



# **Employee Handbook 2019-2020**

**850 Hampshire Road, Suite P  
Thousand Oaks, CA 91361**

**855.937.4227**

**<http://www.compasscharters.org>**

## **ACKNOWLEDGMENT OF RECEIPT OF EMPLOYEE HANDBOOK**

PLEASE READ THE EMPLOYEE HANDBOOK AND SUBMIT A SIGNED COPY OF THIS STATEMENT TO HUMAN RESOURCES.

EMPLOYEE NAME: \_\_\_\_\_

I ACKNOWLEDGE that I have received a copy of the Employee Handbook. I have read and understood the contents of the Handbook, and I agree to abide by its directions and procedures. I have been given the opportunity to ask any questions I might have about the policies in the Handbook. I understand that it is my responsibility to read and familiarize myself with the policies and procedures contained in the Handbook.

I understand that the statements contained in the Handbook are guidelines for employees concerning some of the School's policies and benefits, and are not intended to create any contractual or other legal obligations or to alter the at-will nature of my employment with the School. In the event I do have an employment contract which expressly alters the at-will relationship, I agree to the foregoing except with reference to an at-will employment status.

I understand that except for employment at-will status, any and all policies or practices can be changed at any time by the School.

I understand that other than the Superintendent & CEO of the School, no person has authority to enter into any agreement, express or implied, for employment for any specific period of time, or to make any agreement for employment other than at-will; only the Superintendent & CEO has the authority to make any such agreement and then only in writing signed by the Superintendent & CEO.

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Please sign, date, and return to Human Resources.**

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## INTRODUCTION TO HANDBOOK

This Handbook is designed to help employees get acquainted with Compass Charter Schools (hereinafter referred to as “CCS” or the “School”). It explains some of our philosophies and beliefs, and describes some of our employment guidelines in general terms. Although this Handbook is not intended to be an exclusive or comprehensive policies and procedures manual, we hope that it will serve as a useful reference document for employees throughout their employment at the School. Employees should understand, however, that this Handbook is not intended to be a contract (express or implied), nor is it intended to otherwise create any legally enforceable obligations on the part of the School or its employees. In no way does the Handbook replace any official plan documents (e.g., health insurance, retirement plan, etc.) or insurance contracts, which will govern in all cases. This Handbook supersedes and replaces all previous personnel policies, practices, and guidelines.

Due to the fact that the School is a growing and changing organization, it reserves full discretion to add to, modify, or delete provisions of this Handbook, or the policies and procedures on which they may be based, at any time without advance notice. CCS also reserves the right to interpret any of the provisions set forth in this Handbook in any manner it deems appropriate.

No individual other than the Superintendent & CEO or Board of Directors has the authority to enter into any employment or other agreement that modifies School policy. Any such modification *must* be in writing.

This Handbook is the property of the School, and it is intended for personal use and reference by employees of the School. Circulation of this Handbook outside of the School requires the prior written approval of the Director of Human Resources.

Employees must sign the acknowledgment form at the beginning of this Handbook, tear it out, and return it to Human Resources. This will provide the School with a record that each employee has received this Handbook.

## CONDITIONS OF EMPLOYMENT

### Equal Employment Opportunity Is Our Policy

CCS is an equal opportunity employer. It is the policy of the School to afford equal employment and advancement opportunity to all qualified individuals without regard to:

- Race;
- Color;
- Gender (including gender identity and gender expression);
- Sex (including pregnancy, childbirth, breastfeeding, and medical conditions related to such);
- Religious creed (including religious dress and grooming practices);
- Marital/registered domestic partner status;
- Age (forty (40) and over);
- National origin or ancestry (including native language spoken);
- Physical or mental disability (including HIV and AIDS);
- Medical condition (including cancer and genetic characteristics);
- Taking of a leave of absence pursuant to the Family Medical Leave Act (“FMLA”), Pregnancy Disability Leave (“PDL”) law, Americans with Disabilities Act (“ADA”), California Family Rights Act (“CFRA”), or the Fair Employment and Housing Act (“FEHA”);
- Genetic information;
- Sexual orientation;
- Military and veteran status; or
- Any other consideration made unlawful by federal, state, or local laws.

This policy extends to all employees and to all aspects of the employment relationship, including the hiring of new employees and the training, transfer, promotion, compensation and benefits of existing employees.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, the School will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result.

Any applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact a School representative with day-to-day personnel responsibilities and request such an accommodation. The individual with the disability should specify what accommodation he or she needs to perform the job. CCS then will conduct an investigation to identify the barriers that interfere with the equal opportunity of the applicant or employee to perform his or her job. CCS will identify possible accommodations, if any, that will help eliminate the limitation. If the accommodation is reasonable and will not impose an undue hardship, the School will make the accommodation.

## **Employment At-Will**

Except if stated expressly otherwise by employment contract, it is the policy of the School that all employees are considered “at-will” employees of the School. Accordingly, either the School or the employee can terminate this relationship at any time, for any reason, with or without cause, and with or without advance notice.

Nothing contained in this Handbook, employment applications, School memoranda or other materials provided to employees in connection with their employment shall require the School to have “cause” to terminate an employee or otherwise restrict the School’s right to release an employee from their at-will employment with the School. Statements of specific grounds for termination set forth in this Handbook or elsewhere are not all-inclusive and are not intended to restrict the School’s right to terminate at-will. No School representative, other than the Board of Directors or its designee, is authorized to modify this policy for any employee or to make any representations to employees or applicants concerning the terms or conditions of employment with the School that are not consistent with the School’s policy regarding “at-will” employment.

This policy shall not be modified by any statements contained in this Handbook or employee applications, School memoranda, or any other materials provided to employees in connection with their employment. Further, none of those documents whether singly or combined, or any employment practices, shall create an express or implied contract of employment for a definite period, nor an express or implied contract concerning any terms or conditions of employment.

## **Child Abuse and Neglect Reporting**

California Penal Code section 11166 requires any child care custodian who has knowledge of, or observes, a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse to report the known or suspected instance of child abuse to a child protective agency immediately, or as soon as practically possible, by telephone and to prepare and send a written report thereof within thirty-six hours of receiving the information concerning the incident.

CCS will provide annual training on the mandated reporting requirements, using the online training module provided by the State Department of Social Services, to employees who are mandated reporters. Mandated reporter training will also be provided to employees hired during the course of the school year. This training will include information that failure to report an incident of known or reasonably suspected child abuse or neglect, as required by Penal Code section 11166, is a misdemeanor punishable by up to six (6) months confinement in a county jail, or by a fine of one-thousand dollars (\$1,000), or by both that imprisonment and fine.

All employees required to receive mandated reporter training must provide proof of completing the training within the first six (6) weeks of each school year or within the first six (6) weeks of that employee’s employment.

By acknowledging receipt of this Handbook, employees acknowledge they are child care custodians and are certifying that they have knowledge of California Penal Code section 11166 and will comply with its provisions.

## **Criminal Background Checks**

As required by law, all individuals working or volunteering at the School will be required to submit to

a criminal background investigation. No condition or activity will be permitted that may compromise the School's commitment to the safety and the well-being of scholars taking precedence over all other considerations. Conditions that preclude working at the School include conviction of a controlled substance or sex offense, or a serious or violent felony. Additionally, should an employee, during his/her employment with the School, be charged or convicted of any offense, the employee must immediately report the charge or conviction to the Director of Human Resources.

## **Tuberculosis Testing**

All employees of the School must submit written proof from a physician of a risk assessment examination for tuberculosis (TB) within the last sixty (60) days. If TB risk factors are identified, a physician must conduct an examination to determine whether the employee is free of infectious TB. The examination for TB consists of an approved TB test, which, if positive, will be followed by an x-ray of the lungs, or in the absence of skin testing, an x-ray of the lungs. All employees will be required to undergo TB risk assessments and, if risk factors are found, the examination at least once every four (4) years. Volunteers may be required to undergo a TB examination as necessary. The TB risk assessment and, if indicated, the examination is a condition of initial employment with the School and the cost of the exam will be borne by the applicant.

Food handlers may be required to have annual TB exams. Documentation of employee and volunteer compliance with TB risk assessments and examinations will be kept on file in the office. This requirement also includes contract food handlers, substitute teachers, and student teachers serving under the supervision of an educator. Any entity providing scholar services to the School will be contractually required to ensure that all contract workers have had TB testing that shows them to be free of active TB prior to conducting work with School scholars.

## **Immigration Compliance**

CCS will comply with applicable immigration law, including the Immigration Reform and Control Act of 1986 and the Immigration Act of 1990. As a condition of employment, every individual must provide satisfactory evidence of his or her identity and legal authority to work in the United States. However, CCS will not check the employment authorization status of current employees or applicants who were not offered positions with the School unless required to do so by law.

The School shall not discharge an employee or in any manner discriminate, retaliate, or take any adverse action (e.g., threatening to report the suspected citizenship or immigration status of an employee or a member of the employee's family) against any employee or applicant for employment because the employee or applicant exercised a right protected under applicable law. Further, the School shall not discriminate against any individual because he or she holds or presents a driver's license issued per Vehicle Code § 12801.9 to persons who have not established their federally-authorized presence in the United States.

## **Employment Qualifications**

CCS's core academic teachers are required, as a condition of initial and continued employment, to hold a current California Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold.

It is the responsibility of each core academic teacher to ensure that credentials and permits are renewed in a timely manner and remain current. Upon renewal, the original document is to be submitted to Human Resources to be copied and filed in the employee's personnel file.

## **Professional Boundaries: Staff/Scholar Interaction Policy**

CCS recognizes its responsibility to make and enforce all rules and regulations governing scholar and employee behavior to bring about the safest and most learning-conducive environment possible.

### Corporal Punishment

Corporal punishment shall not be used as a disciplinary measure against any scholar. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a scholar.

For purposes of this policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, scholars, staff or other persons or to prevent damage to property.

For clarification purposes, the following examples are offered for direction and guidance of School personnel:

#### A. Examples of PERMITTED actions (NOT corporal punishment)

1. Stopping a scholar from fighting with another scholar;
2. Preventing a scholar from committing an act of vandalism;
3. Defending yourself from physical injury or assault by a scholar;
4. Forcing a scholar to give up a weapon or dangerous object;
5. Requiring an athletic team to participate in strenuous physical training activities designed to strengthen or condition team members or improve their coordination, agility, or physical skills;
6. Engaging in group calisthenics, team drills, or other physical education or voluntary recreational activities.

#### B. Examples of PROHIBITED actions (corporal punishment)

1. Hitting, shoving, pushing, or physically restraining a scholar as a means of control;
2. Making unruly scholars do push-ups, run laps, or perform other physical acts that cause pain or discomfort as a form of punishment;
3. Paddling, swatting slapping, grabbing, pinching, kicking, or otherwise causing physical pain.

### Acceptable and Unacceptable Staff/Scholar Behavior

This policy is intended to guide all School faculty and staff in conducting themselves in a way that reflects the high standards of behavior and professionalism required of school employees and to specify the boundaries between scholars and staff.

Although this policy gives specific, clear direction, it is each staff member's obligation to avoid situations that could prompt suspicion by parents, scholars, colleagues, or school leaders. One viable standard that can be quickly applied, when you are unsure if certain conduct is acceptable, is to ask yourself, "Would I be engaged in this conduct if my family or colleagues were standing next to me?"

