

# Fuente Nueva Charter

## 2023-2024

### Comprehensive School Safety Plan

### SB 187 Compliance Document

Fuente Nueva Charter School  
1730 Janes Road  
Arcata, CA 95521

*Adopted by the School Safety Committee January 25, 2024*

*Formally adopted on February 14, 2024 at the Charter Council Meeting.*

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*This document is to be maintained for public inspection during business hours*

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## **Senate Bill 187: Comprehensive School Safety Plan Purpose**

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The California Education Code (sections 32280-32288) outlines the requirements of all schools operating any kindergarten and any grades 1 to 12, inclusive, to write and develop a school safety plan relevant to the needs and resources of that particular school.

In 2004, the Legislature and Governor recast and renumbered the Comprehensive School Safety Plan provisions in SB 719 and AB 115. It is the intent of the Legislature in enacting the provisions to support California public schools as they develop their mandated comprehensive safety plans that are the result of a systematic planning process, that include strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on school campuses.

The historical requirement of the Comprehensive School Safety Plan was presented in Senate Bill 187, which was approved by the Governor and chaptered in 1997. This legislation contained a sunset clause that stated that this legislation would remain in effect only until January 1, 2000. Senate Bill 334 was approved and chaptered in 1999 and perpetuated this legislation under the requirement of the initial legislation.

Comprehensive School Safety Plans are required under SB 719 & AB 115 and contains the following elements:

- Assessment of school crime committed on school campuses and at school-related functions
- Child abuse reporting procedures
- Disaster procedures
- Suspension and expulsion policies
- Procedures to notify teachers of dangerous pupils
- Discrimination and harassment policies
- School wide dress code policies
- Procedures for safe ingress and egress
- Policies enacted to maintain a safe and orderly environment
- Rules and procedures on school discipline
- Hate crime reporting procedures
- Annual notification regarding firearm safety
- School protocol for dangerous, violent or unlawful activities

The Comprehensive School Safety Plan will be reviewed and updated by March 1<sup>st</sup> every year. A copy of the Comprehensive School Safety Plan is available for review in the Fuente Nueva Charter School office and on our website at <http://apps.humboldt.k12.ca.us/sites/fuentenueva/wp-admin/>.

## **Safety Plan Vision**

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Fuente Nueva Charter School (FNCS) is a positive, supportive and safe learning environment. We, the employees of FNCS value each student who is recognized as an individual. We encourage responsibility and integrity in all members of our community. In the classrooms, a love of learning is fostered and academic potential is developed to its fullest. To this end, we commit to the components of the Comprehensive School Safety Plan (EC 32281).

The plan is designed to ensure a safe learning environment for all students. It outlines both preventative measures as well as responses to significant incidents or disasters and is intended to be in compliance with state and federal guidelines and policies. All employees of FNCS have access to this plan and are expected to understand the policies, procedures, and methods contained in this plan before a significant incident or disaster occurs. Training is provided to personnel as required. In addition, periodic exercises are conducted to test the plan and procedures while also increasing the readiness of school employees. All employees are vital

to the success of the Comprehensive Safety Plan and are designated “Disaster Service Workers,” subject to such disaster service activities as may be assigned to them by supervisors, incident management or by law enforcement (Government Code, Section 3100-3101).

### ***Communication of the Plan***

The School Charter Council and School Safety Committee will inform the community of the school by email, and through school newsletters of the Fuente Nueva Charter Council Meeting which will consider the Comprehensive School Safety Plan.

### ***Evaluation of Plan***

The School Safety Committee will evaluate the progress of the plan annually. An annual report of the status of the plan will be posted to the School Accountability Report Card on the website in March.

### ***Fuente Nueva Charter School Safety Committee***

- Beth Ann Wylie, Principal/Director
- Deb Novello, Executive Assistant, FNCS Parent
- John Evenson, Firefighter, FNCS Parent
- Molly Jacobs, Nurse Practitioner, FNCS Parent
- Alegría Sita, Charter Council member, FNCS Parent

## **Components of Comprehensive School Safety Plan (EC 32281)**

### ***Assessment of Crime***

Fuente Nueva Charter and its community generally have low rates of crime and vandalism but the 2022-2023 school year offered a number of significant challenges. As of January in the 2023-2024 school year, only minor issues that were quickly resolved have occurred. Below is a table of the reports over the past two school years.

School year	Number of Reports	Nature of Reports
2021-2022	2	<ol style="list-style-type: none"><li>1. Intruder on campus during school hours and extended day.</li><li>2. Evening attempt to open classroom door, no entry.</li></ol>
2022-2023	6	<ol style="list-style-type: none"><li>1. Police reported a tip of suspicious activity in the school parking lot with no threat found,</li><li>2. hand pistol found on campus and released to police,</li><li>3. generator stolen,</li><li>4. mentally unstable individual attempting to enter campus for help was escorted off by police,</li><li>5. custody restraining order compliance needed police support,</li><li>6. recycling bin filled with used needles.</li></ol>
2023-2024	1 as of 2/14/24	<ol style="list-style-type: none"><li>1. Restraining order violation</li></ol>

## **Annual Attendance Rates**

Fuente Nueva is committed to promoting school attendance. Students' attendance rates are shared with parents at parent teacher conferences to promote both attendance and arriving at school on time. This partnership allows us to maximize learning time for students with high attendance rates. In addition, we work with families to provide Independent Study packets (IS) for students to continue their learning when they are on short or extended times away from school. The Independent Study Policy allows for parents to request a IS packet for as little as one school day. Below is a chart outlining school attendance rates from the past three school years.

<b>School Year</b>	<b>Annual Attendance Rate</b>	<b>Chronic Absenteeism</b>	<b>Dashboard Rating</b>
2020-2021	n/a	n/a	n/a
2021-2022	94.9% (As of P2)	12.5% (as of P2)	n/a
2022-2023	93.71%	13.4%	Orange

## **Suspension/Expulsion Prevention and Data**

### **Restorative Practices**

Fuente Nueva is committed to the implementation of Restorative Practices as a foundational support for all students. By doing so, we build a culture of community at school. When students have ongoing behavior challenges, staff will intervene with the following steps:

1. Identify the problem and the contributing factors to the behavior.
2. In collaboration with the parent/guardian, create and implement a plan of action.
3. The plan of action shall be based on Restorative Practices.
4. Use classroom management strategies to prevent the behavior (change seating assignment, give special writing assignment, separate students, keep after class, give warning).
5. Appeal to outside psychological counseling or school counseling as appropriate.

In the case of extenuating circumstances, e.g., violence, weapons, disciplinary action may immediately be assigned. The following table demonstrates the suspension rates from the past three school years.

<b>School Year</b>	<b>Number of Suspensions</b>	<b>Suspension Rate</b>	<b>Dashboard Rating</b>
2020-2021	0	0	n/a
2021-2022	1	0.69%	n/a
2022-2023	1	.7%	Green

## **Strategies and Programs to Provide and Maintain a High Level of Safety (EC 32281(a)2, items A-J)**

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### **(A) Child Abuse Reporting Procedures (EC 35294.2 [a] [2]; PC 11166)**

All staff members are considered 'mandated reporters' and are required, as required by law, to contact local agencies when child abuse is suspected. The Charter Director or designee shall ensure that all staff are trained and updated on procedures annually and have access to procedures where by they can report suspected child abuse at a school site to appropriate child protective agencies. Employees follow reporting laws making child abuse is suspected.

The contact information for local reporting agencies and appropriate forms will be available on the employee shared Google Drive, in the main office and can be accessed on the [internet at this link](#).

### **(B) Disaster Procedures (EC 35295-35297; GC 8607 and 3100)**

The Fuente Nueva Charter School will take all necessary measures to keep students, staff and visitors safe in the event of a disaster. The Emergency Response plan is shown in Appendix B through E and accomplishes the following:

- Includes Emergency Contact numbers - Appendix B
- Emergency Evacuation Off Site -Appendix C
- Emergency Response Map -Appendix D
- Procedures that incorporate strategies of the Incident Command System, the Standardized Emergency Management System. Appendix E
- Provides guidance for emergency response to a variety of potential hazards and incidents. Appendix E
- Identifies emergency response training drill opportunities for students and staff. Appendix E

Disaster Procedures are practiced as a school community in alignment with required intervals. Drills are conducted monthly and consist of 8 fire drills, two earthquake drills and two lock down drills per year.

### ***Emergency Procedures for Students with Special Needs and Protocols for Adaptations for Pupils with Disabilities (SB323)***

In compliance with Senate Bill 323, Fuente Nueva has integrated adaptations into our disaster procedures to ensure accessibility and safety for pupils with disabilities. This aligns with the federal Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act 1990.

Regular drills incorporate these adaptations to ensure that all students, including those with disabilities can participate effectively. With assistance from all staff and families, the charter director is responsible for identifying all students who will require additional assistance. When a concern about an individual student's access to disaster procedure is validated a plan is created to implement tailored strategies to address their specific needs. The charter director is responsible for working with the designated staff to ensure that they are trained on how to implement the plan for all students who require accommodations.

### **(C) School Suspension, Expulsion and Mandatory Expulsion Guidelines**

The policy is built on the premise of Mutual Respect through the implementation of a Multi-Tiered System of Support that incorporates Positive Behavior Intervention and Support (PBIS) services, restorative practices and trauma-informed settings. Additionally, restorative practices can be used to offer an alternative suspension when appropriate.

Disciplinary action may be taken for any behavior which is disruptive or violates the rights of others. School staff will follow the guidelines outlined in California Education Code (Ed. Code §48900), student discipline. A student may be removed from class, assigned early dismissal, suspended, excluded, or expelled from school for actions pursuant to Ed. Code §48900.

The Fuente Nueva Charter School Suspension and Expulsion policy is located within the chartering documents. These can be found in the binder located in the Charter Director's Office. A copy of the full Discipline Policy and the Suspension and Expulsion policy can be found in the Appendix F.

#### **(D) Procedures to Notify Teachers of Dangerous Pupils (EC 49079)**

The charter director will conference with staff when information on dangerous pupils is received. The charter director or designee shall inform appropriate staff members pursuant to Section 49070 of the Education Code. That section requires notification of each pupil who has engaged in, or is reasonably suspected to have engaged in, any of the acts described in any of the subdivisions, except subdivision (h), of Section 48900 (Offenses that students may result in school suspension) or in Section 48900.2 (sexual harassment), 48900.3 (hate violence), 48900.4 (harassment, threats, or intimidation), or 48900.7 9 (suspension or expulsions for terroristic threats) that the pupil engaged in, or is reasonably suspected to have engaged in, those acts. Such information will remain confidential and will not be further disseminated by school staff.

#### **(E) Protocol for Dangerous, Violent or Unlawful Activities (SB 671)**

A threat assessment response team will respond in the event of dangerous, violent or unlawful activities occurring at school and during school-sponsored activities. In the event that a perceived threat is reported or experienced, the school's threat assessment team will be convened. Below lists out who serves on the school site Threat Assessment Team.

- Charter Director or designees
- Executive assistant who serves on the school safety council
- School social worker/counselor
- Resource teacher or other preferred, familiar adult on campus
- When available, school resource officers or other members of law enforcement.

The team will evaluate the threat by using the [Humboldt County Office of Education \(HCOE\), Threat Assessment Tool](#). When necessary, the team will reach out to HCOE to form a Tier II Threat Assessment team.

If the threat is deemed credible, we will swiftly imminent the school's safety measures including lockdowns, evacuations, or shelter-in place, tailored to the specific nature of the incident.

The plan for evaluating threats is updated on a regular basis as part of the ongoing work of the Safety Committee that meets throughout the school year. Training for staff and students is in place, including prevention, reporting protocols and de-escalation techniques.

As part of the preparation for potential threats of violence or dangerous incidents the school maintains a strong partnership with local law enforcement agencies and staff at the HCOE prevention and intervention team.

