



Date: June 11, 2019

To: Board of Directors

From: Sharon Waller, Benjamin Moeller, Sean Martin

Re: Attendance and Truancy, McKinney-Vento (Homeless), and Title IX Policies Memo

Navigator Schools has established a working group to review policy development, management, and compliance. Its first order of business is to identify and review policies that are of the highest priority in terms of school operations and compliance. For every policy under review, the team researches highly-regarded sources for guidance and sample documents. These reputable sources include the California Charter Schools Association (CCSA), the Charter Schools Development Center (CSDC), the California Department of Education (CDE), outstanding charter schools, and the law offices of Young, Minney, and Corr (YMC).

Three policies have been fast-tracked for updates and revision. The three policies are

1. Attendance and Truancy
  - a. This policy establishes expectations and sets out procedures for documenting, supporting, and reporting student attendance. Definitions and procedures for tardies and trancies are included. The policy promotes a positive, non-punitive approach to promoting student attendance and communicating with families.
2. McKinney-Vento
  - a. The McKinney-Vento Homeless Assistance Act, reauthorized in December 2001, ensures educational rights and protections for children and youth experiencing homelessness. This policy provides definitions for homelessness, establishes an official homeless-student liason, summarizes assurances, and outlines related procedures, supports, and services.
3. Title IX, Harassment, Intimidation, and Bullying
  - a. Title IX continues to evolve, and it requires updated policies and procedures covering multiple topics. Policies related to Title IX are ultimately guided by federal law. As used in this policy, discrimination, sexual harassment, harassment, intimidation, and bullying include verbal, physical, written communication or cyber-bullying, including cyber sexual bullying, based on the actual or perceived characteristics of disability, pregnancy, gender, gender identity, gender expression, nationality, ancestry, race or ethnicity, religion, religious affiliation, sexual orientation, childbirth or related medical conditions, marital status, age, or association with a person or group with one or more of these actual or perceived characteristics or any other basis protected by federal, state, local law, ordinance or regulation.

Navigator staff will continue to review, update, and develop these and other policies to ensure compliance, inclusion, health, safety, equity, and achievement, organization-wide. We recommend that the board approve these three essential policies.



## Attendance and Truancy Policy

Navigator Schools believes that prompt and regular attendance is essential to the learning process and is an important life and work skill. By choosing to attend Navigator Schools, students and families accept that regular attendance is part of the social contract that helps students succeed. California's compulsory education laws require children between six and eighteen years of age to attend school, with a limited number of specified exceptions.

### Terms

Tardy	Students who arrive to school after the scheduled start time but less than thirty minutes late. Excessive tardies will generate a consequence.
Late	Students who arrive to school more than thirty minutes after the scheduled start time are late.
Excused absence	<p>An absence is excused when a student who is absent from school provides an approved excuse to the attendance office within forty-eight hours of the student's return to school.</p> <p>Approved excuses are:</p> <ul style="list-style-type: none"> <li>● Student illness</li> <li>● Quarantine of student under the direction of county or city health officer</li> <li>● Medical, eye, or dental appointments</li> <li>● Attending funeral services of immediate family members</li> <li>● Observance of religious holiday or a bereavement period</li> <li>● Pupil's Naturalization Ceremony to become a US Citizen</li> </ul> <p>Excessive absences (over 3 days) may require verification by a school official or physician.</p>
Unexcused absences	An absence is unexcused when a student who is absent or late from school without an approved excuse communicated to the attendance office within forty-eight hours of the student's return to school. This definition applies to family-approved vacations.
Legally truant	Legally truant is defined as any pupil subject to full-time education who misses more than thirty minutes of instruction (three combined occurrences of unexcused absences or lates) without a valid excuse three or more times in one school year.
Habitual truant	An habitual truant is any pupil subject to full-time education who is absent or late from school without a valid excuse six or more times in one school year. Six combined occurrences of unexcused absences and/or lates will result in a student being classified as an habitual truant.