For the purposes of this policy, the term "boundaries" is defined as acceptable professional behavior by staff members while interacting with a scholar. Trespassing the boundaries of a scholar/teacher

relationship is deemed an abuse of power and a betrayal of public trust.

Some activities may seem innocent from a staff member's perspective, but can be perceived as flirtation or sexual insinuation from a scholar or parent point of view. The objective of the following lists of acceptable and unacceptable behaviors is not to restrain innocent, positive relationships between staff and scholars, but to prevent relationships that could lead to, or may be perceived as, sexual misconduct.

Staff must understand their own responsibility for ensuring that they do not cross the boundaries as written in this policy. Disagreeing with the wording or intent of the established boundaries will be considered irrelevant for disciplinary purposes. Thus, it is crucial that all employees learn this policy thoroughly and apply the lists of acceptable and unacceptable behaviors to their daily activities. Although sincere, competent interaction with scholars certainly fosters learning, scholar/staff interactions must have boundaries surrounding potential activities, locations and intentions.

#### Duty to Report Suspected Misconduct

When any employee reasonably suspects or believes that another staff member may have crossed the boundaries specified in this policy, he or she must immediately report the matter to a school administrator. All reports shall be as confidential as possible under the circumstances. It is the duty of the administrator to investigate and thoroughly report the situation. Employees must also report to the administration any awareness or concern of scholar behavior that crosses boundaries or where a scholar appears to be at risk for sexual abuse.

#### Examples of Specific Behaviors

The following examples are not an exhaustive list:

#### Unacceptable Staff/Scholar Behaviors (Violations of this Policy)

- (a) Giving gifts to an individual scholar that are of a personal and intimate nature.
- (b) Kissing of any kind.
- (c) Any type of unnecessary physical contact with a scholar in a private situation.
- (d) Intentionally being alone with a scholar away from the school.
- (e) Making or participating in sexually inappropriate comments.
- (f) Sexual jokes.
- (g) Seeking emotional involvement with a scholar for your benefit.
- (h) Listening to or telling stories that are sexually oriented.
- (i) Discussing inappropriate personal troubles or intimate issues with a scholar in an attempt to gain their support and understanding.
- (j) Becoming involved with a scholar so that a reasonable person may suspect inappropriate behavior.

#### Unacceptable Staff/Scholar Behaviors without Parent and Supervisor Permission

**(These behaviors should only be exercised when a staff member has parent and supervisor permission.)**

- (a) Giving scholars a ride to/from school or school activities.
- (b) Being alone in a room with a scholar at school with the door closed.
- (c) Allowing scholars in your home.

### Cautionary Staff/Scholar Behaviors

**(These behaviors should only be exercised when a reasonable and prudent person, acting as an educator, is prevented from using a better practice or behavior. Staff members should inform their supervisor of the circumstance and occurrence prior to or immediately after the occurrence)**

- (a) Remarks about the physical attributes or development of anyone.
- (b) Excessive attention toward a particular scholar.
- (c) Sending emails, text messages or letters to scholars if the content is not about school activities.

### Acceptable and Recommended Staff/Scholar Behaviors

- (a) Getting parents' written consent for any after-school activity.
- (b) Obtaining formal approval to take scholars off school property for activities such as field trips or competitions.
- (c) Emails, text, phone and instant messages to scholars must be very professional and pertaining to school activities or classes (Communication should be limited to school technology).
- (d) Keeping the door open when alone with a scholar.
- (e) Keeping reasonable space between you and your scholars.
- (f) Stopping and correcting scholars if they cross your own personal boundaries.
- (g) Keeping parents informed when a significant issue develops about a scholar.
- (h) Keeping after-class discussions with a scholar professional and brief.
- (i) Asking for advice from fellow staff or administrators if you find yourself in a difficult situation related to boundaries.
- (j) Involving your supervisor if conflict arises with the scholar.
- (k) Informing the Director of Human Resources about situations that have the potential to become more severe.
- (l) Making detailed notes about an incident that could evolve into a more serious situation later.
- (m) Recognizing the responsibility to stop unacceptable behavior of scholars or coworkers.
- (n) Asking another staff member to be present if you will be alone with any type of special needs scholar.
- (o) Asking another staff member to be present when you must be alone with a scholar after regular school hours.
- (p) Giving scholars praise and recognition without touching them.
- (q) Pats on the back, high fives and handshakes are acceptable.
- (r) Keeping your professional conduct, a high priority.
- (s) Asking yourself if your actions are worth your job and career.

## **Policy Prohibiting Unlawful Harassment, Discrimination, and Retaliation**

CCS is committed to providing a work and educational atmosphere that is free of unlawful harassment, discrimination, and retaliation. CCS's policy prohibits unlawful harassment, discrimination, and retaliation based upon: race; color; gender (including gender identity and gender expression); sex (including pregnancy, childbirth, breastfeeding, and related medical conditions); religious creed (including religious dress and grooming practices); marital/registered domestic partner status; age (forty (40) and over); national origin or ancestry (including native language spoken); physical or mental disability (including HIV and AIDS); medical condition (including cancer

and genetic characteristics); taking a leave of absence authorized by law; genetic information; sexual orientation; military and veteran status; or any other consideration made unlawful by federal, state, or local laws.

Employees, volunteers, unpaid interns, individuals in apprenticeship programs, and independent contractors shall not be harassed, or discriminated or retaliated against, based upon the characteristics noted above.

CCS does not condone and will not tolerate unlawful harassment, discrimination, or retaliation on the part of any employee (including supervisors and managers) or third party (including independent contractors or other person with which the School does business). Supervisors and managers are to report any complaints of unlawful harassment to the Director of Human Resources or designee.

When CCS receives allegations of unlawful harassment, discrimination, or retaliation, the Board (if a complaint is about the Superintendent & CEO) or the Director of Human Resources or designee will conduct a fair, timely and thorough investigation that provides all parties an appropriate process and reaches reasonable conclusions based on the evidence collected. The investigation will be handled in as confidential a manner as possible, although complete confidentiality cannot be guaranteed. Complainants and witnesses shall not be subject to retaliation for making complaints in good faith or participating in an investigation. CCS is committed to remediating any instances where investigation findings demonstrate unlawful harassment, discrimination, or retaliation has occurred.

#### Prohibited Unlawful Harassment

- 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; or
- Disparate treatment based on any of the protected classes above.

#### Prohibited Unlawful Sexual Harassment

CCS is committed to providing a workplace free of sexual harassment and considers such harassment to be a major offense, which may result in disciplinary action, up to, and including dismissal, of the offending employee.

Sexual harassment consists of sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature, regardless of whether or not the conduct is motivated by sexual desire, when: (1) submission to the conduct is either made explicitly or implicitly a term or condition of an individual's employment; (2) an employment decision is based upon an individual's acceptance or rejection of that conduct; and/or (3) that conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

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

All supervisors of staff will receive two (2) hours of sexual harassment prevention training within six (6) months of hire or their assumption of a supervisory position and every two (2) years thereafter. All other employees will receive one (1) hour of sexual harassment prevention training within (6) months of hire and every two (2) years thereafter. Such training will address all legally required



topics, including information about the negative effects that abusive conduct has on both the victim of the conduct and others in the workplace, as well as methods to prevent abusive conduct undertaken with malice a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct includes but is not limited to repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. Supervisors shall also be trained on how to appropriately respond when the supervisor becomes aware that an employee is the target of unlawful harassment.

Each employee has the responsibility to maintain a workplace free from any form of sexual harassment. Consequently, should any individual, in particular those with supervisory responsibilities, become aware of any conduct that may constitute sexual harassment or other prohibited behavior, immediate action should be taken to address such conduct. Any employee who believes they have been sexually harassed or has witnessed sexual harassment is encouraged to immediately report such harassment to the Director of Human Resources. See **Appendix A** for the "Harassment/Discrimination/Retaliation Complaint Form." See **Appendix B** for the general "Internal Complaint Form."

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 employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward or disparate 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 at the workplace by employees, 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 to work or possessing any such material to read, display or view at work;

- Reading publicly or otherwise publicizing in the work 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 employee by sex in an area of the workplace (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. Moreover, please note that while in most situations a personal relationship is a private matter, these relationships are not appropriate in a professional setting, particularly where one of the parties has management or supervisory responsibilities. As such, consensual relationships in the workplace may violate CCS policy.

## **Code of Ethics**

### **General**

The following Code of Ethics applies to all members of the School Community including volunteers and members of all decision-making teams, as well as all staff of CCS (collectively referred to as “members”).

### **Preamble**

All members believe in the worth and dignity of human beings. All members recognize the supreme importance of the pursuit of truth, devotion to excellence, and the nurturing of democratic citizenship. All members regard as essential to these goals the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. All members accept the responsibility to practice “education” according to the highest ethical standards.

### **Principle I: Commitment to the Scholar**

All members must work to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals. In fulfilling these goals, all members should:

- Encourage the scholars to take independent action in the pursuit of learning and provide access to varying points of view, and entrepreneurial goals and vision.
- Prepare subjects carefully, incorporating entrepreneurial curriculum and 21st century life skills. Present them to the scholar without distortion, and, within the limits of time and curriculum, give all points of view a fair hearing.
- Protect the health and safety of scholars.
- Honor the integrity of scholars and influence them through constructive criticism rather than by ridicule and harassment.
- Provide for participation in educational programs without regard to race, color, creed, sex, gender, orientation, national origin or any other protected classification - both in what is taught and how it is taught.
- Neither solicit nor involve scholars or their parent in schemes for commercial gain thereby insuring that professional relationships with scholars shall not be used for private advantage.
- Keep in confidence information that has been obtained in the course of professional service, including scholar/parent’s address, phone number or any other contact information, unless disclosure serves professional purposes or is required by law.

- Will not post on the website or share with others scholar's photos unless photo school waiver is on file with the School.

### Principle II: Commitment to the Public

All members believe that democratic citizenship in its highest form requires dedication to the principles of our democratic heritage. All members share with all other citizens the responsibility for the development of sound public policy and assume full political and citizenship responsibilities. All members of staff bear particular responsibility for the development of policy relating to the extension of educational opportunities for all, and for interpretation of educational programs and policies to the public. In fulfilling these goals, all members:

- Have an obligation to support education and CCS, and not to misrepresent them in public discussion. When being critical in public, all members have an obligation not to distort the facts. When speaking or writing about policies, all members must take adequate precautions to distinguish members' private views from the official position of the charter school.
- Do not interfere with a colleague's exercise of political and citizenship rights and responsibilities.
- Ensure that institutional privileges shall not be used for private gain. Do not exploit scholars, their parents, colleagues, or the school system itself for private advantage. Do not accept gifts or favors that might impair or appear to impair professional judgment nor offer any favor, service, or thing of value to obtain special advantage.

### Principle III: Commitment to the Profession

All members will exert every effort to raise standards, to improve service, to promote a climate in which the exercise of sound personal and professional judgment is encouraged, and to achieve conditions, which attract person's worthy of trust to careers in education. In fulfilling these goals, all members will:

- Accord just and equitable treatment to all members in the exercise of their rights and responsibilities.
- Not use coercive means or promise special treatment in order to influence professional decisions of colleagues.
- Not misrepresent one's own professional qualifications.
- Not misrepresent the professional qualifications of their colleagues; discuss these qualifications fairly and accurately when discussion serves professional purposes.
- Apply for, accept, offer, and assign positions or responsibility on the basis of professional preparation and legal qualifications.
- Use honest and effective methods of administering educational responsibilities; conduct professional business through proper channels; use time granted for its intended purposes; not misrepresent conditions of employment; live up to the letter and spirit of contracts.