Appendix addition with the flow chart

#### **(F) Policies prohibiting discrimination, harassment, intimidation and bullying (EC 212.6 [b])**

The Fuente Nueva Charter School's non-discrimination, harassment and intimidation policy, can be found in the Employee Handbook (Appendix G), located in the staff lounge and on the Employee Google Drive.

The school's Right to a Safe Space Policy (Appendix H) that outlines prevention of and response to bullying and other discrimination and harassment can be found on the school website at <http://apps.humboldt.k12.ca.us/sites/fuentenueva/wp-admin/>.

Any student who feels that they are being harassed should immediately contact a school employee. Any student who observes an incident of harassment should report the harassment to a school employee, whether or not the victim files a complaint.

The Board hereby designates the following position as Coordinator for Nondiscrimination to handle complaints regarding discrimination and inquiries regarding the district's nondiscrimination policies:

Charter Director 1730 Janes Road, Arcata, CA 95521 (707) 822-3348

Employees who become aware of an act of harassment shall immediately report the incident to the Coordinator for Nondiscrimination (Charter Director). Upon receiving a complaint of discrimination or harassment, the Charter Director shall immediately investigate the complaint in accordance with site-level grievance procedures specified in the Right to Learn in a Safe Space, Harassment, discrimination, intimidation and bullying prevention policy. Where the Coordinator finds that harassment has occurred, they shall take prompt, appropriate action to end the harassment and address its effects on the victim.

The Coordinator shall also advise the victim of any other remedies that may be available. The Coordinator shall refer the matter to law enforcement where required.

### **(G) School-wide Dress Code Relating to Gang-Related Apparel (EC 35183)**

The school-wide dress code can be found in the Fuente Nueva Charter School Students Dress Code Policy (Appendix I), which can be found at on our school website at <http://apps.humboldt.k12.ca.us/sites/fuentenueva/wp-admin/>.

### **(H) Procedure for Safe Ingress and Egress of Pupils, Parents, and Staff to and from School (EC 35294.2)**

Fuente Nueva Charter School provides a safe environment for all students, parents, and school employees. Our school takes measures to ensure safe ingress and egress to and from the school for pupils, parents, and school employees. To learn more, the Registration of Visitors and Guests Policy can be reviewed in the appendix (Appendix J).

In addition, the school has clear procedures for pick up and drop off of students before and after school. A map of the procedures in the parking lot procedures is located in Appendix K. Students who travel to and from school on their own follow the procedure of checking in and out of the school office at the beginning and end of the school day. Classroom doors are locked when not in regular use during the school day and there is a clear procedure for locking all entrances and exits at the end of regular business hours.

### **(I) A Safe and Orderly School Environment Conducive to Learning (EC 35294.2)**

It is a priority of the administration and staff in the school 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 staff strives 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 achievement, participation in community projects, and positive student conduct.

Our school promotes nonviolent resolution techniques in order to encourage attitudes and behaviors that foster harmonious relations. Staff shall receive training which implements and supports conflict resolution (California Education Code Sections 32228 – 3228.6, 35160, 35160.1, 44806).

## **(J) School Discipline Rules and Consequences (EC 35291 and EC 35291.5)**

### *Guidelines for Success*

At Fuente Nueva, we follow four school rules: I care for myself, I care for others, I care for this place and I care for the language. Students take place in regular classroom discussions about what it looks like to follow these rules in all school settings. Students take responsibility for defining acceptable and unacceptable behaviors. As a means to correct problematic behaviors, we follow the guidelines for Restorative Practices in schools. Below is an excerpt from our Student Discipline Policy which is also referenced above in section C.

### *Based on Mutual Respect*

Students demonstrate self-respect by coming to school prepared, well rested and on time, caring about the quality of their work, and following safety rules and directions carefully. Students demonstrate their respect for others by treating each other with dignity and concern, helping each other learn, and valuing each other's differences, talents and work. Students demonstrate respect for their school environment by using all equipment and materials appropriately, cleaning up after their work, and demonstrating concern for the entire school. Parents demonstrate their respect for the school by communicating with teachers regularly with both compliments and concerns, being active parent members in the school, and being positive role models for other children and parents in the way they treat others.

### *Substance Abuse*

FNCS is a drug- and alcohol-free school. Any suspected substance abuse will be reported to the appropriate authorities as mandated by California State Law. Students who abuse drugs or alcohol on campus are subject to school disciplinary action (see below).

### *Violence*

The community at FNCS is committed to a non-violent lifestyle. Violence of any kind is not tolerated, even in play. Play that involves pretend weapons will be discouraged. Children who provoke fights or commit acts of violence will be immediately removed from the situation, and their parents will be informed. Incidents of violence will be grounds for disciplinary action, including possible suspension or expulsion from the school. Weapons are unacceptable at school and will result in immediate disciplinary action.

### *Disciplinary Action*

Disciplinary action may be taken for any behavior which is disruptive or violates the rights of others. School staff will follow the guidelines outlined in California Education Code (Ed. Code §48900), student discipline. A student may be removed from class, assigned early dismissal, suspended, excluded, or expelled from school for actions pursuant to Ed. Code §48900.

In accordance with California Ed. Code 44807.5 teachers and charter director may choose to withhold a student's recess under teacher/charter director supervision for a time period of no more than 5 minutes of the morning recess and 10 of the afternoon recess. This will allow time to conference with the student regarding the problem behavior. This approach allows the student to receive the benefits of physical activity while also addressing challenging behaviors.

## **(K) Hate Crime Reporting Procedures and Policies**

Hate Crime reporting is an essential element to maintaining a safe school campus. The policy and procedures for doing so are outlined in The Right to Learn in a Safe Space policy which is referenced above in section (E) and can be found in Appendix H.

## **(L) Crisis Response Plan**

The Crisis Response Team Chair (CRT Chair, Charter Director or designee) will coordinate counseling with school staff and HCOE. The CRT Chair will be responsible for both staff notification and media communication. The CRT Chair can coordinate the efforts of school personnel and parents with those of police officers, mental health agencies and medical professionals to address the emotional responses that evolve from traumatic and critical situations.

Schools are better able to function with minimal disruption in the immediate aftermath of a crisis if they have sufficient structure in place to coordinate services when the crisis occurs. Although adjustments will need to be made to student activities, such as postponing exams or substituting instructional activities with supportive classroom discussions about the crisis event, it is best to continue routine school activities as much as possible.

## **Safety Plan Review, Evaluation and Amendment Procedures**

The School Comprehensive Safety Plan will be reviewed, evaluated and amended (if necessary) each school year. A table that demonstrates the review process can be found in the Appendix A

Pursuant to Education Code Section 35294.6[a], Fuente Nueva Charter School will review and adopt this annual comprehensive school safety plan no later than at the regular meeting of the Board held in February.

## **Safety Plan Appendices**

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### **Appendix A: Safety Plan Review, Evaluation and Documentation**

<b>Activity</b>	<b>Date (s)</b>	<b>Activity Description</b> <i>(i.e. review steps, meetings conducted, approvals, etc)</i>
<b>Board Meeting</b>	<b>8/17/22</b>	<b>Board approved plan</b>
<b>Board Meeting</b>	<b>6/17/22 8/17/22</b>	<b>Board received plan and provided feedback Board approved plan</b>
<b>Board Meeting</b>	<b>12/12/23 1/16/23</b>	<b>Board received plan and provided feedback Board approved plan</b>
<b>Safety Council Meeting</b>	<b>11/16/23, 1/25/2024</b>	<b>Safety committee reviewed emergency supplies and discussed revisions to the safety plan</b>

## Appendix B: Emergency Contact Numbers

Utilities, Responders and Communication Resources

Vendor	Number	Comments
HCOE	445-7000	
PG&E	1(800) 743-5000	Outages
Schoolwise	fuente.schoolwise.com	Emergency Notification Phone System
Public Works	707-822-5957	Arcata
Police-Parking	9-1-1 or * 822-2424	*24 Hour Non-Emergency
Animal Control	707-822-2424	
Child Welfare Service	707-445-6180 (24hr abuse line)	445-6182 business
Environmental Services	707-822-8184	Hazardous limbs/fallen trees
County Health Dept.	707-445-6200	
Fire Station CDF	9-1-1	
Arcata Fire Dept	707-825-2000	
American Red Cross	707-443-4521	Disaster Assistances
Radio Stations	707-826-4807 707-786-5104	KHSU KHUM
We Tip	800-78-CRIME, 800-47-ARSON and 800-US-FRAUD	
Wildlife Care Center	707-822-8839	For injured/sick animals
Mad River Comm Hospital	707-822-3621	
United Indian Health Service	707-825-5000	
Beth Wylie	707-407-7251	Charter Director

## **Appendix C: Emergency Evacuation off Site**

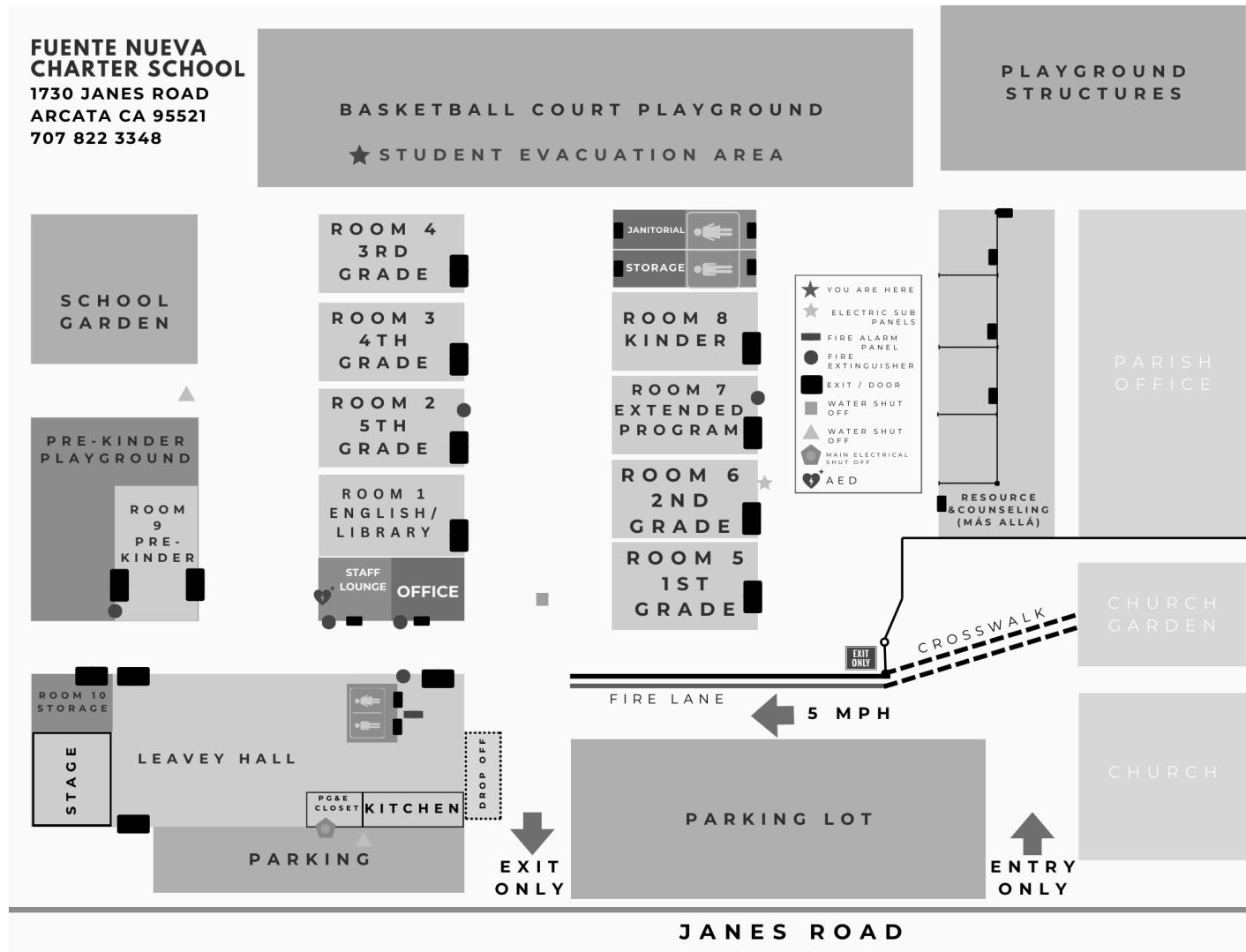
### Off-Campus Evacuation/Assembly Location

