
  - DHS Warrant of Removal/Deportation (Form I-205)
  - Federal Subpoena (Form AO 88B)
  - Federal Search and Seizure Warrant (Form AO 93)
  - Federal Arrest Warrant (Form AO 442)

- Any exigent circumstances?  No
- Enforcement action involving a national security or terrorism matter
  - Enforcement action involving the immediate arrest or pursuit of a dangerous felon, terrorist suspect, or any other individual posing an imminent danger to public safety
  - Imminent risk of death, violence, or physical harm to a person or property
  - Imminent risk of destruction of evidence material to an ongoing criminal case

*Note: Absent exigent circumstances or a judicial warrant, school personnel are not required to give an immigration-enforcement officer permission or consent to enter a non-public area of the school or conduct a search of any kind. Nor is staff required to provide information or records about a student or his/her family without a judicial warrant or order.*

Name of school personnel who communicated with the officer: \_\_\_\_\_

School's response to the request: \_\_\_\_\_

Further action(s) taken by the immigration-enforcement officer: \_\_\_\_\_

### Appendix H. Uniform Complaint Procedures Form

Da Vinci Schools has the primary responsibility to ensure compliance with applicable state and federal laws and regulations. Da Vinci Schools shall investigate and seek to resolve complaints in accordance with the Uniform Complaint Procedures (UCP). Please complete this form, providing as much information as possible and attaching any applicable supporting documentation, to assist in the investigation of the complaint.

#### Information

LAST NAME OF THE COMPLAINANT	FIRST NAME OF THE COMPLAINANT
ADDRESS (NUMBER, STREET, APARTMENT NUMBER, CITY, STATE AND ZIP CODE)	
EMAIL ADDRESS	TELEPHONE NUMBER
COMPLAINANT WILL NEED THE ASSISTANCE OF AN INTERPRETER <input type="checkbox"/> No <input type="checkbox"/> Yes (specify the language to be spoken by the interpreter)	
COMPLAINANT IS A: <input type="checkbox"/> Student <input type="checkbox"/> Parent/Guardian <input type="checkbox"/> Employee <input type="checkbox"/> Public Agency <input type="checkbox"/> Organization	

THIS COMPLAINT IS BEING FILED ON BEHALF OF:	
<input type="checkbox"/> Myself <input type="checkbox"/> A student (not the complainant named above) <input type="checkbox"/> Other ( <i>specify</i> )	
DATE OF ALLEGED VIOLATION	SCHOOL/OFFICE OF ALLEGED VIOLATION

**Basis of Complaint**

*For allegations related to any of the following programs and activities subject to the UCP:*

- |  |  |
|--|--|
| <input type="checkbox"/> Course Periods without Educational Content (Grades 9-12)<br><input type="checkbox"/> Discrimination, Harassment, Intimidation, and/or Bullying<br><input type="checkbox"/> Education for Foster Youth, Homeless Youth, Former Juvenile Court School Students, or Military Dependents<br><input type="checkbox"/> Every Student Succeeds Act/No Child Left Behind<br><input type="checkbox"/> Local Control Accountability Plan<br><input type="checkbox"/> Reasonable Accommodations to a Lactating Student | <input type="checkbox"/> Career Technical Education<br><input type="checkbox"/> Child Nutrition<br><input type="checkbox"/> Consolidated Categorical Aid<br><input type="checkbox"/> Pupil Fees<br><input type="checkbox"/> School Safety Plan<br><input type="checkbox"/> Sexual Harassment<br><input type="checkbox"/> Special Education |
|--|--|

*For complaints alleging discrimination, harassment, intimidation, and/or bullying, indicate the actual or perceived protected characteristics upon which the alleged conduct is based:*

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Race or ethnicity<br><input type="checkbox"/> Color<br><input type="checkbox"/> Ancestry<br><input type="checkbox"/> Nationality<br><input type="checkbox"/> National origin<br><input type="checkbox"/> Immigration status<br><br><input type="checkbox"/> Ethnic group identification | <input type="checkbox"/> Religion<br><input type="checkbox"/> Age<br><input type="checkbox"/> Marital status<br><input type="checkbox"/> Pregnancy<br><input type="checkbox"/> Parental status<br><input type="checkbox"/> Physical or mental disability<br><input type="checkbox"/> Other _____ | <input type="checkbox"/> Sex<br><input type="checkbox"/> Sexual orientation<br><input type="checkbox"/> Gender<br><input type="checkbox"/> Gender identity<br><input type="checkbox"/> Gender expression<br><input type="checkbox"/> Genetic information |
|--|--|--|

<b>FOR OFFICE USE ONLY</b>		
Date received _____	Received by _____	Title _____
Investigator _____		Outcome _____
Final written decision sent to complainant on _____ Appeal filed with CDE? <input type="checkbox"/> Yes <input type="checkbox"/> No		

**Details of the Complaint**

*Please answer the following questions to the best of your ability. If you mention names, please also identify who they are (i.e. student, staff, parent, etc.). Attach additional pages, if necessary.*

Provide the **facts** about your complaint: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List the **people** involved or impacted: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List any **witnesses** or individuals who may have knowledge of the alleged acts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Provide and/or describe the specific **location(s)** where the incident(s) occurred: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List all the **date(s) and time(s)** when the incident(s) occurred or when the alleged acts first came to your attention: \_\_\_\_\_  
\_\_\_\_\_

Describe any **steps** you have taken to resolve this issue before filing the complaint. If applicable, list names and titles of school and/or district staff you have contacted: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Do you have any **written documents/evidence** that you can provide that may be relevant/supportive of your complaint?

- No
- Yes, copies of the documents/evidence are attached to this complaint

Signature of Complainant \_\_\_\_\_ Date \_\_\_\_\_

Da Vinci Schools shall take steps to protect complainants from retaliation. Please file this complaint form and any additional documents in person, by mail or via email with Da Vinci Schools' Compliance Officer:

**Dr. Matthew Wunder**, *Chief Executive Officer*  
201 N. Douglas Street ♦ El Segundo, CA 90245  
Email: [mwunder@davincischools.org](mailto:mwunder@davincischools.org) ♦ Phone: (310)725-5800