Early Out	An early-out is when a student departs from school with a parent/guardian prior to the official end of the school day. Excused early-outs apply to medical and dental appointments. Other reasons are not excused. These instances are part of the normal attendance calculations and can be used to further identify attendance issues for a student. Excessive early-outs will generate a consequence. Medical and dental excuses may require verification by a school official.
<b>Note: Occurrences are combined unexcused absences and lates. For example, a student with 1 absence and 2 lates is legally truant. A student with 4 absences and 2 lates is an habitual truant.</b>	

## Policy

Attendance is taken each morning as the start of each school day. Students not in class at that time will be marked absent. Students who arrive after assembly in the morning must first visit the office and receive a hall pass to enter class. Students without a valid hall pass will not be admitted to class. Students who arrive between 1-29 minutes after the scheduled start of class will simply be marked Tardy (T) for that day. Students who are more than 30 minutes late will be marked Late (L). Early departures from school are recorded in a student’s permanent attendance record as Excused or Unexcused.

The office staff will check Illuminate daily for any student who has two unexcused absences and/or lates. An office staff member or designee will make a personal call to the student’s family with the purpose of offering support to increase attendance.

The Administrator will review unexcused absences, lates, tardies, early outs and measures will be taken if the absences are determined to be unauthorized or excessive.

Once a student is classified as “Legally Truant” (three occurrences) a “Notification of Truancy” (**Letter 1**) is sent out via mail notifying the parents of their student’s status [Figure 1] along with a copy of this policy.

## Student Attendance Review Board (SARB)

An habitually truant pupil (six occurrences) will trigger the SARB process which includes the following steps:

6 <sup>th</sup> Occurrence	Letter 2	An <b>Habitual Truancy</b> letter and a brochure with suggestions to improve student attendance are sent home to parent.
7 <sup>th</sup> Occurrence	Letter 3	<ul style="list-style-type: none"> <li>● <b>Third Notice of Truancy</b> is sent home.</li> <li>● A parent conference with the school administrator is scheduled at which time the SARB process is explained by the administrator.</li> <li>● Student and parent receive a brochure about attendance and sign a notice verifying</li> </ul>

		understanding of the <b>Attendance and Truancy Policy</b> and expectations.
8 <sup>th</sup> Occurrence	Letter 4	<ul style="list-style-type: none"> <li>● <b>Fourth Notification of Truancy</b> is sent home. The Administrator and/or School Resource Officer may schedule a home visit or contact the Office of the District Attorney.</li> </ul>
<p>Beyond 8 occurrences in a year:</p> <ul style="list-style-type: none"> <li>● A second parent/guardian conference is scheduled. An intervention form with attendance resources is presented to parent. A student-parent-school agreement is developed and signed. This agreement may include the use of check in and check outs at school, plans for alternative transportation, evening parenting classes, a mandatory after-school program, and/or Saturday School attendance to assist the student in maintaining academic skills.</li> <li>● If unexcused absences continue, legal action may be taken against the parents. Enrollment at the School may be jeopardized. The case is referred to the Director of Student Services for review. If approved, the director may refer the case to the District Attorney's office.</li> </ul>		

### **Early Out and/or Excessive Tardies**

A student who is picked up from school prior to the release of school will only be excused for reasons listed in the definition of excused absences (see above). All other reasons will be marked as unexcused. These occurrences are not added to the calculation of attendance, but they are tracked for review by the school administrator. Excessive early-outs and/or tardies (a combination of ten or more) are discouraged and detract from a student's overall attendance performance. After determining that the excessive early outs and/or tardies are affecting academic progress, the school administrator will hold a parent conference and discuss consequences and solutions.

### **Office Staff Responsibilities**

The school office staff generates a weekly truancy report in Illuminate. Letters will be sent to families per the **Attendance and Truancy Policy**. The office staff will contact teachers to identify students with excessive early-outs, tardies, and absences. Meetings with parent/guardian regarding student truancy will be initiated by the school administrator and these meetings will include the student's classroom teacher.



## Póliza de Asistencia y Ausentismo Escolar

Las Escuelas Navegantes creen que la asistencia puntual y regular es esencial para el proceso de aprendizaje y es una importante habilidad de la vida y trabajo. Al elegir a asistir a las Escuelas Navegantes, los estudiantes y las familias aceptan que la asistencia regular es parte del contrato social que ayuda a los estudiantes a tener éxito. Las leyes de educación obligatoria de California exigen que los niños de entre seis y dieciocho años asistan a la escuela, con un número limitado de excepciones especificadas.