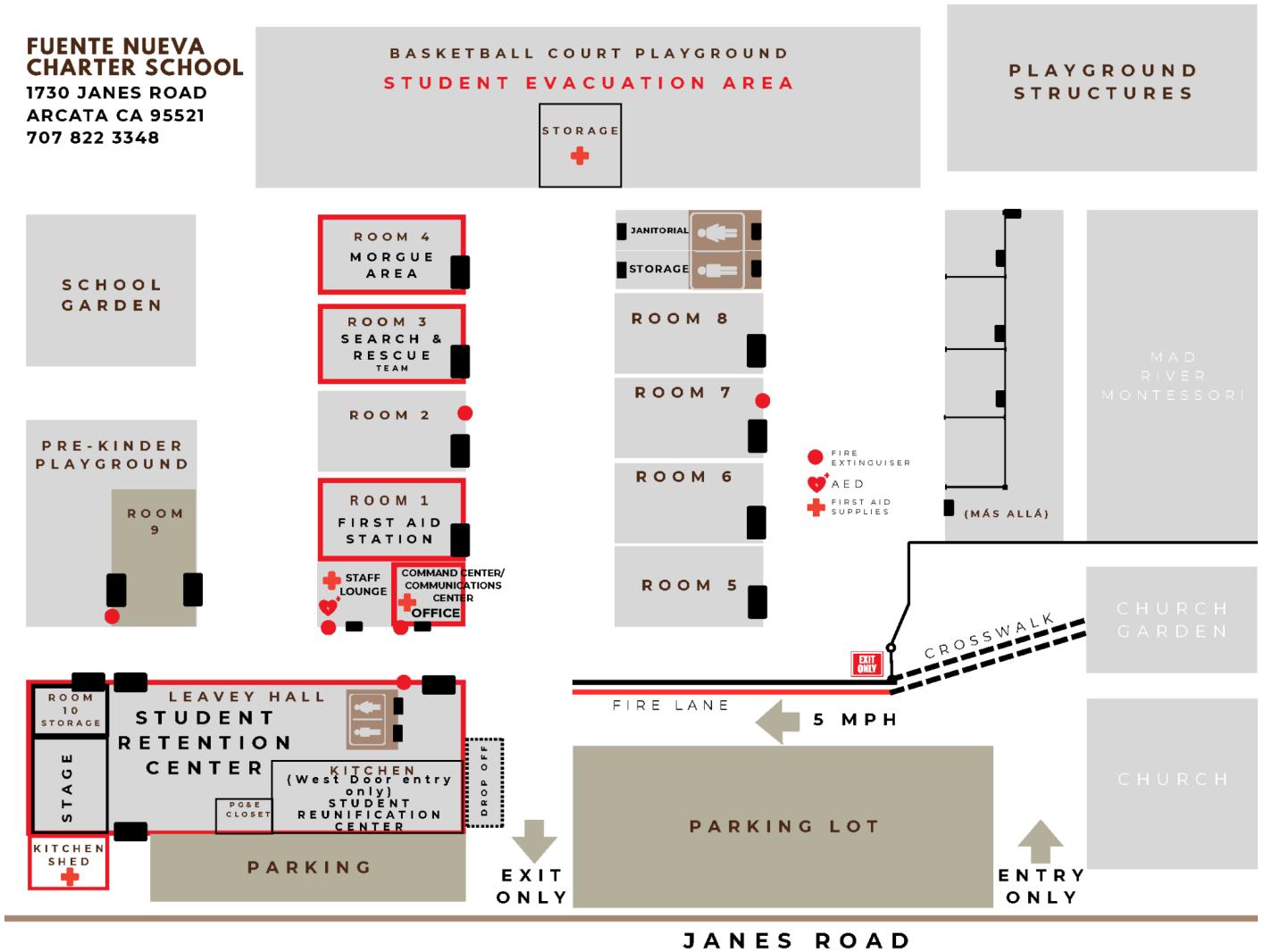
The following sites have been identified as sites that could potentially house the Fuente Nueva staff and students during an emergency:

1. Coastal Grove Charter School
2. Arcata High School

<b>Primary Off-Site Location</b>		<b>Secondary Off-Site Location</b>	
Organization	Coastal Grove Charter School	Organization	Arcata High School
Address	1897 S Street, Arcata CA 95521	Address	1720 M Street, Arcata CA 95521
Contact	Bettina Eipper, Daphney	Contact	Ron Perry Principal
Phone No.	707-362-6625, 707-825-8804	Phone No.	707 825-2400
Agreement	<b>Updated 10.2023</b>	Agreement	<b>Updated 10.2023</b>

## Appendix D: FNCS Emergency Response Map





## ***Appendix E: FNCS Emergency Response Plan***

### **FUENTE NUEVA CHARTER SCHOOL EMERGENCY AND DISASTER PLAN**

The purpose of this plan is to minimize injury in the event of a number of disasters, and to make use of school personnel and facilities in an efficient manner to establish staging areas, delegate responsibilities and actions to staff, and outline emergency procedures.

#### **Staging Areas**

1. **Command Center:** Director's office or outdoors, north side of teacher's lounge.
2. **Communications Center:** Main office or outdoors, north side teacher's lounge.
3. **First Aid Station:** Room 1 or outdoors, north side of classroom 1 and 2.
4. **Search and Access Team:** Room 3 or outdoors, north side of classroom 3.
5. **Rescue Team:** Rescue team reports to the communication center.

6. Student Retention Center: Gymnasium (Leavey Hall), or outdoors, in the courtyard between wings.
7. Student Reunification Center: Kitchen, entry through west facing back door.
8. Morgue Area: Room 4 and/or outdoors, north side the fenced playground by Room

#### **Staff Roles (All Staff with Radio Channel 2)**

1. Command, Charter Director: Beth Wylie
2. Liaison, Communications Center: School Secretary, 5th Grade Teacher
3. First Aid Team: 1st Grade Teacher, 2nd Grade Teacher, Executive Assistant and classified staff as needed.
4. Search & Rescue Team South Wing: Fourth Grade Teacher, English Teacher, and Kitchen Assistant and classified staff
5. Search & Rescue Team North Wing: 3rd Grade Teacher, Resource Teacher, Kitchen Manager and classified staff.
6. Student Retention Supervisor: Pre-Kindergarten Teacher, Kindergarten and School Counselor, assisted by classified staff.
7. Student Reunification Supervisor: Extended Day Director
8. Student Release Runner: Classified Staff
9. Logistic Team: Clerical Assistant

#### **COMMAND CENTER**

**Command Center: Director's office or outdoors, north side of teacher's lounge. Designated Staff and responsibilities: Command, Charter Director, Beth Wylie.**

1. Command Center is operated by the Director at all times unless directive is given to a designee chosen by the Director.
2. If the Charter Director is unavailable, the most senior teacher on site shall take this position.
3. Command Center maintains overall responsibility and management of all operations on campus.
4. Command Center communicates directly, District Office, 911, and outside agents, including press.

#### **Procedure:**

1. Direct evacuation of buildings, using alarms and other procedures as needed.
2. Account for all students.
3. Coordinate and deploy teams as assigned, and delegate staff to unexpected tasks as needed.
4. Determined needs to evacuate the site.

## **COMMUNICATIONS CENTER**

**Communications Center: Main office or outdoors, north side teacher's lounge. Designated Staff and responsibilities:**

**Procedure:**

1. Communications Center assists all telephone use: communication with the District Office, 911 operators and to the Command Center.
2. Responsible for publishing day's roster of all children and staff on campus and distributing to Director, First Aid, Search & Access, Student Retention Supervisor and Student Release Supervisor.
3. Maintains communication with families. Communications Center directs on-campus communication, keeping constant flow of communication among centers.

## **FIRST AID TEAM**

**First Aid Station Area: Room 1 or outdoors, north side of classroom 1 and 2. Designated staff and responsibilities.** First Aid Station will triage and care for all injured persons until they are cleared to leave with emergency medical agents or family.

**Procedure:**

1. Collect AED and Medical supplies (Staff Lounge, Office, Storage) and establish First Aid Room 1 or outside behind classroom 1 and 2.
2. Triage individuals.(30-2 can do)
  - i. Provide First Aid Care/E stop bleeding, keep warm, splint injuries
  - ii. Update log whenever necessary.
3. Assist local agencies.
4. Prepare data collection summary report of team activities and report to the command center.
5. Maintain cleanliness and sanitary conditions in the First Aid Station.

## **SEARCH AND RESCUE TEAM**

**Search and Rescue team area: Room 3 or outdoors, north side of classroom 3. Designated staff and responsibilities:**

1. If any students or staff are reported missing, Search & Rescue team will be deployed by the Director to perform a systematic search of the campus for missing persons.
2. Assess structural damage and potential hazard zones.
3. Triage rooms
4. Triage victims and patients.

5. Assist local agency workers as needed.
6. Maintain constant communication with the Command Center via Liaison.
7. Log names, injuries and medical needs, hazard zones, and safe zones.

## **Procedure**

Search and rescue team will collect materials and supplies needed.

Team splits into two teams to perform rapid triage of both the north and south wing.

Evaluate the condition of the buildings and search if it is safe to proceed.

Search for missing persons systematically:

- a. Request anyone that can walk, to leave the class rooms.
- b. If it is safe, enter the rooms with caution.
- c. Remain in voice contact with team at all times.
- d. Triage victims with triage tags(30-2 can do)
  - i. Green: victims that can walk
  - ii. Yellow: First Aid alone needed, transport.
  - iii. Red: In need of serious care, ambulance needed.
  - iv. Black: Non-salvageable. Open airway first.
- e. Start rescue operations
- f. Rescue individuals who are the highest need first.
- g. Determine who can be transported safely
- h. If a person is unconscious, perform initial triage (check airway, breathing and circulation).
- i. Look for noticeable injuries on all found persons and stop the bleeding when necessary.
- j. Do not move severely injured persons unless they are in extreme danger.
- k. Persons who cannot be moved should be guarded when possible.
- l. Report back to operations after each room is searched. (via radio)
- m. Mark doors of rooms with a check mark that have been completely searched.
- n. Tag doors to indicate if rescue is needed, room is unsafe, room is empty or room has deceased.
- o. Log findings of search and convey to Command Center via Liaison.
- p. Assess and log all found safe zones. Determine who can be transported safely and log ALL information.

## **STUDENT RETENTION CENTER**

**Area: Student Retention Center: Gymnasium, or outdoors, in the courtyard between wings.**  
**Designated staff and responsibilities:**

1. If the Director calls for student retention, teachers will take their students to the designated area and then report for their emergency responsibility.
2. Students will be retained by the Student Retention Supervisor and assistants.