## **Whistleblower Policy**

CCS requires its directors, officers, employees, and volunteers to observe high standards of ethics in the conduct of their duties and responsibilities within the School. As representatives of the School, such individuals must practice honesty and integrity in fulfilling all responsibilities and must comply with all applicable laws and regulations. The purpose of this policy is to create an ethical and open work environment, to ensure that the School has a governance and accountability structure that supports its mission, and to encourage and enable directors, officers, employees, and volunteers of the School to raise serious concerns about the occurrence of illegal or unethical actions within the School before turning to outside parties for resolution.

All directors, officers, employees, and volunteers of the School have a responsibility to report any action or suspected action taken within the School that is illegal, unethical or violates any adopted policy of the School, or local rule or regulation. Anyone reporting a violation must act in good faith, without malice to the School or any individual at the School and have reasonable grounds for believing that the information shared in the report indicates that a violation has occurred. A person who makes a report does not have to prove that a violation has occurred. However, any report which the reporter has made maliciously or any report which the reporter has good reason to believe is false will be viewed as a serious disciplinary offense. No one who in good faith reports a violation, or who, in good faith, cooperates in the investigation of a violation shall suffer harassment, retaliation, or adverse employment action. Further, no one who in good faith discloses, who may disclose, or who the School believes disclosed or may disclose, information regarding alleged violations to a person with authority over the employee or another employee who had responsibility for investigating, discovering or correcting the purported violation shall suffer harassment, retaliation, or adverse employment action.

## **Drug- and Alcohol-Free Workplace**

CCS complies with applicable Federal and State law regarding drug use while on the job with respect to all School employees. The School is concerned about the use of alcohol and drugs as it affects the workplace, the School community and the scholars which CCS serves. Use of these substances whether on or off the job can adversely affect an employee's work performance, efficiency, safety, and health, and therefore seriously impair the employee's value to the School and its scholars. In addition, the use or possession of these substances on the job constitutes a potential danger to the welfare and safety of other employees and scholars and exposes the School to the risks of property loss or damage or injury to other persons.

Furthermore, the use of prescription and/or over-the-counter drugs also may affect an employee's job performance and seriously impair the employee's value to CCS. Any employee who is using prescription or over-the-counter drugs that may impair the employee's ability to safely perform the job, or affect the safety or well-being of others, must notify a supervisor of such use immediately before starting or resuming work.

The following rules and standards of conduct apply to all employees either on CCS property or during the workday (including meal and rest periods). Behavior that violates this policy includes:

- Driving a School vehicle while under the influence of alcohol or drugs.
- Distribution, sale or purchase of any drug while on the job, or in the presence of scholars.
- Possession or use of alcohol or drugs while on the job, or in the presence of scholars.

- Being under the influence of alcohol or drugs while on the job.

Notwithstanding recent changes in California law and over-the-counter availability, marijuana (including all cannabis extracts such as CBD) remains an illegal Schedule I substance under federal law. As a result, and regardless of the drug or substance, employees who violate the aforementioned prohibitions will be subject to disciplinary action up to and including termination. CCS may also bring the matter to the attention of the appropriate law enforcement authorities.

In order to enforce this policy, CCS reserves the right to conduct searches of School property and to implement other measures necessary to deter and detect abuse of this policy. As such, employees do not have a reasonable expectation of privacy while on School property.

## **Confidential Information**

All information relating to scholars, personal information, schools attended, addresses, contact numbers and progress information is confidential in nature, and may not be shared with or distributed to unauthorized parties, including other CCS parents unless permission is on file. All records concerning special education scholars shall be kept strictly confidential and maintained in a separate locked cabinet. Failure to maintain confidentiality may result in disciplinary action, up to and including release from at-will employment.

## **Conflict of Interest**

All employees must avoid situations involving actual or potential conflict of interest. A conflict of interest is a situation in which an employee's personal interests (or those of the employee's friends or family) are inconsistent with the interests of CCS, so that the employee's ability to act solely in the best interests of CCS is placed in doubt, giving recognition to the frailties of human conscience and the instinctive force of self-interest.

An employee involved in any relationships or situations, which may constitute a conflict of interest, should immediately and fully disclose the relevant circumstances to the Superintendent & CEO, for a determination about whether a potential or actual conflict exists. If an actual or potential conflict is determined, the School may take whatever corrective action appears appropriate according to the circumstances.

In the case of outside employment, all full-time and part-time employees may not work or consult for other entities involved in the field of education without authorization from the Superintendent & CEO. No outside employment may impede the staff member's ability to fulfill his/her job responsibilities. Outside employment may not take place during regular employee hours. Failure to disclose facts shall constitute grounds for disciplinary action that may involve action up to and including termination from CCS.

## **Nepotism Policy**

CCS is committed to a policy of employment and advancement based on qualifications and performance. Due to potential for perceived or actual conflicts, such as favoritism or personal conflicts from outside the work environment, which can be carried into the daily working relationship, CCS will hire or consider other employment actions concerning relatives of persons currently employed only if: a) candidates for employment will not be working directly for or supervising a relative; b) the relative will not be working within the same Division and or reporting to the same Supervisor; and c) candidates for employment will not occupy a position in the same line of authority in which employees can initiate or participate in decisions involving a direct benefit to the relative.

Such decisions include hiring, retention, transfer, promotion, wages and leave requests. This policy applies to all current employees and candidates for employment, unless prior approval has been granted by the Superintendent & CEO.

Definitions: "Family member" is defined as one of the following: relationships by blood—parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece and first cousin; and relationships by marriage—husband, wife (as defined by state law), stepparent, stepchild, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, half-brother, half-sister, uncle, aunt, nephew, niece, spouse/partner of any of the above and cohabitating couples or significant others. The hiring supervisor is responsible for ensuring policy compliance. Department directors are responsible for monitoring changes in employee reporting relations after initial hire to ensure compliance with this policy. Employees are responsible for immediately reporting any changes to their supervisor. If any employee, after employment or change in employment, enters into one of the above relationships, one of the affected individuals must seek a transfer or a change in the reporting relationship. Such changes must be approved by the Superintendent & CEO. If a decision cannot be made by the affected employees within fourteen (14) days of reporting, reassignment will be made on direction of the department director and the Superintendent & CEO. No exception to this policy will be made without the written consent of the Superintendent & CEO.

## **Smoking**

All School buildings and facilities are non-smoking facilities.

# THE WORKPLACE

## Employment Categories

The following are categories of employees that are used within this Handbook (herein “Employee Category”). More than one (1) Employee Category may apply to an employee.

### Full-Time Employee

A full-time employee is an employee whose regular working hours are more than thirty-five (35) hours per week. Full-time employees are hired for an indefinite and unspecified duration of time. Full-time employees are eligible for all School employment benefits, as specified in the Employment Benefits provision of this Handbook.

### Part-Time Employee

A part-time employee is an employee whose regular working hours are thirty-five (35) or fewer hours per week. Part-time employees are hired for an indefinite and unspecified duration of time. Part-time employees may be eligible for employment benefits (e.g. prorated), as specified in the Employment Benefits provision of this Handbook.

### Temporary Employee

A temporary employee is an employee who is hired for a limited, but unspecified, period of time or for a specific project or set of projects. The introductory period is not applicable to temporary employees. Temporary employees are generally ineligible for School employment benefits, as specified in the Employment Benefits provision of this Handbook.

### Exempt Employee

An exempt employee is an employee whose employment is not subject to the overtime and recordkeeping provisions of applicable law.

### Nonexempt Employee

A nonexempt employee is an employee whose employment is subject to the overtime and recordkeeping provisions of applicable law.

### Salaried Nonexempt Employee

The designation of an employee as “salaried, nonexempt” means that the employer is paying the employee a consistent salary that meets applicable minimum wage requirements instead of paying an hourly rate based on actual hours worked. In addition, and most importantly, the designation means the employer determined that the employee’s primary job duties fail to meet the requirements for an exemption under applicable law and is classifying the employee as nonexempt.

### Inactive Employees

An inactive employee is an employee who is currently on a leave of absence. When an inactive employee returns to work, the employee becomes an active employee.

## **Work Schedule**

### Central Office

Hours of operation for the Central Office are 8:00 a.m. - 5:00 p.m., Monday through Friday, closed daily from 12:00 - 1:00 p.m. for lunch.

### Nonexempt Employees

The regular workday schedule for nonexempt employees is eight (8) hours; the regular workweek schedule is forty (40) hours.

### Exempt Employees: Twelve-month

Twelve-month exempt employees are expected to be available during business hours of 8:00 a.m. - 5:00 p.m. and to commit whatever additional time is necessary to satisfactorily complete all job requirements. The School reserves the right to alter schedules as it may require.

### Exempt Employees: Eleven-month

All teachers/educational facilitators, coordinators, and counselors are exempt employees as defined by applicable law. Work schedules will be reflective of their current scholar roster and may require a flexible work schedule, including work on weekends, as well as before and after the regular work year or hours of the work day. Work schedules may need to be adjusted throughout the school year to accommodate changes and to best serve the needs of their scholars.

## **Meal and Rest Periods**

CCS provides nonexempt employees with ten (10) minute paid rest periods as required by applicable law. Nonexempt employees receive one (1) rest period for each four (4) hour work period or a "major fraction" of a work period (i.e. greater than two [2] hours). However, any nonexempt employee who works less than three and one-half (3½) hours in a day is not eligible to take a rest period. The number of rest periods received is as follows:

- Nonexempt employees who work between three and one-half (3½) and six (6) hours are entitled to one (1), ten (10) minute rest period.
- Nonexempt employees who work more than six (6) and up to ten (10) hours are entitled to two (2), ten (10) minute rest periods. Nonexempt employees who work more than ten (10) and up to twelve (12) hours are entitled to three (3), ten (10) minute rest periods.

A rest period is paid time when employees are relieved of all work duties and responsibilities. Rest periods may not be combined, added to a meal period, or taken at the very beginning or very end of the day. Insofar as practicable, rest periods should be in the middle of each work period. Employees must self-police their rest periods and ensure that they take their rest periods every day.

CCS also requires its employees in nonexempt positions to take a mandatory unpaid, uninterrupted meal period in accordance with California law, sixty (60) minutes per CCS policy. A meal period is an unpaid period when employees are relieved of all work duties and responsibilities, generally for the purpose of consuming a meal. During the meal period, employees may not perform any work-



related activities. The meal period must be taken approximately in the middle of the workday but by no later than the end of the 5<sup>th</sup> hour of work. An employee may waive this meal period if the day's work will be completed in no more than six (6) hours, provided the employee and CCS mutually consent to the waiver in writing.

If a nonexempt employee is unable to take his/her meal or rest periods, or take them in a timely manner, the employee must notify his/her supervisor before or at the time the employee is unable to take the meal or rest period. Failure to follow this notification requirement may lead to discipline, at the School's discretion.