### Condiciones

Tarde	Los estudiantes que llegan a la escuela después de la hora de inicio programada pero menos de treinta minutos tarde. Las tardanzas excesivas generarán una consecuencia.
Tardío	Los estudiantes que llegan a la escuela más de treinta minutos después de la hora de inicio programada llegan tarde.
Ausencia justificada	<p>Una ausencia es justificada cuando un estudiante que está ausente de la escuela proporciona una excusa aprobada a la oficina de asistencia dentro de las cuarenta y ocho horas posteriores al regreso del estudiante a la escuela. Las excusas aprobadas son:</p> <ul style="list-style-type: none"> <li>● Enfermedad del estudiante,</li> <li>● Cuarentena de los estudiantes bajo la dirección del condado o funcionario de salud de la ciudad</li> <li>● Citas médicas, oculares o dentales</li> <li>● Asistir a los servicios fúnebres de los miembros de la familia inmediata</li> <li>● La observancia de un día religioso o un período de duelo.</li> <li>● Ceremonia de naturalización del alumno para convertirse en ciudadano estadounidense.</li> </ul> <p>Las ausencias excesivas (más de 3 días) pueden requerir verificación por un oficial de la escuela o un médico.</p>
Ausencias injustificadas	Una ausencia es injustificada cuando un estudiante que está ausente o llega tarde a la escuela sin una excusa aprobada comunicada a la oficina de asistencia dentro de las cuarenta y ocho horas posteriores al regreso del estudiante a la escuela. Esta definición se aplica a las vacaciones aprobadas por la familia.

Legalmente Ausente	Legalmente ausente se define como cualquier alumno sujeto a educación de tiempo completo que pierde más de treinta minutos de instrucción (tres casos combinados de ausencias injustificadas o ausencias) sin una excusa válida tres o más veces en un año escolar.
Absentismo Habitual:	Un ausente habitual es cualquier alumno sujeto a la educación de tiempo completo que está ausente o llega tarde a la escuela sin una excusa válida seis o más veces en un año escolar. Seis ocurrencias combinadas de ausencias injustificadas y / o retrasos resultará en que un estudiante sea clasificado como ausente habitual.
Salida temprana	Una salida temprana es cuando un estudiante sale de la escuela con un padre / tutor antes del final oficial del día escolar. Las salidas anticipadas justificadas se aplican a las citas médicas y dentales. Otras razones no son justificadas. Estas instancias son parte de los cálculos de asistencia normales y se pueden usar para identificar mejor los problemas de asistencia para un estudiante. Un exceso de salidas anticipadas generará una consecuencia. Las excusas médicas y dentales pueden requerir la verificación de un funcionario escolar.
<b>Nota: Las ocurrencias ausencias injustificadas y tardes se combinan. Por ejemplo, un estudiante con 1 ausencia y 2 tardes está legalmente ausente. Un estudiante con 4 ausencias y 2 tardes es un ausente habitual.</b>	

## Poliza

La asistencia se toma cada mañana al comienzo de cada día escolar. Los estudiantes que no estén en clase en ese momento serán marcados como ausentes. Los estudiantes que llegan después de la asamblea en la mañana deben primero visitar la oficina y recibir un pase de entrada para entrar a la clase. Los estudiantes que no tengan un pase válido no serán admitidos en clase. Los estudiantes que lleguen entre 1-29 minutos después del inicio programado de la clase simplemente se marcarán como Tarde (T) para ese día. Los estudiantes que lleguen más de 30 minutos tarde se marcarán tarde (L). Las salidas tempranas de la escuela se registran en el registro de asistencia permanente de un estudiante como excusado o no injustificado.

El personal de la oficina revisará Illuminate diariamente para detectar cualquier estudiante que tenga dos ausencias y / o retrasos injustificados. Un miembro del personal de la oficina o persona designada realizará una llamada personal a la familia del estudiante con el propósito de ofrecer apoyo para aumentar la asistencia.

El administrador revisará ausencias injustificadas, tardías, tardanzas, salidas anticipadas y medidas disciplinarias serán tomadas si las ausencias están determinadas a ser no autorizadas o excesivas.

Una vez que un estudiante es clasificado como "legalmente ausente" (tres ocurrencias) se envía una "Notificación de Absentismo" (**carta 1**) por correo notificando a los padres del estado de su estudiante [Figura 1] junto con una copia de esta política.