**Procedure:**

1. Student retention center is established by a directive from the command center.
2. Obtain walkie talkie from classroom .
3. Obtain class roster located in the black box.
4. Set up perimeter for supervision.
5. All students are kept together until a parent or emergency contact is cleared to pick up at the Student Release Center.
6. Supervise students provide student care and support as needed.
  - a. Student Retention Supervisor will take care of the students if they need to be kept in the Student Retention Center.
  - b. Student Retention Supervisor must maintain a calm and comfortable atmosphere, concerning him or herself with the students' comfort and needs.
  - c. Student Retention Supervisor communicates closely with the Student Release Agent via Student Release Runner to coordinate students' reunification with their families.
  - d. Student Retention Supervisor communicates with Command Center via Liaison.
  - e. Student Retention Supervisor must call role every fifteen minutes.
  - f. Overnight stays:
    - i. If children must be kept overnight, they shall be made as comfortable as possible with all available blankets. Leavey Hall shall be used for sleeping if it is safe.
    - ii. All food on campus will be shared equally if necessary.
    - iii. Toileting
      1. If all the bathrooms are unsafe to enter or use, a portable toilet in the storage container will be used.

## **STUDENT REUNIFICATION**

**Area: Kitchen exit door, west side of Hall. Designated staff and responsibilities:** Student Release Agent

- a. Student Release Supervisor works closely with the Liaison and the Student Retention Supervisor (via Student Release Runner) to release students to their parents or other cleared adult/s.
- b. Student Release Supervisor will be responsible for Student Request Form located in the emergency black box.
- c. Works in close contact with the Student Release Runner.

2. Student Release Runner

- a. Student Release Runner accompanies students from the Student Retention Center to the Student Release Center when their families arrive.

**Student Release Procedure**

1. When student release is authorized, parents and students will be reunited as quickly as possible. Only parents and emergency contacts from our emergency cards will be cleared to take students off-campus. They should tune to either 980 AM or 96.3 FM radio for standard release procedures. Our release procedure is as follows:
  - i. Adults go to door at the west side of the Hall and complete FN Student Request Form.
  - ii. Staff will complete FN Student Request Form.
    1. White Copy: School
    2. Yellow Copy: Runner
    3. Pink Copy: Parent
- b. Staff must check identification to emergency card and/or authorized release list. Staff will submit yellow FN Student Request Form to retention supervisor of student ready to be released.
- c. Support staff in student retention area will escort students from the gymnasium through the kitchen to exit door, to waiting parent/guardian.
- d. No persons picking up students shall go to student retention area.
- e. Those students not picked up will be held at the school site or transported to emergency center for proper care and shelter.

**LOGISTICS TEAM**

**Designated staff and responsibility:** Distribute materials to the member so each team as requested.

1. Traffic control will occur in the south lot in accordance with the normal traffic patterns in a safe manner as necessary.

**Morgue Area:** Room 4 and/or outdoors, north side of the fenced playground by Room 9, shall be designated as the morgue.

**EXTENDED LEARNING PROGRAM**

Emergency Disaster plan will be modified for aftercare based on the number of students and staff present. Aftercare staff are part of the annual Emergency Disaster training.

**Students with Special Needs and Protocols for Adaptations for Pupils with Disabilities**

Fuente Nueva has integrated adaptations into our disaster procedures to ensure accessibility and safety for pupils with disabilities.

Regular drills incorporate these adaptations to ensure that all students, including those with disabilities can participate effectively. With assistance from all staff and families, the charter director is responsible for identifying all students who will require additional assistance. When a concern about an individual student's access to disaster procedure is validated a plan is created to implement tailored strategies to address their specific needs. The charter director is responsible for working with the designated staff to ensure that they are trained on how to implement the plan for all students who require accommodations.

## **Emergency Procedures**

For drills and emergencies



### **Fire**

1. Act as though you are alone with the children in a drill, use your aide or other adults as needed in a real emergency. The teacher is in charge of the class.
2. Shut windows as you do task 3
3. Line children up
4. Exit room with:
  - a. First Aid Emergency Backpack
    - i. Emergency Cards (in backpack)
    - ii. Red/Green Cards (in backpack)
  - b. Your school keys
  - c. Classroom Radio (turned on to channel 2)
5. Close the door AND LOCK after you leave.
6. Lead children SILENTLY out to the black top area and line up facing school.
7. Line up SILENTLY facing the school (west), with the back of the line at the eastern edge of the basketball courts.
8. The teacher counts children
9. The adult at the front of the line holds up Red Card for missing children
10. The adult at the front of the line holds up Green Card if you have all children
11. Wait for the all clear before returning to classroom

While following this procedure during drills, act as though you are alone with the children. In the event of an emergency other present adults will be a great resource.

## **Earthquake backpack**

1. Have students duck and cover and hold on for the duration of the shaking. In a drill this is the length that the alarm sounds.
2. After shaking has stopped, follow the fire drill procedure.

## **Lock Down**

You will hear the call for a lockdown via the intercom and/or your radio

- **Livestock or other animal:** “Attention Fuente Nueva -Code Green lockdown in classrooms immediately.”
  - a. Return to classroom if outside
  - b. Close classroom doors
  - c. Turn on walkie talkie
  - d. Keep all students in classroom
  - e. Wait for all clear
- **Unsafe activity near the campus:** “Attention Fuente Nueva - Code Blue lockdown in classrooms immediately”
  - a. Return to classroom if outside
  - b. Close classroom doors
  - c. Turn on walkie talkie
    - Close windows and blinds
    - You may be directed to have students lie on their bellies in the corner of a room
  - d. Keep all students in classroom
  - e. Wait for all clear
- **Intruder on or near campus:** “Attention Fuente Nueva - Code Red lockdown - use your best judgment”
  - a. OUTSIDE OF CLASSROOM
    - Make an executive decision - is it safer to run to one of these locations or to get into the nearest classroom:
      - Parish office
      - Coastal Grove
      - Tule Fog Farm
      - Deep Seeded Farm
      - Arcata High School
    - At your earliest ability, communicate with the school via

- Walkie-talkie

- Phone

b. INSIDE A CLASSROOM

- Close and lock classroom doors
- Close and lock window
- Close blinds and cover window on door
- Children lie down silently on their bellies in the area of the room against the windows.
- Activate your walkie-talkie and keep volume high enough to hear but not too loud.
- Wait for communication from the office or the all clear

When you see the danger and need to call for a lockdown

1. As quickly as possible notify the main office via walkie talkie on channel 2
2. At the same time, move students to safety quickly
3. When possible work in pairs to do step 1 and 2
4. If the office does not reply, call with the school phone by dialing ext 200 or 201
5. If you still don't have a response from the office - page all (#30) and place the school in a lock down using language above

# FUENTE NUEVA CHARTER SCHOOL

## FIRST AID and DISASTER SUPPLY LIST 2023-2024

Updated 1/24/2024

### First Aid Supply- Mural storage container

- c 2 - First Aid Duffles
  - o Multi Trauma Dressings
  - o Triangle Bandages
  - o Cardboard Splints
  - o Tweezers
  - o Scissors
  - o Eye Pads
  - o Elastic Bandage rolls
  - o compression trauma dressings
  - o medical tape
  - o gauze pads
  - o protective blankets
  - o instant cold compress
- c Building supplies
  - o Hard Hats
  - o crowl bar x2
  - o ax x2
  - o shovel
- c Camp Stove
  - o Propane Tank with hook up
- c Cribbing materials
- c Flannel Blankets
- c Tarps - various
- c 2 -Popup Tents

### emergency preparedness backpack-all classrooms & Front Office

- c Commercial Radio - Set to Channel 2 - in all classrooms and offices
- c Emergency Preparedness Backpack Contains the Following:
  - o 1 Waterproof AM/FM Radio w/ batteries
  - o 1 Battery powered flashlight

- o AA cell Batteries
- o 1 Emergency Blanket
- o Moist towelettes
- o 1 pen light
- o Clipboard
- o Paper & Pen
- o Procedural breathing mask
- o Rain Poncho (2)
- o 1 water container
- o 1 whistle
- o 1 45 piece First aid kit
- o CPR Breathing Barriers
- o Hazardous Material Bags

- o Gauzes (variety)
- o CPR Breathing Barriers

### Emergency supply shelf-staff lounge

- c 1 Shut Off Wrench (On Wall)
- c 1 Megaphone
- c 3 Hydrogen Peroxide
- c 1 Disinfectant Alcohol
- c 1 First Aid Safety Tube:
  - o Mask, whistle, light stick, water pouch
- c Gauze Pads (variety of sizes)
- c Adhesive Bandages (variety of sizes) & Bandage Roll (variety of sizes)
- c 1 Ice pack
- c Gloves
- c Antiseptic Wipes
- c 3 Thermometers
- c 1 arm sling
- c 1 Mylar (emergency blanket)
- c 1 First Aid scissors
- c 1 tweezers
- c 2 flashlight
- c 1 saline solution bottle

### Lockdown Bucket- All Classrooms

- c Lockdown Bucket/Container Contains the Following:
  - o 1 portable toilet with snap on toilet seat
  - o 1 anywhere liner toilet kit
  - o 1 roll of toilet paper
  - o 10 pair of disposable gloves
  - o 1 duct tape
  - o Hand Towelettes
  - o Menstrual Pads

### first aid Red fanny pack-all classroom aides

- c All red fanny packs contain the following:
  - o Gloves
  - o Adhesive Bandages (variety)
  - o Antiseptic Wipes

### Automated external defibrillator - staff lounge

- c AED, AMBU Kit

### EpiPen

- c Epi Pens are located in the following areas:
  - o Above AED,

### Kitchen Shed

- c 1 container of Beans (10L)
- c 1 Container of Rice (20L)
- c Water Barre

## **Appendix F: FNCS Discipline Policy**

### ***Mutual Respect***

Students demonstrate self-respect by coming to school prepared, well rested and on time, caring about the quality of their work, and following safety rules and directions carefully. Students demonstrate their respect for others by treating each other with dignity and concern, helping each other learn, and valuing each other's differences, talents and work. Students demonstrate respect for their school environment by using all equipment and materials appropriately, cleaning up after their work, and demonstrating concern for the entire school. Parents demonstrate their respect for the school by communicating with teachers regularly with both compliments and concerns, being active parent members in the school, and being positive role models for other children and parents in the way they treat others.

### ***Substance Abuse***

FNCS is a drug- and alcohol-free school. Any suspected substance abuse will be reported to the appropriate authorities as mandated by California State Law. Students who abuse drugs or alcohol on campus are subject to school disciplinary action (see below).

### ***Violence***

The community at FNCS is committed to a non-violent lifestyle. Violence of any kind is not tolerated, even in play. Play that involves pretend weapons will be discouraged. Children who provoke fights or commit acts of violence will be immediately removed from the situation, and their parents will be informed. Incidents of violence will be grounds for disciplinary action, including possible suspension or expulsion from the school. Weapons are unacceptable at school and will result in immediate disciplinary action.

### ***Disciplinary Action***

Disciplinary action may be taken for any behavior, which is disruptive or violates the rights of others. School staff will follow the guidelines outlined in California Education Code (Ed. Code §48900), student discipline. A student may be removed from class, assigned early dismissal, suspended, excluded, or expelled from school for actions pursuant to Ed. Code §48900.

In accordance with California Ed. Code 44807.5 teachers and charter director may choose to withhold a student's recess under teacher/charter director supervision for a time period of no more than 5 minutes of the morning recess and 10 of the afternoon recess. This will allow time to conference with the student regarding the problem behavior. This approach allows the student to receive the benefits of physical activity while also addressing challenging behaviors.

### ***Preventing Disciplinary Action***

Fuente Nueva is committed to following the guidelines of Restorative Practices. By doing so, we build a culture of community at school. When students have ongoing behavior challenges, staff will intervene with the following steps:

1. Identify the problem and the contributing factors to the behavior.
2. In collaboration with the parent/guardian, create and implement a plan of action.
3. The plan of action shall be based on Restorative Practices.
4. Use classroom management strategies to prevent the behavior (change seating assignment, give special writing assignment, separate students, keep after class, give warning).
5. Appeal to outside psychological counseling or school counseling as appropriate.

In the case of extenuating circumstances, e.g., violence, weapons, substance abuse, disciplinary action may immediately be assigned.