### **Lactation Accommodation**

CCS accommodates lactating employees by providing a reasonable amount of break time to any employee who desires to express breast milk for an infant child. The break time shall, if possible, run concurrently with any break time already provided to the employee. Any break time provided to express breast milk that does not run concurrently with break time already provided to the non-exempt employee shall be unpaid.

CCS will make reasonable efforts to provide employees who need a lactation accommodation with the use of a room or other private location that is close to the employee's work area. Such room/location shall not be a bathroom. Employees with private offices will be required to use their offices to express breast milk. Employees who desire lactation accommodations should contact their supervisor to request accommodations.

### **Attendance and Tardiness**

All employees, whether exempt or nonexempt, are expected to arrive at work consistently and on time. Absenteeism and tardiness negatively affects the School's ability to implement its educational program and disrupts consistency in scholars' learning.

If it is necessary to be absent or late, employees are expected to telephone their immediate supervisor as soon as possible but no later than one-half (1/2) hour before the start of the workday. If an employee is absent from work longer than one (1) day, he or she is expected to keep their immediate supervisor sufficiently informed of the situation.

As noted in the section of this Handbook concerning prohibited conduct, excessive or unexcused absences or tardiness may result in disciplinary action up to and including release from at-will employment with the School. Absence for more than three (3) consecutive days without notifying the Director of Human Resources will be considered a voluntary resignation from employment.

### **Time Cards/Records**

By law, CCS is obligated to keep accurate records of the time worked by nonexempt employees. Such employees shall be required to utilize the School's time card system.

Nonexempt employees must accurately clock in and out of their shifts as this is the only way the payroll department knows how many hours each employee has worked and how much each employee is owed. The time card indicates when the employee arrived and when the employee departed. All nonexempt employees must clock in and out for arrival and departure, along with lunch and for absences like doctor or dentist appointments. All employees are required to keep the office advised of their departures from and returns to the school premises during the workday.

Nonexempt employees are solely responsible for ensuring accurate information on their time cards and remembering to record time worked. If an employee forgets to mark their time card or makes an error on the time card, the employee must contact the Assistant Superintendent of Business Services to make the correction and such correction must be initialed by both the employee and the Assistant Superintendent of Business Services.

Nonexempt employees are prohibited from performing off-the-clock work, including but not limited to checking emails before/after work hours, performing work in the morning before logging in, and running School errands after logging out.

No one may record hours worked on another's worksheet. Any employee who violates any aspect of this policy may be subject to disciplinary action, up to and including release from at-will employment with the School.

### **Adjunct Duties**

All exempt employees will be assigned adjunct duties at the School's discretion. Satisfactory performance of these duties is a condition of continued employment.

### **Use of Email, Voicemail and Internet Access**

CCS permits employees to use its electronic mail, voicemail systems and Internet access subject to the following:

- Minimal personal use as long as it does not interfere with timely job performance and is consistent with law and appropriate protocols during work hours.
- The email system and Internet access is not to be used in any way that may be disruptive, offensive to others, or harmful to morale. For example, sexually explicit images, ethnic slurs, racial epithets, or anything else that may be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, religious beliefs or political beliefs may not be displayed or transmitted.
- The Internet may not be accessed on any school device outside of the United States.
- Employees should may not attempt to gain access to another employee's personal file of email or voicemail messages or voicemail messages without the latter's express permission.
- School staff will not enter an employee's personal email files or voicemail unless there is a business need to do so. CCS retains a copy of all passwords; passwords unknown to the School may not be used. System security features, including passwords and delete functions, do not neutralize the School's ability to access any message at any time. Employees must be aware that the possibility of such access always exists.
- Employees may not change any preset user names and/or passwords established by the CCS for access to School email, voicemail or software provided to the employee by the School.
- Employees may not change or alter in any way the email signature for school email as

determined by the School. No additional extraneous content may be added to the email signature unless requested by the Superintendent & CEO.

- Employees should not use personal devices or email accounts for School-related communications. Such communications should only take place using School-issued devices and via the employee's CCS email account.

## **Social Media Policy**

### Permissions

At CCS, we believe in open communication and encourage you to share your work and passion with family, friends, co-workers, and your professional networks around the world. Whether you do so by participating in a blog, wiki, any social media platform, or any other form of online publishing or discussion is up to you. In order to assist you in making responsible decisions in your use of social media, and to avoid any conflicts or misunderstandings, we have come up with a few guidelines to provide helpful and practical advice for you when operating on the Internet as an identifiable employee of CCS and its brands.

This policy applies to all full-time staff, part-time staff, and external contractors employed or providing services at CCS. Each and every employee and/or contractor should use the supplemental CCS Social Media Handbook provided by the Marketing Department for additional guidance in administering the policy.

### Guidelines

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with CCS, as well as any other form of electronic communication. Before creating any online content, please consider the following main guidelines:

- All employees and contractors must familiarize themselves with the CCS Social Media Handbook prior to posting any content on our social media platforms.
- You are personally responsible for the content you publish on our blog, website, or any other form of user-generated media.
- If an item features the statement "For Internal Use Only," please do not forward to anyone outside of CCS or publish on any social media channel.
- Do not comment on work-related legal matters unless you are an official spokesperson, and have prior written authorization from the Superintendent & CEO.
- Please remember that the Internet never forgets, meaning everything you publish will be available for the world to see for a very long time and may come back to haunt you at a later time. If you are about to publish something that makes you even the slightest bit uncomfortable, please contact the Marketing Department for guidance and approval.

Always remember to consider some of the risks and rewards that are involved with posting content to social media. Keep in mind that any of your conduct that adversely affects your job performance,

the performance of co-workers or contractors, or otherwise adversely affects people who work on behalf of CCS or CCS' legitimate business interests, may result in disciplinary action up to and including termination.

### Know and Follow the Rules

Carefully read these guidelines and the CCS Social Media Handbook and ensure your postings are consistent with these policies. Always make sure to respect your audience. Any and all inappropriate postings, including but not limited to discriminatory remarks, harassment, threats of violence, or similar inappropriate or unlawful conduct that would not be acceptable in the CCS workplace, will not be tolerated and may warrant disciplinary action, up to and including termination.

### Be Respectful

Always be fair and courteous to fellow staff, scholars, and families of scholars, or people who work on behalf of or provide services to CCS. Also, keep in mind that you are more likely to resolve work related complaints by speaking directly with your co-workers or by utilizing our Open Door Policy than by posting complaints to a social media outlet. Using your public voice to harass or embarrass your co-workers, CCS, scholars, families, or any other CCS stakeholders is unacceptable and may subject you to disciplinary action, up to and including termination. Examples of such unacceptable conduct includes but is not limited to offensive posts meant to intentionally harm someone's reputation, or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by applicable law.

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered.

Please respect copyright laws. If the material is not yours, don't use it as it is that person's choice to share his or her material with the world, not yours. Before posting someone else's work, please check with owner first and make sure you have the rights to use or publish any data, images, videos, etc. When you make a reference to someone's work, where possible, link back to the source.

### Respect Confidentiality and Professional Boundaries

Maintain the confidentiality of all of CCS' trade secrets, as well as private or confidential information. Trade secrets may include information regarding the development of systems, processes, products, know-how and technology. Do not post internal reports, policies, procedures or other internal business-related, personnel, or scholar information which is or may be confidential in nature.

Do not create a link from your blog, website or other social networking site to any CCS website without identifying yourself as a CCS staff member. Please remember that anything you publish about CCS can potentially harm the School, including all internal media as well, like the intranet or any newsletters you send out. As soon as you act on the School's behalf by distributing information, you are responsible for upholding the School's image and fully complying with School policies. Please act responsibly when posting materials and if in doubt, contact the Marketing Department before you post or send said material.

Express only your personal opinions. Never represent yourself as a spokesperson for CCS. If CCS is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of CCS, fellow employees, scholars, parents, suppliers or people working on behalf of or providing services to CCS. If you publish a blog or post online related to the work you do or subjects associated with CCS, you must clearly state that

you are not speaking on behalf of CCS. It is best to include a disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of CCS.”

### Using Social Media at Work

You are prohibited from using your personal social media while on work time or on equipment we provide, unless it is work-related as authorized by your immediate supervisor or consistent with the CCS Employee Handbook. All work-related posts should be made through social media accounts established for the posting of work-related posts only, separate from your personal social media accounts. Do not use CCS email addresses to register on social networks, blogs or other online tools utilized for personal use. Do not use your work social media accounts to post non-work related material including but not limited to personal family information or photos.

### Retaliation is Prohibited

CCS prohibits retaliation against any employee for reporting a possible violation of this policy or for cooperating in an investigation. Any employee who engages in retaliation of any sort will be subject to disciplinary action, up to and including termination.

## **Technology Policy**

### Purpose

CCS may, in its sole discretion, provide computers and laptop computers or other hand-held or similar computing devices, as well as mobile devices, to certain employees for the express purpose of enhancing the productivity and operational efficiency of School-based and administrative activities, functions and instruction. The purpose of this policy is to establish general guidelines for the issuance and utilization of all such devices by officials, management and personnel within the School.

### Guidelines

1. All computers and devices shall be used for the sole and express purpose of conducting official business and maintaining the operations of the School. Use of all such computer and devices is subject to the School’s Computing and Internet Acceptable Use Policy.
2. An employee may be issued a computer or device for the performance of specific job-related duties and responsibilities and as determined by the Superintendent & CEO or his/her designee and has an “active” employment status; and Employee’s job-related duties and responsibilities require regular and systematic use of a computer or device; or Employee is required to perform the majority of his/her duties away from his/her primary work location.
3. Persons not directly employed by the School, including but not limited to volunteers, retired employees, employees hired on a per diem basis, consultants, or employees on extended leave or with an employment status of “inactive,” shall not be eligible for the issuance of any computer or device.
4. Although issued to an individual employee, all computers or devices are considered the property of the primary of CCS and shall be returned upon termination of employment with the School, or immediately upon request at any time by an official of the School.
5. Employees are expected to take all appropriate measures and precautions to prevent the

loss, theft, damage and/or unauthorized use of services and shall include the following:

- a. Keep all computers and devices in a locked and secured environment when not being used;
  - b. Do not leave the computer or device for prolonged periods of time in a vehicle, especially in extreme temperatures;
  - c. Keep food and drinks away from all computers and devices and work areas;
  - d. Do not leave the computer or device unattended at any time in an unsecured location; and
  - e. Keep the computer or device in sight at all times while in public places, such as public transportation, airports, restaurants, etc.
6. Should an employee's computer or device be lost or stolen, the employee MUST: (i) immediately report the incident to his/her immediate supervisor and the IT Coordinator; (ii) obtain an official police report documenting the theft or loss; and (iii) provide a copy of the police report to the IT Coordinator. If the employee fails to adhere to these procedures, the employee will be held legally and financially responsible to the School for the replacement of such equipment.
7. For all warranty and non-warranty repairs and maintenance of all such computers and devices, the employee must contact the School IT Help Desk. All repairs and maintenance will and must be performed in accordance with the School's current repair and maintenance policies and procedures issued by the Office of Information Technology. For damage that is not covered by the School's warranty, the employee may be held responsible.
8. The School is under no legal, financial or other obligation to provide for a replacement computer or device to any employee whose computer or device is lost, stolen or damaged.
9. The School may add security and other tracking technology to any and all computers and devices issued by it and any and all such usage is subject to management review, monitoring and auditing by the School. Other audits may be performed on the usage and internal controls.
10. The IT Department will be responsible for issuance of all such computers and devices shall:
- a. Maintain direct oversight of the inventory of equipment, service contracts, and internal controls for all computers and devices;
  - b. Fully enforce the specifications of this policy and other similar IT policies and procedures setting forth the parameters for the eligibility, approval, assignment, utilization, maintenance, and financial oversight of all such computers and devices under their direct control and supervision; and
  - c. Ensure compliance with regulatory policies and procedures as applicable.
11. Non-compliance with any policies or procedures regarding computers and devices issued by the School will result in appropriate disciplinary action and/or reimbursement of any and all costs to the School.