### Junta de Examinación de Asistencia Estudiantil (SARB)

Un alumno habitualmente ausente (seis ocurrencias) activará el proceso de SARB que incluye lo siguientes pasos:

6ª Ocurrencia	Carta 2	Una carta de <b>Ausencia Habitual</b> y un folleto con sugerencias para mejorar la asistencia de los estudiantes. Se envían a casa a los padres.
7ª Ocurrencia	Carta 3	<ul style="list-style-type: none"> <li>● <b>Tercer Aviso de Ausentismo</b> es enviado a casa.</li> <li>● Se programa una conferencia de padres con el administrador de la escuela en la que el administrador explica el proceso SARB.</li> <li>● El estudiante y los padres reciben un folleto sobre la asistencia y firman un aviso que verifica la comprensión de la Política de asistencia y ausentismo y las expectativas.</li> </ul>
8ª Ocurrencia	Carta 4	<ul style="list-style-type: none"> <li>● <b>La Cuarta Notificación de Ausencia</b> se envía a casa. El Administrador y / o el Oficial de Recursos Escolares pueden programar una visita al hogar o comunicarse con la Oficina del Fiscal del Distrito.</li> </ul>
<p>Más de 8 ocurrencias en un año:</p> <ul style="list-style-type: none"> <li>● Una segunda conferencia de padres / tutores está programada. Un formulario de intervención con recursos de asistencia se presenta a los padres. Se desarrolla y firma un acuerdo entre el estudiante y los padres y la escuela. Este acuerdo puede incluir el uso de registrar su entrada y salida de la escuela, planes de transporte alternativo, clases nocturnas para padres, un programa obligatorio después de la escuela y / o asistencia a la escuela del sábado para ayudar al estudiante a mantener sus habilidades académicas.</li> <li>● Si continúan las ausencias injustificadas, se pueden tomar acciones legales contra los padres. La inscripción en la escuela puede estar en peligro. El caso se remite al Director de Servicios Estudiantiles para su revisión. Si se aprueba, el director puede remitir el caso a la oficina del fiscal de distrito.</li> </ul>		

### Salidas tempranas y / o excesivas

Un estudiante que es recogido de la escuela antes de la salida de la escuela sólo será excusado por las razones enumeradas en la definición de ausencias justificadas (ver arriba). Todas las demás razones serán marcadas como injustificadas. Estas ocurrencias no se agregan al cálculo de la asistencia, pero son revisadas por el Administrador de la escuela. Salidas tempranas y / o tardanzas excesiva son desalentadas y contribuyen al desempeño

general de asistencia del estudiante. Después de determinar que las salidas tempranas y / o tardanzas son excesivas (una combinación de 10 o más) están afectando el progreso académico, el Administrador llevará a cabo una conferencia de padres y discutirá las consecuencias y soluciones.

### **Responsabilidades del Personal de Oficina**

El personal de la oficina de la escuela genera un informe semanal de absentismo escolar en Illuminate. Se enviarán cartas a las familias de acuerdo con la **Política de asistencia y absentismo**. El personal de la oficina se pondrá en contacto con los maestros para identificar a los estudiantes con salidas tempranas, tardanzas y ausencias excesivas. El administrador de la escuela iniciará las reuniones con los padres / tutores con respecto al absentismo del estudiante y estas reuniones incluirán al maestro del aula del estudiante.





## **McKinney-Vento Policy and Procedures**

### **1. Purpose**

Title IA (Section 111(a)(1)) requires that a district (including independent charter schools) receiving Title IA funds include a plan to provide services to homeless students to ensure compliance with the McKinney-Vento Act. The McKinney-Vento Homeless Assistance Act, reauthorized in December 2001, ensures educational rights and protections for children and youth experiencing homelessness.

### **2. Definitions**

Homeless children and youth means children and youth who lack a fixed, regular, and adequate nighttime residence, and includes children and youth who are:

- Are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks (does not include trailers or mobile homes in a mobile home park) or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; cars; public spaces; abandoned or condemned buildings or garages; bus or train stations or similar settings; or are abandoned in hospitals;
- Living in a primary nighttime residence that is private or public place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;
- Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason
- Migratory children who qualify as homeless because they are living in circumstances described above

Homeless status is determined in cooperation with the parent or guardian. In the case of unaccompanied youth, status is determined by the School Liaison and it includes a youth not in the physical custody of a parent or guardian. A child or unaccompanied youth shall be considered homeless for as long as s/he is in a living situation described above.

### **3. Homeless Liaison**

The Navigator Schools (NS) liaison currently serves students at Watsonville Prep School, Gilroy Prep School and Hollister Prep School.