## Element 10 of FNCC Charter 2020-2025: Pupil Suspension and Expulsion

### Governing Law

*The procedures by which pupils can be suspended or expelled. from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. These procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that is consistent with all of the following:*

- (i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for the pupil to present the pupil's side of the story.*
- (ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:*
  - (I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.*
  - (II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.*
- (iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five school days before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil's educational rights holder, and shall inform the pupil, the pupil's parent or guardian, or the pupil's educational rights holder of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent, guardian, or educational rights holder initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).*

Education. Code Section 47605(b)(5)(J)

The Fuente Nueva Charter School has developed student discipline policies. These policies are available on the Charter School's website and may be seen in Appendix J of the FNCS Charter. Policies describe expectations regarding mutual respect, substance abuse, violence, safety, and work habits.

Any student who repeatedly violates the Charter School's behavioral expectations may be required to attend a meeting with the Charter Director, the student's parent or guardian and classroom teacher (optional). Together, the parties will create a written agreement outlining future student conduct expectations, timelines, and consequences for failure to meet the expectations which may include, but are not limited to, suspension or expulsion.

Students who present an immediate threat to health and safety may be immediately suspended and later expelled by the Charter Council pursuant to the provisions herein. The Charter School's policies provide all students with due process ensuring the students constitutional rights and conform to applicable federal law while also enabling the Charter School to maintain a safe learning environment. This policy shall serve as the Charter School's policy and procedures for student suspension and expulsion and it may be amended from time to time without the need for a material revision to the charter so long as the amendments comport with legal requirements. Charter School staff shall enforce disciplinary rules and procedures fairly and consistently among all students. The Charter School will notify the district of any expulsions and will maintain suspension/expulsion data.

### **Introduction**

This Pupil Suspension and Expulsion Policy (the "Policy") for Fuente Nueva Charter School has been established in order to promote learning and protect the safety and well-being of all students. When the Policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. At the same time, the Charter School intends to provide effective interventions for pupils who engage in acts of problematic behavior to help them change their behavior and avoid exclusion from the Charter School.

Staff shall enforce disciplinary rules and procedures fairly and consistently amongst all students. The Policy will be printed and distributed as part of the Student Handbook and will clearly describe discipline expectations. The Charter Director shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline policies and procedures. The notice shall state that this Policy is available on request at the Charter School's main office.

Discipline includes, but is not limited to, advising and counseling students, conferring with parents/guardians, detention during and after school hours, community service on or off campus, the use of alternative educational environments, suspension and expulsion. Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. For purposes of the Policy, corporal punishment does not include an employee's use of reasonable force necessary to protect the employee, students, staff or other persons or to prevent damage to school property.

A student identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Act ("IDEA") or

who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to regular education students except when federal and state law mandates additional or different procedures. The Charter School will follow Section 504, the IDEA, the Americans with Disabilities Act of 1990 ("ADA") and all applicable federal and state laws when imposing any form of discipline on a student identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students.

No student shall be involuntarily removed by the Charter School for any reason unless the parent or guardian of the student has been provided written notice of intent to remove the student no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the student or the student's parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder, and shall inform him or her of the basis for which the pupil is being involuntarily removed and his or her right to request a hearing to challenge the involuntary removal. If a parent, guardian, or educational rights holder requests a hearing, the Charter School shall utilize the same hearing procedures specified below for expulsions, before the effective date of the action to involuntarily remove the student. If the student's parent, guardian, or educational rights holder requests a hearing, the student shall remain enrolled and shall not be removed until the Charter School issues a final decision. As used herein, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include removals for misconduct which may be grounds for suspension or expulsion as enumerated below.

## **Suspension**

### **Definition**

Suspension is the temporary removal of a pupil from class instruction for adjustment or disciplinary reasons. Suspension does not mean any of the following:

- Reassignment to another education program or class at the Charter School where the pupil will receive continuing instruction for the length of day prescribed by the Charter Council for pupils of the same grade level;
- Referral to a certificated employee designated by the Charter Director to advise pupils;
- Removal from the class, but without reassignment to another class for the remainder of the class period without sending the pupil to the Charter Director or designee.

While suspended, the pupils will be excluded from school and may not attend or participate in any Charter School activity at any time, no matter where such activity is taking place, unless otherwise agreed upon arrangements have been made. Violation may result in further disciplinary action.

The Charter School shall consider suspension from school only when other means of correction fail to bring about proper conduct or where the student's presence would constitute a danger to persons or property or seriously disrupt the educational process.

### **Authority**

The Charter Director or designee may suspend a student from class, classes or the Charter School for a period not to exceed five days. The Charter Director or designee may extend a student's suspension pending final decision by the Charter Council of the Charter School on a recommendation for expulsion. Such extended suspension should not exceed 10 days, unless specific procedural safeguards are met. Those are identified below.

On a recommendation for expulsion, the Charter Council may suspend a special education student being considered for expulsion in accordance with the laws relating to expulsion of special education students.

A pupil may not be suspended or expelled for any of the acts enumerated in this Policy unless the act is related to school activity or school attendance of Fuente Nueva Charter School. A pupil may be suspended or expelled for acts that are enumerated in this Policy and related to school activity or attendance that occur at any time, including, but not limited to any of the following:

- While on school grounds
- While going to or coming from school
- During the lunch period, whether on or off the school campus
- During, or while going to or coming from a school sponsored activity
- All acts related to school activity or school attendance occurring within the School

### **Grounds**

The Charter Director may use discretion to provide alternatives to suspension or expulsion recommendations that are age appropriate and designed to address and correct the student's specific misbehavior. Alternatively, students may be suspended or recommended for expulsion for any of the following acts (whether completed, attempted or threatened) when it is determined the pupil:

- Caused physical injury to another person or willfully used force or violence upon the person of another, except in self-defense.
- Possessed, sold or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from an authorized certificated school employee, with the Charter Director or designee's written concurrence
- Unlawfully possessed, used, or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code sections 11053-11058 (including, but not limited to, opiates, hallucinogenic substances, stimulants, depressants and narcotic drugs), alcoholic beverage or intoxicant of any kind.

- Unlawfully offered, arranged or negotiated to sell any controlled substance as defined in Health and Safety Code sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented the same as a controlled substance, alcoholic beverage or intoxicant
- Committed or attempted to commit robbery or extortion
- Caused or attempted to cause damage to school property or private property (as used in this Policy, “school property” includes but is not limited to electronic files and databases)
- Stole or attempted to steal school property or private property
- Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, betel and e-cigarettes, whether or not they contain tobacco. This section does not prohibit the use of his or her own prescription products by a pupil.
- Committed an obscene act or engaged in habitual profanity or vulgarity
- Unlawfully possessed or offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code section 11014.5
- Possessed an imitation firearm, i.e., a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm
- Harassed, threatened or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness
- Unlawfully offered, arranged to sell, negotiated to sell or sold the prescription drug Soma
- Engaged in, or attempted to engage in, hazing. “Hazing” means a method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current or prospective pupil. “Hazing” does not include athletic events or school-sanctioned events.
- Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act. “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 pupil or group of pupils which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more pupils that has or can be reasonably predicated to have the effect of one or more of the following:
  - Placing a reasonable pupil(s) in fear of harm to that pupil(s)’ person or property;
  - Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health;
  - Causing a reasonable pupil to experience substantial interference with his or her academic performance;
  - Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

- An electronic act, for purposes of the immediately preceding bullet, means the creation or transmission, 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:
  - A message, text, sound, video or image.
  - A post on a social network Internet Web site including, but not limited to:
    - § 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 above.
    - § Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed above. “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
    - § Creating a false profile for the purpose of having one or more of the effects listed above. “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
  - An act of cyber sexual bullying.
    - § For purposes of this section, “cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described above. A photograph or other visual recording shall include the depiction of a nude, semi-nude or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording or other electronic act.
    - § 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.
  - 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.
  - A “reasonable pupil” means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.
- Made terroristic threats against school officials and/or school property. For purposes of this section, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in

sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school property or the personal property of the person threatened or his or her immediate family.

- Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 5, inclusive.
- Caused or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 5, inclusive.
- Falsely activated fire alarm
- Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading the rights of either school personnel or volunteers and/or student(s) by creating an intimidating or hostile educational environment.

The above list is not exhaustive and depending upon the offense, a pupil may be suspended or recommended for expulsion for misconduct not specified above.

### **Procedures Required to Suspend**

#### **Step One**

The Charter Director or designee shall investigate the incident and determine whether or not it merits suspension.

*Searches:* In order to investigate an incident, a student's attire,<sup>[1]</sup> personal property, vehicle or school property, including books, desks, school lockers, computers and other electronic devices, may be searched by the Charter Director or designee who has reasonable suspicion that a student has violated or is violating the law or the rules of the Charter School. *Illegally possessed items shall be confiscated and turned over to the police.*

#### **Step Two**

Unless a student poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, a suspension will be preceded by an informal conference between the Charter Director or designee and the student in which the student shall be orally informed of the reason for the suspension, the evidence against him, the other means of correction that were attempted before the suspension and be given the opportunity to present informal proof of the student's side of the story. If the student poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, the informal conference will be held within two school days, unless the pupil waives this right or is physically

unable to attend for any reason, including, but not limited to, hospitalization or detention in a correctional facility.

At the time of the suspension, a Charter School employee shall make a reasonable effort to contact the parent/guardian by telephone or in person to inform him/her of the suspension and the reasons therefor.

If a student is suspended without the informal conference, both the student and the parent/guardian will be notified of a student's right to return to school for the purpose of a conference.

### **Step Three**

The Charter Director or designee determines the appropriate length of the suspension. When suspensions do not include a recommendation for expulsion, they shall not exceed five days consecutive school days per suspension.

### **Step Four**

The Charter Director fills out a Notice of Suspension Form, a copy of which will be sent to the student's parent/guardian and to the student. A copy of this form is also placed in the student's cumulative file at the Charter School. The Notice of Suspension Form shall state the fact of suspension, its duration and the specific offense committed by the student. In addition, the notice shall state the date and time when the student may return to school. The notice shall also state that, if desired by the parent/guardian, a prompt meeting or hearing will be held at which the suspension may be discussed and at which the student may be present and afforded an opportunity to present informal proof of the student's side of the case. Additionally, if the Charter School officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request the parent/guardian to respond to such requests without delay.

### **Step Five**

The Charter Director or designee determines whether the offense warrants a police report. The Charter Director or designee will report certain offenses to law enforcement authorities.

When the Charter Director or designee releases a minor pupil to a peace officer for the purpose of removing the minor from the school premises, the Charter Director or designee shall take immediate steps to notify the parent, guardian or responsible relative of the minor regarding the release of the minor to the officer and regarding the place to which the minor is reportedly being taken, unless the minor has been taken into custody as a victim of suspected child abuse.

### **Step Six**

The Charter Director or designee may require the student and the student's parent/guardian to sign a contract that states the conditions that the student is expected to meet while at the Charter School. Copies of the signed contract are kept by the school and given to the parent/guardian.

### **Special Education and Section 504 Student Suspensions**

When suspensions involve special education students or students with a 504 plan, a manifestation determination meeting shall be held no later than the 10<sup>th</sup> suspension day (whether consecutive or cumulative for the school year). The Charter Director or designee shall notify the student's special education teacher or regular education teacher when the student's cumulative days of suspension for that school year reaches eight. That teacher shall promptly notify Charter Director or designee of the need for the manifestation determination meeting. The manifestation determination meeting shall include the parent, and relevant members of the student's IEP Team or 504 Plan Team (as determined by the parent and the Charter School).