- a. Employees are prohibited from changing any of the settings programmed into the computer or device itself, or the computer or device software, without prior approval from the Information Systems Specialist. This includes (without limitation) changing desktop settings, screensaver settings, clock settings, software settings, and the like. This also includes checking the "Remember Password" box to save a password in the computer, file server, and the like.
- b. Employees are prohibited from downloading software of any kind without prior approval from the Information Systems Specialist. This includes desktop backgrounds, screensavers, anti-virus software, and the like.
- c. Employees are advised not to save documents or files to any locations other than the CCS Google Drive. This includes saving to the desktop, local drives, USB drives, memory cards, CDs, DVDs, and the like. In the event your computer crashes, files not saved to the Google Drive cannot be recovered.
- d. Employees are prohibited from accessing any school files from unsecured internet connections or internet connections outside the United States.

Employees acknowledge upon receipt of their computer or device, the computer or device is the property of CCS. Employee will agree to pay all costs associated with user-inflicted damage (as determined by manufacturer) to the computer or device, or its associated peripheral equipment, or its replacement costs should it be lost or stolen. The replacement cost for a laptop computer and/or mobile device will be determined by the fair market value replacement cost of comparable equipment to that which the employee was provided by the School.

CCS reserves the right to use and disclose any electronic, non-privileged communication on its Computer and Communications Systems without the permission of or any prior notice to any user, including disclosure to law enforcement officials. Any person who discovers misuse of any of the Charter School's Computer and Communications Systems should immediately contact the Superintendent & CEO or his/her designee. Any user who violates any part of this policy will be subject to discipline, up to and including termination.

#### Computer and Device Care and Maintenance

- All computer stations are to be clean and well organized.
- All computers and devices must be maintained clean and damage free.
- There is to be no food or liquid on surfaces that share a computer or device.
- Care should be taken to prevent animal hair, dirt, fine substances and kids from damaging computers or devices.
- Mouse pads on stationary computers are to be used.
- Cleaning of equipment is to be conducted regularly.

#### Software License

Agreement Software is to be used according to the provisions of the license agreements. Unauthorized copies of software will not be made under any circumstances. Copying software other than for backup purposes is subject to administrative and/or disciplinary action, up to and including termination. Employees should be aware that civil and criminal penalties up to \$250,000.00 per work copied are possible. Any known misuse of software is to be reported to the Superintendent & CEO immediately.

## Electronic Accounts

CCS also provides electronic accounts with where an Employee can access the School Internet connection, email addresses, software programs, and the like for authorized business purposes (herein "Electronic Accounts"). Electronic Accounts and all data stored on such are considered School property, even if the data is personal in nature. The School reserves the right to access, inspect, and monitor Electronic Accounts and any data stored on or transmitted through such, with or without notice. An Employee should not have any expectation of privacy or confidentiality in Electronic Accounts.

The School does not condone or endorse any material encountered on the Internet. An Employee accessing the Internet does so at the Employee's own risk and the School is not responsible for material encountered, viewed, or downloaded by the Employee from the Internet.

### a. Usernames and Passwords

An Employee must take all necessary precautions to safeguard the integrity and confidentiality of usernames or passwords related to the Employee's Electronic Accounts, whether the Electronic Account is created by the School or by the Employee.

### b. Email Signatures

Each Employee is required to use the School-owned email signature and email disclaimer assigned to the Employee when sending email messages from Employee's School-owned email address. In addition, an Employee may not amend any verbiage, graphic formatting, or text formatting in the Employee's email signature or email disclaimer without approval of the Superintendent & CEO.

## Mobile Devices

CCS distributes School-owned mobile devices to employees as needed. Each employee who receives a mobile device (i) must keep the mobile device battery charged at all times; and (ii) may not alter any settings on any mobile device as outlined above. Although employees use mobile devices for work-related matters, whether these devices belong to the employee or are issued by CCS, employees are prohibited from using such devices for work-related matters while driving due to safety reasons. Employees may use hands-free equipment to make or answer calls while driving without violating this policy. However, safety must always be the employee's first priority. If, because of weather, traffic conditions, or any other reason, an employee is unable to concentrate fully on the road, the employee must either end the conversation, or pull over and safely park their vehicle before resuming the call. Employees must also utilize the password protection feature on mobile devices in order to safeguard any confidential School data which may be stored on their mobile device.

## **Personal Business**

CCS facilities for handling mail and telephone calls are designed to accommodate School business. All personal mail must be directed to your home address and limit personal telephone calls to an absolute minimum. Long distance toll calls may not be made from the School's telephone system or your school issued mobile phone. If you need to make a personal call it should be made on a personal calling card or mobile phone. The School's material, time or equipment may not be used for personal projects.

Personal Appointments: Whenever possible, personal appointments should be made for either first



thing in the morning or late in the afternoon. Appointments should have minimal impact on office hours and availability.

Personal Purchases/Orders: Employees will not have any personal purchases, orders, invoices, bank statements or mail sent to the School. No one is permitted to use the School's name or address for personal purchases, orders, invoices or mail. "Personal" is defined as purchases, orders, invoices or mail that is non-educational and is not intended for classroom use. This excludes items purchased for use at the School.

## **Personal Appearance/Standards of Dress**

As educators, our commitment to excellence should be reflected in our appearance. In general, a business casual style is appropriate for all employees. It is understood that different clothing may be appropriate under certain circumstances and for different work assignments. Difference may be necessary because of type of activity done, special days, office area assignments and other circumstances.

However, clothing that reveals cleavage, back, chest, stomach, or underwear is not appropriate for a place of business. Overall attention to modesty, professionalism, cleanliness and safety will be expected and required. Appropriate attire will demonstrate a high regard for education and the teaching profession, and will present an image consistent with job responsibilities and CCS's values and expectations.

Employees who report to work in unacceptable attire may be request to leave work and return in acceptable attire may be requested to leave work and return in acceptable attire.

## **Academic Freedom**

Teachers must be free to think and to express ideas, free to select and employ materials and methods of instruction within the School's curriculum framework, free from undue pressures of authority, and free to act within his/her professional group. Such freedom should be used judiciously and prudently to the end that it is in concert with established community standards and promotes the free exercise of intelligence and scholar learning. Academic freedom is not an absolute. It must be exercised within the basic ethical responsibilities of the teaching profession.

Those responsibilities include:

- An understanding of our democratic traditions and methods.
- A concern for the welfare, growth, maturity and development of children.
- The use of accepted scholastic methods.
- Application of good taste and judgment in selecting and employing materials and methods of instruction.
- Teachers must follow the California State Standards.

## **Professional Development**

CCS believes in the continuing education of our staff. Professional Development funds will be allocated in the budget by Division for the employees in that Division to use for either Professional Development, Conferences, Workshops, or Tuition Reimbursement. In order to qualify for these funds, the employee must:

- Commit to staying with CCS for at least one-year (1) post Professional Development training (where such commitment on the employee's end in no way alters/impairs the School's authority to release on an at-will basis). Employees who receive Professional Development funds and leave CCS either voluntarily or involuntarily will be required to reimburse CCS the full amount of Professional Development funds used. Repayment must be made immediately upon separation.
- All Professional Development Conferences or Workshops must directly relate to the Employee's current assignment. Employees will be expected to create a Professional Development presentation and or webinar from his/her conference/workshop within thirty (30) days of completion.

Employees may not leave early to attend courses, unless prior approval is granted by the Superintendent & CEO. Courses taken must directly relate to the employee's current position and the employee must be prepared to create projects on how his/her course work that will assist CCS in the future.

### **Media Contacts**

Employees should not speak to the media on CCS' behalf without contacting the Marketing Department. All media inquiries should be directed to the Superintendent & CEO.

### **Health and Safety Policy**

CCS is committed to providing and maintaining a healthy and safe work environment for all employees.

Employees are required to know and comply with the School's General Safety Rules and to follow safe and healthy work practices at all times. Employees are required to report immediately to the Assistant Superintendent of Business Services any potential health or safety hazards, and all injuries or accidents.

In compliance with Proposition 65, the School will inform employees of any known exposure to a chemical known to cause cancer or reproductive toxicity.

### **Security Protocols**

CCS has developed guidelines to help maintain a secure workplace. Be aware of unknown persons loitering in parking areas, walkways, entrances and exits and service areas. Report any suspicious persons or activities to the Assistant Superintendent of Business Services. Employee desk or office should be secured at the end of the day. When an employee is called away from his or her work area for an extended length of time, valuable or personal articles should not be left around a work station that may be accessible. The security of facilities as well as the welfare of employees depends upon the alertness and sensitivity of every individual to potential security risks. Employees should immediately notify the Assistant Superintendent of Business Services when keys are missing or if security access codes or passes have been breached.

Key Procedures: When an employee loses a school office key, the following guidelines will be followed:

- 1st Incident: Written Warning

- 2nd Incident: Employee will pay for lost keys and all costs for re-keying
- 3rd Incident: Violation of Code of Ethics and appropriate disciplinary action

## **Occupational Safety**

CCS is committed to the safety of its employees, vendors, contractors and the public and to providing a clear safety goal for management.

The prevention of accidents is the responsibility of every School supervisor. It is also the duty of all employees to accept and promote the established safety regulations and procedures. Every effort will be made to provide adequate safety training. If an employee is ever in doubt how to perform a job or task safely, assistance should be requested. Unsafe conditions must be reported immediately.

It is the policy of the School that accident prevention shall be considered of primary importance in all phases of operation and administration. CCS's management is required to provide safe and healthy working conditions for all employees and to establish and require the use of safe practices at all times.

Failure to comply with or enforce School safety and health rules, practices and procedures could result in disciplinary action up to and including possible termination.

## **Accident/Incident Reporting**

It is the duty of every employee to immediately or as soon as is practical report any accident or injury occurring during work or on School premises so that arrangements can be made for medical or first aid treatment, as well as for investigation and follow-up purposes.

## **Reporting Fires and Emergencies**

It is the duty of every employee to know how to report fires and other emergencies quickly and accurately. Employees should report any such emergency by calling management. In addition, all employees should know the local emergency numbers such as 911.