Current Liaison:  
Sharon Waller  
Director of Student Services  
(831) 235-0484  
swaller@navigatorsschools.org

The Homeless Liaison is required to:

- Ensure that homeless children and youth are identified by school personnel and through coordination with other entities and agencies.
- Ensure that homeless students enroll in, and have full and equal opportunity to succeed in, the schools of the Local Education Agency (LEA).
- Ensure that homeless families, children, and youth receive educational services for which they are eligible, including services through Head Start programs (including Early Head Start programs) under the Head Start Act, early intervention services under part C of the Individuals with Disabilities Education Act, any other preschool programs administered by the LEA, if any, and referrals to health care services, dental services, mental health services and substance abuse services, housing services, and other appropriate services
- Ensure that parents and guardians are informed of educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children.
- Public notice of the educational rights of homeless children is disseminated at places frequented by parents or guardians of such youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, and in a manner and form understandable to the parents and guardians of homeless youth and unaccompanied youth.
- Ensure that enrollment disputes are mediated in accordance with the dispute resolution provisions.
- Ensure that the parent/guardian of a homeless child or youth, or any unaccompanied youth, is fully informed of all transportation services and is assisted in accessing transportation services, if available and feasible.
- Assist unaccompanied youth in placement/enrollment decisions.
- School personnel providing services receive professional development and other support.
- Ensure that unaccompanied youth are immediately enrolled in school pending resolution of disputes that might arise over school enrollment or placement.
- Assist homeless children and youth who do not have immunizations, or immunization or medical records to obtain necessary immunizations, or immunization or medical records.
- Collaborate and coordinate with state coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youth.
- Unaccompanied youth are enrolled in school; have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth; and are informed of their status as independent students

under section 480 of the Higher Education Act of 1965 and that the youths may obtain assistance from the School Liaison to receive verification of such status for the purposes of the Free Application for Federal Student Aid described in section 483 of the Act.

#### **4. General Assurances**

Navigator Schools provides the following general assurances:

- Homeless children and youth shall not be segregated into a separate school or program based on their status as homeless and shall not be stigmatized in any way.
- Homeless children and youth shall be provided services comparable to those received by other students in the school, including transportation services, and education programs for which students meet eligibility criteria, such as services provided under Title 1 or similar state and local programs; programs for students with disabilities; programs for students with limited English proficiency; vocational or technical programs; gifted and talented programs; and school nutrition programs.
- Homeless children and youth will have access to district administrative level reservation of funds (set-asides) for serving homeless students.
- NS shall provide homeless students with access to education and other services necessary for these students to meet the same challenging academic standards as other students.
- NS shall provide and post notices of the educational rights of homeless children and youth.

#### **5. Identification and Reporting**

Homeless children and youth will be identified through:

1. The application process for enrollment (self-identification) including McKinney-Vento Affidavit in applicable language
2. School personnel recommendations
3. Coordinated activities with other entities and agencies

NS will comply with all federal, state, county (Santa Clara County, Santa Cruz County, and/or San Benito County), and other data collections and reporting requirements regarding homeless children and youth.

#### **6. School Selection**

Homeless students have a right to select from the following schools:

- The school he/she attended when permanently housed (School of Origin)
- The school in which he/she was last enrolled (School of Origin)
- The school in the attendance area in which the student currently resides (School of Residency)

A homeless child or youth's right to attend their school of origin extends for the duration of homelessness. If a child or youth becomes permanently housed during the academic year, he or she is entitled to stay in the school of origin for the remainder of the academic year.

## **7. Enrollment and Records**

Homeless students may be identified at the time of enrollment (through self-reports). As all NS schools are independent charter schools, and therefore schools of choice rather than assigned district schools, placement decisions are based solely on parent request through the application process. In order to provide equal access to its schools, the NS annual student recruitment plan shall include efforts to reach homeless families, children, and youth via free public events, community centers, and local homeless service providers.

Homeless youth will not be discriminated against in the application process. Homeless children and youth will be allowed to apply for enrollment in accordance with current NS enrollment policies even if the parent/guardian is unable to provide the school with the records normally required for enrollment such as previous academic records, birth certificate, medical records, proof of residency, or other documentation. The NS designee shall immediately contact the school last attended by the student to obtain the relevant records. If the student needs to obtain immunizations or does not possess immunization or other medical records, the designee shall refer the parent/guardian to the homeless liaison. The liaison shall assist the parent/guardian in obtaining the necessary immunizations or records for the student.