The student shall be treated as a general education student for disciplinary purposes, except to the extent that educational services must continue, if at the manifestation determination meeting the following are both determined in the negative, after reviewing all relevant information in the student's file, including the student's IEP, any teacher observations and any relevant information provided by the parents: 1) the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability under the IDEA or section 504; or 2) the conduct in question was the direct result of the Charter School's failure to implement the IEP or 504 Plan. If it is determined at the manifestation determination meeting that 1) or 2) is answered in the affirmative, the conduct is deemed a manifestation of the disability.

If the conduct is deemed a manifestation of the disability, the IEP Team or 504 Team must conduct a functional behavioral assessment (or other appropriate assessment for the 504 student), create a plan and implement it, or if the plan is pre existing, review it and modify it as necessary to address the behavior.

In the case of a manifestation of a disability, the student will be returned to the placement from which they were removed, unless the IEP/504 team agrees to a change of placement as part of the modification of the behavioral intervention plan or updated 504 Plan. For special education and 504 students, a new manifestation determination meeting is required for all proposed suspensions exceeding ten cumulative days in one school year.

The special education student may be removed from school to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability if the student: 1) carries a weapon to or possesses a weapon at school, on school premises or to or at a school function under the jurisdiction of the Charter School; 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 under the jurisdiction of the Charter School; or 3) has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the Charter School.

### **Homework Assignments During Suspension**

In accordance with Education Code Section 47606.2(a), upon the request of a parent, a legal guardian or other person holding the right to make education decisions for the pupil, or the affected pupil, a teacher shall provide to a pupil in any of grades 1 to 5, inclusive, who has been suspended from school for two or more schooldays, the homework that the pupil would otherwise have been assigned.

In accordance with Education Code Section 47606.2(b), if a homework assignment that is requested pursuant to Section 47606.2(a) and turned into the teacher by the pupil either upon the pupil's return to school from suspension or within the timeframe originally prescribed by the teacher, whichever is later, is not graded before the end of the academic term, that assignment shall not be included in the calculation of the pupil's overall grade in the class.

### **Expulsion**

#### **Definition**

Expulsion means involuntary disenrollment from the Charter School.

#### **Authority**

A student may be expelled either by the neutral and impartial Charter Council following a hearing before it or by the Charter Council upon a recommendation of a neutral and impartial Administrative Panel to be assigned by the Charter Council as needed. The Administrative Panel shall consist of at least three members who are certificated and neither a teacher of the pupil nor a member of the Charter School Board of Directors. Each entity shall be presided over by a designated neutral hearing chairperson. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense, and the Charter Council shall make the final determination.

The Charter Council, upon voting to expel a pupil, may suspend the enforcement of the expulsion order for a period of not more than one calendar year and may, as a condition of the suspension of enforcement, assign the pupil to a school, class or program that is deemed appropriate for the rehabilitation of the pupil [or other conditions such as good behavior, attendance, etc.]. The rehabilitation program to which the pupil is assigned may provide for the involvement of the pupil's parent or guardian in his or her child's education in ways that are specified in the rehabilitation program. A parent or guardian's refusal to participate in the rehabilitation program shall not be considered in the Charter Council's determination as to whether the pupil has satisfactorily completed the rehabilitation program.

#### **Grounds for Expulsion**

##### **Category I Expulsions – Mandatory Recommendation for Expulsion**

The Charter Director or designee shall immediately suspend a student, and recommend for expulsion, a student who has committed one or more of the following acts:

- Possessing, selling or otherwise furnishing a firearm, explosive, or other destructive device when a school employee verifies possession, unless the student obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the Charter Director or designee
- Brandishing a knife at another person
- Unlawfully selling a controlled substance
- Committing or attempting to commit a sexual assault or committing a sexual battery

**Category II Expulsions – Recommendation for Expulsion Required, Unless Inappropriate Under the Circumstances**

A student who has committed one of the following acts of misconduct must be recommended for expulsion, unless the Charter Director determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct.

- Causing physical injury to another person, except in self-defense
- Possession of any knife, explosive or other dangerous object of no reasonable use to the student
- Unlawful possession of any controlled substance, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis or for possession of over-the-counter medication for use by the pupil for medical purposes or medication prescribed for the pupil by a physician
- Robbery or extortion
- Assault or battery on a school employee

**Category III Expulsions – Discretionary Expulsion Recommendation**

In the discretion of the Charter Director or designee, any act that warrants suspension may warrant expulsion. Additionally, a student may be expelled for misconduct that is not listed above if the acts disrupt and/or present ongoing health and/or safety concerns, or the student has repeatedly engaged in the misconduct.

**Notice to Teachers**

The Charter School shall notify teachers of each pupil who has engaged in or is reasonably suspected to have engaged in any of the acts listed in Education Code Section 49079 and the corresponding enumerated offenses set forth above.

**Procedures to Expel a Student**

**Step One**

Charter Director or designee investigates the incident and determines whether the offense results in a suspension. If so, the Charter Director or designee follows the procedures to suspend the student as outlined above.

### **Step Two**

In the discretion of Charter Director or designee, a student's suspension may be extended pending expulsion. If such extended suspension exceeds 10 days, and for any suspension exceeding 10 days, the following procedures must be followed: 1) The Charter Director shall provide timely, written notice of the charges against the student and an explanation of the student's basic rights; 2) The Charter School will provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the student has a fair opportunity to present testimony, evidence and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel. At this hearing, it will be determined whether the presence of the student at the Charter School would cause a danger to persons or property or a threat of disrupting the instructional process.

If the proposed extended suspension is under 10 days, a meeting is held within five school days of the student's suspension to extend the suspension. The student and the student's parent/guardian are invited to attend this meeting with Charter Director or designee. The teachers may also be present.

At this meeting, the offense and the repercussions are discussed. An extension of the suspension may be granted only if the Charter Director or designee determines, after the meeting, that the presence of the student at the Charter School would cause a danger to persons or property or a threat of disrupting the instructional process. If the student has committed an offense that requires a mandatory expulsion recommendation, this is discussed so that it is understood by all parties. The purpose of the meeting is to decide upon the extension of the suspension order and may be held in conjunction with the initial meeting with the parents after the suspension.

### **Step Three**

The Charter School shall send a letter to the student and parent/guardian regarding the expulsion hearing. The expulsion hearing shall be held no later than 30 school days of the date that expulsion is recommended, unless a brief extension is requested by the student or the student's parent/guardian.

The letter shall be sent via certified mail to the student and the student's parent/guardian to the address reflected in the pupil's student file at least 10 calendar days before the date of the hearing. The letter shall notify the student and parent/guardian when and where the expulsion hearing will take place and the rights of the student with respect to the hearing, including:

- The date and place of the expulsion hearing;
- A statement of the facts, charges and offenses upon which the proposed expulsion is based;
- A copy of the Charter School's disciplinary rules relating to the alleged violation;

- Notification of the student's or parent/guardian's obligation to provide information about the student's status at the Charter School to any other school district or school to which the student seeks enrollment;
- The opportunity for the student or the student's parent/guardian to appear in person and/or to employ and be represented by legal counsel or a non-attorney advocate;
- The right to inspect and obtain copies of all documents to be used at the hearing;
- The opportunity to confront and question witnesses who testify at the hearing; [NOTE: If the revelation of the name of a student witness or requiring that the student testify could subject the student to risk, statements and reports of such students may be relied on in lieu of live testimony and the student witness' name does not have to be revealed.]
- The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witness testimony.

#### **Step Four**

The Charter Director shall maintain documents that may be used at the hearing and make them available for review by the student and/or the student's parent/guardian. These papers may include, but are not limited to, the following: A record of the student's attendance and grades, a record of previous infractions, a statement of the facts surrounding the case made by the Charter Director, a statement of the facts surrounding the case made by a witness, a law enforcement agency's report and any other relevant matter.

#### **Step Five**

An expulsion hearing shall be held before the Administrative Panel. 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 a complete written transcription of the proceedings can be made.

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

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

If, due to a written request by the expelled pupil, the hearing is held at a public meeting, and the charge is committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education

Code section 48900, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public.

### **Step Six**

The decision of the Administrative Panel shall be in the form of a written recommendation, with findings of fact, to the Fuente Nueva Charter Council who will make a final determination regarding the expulsion. The final decision by the Fuente Nueva Charter Council shall be made within 10 days following the conclusion of the hearing, or within 40 school days after the date of the pupil's removal from the Charter School for the incident for which the recommendation for expulsion is made. If the Fuente Nueva Charter Council decides not to recommend expulsion, the pupil shall be reinstated and permitted to return to classroom programs. The decision not to recommend expulsion shall be final.

### **Step Seven**

The Charter Director or designee, following a decision of the Charter Council to expel a student, shall send written notice of the decision to expel, including the Fuente Nueva Charter Council's findings of fact, to the student or parent/guardian. The notice shall include the following:

- Notice of the specific offense committed by the student;
- Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status within the Charter School

Within 30 days of the decision to expel, the Charter Director or designee shall send written notice of the decision to expel to the student's district of residence, the County Office of Education and the charter authorizer (if different than the student's district of residence). This notice shall include the student's name and the specific expellable offense committed by the student.

### **Step Eight**

Expelled students are responsible for seeking alternative education programs, including but not limited to, programs within the County or their school district of residence.

### **Step Nine**

The Charter School shall maintain records of all student suspensions and expulsions at the school site. Such records shall be made available for the Arcata Elementary School District's review upon request.

Students who are expelled from the Charter School shall be given a rehabilitation plan upon expulsion as developed by the Charter Council, or its designee, at the time of the expulsion order, which may include, but is not limited to, a periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date not later than one year from the date of expulsion when the pupil may reapply to the school for readmission.

The decision to readmit a pupil or to admit a previously expelled pupil from another school district or charter school shall be in the sole discretion of the Charter Council or its designee following a meeting with the Charter Director and the pupil and parent/guardian to determine whether the pupil has successfully completed the rehabilitation plan and to determine whether the pupil poses a threat to others or will be disruptive to the school environment. The Charter Director or designee shall make a recommendation to the Charter Council following the meeting regarding determination. The pupil's readmission is also contingent upon the Charter School's capacity and any other admission requirements in effect at the time the student seeks admission or readmission.

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[1] This does not include removing clothing to permit visual inspection of the under clothing, breasts, buttocks or genitalia of the pupil.

## ***Appendix G: Right to Learn in a Safe Space***

### Right To Learn in a Safe Space Harassment, Discrimination, Intimidation and Bullying Prevention Policy Compliant with the Safe Place to Learn Act

It is the policy of Fuente Nueva Charter School (FNCS) to create and maintain a learning environment where students and employees are treated with dignity, decency and respect. It is also the policy of FNCS to maintain an environment that encourages and fosters appropriate conduct among all persons and respect for individual values. Accordingly, the School is committed to enforcing this Harassment, Discrimination, Intimidation and Bullying Prevention Policy at all levels in order to create an environment free from all forms of discrimination, harassment, intimidation and bullying. Discrimination, harassment, intimidation or bullying based on the following characteristics, whether actual or perceived: race, religious creed (including religious dress and grooming practices), color, national origin (including language use restrictions), immigration status, citizenship status, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy or childbirth), gender, gender identity, gender expression, age, sexual orientation, military and veteran status, or association with a person or group with one or more of the aforementioned characteristics or any other legally protected category is unlawful and undermines the character and purpose of the School. Such discrimination, harassment, intimidation or bullying violates School policy and will not be tolerated. This policy applies to anyone on campus at the School or those attending School sponsored activities.

Any form of retaliation against anyone who has complained or formally reported discrimination, harassment, intimidation or bullying or against anyone who has participated in an investigation of such a complaint, regardless of whether the complaint relates to the complaining person or someone else, will not be tolerated and violates this policy and the law.

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

Each year, the School shall educate students about the negative impact of bullying other students based on their actual or perceived immigration status or their religious beliefs or customs. The School shall also train teachers, staff and personnel to ensure that they are aware of their legal duty to take reasonable steps to eliminate a hostile environment and respond to any incidents of harassment based on the actual or perceived characteristics noted above. Such training shall provide School personnel with the skills to do the following:

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

#### Definitions

**Discrimination:** Discrimination is adverse treatment of any person based on the protected class or category of persons to whom they belong and such treatment limits students from participating or benefiting from school activities or services.