## **EMPLOYEE WAGES AND HEALTH BENEFITS**

### **Payroll Withholdings**

As required by law, the School shall withhold Federal Income Tax, State Income Tax, Social Security for nonexempt employees, State Teachers' Retirement System (STRS) for Teachers/Administration, and State Disability Insurance from each employee's pay as follows:

1. Federal Income Tax Withholding: The amount varies with the number of exemptions the employee claims and the gross pay amount.
2. State Income Tax Withholding: The same factors which apply to federal withholdings apply to state withholdings.
3. Nonexempt employees: The Federal Insurance Contribution Act (FICA) requires that a certain percentage of employee earnings be deducted and forwarded to the federal government, together with an equal amount contributed by the School, for purposes of funding Social Security and Medicare. Teachers do not contribute to Social Security because they are members of STRS.
4. State Disability Insurance (SDI): This state fund is used to provide benefits to those out of work because of illness or disability.
5. Exempt employees: Full-time administrators, teachers, and other employees performing creditable service as defined by applicable law are required to participate in STRS via payroll withholdings.

### **Overtime Pay**

Whether an employee is exempt from or subject to overtime pay will be determined on a case-by-case basis and will be indicated in the employee's job description. Generally, teachers and administrators are exempt. Nonexempt employees may be required to work beyond the regularly scheduled workday or workweek as necessary. Only actual hours worked in a given workday or workweek can apply in calculating overtime for nonexempt employees. CCS will attempt to distribute overtime evenly and accommodate individual schedules. All overtime work must be previously authorized by the Assistant Superintendent of Business Services. CCS provides compensation for all overtime hours worked by nonexempt employees in accordance with state and federal law as follows:

For employee's subject to overtime, all hours worked in excess of eight (8) hours in one workday or forty (40) hours in one workweek shall be treated as overtime. Compensation for hours in excess of forty (40) for the workweek or in excess of eight (8) and not more than twelve (12) for the workday, and for the first eight (8) hours on the seventh consecutive day in one workweek, shall be paid at a rate of one and one-half times the employee's regular rate of pay. Compensation for hours in excess of twelve (12) in one workday and an excess of eight (8) on the seventh consecutive workday of the workweek shall be paid at double the regular rate of pay.

Exempt employees may have to work hours beyond their normal schedules as work demands require. No overtime compensation will be paid to these exempt employees.

## **Paydays**

All full and part-time employees of CCS are paid on the 10<sup>th</sup> and 25<sup>h</sup> of each month. When either of these days falls on a weekend or Holiday, employees are paid on the first workday preceding the weekend or Holiday. Employees should report any errors in their paycheck to the Director of Human Resources immediately.

## **Wage Attachments and Garnishments**

Under normal circumstances, the School will not assist creditors in the collection of personal debts from its employees. However, creditors may resort to certain legal procedures such as garnishments, levies or judgments that require the School, by law, to withhold part of an employee's earnings in their favor.

Employees are strongly encouraged to avoid such wage attachments and garnishments. If the School is presented a second garnishment request concerning an employee, the Director of Human Resources will discuss the situation with the employee.

## **Administrative Fees**

CCS may charge employees up to \$1.50 per deduction as administrative costs associated with the enforcement of a garnishment order. This charge shall be deducted from the employee's wages, and not the deduction made for the garnishment order.

## **Expenses**

Please note that any items (i.e. non consumable office supplies or any pre-approved books) that you have purchased and have been reimbursed become the property of CCS and must have CCS Property written on them.

The following items are purchased in bulk by the school and will not be reimbursed: ink cartridges; toner cartridges, books (unless with a prior approval); copy paper; office supplies; construction paper; transparency sheets and markers; wall clocks; facial tissue; paper towels; bandages.

Staff members are required to properly fill out a Purchase Request Form and to submit it along with an estimate of the purchase expense to their Supervisor prior to making any purchases.

Following the approved purchase, reimbursement information is entered into the BambooHR Expense Management System. The Employee Expense Management feature allows employees to enter their own expense reimbursements including all required backup such as. the original receipts and /or Google Maps for mileage reimbursements. Reimbursements must be entered into the Expense Management System within seven (7) days of the purchase dates. The School will not honor reimbursement requests if submitted after the deadline. School related purchases should not be combined with any personal purchases. Separate receipts for the school purchases are required. Purchase Request Forms are available on the Intranet and should be filled out electronically.

## **Mileage Reimbursement**

Mileage will only be reimbursed for official school business that has been approved in advance by the supervisor. At times employees may be required to use their personal car for business purposes. Reimbursement for the operating expenses of the car will be calculated by multiplying the number of miles traveled by the currently approved Standard Mileage Rate published by the IRS. Other expenses must be substantiated by receipts. The costs of commuting (travel between home and the work site) will not be reimbursed. Any work related travel in excess of fifty (50) miles each way will require a rental vehicle at the school's expense.

All CCS employees who use their cars for business purposes must have current and adequate automobile/liability insurance coverage. A copy of current car insurance must be provided to Human Resources. Employees must not transport volunteers or scholars in their personal vehicles. If transportation of this type is necessary, a rented vehicle must be used.

Mileage will be reimbursed for the round-trip distance between the employee's work site and the location of the business function being attended. If employees depart from or return to their home instead of their work site, only the miles in excess of the normal daily commute can be claimed as an expense. Mileage amounts must be verifiable through the use of commercially available websites (ex. Google Maps) using the "shortest route" option. Other expenses such as parking will be reimbursed at the actual costs. Original, itemized receipts must be provided. Only pre-approved mileage will be reimbursed. Staff members are required to properly fill out a Mileage Reimbursement Form and to enter the information along with the original receipts into the BambooHR Expense Management System within seven (7) days of the business trip. The School will not honor mileage reimbursement requests if submitted after the deadline.

## **Reimbursement Claim Process**

All employees must comply with the Reimbursement Claim process for any material purchases or travel expenses. Prior to making a purchase, employee must complete the purchase request form, to include, reason for purchase, estimated cost and include amount not to exceed, and submit to supervisor no less than five (5) days prior to purchase. **DO NOT MAKE A PURCHASE UNTIL YOU HAVE RECEIVED PRIOR APPROVAL.**

After you have received approval and purchased items, complete the description section for items purchased, attach original receipt (copies shall not be accepted), sign and submit claim form to your supervisor for approval. If supervisor approves, form will be routed to the Finance Department for review and final processing. Reimbursement are made directly through payroll.

The School either incurs the actual cost of travel expenses for the cost of travel expenses, when (i) the School requests that the Employee travel to a conference; (ii) the expense is incurred within the scope of Employee's employment; and (iii) the expense was made on behalf of the Employee (and no other persons) unless approved in advance and in writing by the Superintendent & CEO. Each Employee must provide original receipts for travel expenses to the School's Business Office within five (5) calendar days of the Employee's return from travel.

The School either incurs the cost for the actual cost of lodging and applicable taxes, but not the cost of gratuity or incidental items. Lodging is arranged by the School, at the School's discretion.

## **Meals and Incidental Expenses**

Employees in travel status on School business are reimbursed up to the per diem rate for travel

related meal expenses for their travel destination. Receipts are required for reimbursement of travel meals using per diem rates.

### Meals - Conferences

The School does not reimburse meals included with a conference. If a conference includes meals, then the School reimburses only the meals where the traveler incurred an expense. If the meal provided is on the first or last day of travel the per diem should be reduced by the meal provided, then multiplied by 75%.

The School either incurs the cost or reimburses Employee for the actual cost of breakfast not to exceed \$16.00 per day; lunch not to exceed \$17.00 per day, and dinner not to exceed \$26.00 per day, and the actual cost of tax and gratuity for such. The School incurs the actual cost of these items, not to exceed \$59.00 per day, non-cumulative and non-compounding. The School does not reimburse the Employee for the purchase of any alcohol. Employee receipts for meals should not include food for anyone outside of CCS staff. Any purchase of alcohol must be on a separate receipt and is not eligible for reimbursement.

If an employee has agreed to attend a conference, the fee has been paid by the School, and the employee cannot attend he/she must: (1) advise his/her supervisor as soon as possible; and (2) assist in arranging for another employee to attend in his/her place. An employee who fails to attend conferences that have been paid for by the School shall lose his/her ability to attend such conferences and be responsible for reimbursing the School for the cost associated therewith. Exceptions will be made at the discretion of the Superintendent & CEO or his/her designee.

### Payment for Meals

Tips should be no more than 20% of the bill. Any tips considered excessive will not be reimbursed. As a general rule, employees should not tip more than they would on a personal trip and tip only to the level of service received. Also, employees must check their receipt prior to adding tip to avoid over-tipping. Expense invoices must include an itemized business meal receipt, which includes the total amount plus tip.

### Incidentals

Employees may include the daily incidental amount of \$5.00 when determining the maximum M&IE rates. Gratuities for baggage carriers, porters, hotel staff (bellhops and house cleaners), as well as ATM fees, bank fees, and check cashing fees are included in the daily incidental amount. As applicable, receipts must be provided to obtain reimbursement.

Employees will be required to submit a written itemized summary of their incidentals on behalf of business for CCS, on a form provided by the school.

## **Health Care Insurance Coverage for Regular, Full-Time Employees**

CCS offers certain insurance benefits that may include medical, dental, vision, and disability insurance benefits to its regular, full-time employees. Regular, full-time employees will receive summary descriptions of the School's benefit plans from the Director of Human Resources annually. Available benefit plans may vary and may change from time to time. Affected employees will be advised of any such changes as required by applicable law. All new employees will become eligible for medical benefits on the 1st of the month following thirty (30) days of employment. Part-time

employees may be eligible for benefits per the School's policy and applicable law.

## **State Disability Insurance**

Each employee contributes to the State of California to provide disability insurance mandated by state law. Contributions are made through payroll deduction. Disability insurance is payable when you cannot work because of illness or injury not caused by employment at the School or when you are entitled to temporary workers' compensation at a rate less than the daily disability benefit amount. Specific rules and regulations governing disability are available from the Director of Human Resources.

## **Retirement, Life Insurance and Other School-Sponsored Benefits**

CCS offers certain school-sponsored benefits that may include retirement and life insurance to its regular, full-time employees. Regular, full-time employees will receive summary descriptions of the School's benefit plans from the Director of Human Resources annually. Available benefit plans may vary and may change from time to time within the sole discretion of the School. Affected employees will be advised of any such changes as required by applicable law.

## **COBRA Benefits**

When coverage under the School's medical and/or dental plans ends, employees or their dependents can continue coverage for eighteen (18) or thirty-six (36) months, depending upon the reason benefits ended. To continue coverage, an employee must pay the full cost of coverage – the employee contribution and the School's previous contribution plus a possible administrative charge.

Medical coverage for an employee, his/her spouse, and eligible dependent children can continue for up to eighteen (18) months if coverage ends because:

- Employment ends, voluntarily or involuntarily, for any reason other than gross misconduct; or
- Hours of employment are reduced below the amount required to be considered a full-time employee or part-time, making an employee ineligible for the plan.

This eighteen (18) month period may be extended an additional eleven (11) months in cases of disability subject to certain requirements. This eighteen (18) month period may also be extended an additional eighteen (18) months if other events (such as a divorce or death) occur subject to certain requirements.

An employee's spouse and eligible dependents can continue their health coverage for up to thirty-six (36) months if coverage ends because:

- The employee dies while covered by the plan;
- The employee and his/her spouse become divorced or legally separated;
- The employee becomes eligible for Medicare coverage, but his/her spouse has not yet reach age sixty-five (65); or
- The employee's dependent child reaches an age which makes him or her ineligible for coverage under the plan.



Rights similar to those described above may apply to retirees, spouses and dependents if the employer commences a bankruptcy proceeding and those individuals lose coverage.