In the case of an unaccompanied youth, the homeless liaison shall assist in the enrollment process. Unaccompanied youth shall be immediately enrolled if space is available even if unable to provide the school with the records normally required for enrollment (as above), and despite lack of parent or legal guardian's supervision or permissions, or "power of attorney" by supervising adult.

In accordance with current NS enrollment policies and state regulations regarding charter schools, if the grade level for which a homeless child or youth has applied has more applicants than spaces available, a random public lottery will take place annually in order to determine enrollment for the following school year. An "in-district" priority will apply during the lottery to homeless youth who self-identify as homeless during the application process as to not discriminate against homeless children or youth due to lack of permanent housing. If a homeless child or youth applies for admission after the annual random public lottery, he or she will be placed on the waitlist in the order in which the application was received, even if the application is incomplete at the time of submission.

Any confidential record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for

special services or programs, of each homeless child or youth will be maintained so that the records are available, in a timely fashion, when a child or youth enters a new school or school district.

## **8. Nutrition Programs**

Homeless students automatically qualify for free breakfast and lunch at NS. Families do not have to fill out an application or provide proof of income. Homeless students will be added to the free meals program as soon as they have been identified.

## **9. Transportation**

Per the McKinney–Vento Act, LEAs must provide services to homeless children/youth that are comparable to those received by other students in the school selected, including transportation. In addition, schools must provide transportation for homeless students to and from their school of origin, if feasible.

NS, where feasible, applicable, at the request of the parent/guardian and/or in the best interest of the homeless children and youth, shall provide transportation to students experiencing homelessness to ensure the students are able to stay at the NS school of their choice for the duration of their homelessness. NS may work with the youth's district of residence or other agencies to provide transportation services

## **10. Enrollment Dispute Resolution Process**

(per CDE Homeless Education Dispute Resolution Process  
<http://www.cde.ca.gov/sp/hs/cy/disputeres.asp>)

If a dispute arises over admissions/enrollment, the student shall be immediately admitted in the school in which he/she is requesting enrollment, pending resolution of the dispute. Enrollment is defined as "attending classes and participating fully in school activities."

The School must refer the student, parent, or guardian to the LEA's homeless liaison to carry out the dispute resolution process as expeditiously as possible. The homeless liaison must ensure the dispute resolution process is also followed for unaccompanied youth.

The parent/guardian shall be provided with a written explanation of the admission/enrollment decision, including an explanation of the parent/guardian's right to appeal the decision. He/she shall also be referred to the School Liaison. The written explanation shall be complete, as brief as possible, simply stated, and provided in a language that the parent, guardian, or unaccompanied youth can understand.

If the dispute remains unresolved at the district level or is appealed, then the district homeless liaison shall forward all written documentation and related paperwork to the homeless liaison at the county office of education (COE). The COE's homeless liaison will review these materials and determine the school selection or enrollment decision within five (5) working days of receipt of the materials. The COE homeless liaison will notify the LEA and parent of the decision.

If the dispute remains unresolved or is appealed, the COE homeless liaison shall forward all written documentation and related paperwork to the State Homeless Coordinator. Upon the review of the LEA, COE, and parent information, the CDE will notify the parent of the final school selection or enrollment decision within ten (10) working days of receipt of materials.

### **11. Professional Development**

All administrators, teachers and employees of NS will be provided professional development on the identification, services, and sensitivity necessary when dealing with homeless children and youth. All identified or suspected homeless children and youth will be referred to the School Liaison.

### **12. Transportation**

The School shall ensure that transportation is provided for homeless students to and from The School, at the request of the parent or guardian (or liaison).



## **TITLE IX, HARASSMENT, INTIMIDATION, DISCRIMINATION, AND BULLYING POLICY**

Discrimination, sexual harassment, harassment, intimidation, and bullying are all disruptive behaviors, which interfere with students' ability to learn and negatively affect student engagement, diminish school safety, and contribute to a hostile school environment. As such, Navigator Schools prohibits any acts of discrimination, sexual harassment, harassment, intimidation, and bullying altogether. This policy is inclusive of instances that occur on any area of the school campus, at school-sponsored events and activities, regardless of location, through school-owned technology, and through other electronic means.