**Harassment:** Harassment is unwelcome verbal or physical conduct prohibited by law directed toward, or differential treatment of, a student because of his/her membership (or perceived membership) in any protected group or on any other prohibited basis. The harasser can be a student, a School official or employee, or someone who is not an employee of the School, such as a vendor or parent.

Examples of such conduct include, but are not limited to:

- Offensive or degrading remarks, verbal abuse, or other hostile behavior such as insulting, teasing, mocking, name calling, degrading or ridiculing another person or group
- Racial slurs, derogatory remarks about a person's accent, or display of racially offensive symbols
- Unwelcome or inappropriate physical contact, comments, questions, advances, jokes epithets or demand
- Physical assault or stalking
- Displays or electronic transmission of derogatory, demeaning or hostile materials
- Graphic and written statements, which may include use of cell phones or the Internet

Harassment does not have to include intent to harm, be directed at a specific target or involve repeated incidents. Harassment creates a hostile environment when the conduct is sufficiently severe, pervasive or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities or opportunities offered by the School.

**Sexual Harassment:** Sexual harassment is a form of harassment based on sex, including sexual harassment, gender harassment and harassment based on pregnancy, childbirth or related medical conditions. It generally involves unwanted sexual advances, or visual, verbal or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of violations:

- Unwanted sexual advances
- Offering educational benefits in exchange for sexual favors
- Making or threatening reprisals after a negative response to sexual advances
- Visual conduct: leering, making sexual gestures, displaying of suggestive objects or pictures, cartoons or posters
- Verbal conduct: making or using derogatory comments, epithets, slurs and jokes
- Verbal sexual advances or propositions
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitation
- Physical conduct: touching, assault, impeding or blocking movements

**Intimidation:** Intimidation includes adverse actions intended to fill another with fear, to overawe or cow, as through force of personality or by superior display of wealth, talent, etc., or to force another into or deter from some action by inducing fear.

**Bullying:** Bullying may take place in a variety of hostile acts that are carried out repeatedly over time. The acts involve a real or perceived imbalance of power, with the more powerful child or group attacking those who are less powerful. It may be physical (hitting, kicking, spitting, pushing), verbal (taunting, malicious teasing, name calling, threatening), or psychological (spreading rumors, manipulating social relationships, or promoting social exclusion, extortion or intimidation). Bullying is any severe or pervasive action or conduct directed toward one or more students that have the effect of one or more of the following: 1) places a reasonable student in fear of harm to that student's person or property; 2) causes a reasonable student to experience a substantially detrimental effect on his or her physical or mental health; 3) causes a reasonable student to experience substantial interference with his or her academic performance; 4) causes a reasonable student to experience interference with his or her ability to participate in or benefit from the services, activities or privileges provided by the School.

Other types of bullying:

- Sexual bullying includes many of the actions typical of bullying behavior with the added actions of exhibitionism, voyeurism, sexual propositioning, sexual harassment and sexual abuse (touching, physical contact, sexual assault).
- Bias or hate-motivated bullying is a basic bias against or hate for a person or group. Examples include taunting one's race, religion, national origin, sexual orientation, or physical or mental disabilities. The bullying behavior may also be aggressive, antagonistic, and assaultive.
- Hazing is a form of aggressive behavior that usually involves intimidation and humiliation during an initiation for a student organization or body, club, group or sports team. It may involve conduct 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 pupil. Hazing does not include athletic events or school-sanctioned events.
- Cyberbullying involves bullying conduct that is created or transmitted by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer or pager communicating any of the following: 1) a message, text, sound or image; 2) a post on a social network Internet Web site, including a "Burn Page," an impersonation of another student, and a false profile.

**Retaliation:** Retaliation is any adverse action taken against a student because he or she filed a charge of harassment, discrimination, intimidation or bullying complaint to the School or another agency or participated in an investigation about the same (such as an internal investigation or lawsuit), including as a witness. Retaliation also includes adverse action taken against someone who is associated with the individual opposing the perceived harassment, discrimination, intimidation or bullying.

### Reporting Discrimination, Harassment, Intimidation, Bullying or Retaliation

Any student who believes that he or she has been the victim of discrimination, harassment, intimidation, bullying or retaliation prohibited by this policy, or any student who has witnessed such discrimination, harassment, intimidation, bullying or retaliation, should immediate report the circumstances in accordance with the procedure set forth below. The School will investigate any conduct that violates this policy, even in the absence of a complaint, and take remedial action where appropriate.

A student may make a complaint, written or oral, to any of the individuals listed below:

- Their teacher, school counselor or other school personnel
- The Charter Director of the School

Complaints may be submitted to the Charter Director by any of the following methods:

- By phone at (707) 822-3348
- By email at [bwylie@fuentenueva.org](mailto:bwylie@fuentenueva.org)
- By mail at 1730 Janes Road, Arcata CA 95521

Any teacher, school counselor or other school employee that receives any complaints of misconduct as defined by this policy, or personally observes, learns about from others, or reasonably suspects has occurred, shall report the same to the Charter Director, so that the School may attempt to resolve the claim internally. Any School personnel that witness an act of discrimination, harassment, intimidation, bullying or retaliation shall take immediate steps to intervene when it is safe to do so.

***For more information on signs and symptoms bullying see please refer to:***

<http://www.stopbullying.gov/laws/california.html>

### Investigation and Disposition of Complaints

The School will conduct a prompt, thorough and impartial investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected. The investigation, conducted by a qualified investigator(s) (who will be a School employee), will include an interview with the alleged student-victim and his/her parent(s)/guardian(s). It may also include interviews with the person who made the initial report, the complainant (if not the alleged victim), the alleged wrongdoer and/or any other person who may have information regarding the incident, each of whom are encouraged to cooperate with any investigation. The investigator may also review any relevant documents.

The School will endeavor to complete its investigation within thirty (30) days of a report of discrimination, harassment, intimidation, bullying or retaliation.

Confidentiality of the complaint and investigation will be kept by the School to the extent possible, but note that the investigation will not be completely confidential. The School shall ensure confidentiality with respect to a student's or family's immigration status.

Every complaint will trigger the creation of an investigatory file. The investigatory file will consist of the initial complaint, the final investigative report, including a record of the remedial action to be taken, if any, and all documents created, used or reviewed during the investigation.

At the conclusion of the investigation, the Principal shall notify the complainant of the manner in which it has resolved the matter. If, within 30 days after notification of resolution, the complainant does not agree with the resolution, the complainant may appeal the matter to the Board of Directors (FNCC) of the School by filing a notice of appeal stating the reasons for the appeal and specific disagreement with the School's resolution of the complaint. The Board of Directors (FNCC) will provide the student with a final decision of the School's resolution 5 days after the Board of Directors' next regularly scheduled board meeting. If the student does not agree with the final determination of the Board of Directors, the student may appeal to the California Department of Education using the appeal process adopted in the School's Uniform Complaint Procedures.

#### Parental Notification:

Each year, the School shall notify parents and guardians of their children's right to a free public education, regardless of immigration status or religious beliefs. This information shall include information related to the "Know Your Rights" immigration enforcement established by the California Attorney General. The School shall also inform students who are the victims of hate crimes of their right to report such crimes.

#### Creation of a Safe Space Practices

At Fuente Nueva we strive to create a place where every student feels safe, secure and important. Preventing bullying is the most important part of our policy. Parents, teachers, staff and students are all engaged in the creation of a safe learning environment. By working together we aim to share a common language so that when challenges arise we can find solutions as a team. To read more about the below practices, see our hand out entitled Developing Character at Fuente Nueva.

#### Teachers and Staff:

- § Create safe classroom environment
- § *Love and Logic* practices used school-wide
- § *Nonviolent Communication* practice used school-wide
- § *Restorative Practices* are used school-wide
- § A school counselor is accessible
- § Teachers and administrators make themselves available to parents and students
- § *Student Success Teams* are used as needed

#### Classroom and school-wide instruction:

- § Guidelines for Success

- I respect for myself
- I respect others
- I respect this place

§ *Character Trait Words* are studied all year long.

§ Character Education lessons emphasizing resiliency skills such as mindfulness and nonviolent communication are taught at all grade levels by the School Charter Director.

§ Cozy Corners in all classrooms include tools for students to take a break offered at each grade level

§ A labyrinth is available for students to regain balance

§ *Estrella Brillante* is a school-wide behavior incentive program

§ Special assemblies that promote positive behavior

## Students

§ Peer mediation – 4<sup>th</sup>/5<sup>th</sup> Grade Peace Keepers

§ Develop self-regulation skills

§ Develop a growth mindset

§ Students use skills to solve and prevent conflicts

§ Participation in *Restorative Circles*

## Parents

§ Monthly school-wide newsletters and weekly class letter keep parents informed of our school's efforts to promote a safe environment

§ Access to *Right to Learn in a Safe Place* policy on website and annual notification

§ Parents are offered access to our book library that includes books on parenting

§ When possible, Fuente Nueva offers parent evening workshops, *Parent University*

§ As needed, the school involves parents in *Student Success Team* meetings

§ Parent involvement in our school governance and countless other ways

## **Appendix H: Excerpt from Employee Handbook**

### **INTERNAL COMPLAINT REVIEW**

The purpose of the “Internal Complaint Review Policy” is to afford all employees of the School the opportunity to seek internal resolution of their work-related concerns. All employees have free access to the Charter Director or the Fuente Nueva Charter Council to express their work-related concerns.

Specific complaints of unlawful harassment are addressed under the School’s “Policy Against Unlawful Harassment.”

#### ***Internal Complaints (Complaints by Employees Against Employees)***

This section of the policy is for use when a School employee raises a complaint or concern about a coworker.

If reasonably possible, internal complaints should be resolved at the lowest possible level, including attempts to discuss/resolve concerns with the immediate supervisor. However, in the event an informal resolution may not be achieved or is not appropriate, the following steps will be followed by the Charter Director or designee:

1. The complainant will bring the matter to the attention of the Charter Director as soon as possible after attempts to resolve the complaint with the immediate supervisor have failed or if not appropriate; and
2. The complainant will reduce his or her complaint to writing, indicating all known and relevant facts. The Charter Director or designee will then investigate the facts and provide a solution or explanation;
3. If the complaint is about the Charter Director, the complainant may file his or her complaint in a signed writing to the Council President, who will then confer with the Council and may conduct a fact-finding or authorize a third party investigator on behalf of the Council. The Council President or investigator will report his or her findings to the Council for review and action, if necessary.

This policy cannot guarantee that every problem will be resolved to the employee’s satisfaction. However, the School values each employee’s ability to express concerns and the need for resolution without fear of adverse consequence to employment.

#### ***Policy for Complaints Against Employees (Complaints by Third Parties Against Employees)***

This section of the policy is for use when a non-employee raises a complaint or concern about a School employee.

If complaints cannot be resolved informally, complainants may file a written complaint with the office of the Charter Director or Council President (if the complaint concerns the Charter Director) as soon as possible after the events that give rise to the complainant’s concerns. The written complaint should set forth in detail the factual basis for the complaint.

In processing the complaint, Charter Director (or designee) shall abide by the following process:

1. The Charter Director or designee shall use his or her best efforts to talk with the parties identified in the complaint and to ascertain the facts relating to the complaint.
2. In the event that the Charter Director (or designee) finds that a complaint against an employee is valid, the Charter Director (or designee) may take appropriate disciplinary action against the employee. As appropriate, the Charter Director (or designee) may also simply counsel/reprimand employees as to their conduct without initiating formal disciplinary measures.
3. The Charter Director's (or designee's) decision relating to the complaint shall be final unless it is appealed to the Council. The decision of the Council shall be final.