CCS will notify employees or their dependents if coverage ends due to termination or a reduction in work hours. If an employee becomes eligible for Medicare, divorced or legally separated, die, or when a dependent child no longer meets the eligibility requirements, the employee or a family member are responsible for notifying the School within thirty (30) days of the event. CCS will then notify the employee or his/her dependents of the employee's rights.

Health coverage continuation must be elected within sixty (60) days after receiving notice of the end of coverage, or within sixty (60) days after the event causing the loss, whichever is later.

There are certain circumstances under which coverage will end automatically. This happens if:

- Premiums for continued coverage are not paid within thirty (30) days of the due date;
- The employee (or his/her spouse or child) become covered under another group health plan which does not contain any exclusion or limitation with respect to any pre-existing condition the employee (or the employee's spouse or child, as applicable) may have;
- CCS stops providing group health benefits;
- The employee (or the employee's spouse or child) become entitled to Medicare; or
- The employee extended coverage for up to twenty-nine (29) months due to disability and there has been a final determination that the employee is no longer disabled.

## **PERSONNEL EVALUATION AND RECORD KEEPING**

### **Employee Reviews and Evaluations**

Employees will complete quarterly Performance Plans through BambooHR at which time they will meet and discuss with their supervisor to set smart goals and schedule training. Performance Plans are intended to make employees aware of their progress, areas for improvement, and objectives or goals for future work performance. The School's evaluation system will in no way alter the employment at-will relationship.

Due dates for employee Performance Plan submission can be found on the School's master calendar.

Performance pay criteria percentages which will include all the above criteria will be used in consideration of annual compensation increases and retention.

### **Personnel Files and Record Keeping Protocols**

At the time of employment, a personnel file is established for you. Please keep the Director of Human Resources advised of changes that should be reflected in your personnel file. Such changes include: change in address, telephone number, marital status, number of dependents and person(s) to notify in case of emergency. Prompt notification of these changes is essential and will enable the School to contact you should the change affect your other records.

You have the right to inspect certain documents in your personnel file, as provided by law, in the presence of a School representative, at a mutually convenient time. You also have the right to obtain a copy of your personnel file as provided by law. You may add your comments to any disputed item in the file. CCS will restrict disclosure of your personnel file to authorized individuals within the School. A request for information contained in the personnel file must be directed to the Director of Human Resources. Only the Director of Human Resources or designee is authorized to release information about current or former employees. Disclosure of information to outside sources will be limited. However, the School will cooperate with requests from authorized law enforcement or local, state or federal agencies conducting official investigations or as otherwise legally required. Copies of an employee's personnel file can be provided upon request. A fee of .25 cents per page will be charged to the employee. Requests for digital copies of an employee file will be provided at no cost.

Credible complaints of substantiated investigations into or discipline for egregious misconduct will not be expunged from an employee's personnel file unless the complaint is heard by an arbitrator, administrative law judge, or the Board and the complaint is deemed to be false, not credible, unsubstantiated or a determination was made that discipline was not warranted.

## **HOLIDAYS, VACATIONS AND LEAVES**

### **Holidays**

An employee who qualifies to receive pay for a holiday will receive one (1) day of pay at the employee's regular rate of pay. To qualify to receive pay for a holiday, an employee must meet of the following conditions:

1. Be a full-time and active employee on the date of the School holiday;
2. Work all hours that the employee is scheduled to work on the last regular working day before, and the first regular working day after the holiday, unless the employee is on an approved absence.

Regular full-time and salaried employees (EXEMPT) will receive the following twenty-six (26) paid holidays:

- New Year's Day\*
- Martin Luther King, Jr.'s Birthday
- President's Day
- Spring Break
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Day Before Thanksgiving
- Thanksgiving
- Friday after Thanksgiving
- Winter Break December

When a holiday falls on a Saturday, the preceding Friday will be celebrated as the holiday; if it falls on a Sunday, the following Monday will be celebrated as the holiday. When Christmas falls on a Saturday, the Day before Christmas will be celebrated on Thursday. If Christmas falls on a Sunday or Monday, the day before Christmas will be celebrated on the preceding Friday.

Employee holidays, professional development, and school days are outlined in the School Calendar.

### **Vacation**

While the School recognizes the importance of vacation time as a period of rest and rejuvenation away from the job, vacations must be scheduled with due consideration for "peak traffic periods" in the school.

For full-time twelve (12) month employees vacation will accrue as follows:

- 1 to 4 years of employment: Ten (10) days of paid vacation per year (3.33 hours per pay period)
- 5 years or more: Fifteen (15) days of paid vacation per year (5.0 hours per pay period)

No employee will receive pay in lieu of vacation during employment. Vacation does not accrue during an unpaid leave of absence or on disability salary continuation. Part-time employees shall earn a

prorated amount of the five (5) days of vacation depending upon their work schedule.

Employees cannot use paid vacation leave until the ninetieth (90<sup>th</sup>) calendar day following the employee's start date. Employees must request the use of vacation days through the Bamboo system at least two (2) weeks prior to scheduled use in one-hour increments. It is advised to wait to book travel until the immediate supervisor has granted the use of vacation time.

Vacation time may not be utilized before it is earned. An employee whose employment terminates will be paid for accrued unused vacation days. Vacation can accrue up to a maximum of one and a half times (1.5) their annual vacation accrual for full-time twelve (12) month employees. Once this cap is reached, no further vacation will accrue until some vacation is used. When some vacation is used, vacation compensation will begin to accrue again. There is no retroactive grant of vacation compensation for the period of time the accrued vacation compensation was at the cap.

## **Unpaid Leave of Absence**

CCS recognizes that special situations may arise where an employee must leave his or her job temporarily. At its discretion, the School may grant employees leaves of absence. Any unpaid leave of absence must be approved in advance by the School.

The granting of a leave of absence always presumes the employee will return to active work by a designated date or within a specific period.

During a Family and Medical Leave Act, California Family Rights Act leave, and/or Pregnancy Disability Leave, the employee's medical and dental benefits will remain in force, provided the employee pays the appropriate premiums. Otherwise, benefits are terminated the month any other type of leave begins. If an employee fails to return from a leave and is subsequently terminated, the employee is entitled to all earned but unused vacation pays, provided that the vacation pay was earned prior to the commencement of leave. No vacation time is accrued during any type of unpaid leave of absence.

## **Sick Leave**

CCS offers paid sick leave to its employees. Sick leave may be taken to receive preventive care (including annual physicals or flu shots) or to diagnose, treat, or care for an existing health condition. Employees may also use sick leave to assist a family member (i.e., children, parents, spouses/domestic partners/designated person, grandparents, grandchildren, or siblings), or any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship, who must receive preventative care or a diagnosis, treatment, or care for an existing health condition. Employees may also take paid sick leave to receive medical care or other assistance to address instances of mental health, domestic violence, sexual assault, or stalking. Paid sick leave is also available for bone marrow or organ donation by an employee or their family member, to provide care for a guide, signal or service dog of an employee or their family member, or if CCS or an employee's child care provider's business is closed due to a public health emergency, an accident involving the employee's person or property or the person or property of an immediate family member, adoption of a child, the birth of child making it necessary for an employee who is the parent of the child to be absent from their position during work hours, personal legal matters, religious observances, and business matters that cannot be conducted outside of the workday

Paid sick leave is available to all CCS employees. All full-time employees shall accrue one day per month which will accrue at the rate of four (4) hours per pay period. Part-time employees will accrue sick leave on a pro-rates basis but will never receive less than twenty-four (24) hours of sick leave

per year.

Employees cannot use paid sick leave until the ninetieth (90th) calendar day following the employee's start date. Sick leave must be taken by eligible employees in increments of one (1) hour. Unused, accrued sick leave carries over from year-to-year up to a cap of one hundred and twenty (120) hours for full-time employees, and eighty (80) hours for all other employees.

Employees absent longer than three (3) consecutive days due to illness may be required to submit medical evidence of illness. The School may also require medical evidence of an employee's fitness to return to work.

Once an employee has exhausted sick leave, the employee may continue on an unpaid medical leave depending upon the facts and circumstances of the employee's basis for leave beyond accrued sick leave. Employee requests for unpaid medical leave must be approved in advance by the School at least fifteen (15) days in advance.

Sick leave is not to be used as vacation leave. Unused sick leave is not paid out upon termination of employment.

## **Family Care and Medical Leave**

This policy explains how the School complies with the federal Family and Medical Leave Act ("FMLA") and the California Family Rights Act ("CFRA"), both of which require the School to permit each eligible employee to take up to twelve (12) workweeks (or twenty-six (26) workweeks where indicated) of FMLA leave in any twelve (12) month period for the purposes enumerated below. For purposes of this policy, all leave taken under FMLA or CFRA will be referred to as "FMLA leave."

### Employee Eligibility Criteria

To be eligible for FMLA leave, the employee must have been employed by the School for a total of at least twelve (12) months, worked at least 1,250 hours during the twelve (12) month period immediately preceding commencement of the FMLA leave, and work at a location where the School has at least fifty (50) employees within seventy-five (75) miles, (except for purposes of baby-bonding where the threshold is twenty (20) employees).

- Events That May Entitle an Employee to FMLA Leave

The twelve (12) week (or twenty-six (26) workweeks where indicated) FMLA allowance includes any time taken (with or without pay) for any of the following reasons:

1. To care for the employee's newborn child or a child placed with the employee for adoption or foster care. Leaves for this purpose must conclude twelve (12) months after the birth, adoption, or placement. If both parents are employed by the School, they will be entitled to a combined total of twelve (12) weeks of leave for this purpose.
2. Because of the employee's own serious health condition (including a serious health condition resulting from an on-the-job illness or injury) that makes the employee unable to perform any one or more of the essential functions of his or her job (other than a disability caused by pregnancy, childbirth, or related medical conditions, which is covered by the School's separate pregnancy disability policy).

- a. A “serious health condition” is an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or a child, parent, or spouse of the employee that involves either inpatient care or continuing treatment, including, but not limited to, treatment for substance abuse.
  - b. “Inpatient care” means a stay in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity. A person is considered an “inpatient” when a health care facility formally admits him/her to the facility with the expectation that he/she will remain at least overnight and occupy a bed, even if it later develops that such person can be discharged or transferred to another facility and does not actually remain overnight.
  - c. “Incapacity” means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.
  - d. “Continuing treatment” means ongoing medical treatment or supervision by a health care provider.
3. To care for a spouse, domestic partner, child, or parent with a serious health condition or military service-related injury. When an employee is providing care to a spouse, son, daughter, parent, or next of kin who is a covered Armed Forces service member with a serious injury or illness, the employee may take a maximum of twenty-six (26) weeks of FMLA leave in a single twelve (12) month period to provide said care.
  4. For any “qualifying exigency” because the employee is the spouse, son, daughter, or parent of an individual on active military duty, or an individual notified of an impending call or order to active duty, in the Armed Forces.