As used in this policy, discrimination, sexual harassment, harassment, intimidation, and bullying are described as the intentional conduct, including verbal, physical, written communication or cyber-bullying, including cyber sexual bullying, based on the actual or perceived characteristics of disability, pregnancy, gender, gender identity, gender expression, nationality, ancestry, race or ethnicity, religion, religious affiliation, sexual orientation, childbirth or related medical conditions, marital status, age, or association with a person or group with one or more of these actual or perceived characteristics or any other basis protected by federal, state, local law, ordinance or regulation. In addition, bullying encompasses any conduct described in the definitions set forth in this Policy. Hereafter, such actions are referred to as "misconduct prohibited by this Policy."

To the extent possible, Navigator Schools will make reasonable efforts to prevent students from being discriminated against, harassed, intimidated, and/or bullied, and will take action to investigate, respond, address and report on such behaviors in a timely manner. The Charter School staff that witness acts of misconduct prohibited by this Policy will take immediate steps to intervene when safe to do so.

Moreover, the Charter School will not condone or tolerate misconduct prohibited by this Policy by any employee, independent contractor or other person with which the Charter School does business, or any other individual, student, or volunteer. This policy applies to all employee, student, or volunteer actions and relationships, regardless of position or gender. The Charter School will promptly and thoroughly investigate any complaint of such misconduct prohibited by this Policy and take appropriate corrective action, if warranted.

### **Title IX, Harassment, Intimidation, Discrimination and Bullying Coordinator ("Coordinator"):**

Sharon Waller  
Director of Student Services  
650 San Benito Street, Suite 230, Hollister, CA 95023  
831-235-0484

## **Definitions**

### **Prohibited Unlawful Harassments**

- Verbal conduct such as epithets, derogatory jokes or comments or slurs
- Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of sex, race or any other protected basis
- Retaliation for reporting or threatening to report harassment
- Deferential or preferential treatment based on any of the protected classes above

### **Prohibited Unlawful Harassment under Title IX**

Title IX (20 U.S.C. § 1681 **et. seq**; 34 C.F.R. § 106.1 **et. seq**) and California state law prohibit harassment on the basis of sex. In accordance with these existing laws, discrimination on the basis of sex in education institutions is prohibited. All persons, regardless of sex, are afforded equal rights and opportunities and freedom from unlawful discrimination in education programs or activities conducted by the Charter School.

The Charter School is committed to provide a workplace and educational environment free of sexual harassment and considers such harassment to be a major offense, which may result in disciplinary action.

Sexual harassment consists of sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature when: (a) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress; (b) submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual; (c) the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment; and/or (d) submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

It is also unlawful to retaliate in any way against an individual who has articulated a good faith concern about sexual harassment against him/her or against another individual.

Sexual harassment may include, but is not limited to

- Physical assaults of a sexual nature, such as:
  - Rape, sexual battery, molestation or attempts to commit these assaults and
  - Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another's body, or poking another's body
- Unwanted sexual advances, propositions or other sexual comments, such as:
  - Sexually oriented gestures, notices, remarks, jokes, or comments about a person's sexuality or sexual experience



- Preferential treatment or promises of preferential treatment to an individual for submitting to sexual conduct, including soliciting or attempting to solicit any individual to engage in sexual activity for compensation or reward or deferential treatment for rejecting sexual conduct
- Subjecting or threats of subjecting an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of the employee's sex
- Sexual or discriminatory displays or publications anywhere in the workplace or educational environment, such as:
  - Displaying pictures, cartoons, posters, calendars, graffiti, objections, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning or pornographic or bringing or possessing any such material to read, display or view at work or the educational environment
  - Reading publicly or otherwise publicizing in the work or educational environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic, and
  - Displaying signs or other materials purporting to segregate an individual by sex in an area of the workplace or educational environment (other than restrooms or similar rooms)

The illustrations of harassment and sexual harassment above are not to be construed as an all-inclusive list of prohibited acts under this Policy.

### **Prohibited Bullying**

**Bullying** is defined as any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act. Bullying includes one or more acts committed by a student group or group of students that may constitute as sexual harassment, hate violence, or creates an intimidating and/or hostile educational environment, directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.
2. Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
3. Causing a reasonable pupil to experience a substantial interference with his or her academic performance.
4. Causing a reasonable pupil to experience a substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.

"Reasonable pupil" is defined as a pupil, including, but not limited to, an exceptional needs pupil, who exercises 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.

**Cyberbullying** is an electronic act that includes the transmission of harassing communication, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device.

Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

**Electronic act** means the creation and transmission originated on or off the school site, 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:

1. A message, text, sound, video, or image.
2. A post on a social network Internet Web site including, but not limited to:
  - Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in the definition of "bullying," above
  - Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in the definition of "bullying," 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 in the definition of "bullying," 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.
3. An act of "Cyber sexual bullying" including, but not limited to:
  - 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 in definition of "bullying," above. A photograph or other visual recording, as described above, 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.
4. Notwithstanding the definitions of "bullying" and "electronic act" above, 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

## **Grievance Procedures**

### **1. Reporting**

All staff are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or become aware of misconduct prohibited by this Policy, to intervene as soon as it is safe to do so, call for assistance, and report such incidents. The Board requires staff to follow the procedures in this policy for reporting alleged acts of misconduct prohibited by this Policy.

Any employee or student who believes they have been subject to misconduct prohibited by this Policy or has witnessed such prohibited misconduct is encouraged to immediately report such misconduct to the Coordinator:

Sharon Waller  
Director of Student Services  
650 San Benito Street, Suite 230, Hollister, CA 95023  
831-235-0484

Complaints regarding such misconduct may also be made to the U.S. Department of Education, Office for Civil Rights.

While submission of a written report is not required, the reporting party is encouraged to submit a written report to the Coordinator. Oral reports shall also be considered official reports. Reports may be made anonymously, but formal disciplinary action cannot be based solely on an anonymous report.

Students are expected to report all incidents of misconduct prohibited by this Policy or other verbal, or physical abuses. Any student who feels she/he is a target of such behavior should immediately contact a teacher, counselor, the Principal, Coordinator, a staff person or a family member so that she/he can get assistance in resolving the issue in a manner that is consistent with this Policy.

The Charter School acknowledges and respects every individual's right to privacy. All reports shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This includes keeping the identity of the reporter confidential, as appropriate, except to the extent necessary to carry out the investigation and/or to resolve the issue, as determined by the Coordinator or administrative designee on a case-by-case basis.

The Charter School prohibits any form of retaliation against any reporter in the reporting process, including but not limited to a reporter's filing of a complaint or the reporting of instances of misconduct prohibited by this Policy. Such participation shall not in any way affect the status, grades, or work assignments of the reporter.

All supervisors of staff will receive sexual harassment training within six (6) months of their assumption of a supervisory position and will receive further training once every two (2) years

thereafter. All staff will receive sexual harassment training and/or instruction concerning sexual harassment in the workplace as required by law.

## **2. Investigation**

Upon receipt of a report of misconduct prohibited by this Policy from a student, staff member, parent, volunteer, visitor or affiliate of The Charter School, the Coordinator or administrative designee will promptly initiate an investigation. In most cases, a thorough investigation will take no more than seven (7) school days. If the Coordinator, or administrative designee determines that an investigation will take longer than seven (7) school days, he or she will inform the complainant and any other relevant parties and provide an approximate date when the investigation will be complete.

At the conclusion of the investigation, the Coordinator or administrative designee will meet with the complainant and, to the extent possible with respect to confidentiality laws, provide the complainant with information about the investigation, including any actions necessary to resolve the incident/situation. However, in no case may the Coordinator or administrative designee reveal confidential information related to other students or employees, including the type and extent of discipline issued against such students or employees.

All records related to any investigation of complaints under this Policy are maintained in a secure location.

## **3. Consequences**

Students or employees who engage in misconduct prohibited by this Policy will be subject to disciplinary action.

## **4. Uniform Complaint Procedures**

When harassment or bullying is based upon one of the protected characteristics set forth in this Policy, a complainant may also fill out a Uniform Complaint Policy (“UCP”) complaint form at any time during the process, consistent with the procedures laid out in this Handbook.

## **5. Right of Appeal**

Should the reporting individual find the Coordinator’s resolution unsatisfactory, he/she may follow the Dispute Resolution Process found in the Navigator Schools Employee Handbook and the Navigator Schools Parent/Student Handbook.

Navigator Schools

Policy Adopted/Ratified:

Policy Revision Date:



**Navigator Schools**

**Title IX, Harassment, Intimidation, Discrimination and Bullying 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):

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**I hereby authorize Navigator Schools 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.**

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

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

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

**To be completed by the Charter School:**

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

Follow up Meeting with Complainant held on: \_\_\_\_\_