### ***General Requirements***

**Confidentiality:** All complainants will be notified that information obtained from the complainants and thereafter gathered will be maintained in a manner as confidential as possible, but in some circumstances absolute confidentiality cannot be assured.

**Non-Retaliation:** All complainants will be advised that they will be protected against retaliation as a result of the filing of any complaints or participation in any complaint process.

**Resolution:** The Council (if the complaint is about the Charter Director) or the Charter Director or designee will investigate complaints appropriately under the circumstances and pursuant to the applicable procedures, and if necessary, take appropriate remedial measures to ensure effective resolution of any complaint.

### **HARASSMENT COMPLAINT FORM**

*It is the policy of the School that all of its employees be free from harassment. This form is provided for you to report what you believe to be harassment, so that the School may investigate and take appropriate disciplinary or other action when the facts show that there has been harassment.*

*If you are an employee of the School, you may file this form with the Charter Director or Council President. Please review the School's policies concerning harassment for a definition of harassment and a description of the types of conduct that are considered to be harassment.*

*FNCS will undertake every effort to handle the investigation of your complaint in a confidential manner. In that regard, the School will disclose the contents of your complaint only to those persons having a need to know. For example, to conduct its investigation, the School will need to disclose portions of your factual allegations to potential witnesses, including anyone you have identified as having knowledge of the facts on which you are basing your complaint, as well as the alleged harasser.*

*In signing this form below, you authorize the School to disclose to others the information you have provided herein, and information you may provide in the future. Please note that the more detailed information you provide, the more likely it is that the School will be able to address your complaint to your satisfaction.*

*Charges of harassment are taken very seriously by the School both because of the harm caused to the person harassed, and because of the potential sanctions that may be taken against the harasser. It is therefore very important that you report the facts as accurately and completely as possible and that you cooperate fully with the person or persons designated to investigate your complaint.*

Your Name: \_\_\_\_\_ Date: \_\_\_\_\_

Date of Alleged Incident(s): \_\_\_\_\_

Name of Person(s) you believe sexually harassed you or someone else: \_\_\_\_\_

List any witnesses that were present:

Where did the incident(s) occur?

Please describe the events or conduct that are the basis of your complaint by providing as much factual detail as possible (i.e. specific statements; what, if any, physical contact was involved; any verbal statements; what did you do to avoid the situation, etc.) (Attach additional pages, if needed):

I acknowledge that I have read and that I understand the above statements. I hereby authorize the School to disclose the information I have provided as it finds necessary in pursuing its investigation.

I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief.

Date:

---

**Signature of Complainant**

---

Print Name

Received

Date:

## COMPLAINT FORM

Your Name: \_\_\_\_\_ Date: \_\_\_\_\_

Date of Alleged Incident(s): \_\_\_\_\_

Name of Person(s) you have a complaint against:

\_\_\_\_\_  
List any witnesses that were present:

\_\_\_\_\_  
Where did the incident(s) occur?

Please describe the events or conduct that are the basis of your complaint by providing as much factual detail as possible (i.e. specific statements; what, if any, physical contact was involved; any verbal statements; what did you do to avoid the situation, etc.) (Attach additional pages, if needed):

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

I hereby authorize the School to disclose the information I have provided as it finds necessary in pursuing its investigation. I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief. I further understand providing false information in this regard could result in disciplinary action up to and including termination.

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

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

\_\_\_\_\_  
Print Name

To be completed by School:

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

## **Appendix I: Fuente Nueva Dress Code**

# **Fuente Nueva Dress Code**

## **Student Policy**



Appropriate dress contributes to a productive learning environment. Students are encouraged to wear clothing that they feel comfortable in and are able to participate in a wide range of movement activities. Parents are encouraged to support their students to be prepared for the variety of weather patterns that can arise on any given school day.

Fuente Nueva values each child's unique expression and seeks to have an inclusive Dress Code. If at any time a member of the community has feedback to improve the inclusiveness of the policy, we welcome the chance to improve.

### **General:**

- Clothing is free of hate speech, curse words or phrases as well as advertising drugs, alcohol, tobacco, gang related activities and anti school messages.
- The body is covered from above the bust down to the upper mid thigh. Clothing covering this area is opaque and skin does not show through.
- We encourage students to wear clothing that allows them to move their bodies and engage in the physical activities that they wish to with comfort.

### **Top half of the body:**

- Shirts will cover the tops of the shoulder (with at minimum a strap), torso front and back. No Half-shirts, crop tops, backless, and strapless tops allowed. Shoulder straps stick firmly to the body with low risk of falling off children's shoulders.
- Students are encouraged to remove hats and hoods while in class except for warmth, mental health and well-being, medical or religious reasons.

### **Bottom half of the body:**

- Pants fit the waist, and are worn at waist level.
- Underwear is completely covered by outer clothing.
- If skin or undergarments are able to be seen through tights or leggings, they are worn as an undergarment and covered by shorts or skirts.
- Shorts, or skirts are worn in such a manner that underclothing and bottoms are covered. Layers worn underneath such as leggings can help provide ease of movement if needed.
- Shoes that can be used for an active lifestyle are encouraged. Shoes are worn to school every day. For safety, no high heels, flip-flops, slippers without a sole, "Heelys", athletic cleats, and steel toed shoes.

The Charter Director or designee reserves the right to make judgments on any article of clothing, which poses the potential for the disruption of learning and/or compromises a safe and orderly learning environment.

## **Appendix J: REGISTRATION OF VISITORS/GUESTS**

### **Fuente Nueva Charter School Facilities/Operations Policy**



#### **Registration of Visitors/Guests Policy**

The Fuente Nueva Charter School (“Fuente Nueva” or the “Charter School”) encourages parents/guardians and interested members of the community to visit the charter school and view the educational program. The Charter School also endeavors to create a safe environment for students and staff. To provide a SAFE environment for our staff and students we must closely monitor movement within our school every day. The following policy is in place to ensure the campus safety, provide quality instruction to all students, and provide effective communication opportunities for our parents.

#### **Definitions**

- A “visitor” is defined as any person seeking to enter the school building who is not an employee of the Charter School or a student currently enrolled in that building. All visitors who are not parents or guardians of a student must have a specific and educationally relevant purpose for their visit.

#### **Posting of Notice**

The Charter School Charter Director or designee shall post at every entrance a notice setting forth school hours, visitor registration location and requirements, penalties for refusing to leave the Charter School premises, and any other announcements required by the local law enforcement agency in order to pursue the arrest of persons found loitering or trespassing.

#### **Procedures for Visitors to Charter School Premises**

1. Visits during school hours should first be arranged with the teacher and Director or designee, in advance. If a conference is desired, an appointment should be set with the teacher during non-instructional time in advance. Parents/Guardians seeking to visit a classroom during school hours must first obtain the approval of the classroom teacher and the Charter Director or designee.
2. All visitors (including volunteers) shall register in the Visitors Logbook immediately upon entering the Charter School premises during regular school hours.
3. All visitors registering with the Charter Director or designee will provide the Charter Director or designee with their name, address, occupation, age (if under 21), purpose for entering the Charter school premises, and present proof of identity and any other information as required by law.
4. All visitors are asked to comply with current mandated and recommended health and safety protocols. Visitors (including volunteers) who demonstrate signs of a contagious disease (e.g. fever, coughing) may be denied registration. When recommended or requested by the Department of Public Health, visitors will be required to wear personal protective equipment, such as masks, and practice social distancing. Charter School reserves the right to implement additional measures for the protection of its school community, such as requiring forehead temperature checks before entry to the same extent being utilized for students and employees.

5. If the visitor is a government officer/official (including but not limited to local law enforcement officers, immigration enforcement officers, social workers, district attorneys, or U.S. attorneys) the officer/official will also be asked to produce any documentation that authorizes school access. Charter School shall make reasonable efforts to notify parents or guardians prior to permitting a student to be interviewed or searched, consistent with the law and/or any court order, warrant or instructions from the officer/official. A copy of the documentation provided by the officer and notes from the encounter may be maintained by the Charter School, consistent with the law. The Charter School Board of Directors and Bureau of Children's Justice in the California Department of Justice, at [BCJ@doj.ca.gov](mailto:BCJ@doj.ca.gov), will be timely informed regarding any attempt by a law-enforcement officer to access a school site or a student for immigration-enforcement purposes, as recommended by the Attorney General.

6. Except for unusual circumstances, approved by the Charter Director, school visits should not exceed approximately sixty (60) minutes in length and may not occur more than twice (2) per semester.

7. While on campus, visitors are to enter and leave classrooms as quietly as possible, not converse with any student, teacher, or other instructional assistant unless permitted, and not interfere with any school activity. No electronic listening or recording device may be used in a classroom without the teacher's and Charter Director's written permission.

8. Before leaving campus, the visitor shall return the Visitor's Permit and sign-out of the Visitors Log Book in the main office. Parents or Guardians picking-up a student early from school must also sign-out their child before leaving campus.

9. For purposes of school safety and security, the Charter Director or designee shall provide identification to be used by all visitors at all times while on Charter School premises. The visitor shall make this identification visible at all times

### Procedures for Disruptive Visitors

1. The Charter Director may direct a visitor without lawful business on campus to leave campus when the visitor's presence or acts interfere with the peaceful conduct of the activities of the school, or disrupt the school or its students, or school activities. Any visitor who is directed to leave by the Charter Director or designee will not be permitted to return to the Charter School campus for at least seven (7) days.

2. The Charter Director or designee may revoke a visitor's or volunteer's registration if the Charter Director or designee has reasonable basis for concluding that the visitor's or volunteer's presence on Charter school premises would likely interfere or is interfering with the peaceful conduct of Charter School activities, is interrupting classroom activities or is disrupting the Charter School, its students, its teachers, or its other employees or volunteers.

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

4. The Charter Director or designee may request that a visitor who has failed to register, or

whose registration privileges have been denied or withdrawn, promptly leave school grounds. When a visitor is directed to leave, the Charter Director or designee shall inform the visitor that if the visitor reenters the school without following the posted requirements the visitor will be guilty of a misdemeanor.

5. Any visitor that is denied registration or had access withdrawn may request a hearing with the Charter Director. The request shall be in writing, shall state why the denial or revocation was improper, shall give the address to which notice of conference is to be sent, and shall be delivered to the Charter Director with fourteen (14) days of the denial or revocation of consent. The Charter Director shall promptly mail a written notice of the date, time, and place of the hearing to the person who requested the conference. A hearing with the Charter Director shall be held within seven (7) days after the Charter Director receives the request. If no resolution can be agreed upon, the Charter Director shall forward notice of the complaint to the Fuente Nueva Charter Council. The Fuente Nueva Charter Council shall address the Complaint at the next regular council meeting and make a final determination.

6. Any possession of unauthorized dangerous instruments, weapons, or devices on school grounds shall be reported immediately to the Charter Director or designee and may be reported to the local law enforcement agency.

7. Any person who fails to register within a reasonable time after entering the Charter School premises, who fails to leave upon the request of the Charter Director or designee, or who returns after leaving pursuant to such a request has committed an unlawful act and may be prosecuted according to law.

8. School personnel shall report entry by immigration-enforcement officers to an appropriate staff member as would be required for any unexpected or unscheduled outside visitor coming on campus.

9. The Charter Director or designee shall seek the assistance of the police in managing or reporting any visitor in violation of this Policy.

10. Charter School employees and volunteers should at all times watch for strangers on the Charter School premises. Employees or volunteers who encounter a visitor not displaying the appropriate identification should ask the visitor if they have registered with the Charter School. Employees and volunteers should immediately inform the Charter Director or designee of any visitor who refuses to comply with registration requirements.

### Penalties

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

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

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

Adopted: August 2018

Amended: April 2022

## Appendix K: Parking Lot Map