#### Amount of FMLA Leave Which May Be Taken

1. FMLA leave can be taken in one (1) or more periods, but may not exceed twelve (12) workweeks total for any purpose in any twelve (12) month period, as described below, for any one, or combination of the above-described situations. “Twelve workweeks” means the equivalent of twelve (12) of the employee’s normally scheduled workweeks. For a full-time employee who works five (5) eight-hour days per week, “twelve workweeks” means sixty (60) working and/or paid eight (8) hour days.
2. In addition to the twelve (12) workweeks of FMLA leave that may be taken, an employee who is the spouse, son, daughter, parent, or next of kin of a covered Armed Forces service member shall also be entitled to a total of twenty-six (26) workweeks of FMLA leave during a twelve (12) month period to care for the service member.
3. The “twelve-month period” in which twelve (12) weeks of FMLA leave may be taken is the twelve (12) month period immediately preceding the commencement of any FMLA leave.
4. If a holiday falls within a week taken as FMLA leave, the week is nevertheless counted as a week of FMLA leave. If, however, the School’s business activity has temporarily ceased for some reason and employees are generally not expected to report for work for one or more weeks, such as the Winter Break, Spring Break, or Summer Vacation,

the days the School's activities have ceased do not count against the employee's FMLA leave entitlement. Similarly, if an employee uses FMLA leave in increments of less than one (1) week, the fact that a holiday may occur within a week in which an employee partially takes leave does not count against the employee's leave entitlement unless the employee was otherwise scheduled and expected to work during the holiday.

### Pay during FMLA Leave

1. An employee on FMLA leave because of his/her own serious health condition must use all accrued paid sick leave at the beginning of any otherwise unpaid FMLA leave period. If an employee is receiving a partial wage replacement benefit during the FMLA leave, the School and the employee may agree to have School-provided paid leave, such as vacation or sick time, supplement the partial wage replacement benefit unless otherwise prohibited by law.
2. An employee on FMLA leave for child care or to care for a spouse, domestic partner, parent, or child with a serious health condition may use any or all accrued sick leave at the beginning of any otherwise unpaid FMLA leave.
3. If an employee has exhausted his/her sick leave, leave taken under FMLA shall be unpaid leave.
4. The receipt of sick leave pay or State Disability Insurance benefits will not extend the length of the FMLA leave. Sick pay accrues during any period of unpaid FMLA leave only until the end of the month in which unpaid leave began.

### Health Benefits

The provisions of the School's various employee benefit plans govern continuing eligibility during FMLA leave, and these provisions may change from time to time. The health benefits of employees on FMLA leave will be paid by the School during the leave at the same level and under the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period. When a request for FMLA leave is granted, the School will give the employee written confirmation of the arrangements made for the payment of insurance premiums during the leave period.

If an employee is required to pay premiums for any part of his/her group health coverage, the School will provide the employee with advance written notice of the terms and conditions under which premium payments must be made.

CCS may recover the health benefit costs paid on behalf of an employee during his/her FMLA leave if:

1. The employee fails to return from leave after the period of leave to which the employee is entitled has expired. An employee is deemed to have "failed to return from leave" if he/she works less than thirty (30) days after returning from FMLA leave; and
2. The employee's failure to return from leave is for a reason other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to FMLA leave, or other circumstances beyond the control of the employee.

## Seniority

An employee on FMLA leave remains an employee and the leave will not constitute a break in service. An employee who returns from FMLA leave will return with the same seniority he/she had when the leave commenced.

## Medical Certifications

1. An employee requesting FMLA leave because of his/her own or a relative's serious health condition must provide medical certification from the appropriate health care provider on a form supplied by the School. Absent extenuating circumstances, failure to provide the required certification in a timely manner (within fifteen (15) days of the School's request for certification) may result in denial of the leave request until such certification is provided.
2. The School will notify the employee in writing if the certification is incomplete or insufficient, and will advise the employee what additional information is necessary in order to make the certification complete and sufficient. The School may contact the employee's health care provider to authenticate a certification as needed.
3. If the School has reason to doubt the medical certification supporting a leave because of the employee's own serious health condition, the School may request a second opinion by a health care provider of its choice (paid for by the School). If the second opinion differs from the first one, the School will pay for a third, mutually agreeable, health care provider to provide a final and binding opinion.
4. Recertifications are required if leave is sought after expiration of the time estimated by the health care provider. Failure to submit required recertification's can result in termination of the leave.

## Procedures for Requesting and Scheduling FMLA Leave

1. An employee should request FMLA leave by completing a Request for Leave form and submitting it to the Director of Human Resources. An employee asking for a Request for Leave form will be given a copy of the School's then- current FMLA leave policy.
2. Employees should provide not less than thirty (30) days' notice for foreseeable childbirth, placement, or any planned medical treatment for the employee or his/her spouse, domestic partner, child, or parent. Failure to provide such notice is grounds for denial of a leave request, except if the need for FMLA leave was an emergency or was otherwise unforeseeable.
3. Where possible, employees must make a reasonable effort to schedule foreseeable planned medical treatments so as not to unduly disrupt the School's operations.
4. If FMLA leave is taken because of the employee's own serious health condition or the serious health condition of the employee's spouse, domestic partner, parent or child, the leave may be taken intermittently or on a reduced leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition.



5. If FMLA leave is taken because of the birth of the employee's child or the placement of a child with the employee for adoption or foster care, the minimum duration of leave is two (2) weeks, except that the School will grant a request for FMLA leave for this purpose of at least one day but less than two (2) weeks' duration on any two (2) occasions.
6. If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment for the employee or a family member, the employee may be transferred temporarily to an available alternative position for which he or she is qualified that has equivalent pay and benefits and that better accommodates recurring periods of leave than the employee's regular position.
7. The School will respond to an FMLA leave request no later than five (5) business days of receiving the request. If an FMLA leave request is granted, the School will notify the employee in writing that the leave will be counted against the employee's FMLA leave entitlement. This notice will explain the employee's obligations and the consequences of failing to satisfy them.

#### Return to Work

1. Upon timely return at the expiration of the FMLA leave period, an employee (other than a "key" employee whose reinstatement would cause serious and grievous injury to the School's operations) is entitled to the same or a comparable position with the same or similar duties and virtually identical pay, benefits, and other terms and conditions of employment unless the same position and any comparable position(s) have ceased to exist because of legitimate business reasons unrelated to the employee's FMLA leave.
2. When a request for FMLA leave is granted to an employee (other than a "key" employee), the School will give the employee a written guarantee of reinstatement at the termination of the leave (with the limitations explained above).
3. Before an employee will be permitted to return from FMLA leave taken because of his/her own serious health condition, the employee must obtain a certification from his/her health care provider that he/she is able to resume work.
4. If an employee can return to work with limitations, the School will evaluate those limitations and, if possible, will accommodate the employee as required by law. If accommodation cannot be made, the employee will be medically separated from the School.

#### Limitations on Reinstatement

1. CCS may refuse to reinstate a "key" employee if the refusal is necessary to prevent substantial and grievous injury to the School's operations. A "key" employee is an exempt salaried employee who is among the highest paid 10% of the School's employees within seventy-five (75) miles of the employee's worksite.
2. A "key" employee will be advised in writing at the time of a request for, or if earlier, at the time of commencement of, FMLA leave, that he/she qualifies as a "key" employee and the potential consequences with respect to reinstatement and maintenance of health benefits if the School determines that substantial and grievous injury to the

School's operations will result if the employee is reinstated from FMLA leave. At the time it determines that refusal is necessary, the School will notify the "key" employee in writing (by certified mail) of its intent to refuse reinstatement and will explain the basis for finding that the employee's reinstatement would cause the School to suffer substantial and grievous injury. If the School realizes after the leave has commenced that refusal of reinstatement is necessary, it will give the employee at least ten (10) days to return to work following the notice of its intent to refuse reinstatement.

### Employment during Leave

No employee, including employees on FMLA leave, may accept employment with any other employer without the School's written permission. An employee who accepts such employment without the School's written permission will be deemed to have resigned from employment at the School.

### **Pregnancy Disability Leave**

This policy explains how the School complies with the California Pregnancy Disability Act, which requires the School to give each female employee an unpaid leave of absence of up to four (4) months per pregnancy, as needed, for the period(s) of time a woman is actually disabled by pregnancy, childbirth, or related medical conditions.

### Employee Eligibility Criteria

To be eligible for pregnancy disability leave, the employee must be disabled by pregnancy, childbirth, or a related medical condition and must provide appropriate medical certification concerning the disability.

### Events That May Entitle an Employee to Pregnancy Disability Leave

The four (4) -month pregnancy disability leave allowance includes any time taken (with or without pay) for any of the following reasons:

1. The employee is unable to work at all or is unable to perform any one or more of the essential functions of her job without undue risk to herself, the successful completion of her pregnancy, or to other persons because of pregnancy or childbirth, or because of any medically recognized physical or mental condition that is related to pregnancy or childbirth (including severe morning sickness); or
2. The employee needs to take time off for prenatal care.

### Duration of Pregnancy Disability Leave

Pregnancy disability leave may be taken in one or more periods, but not to exceed four months total. "Four months" means the number of days the employee would normally work within four months. For a full-time employee who works five (5) eight (8) hour days per week, four (4) months means 693 hours of leave (40 hours per week times 17 <sup>1</sup>/<sub>3</sub> weeks).

For employees who work more or less than forty (40) hours per week, or who work on variable work schedules, the number of working days that constitutes four (4) months is calculated on

a pro rata or proportional basis. For example, for an employee who works twenty (20) hours per week, “four months” means 346.5 hours of leave entitlement (20 hours per week times 17 <sup>1</sup>/<sub>3</sub> weeks). For an employee who normally works forty-eight (48) hours per week, “four months” means 832 hours of leave entitlement (48 hours per week times 17 <sup>1</sup>/<sub>3</sub> weeks).

At the end or depletion of an employee’s pregnancy disability leave, an employee who has a physical or mental disability (which may or may not be due to pregnancy, childbirth, or related medical conditions) may be entitled to reasonable accommodation. Entitlement to additional leave must be determined on a case-by case basis, taking into account a number of considerations such as whether an extended leave is likely to be effective in allowing the employee to return to work at the end of the leave, with or without further reasonable accommodation, and whether or not additional leave would create an undue hardship for the School. The School is not required to provide an indefinite leave of absence as a reasonable accommodation.

### Pay during Pregnancy Disability Leave

1. An employee on pregnancy disability leave must use all accrued paid sick leave and may use any or all accrued vacation time at the beginning of any otherwise unpaid leave period.
2. The receipt of vacation pay, sick leave pay, or state disability insurance benefits, will not extend the length of pregnancy disability leave.
3. Vacation and sick pay accrues during any period of unpaid pregnancy disability leave only until the end of the month in which the unpaid leave began.

### Health Benefits

CCS shall provide continued health insurance coverage while an employee is on pregnancy disability leave consistent with applicable law. The continuation of health benefits is for a maximum of four (4) months in a twelve (12) -month period. CCS can recover premiums that it already paid on behalf of an employee if both of the following conditions are met:

1. The employee fails to return from leave after the designated leave period expires.
2. The employee’s failure to return from leave is for a reason other than the following:
  - The employee is taking leave under the California Family Rights Act.
  - There is a continuation, recurrence or onset of a health condition that entitles the employee to pregnancy disability leave.
  - There is a non-pregnancy related medical condition requiring further leave.
  - Any other circumstance beyond the control of the employee.
3. Employees adding a dependent to their health benefits will be required to submit premium payment to CCS while they are on leave.

## Seniority

An employee on pregnancy disability leave remains an employee of the School and a leave will not constitute a break in service. When an employee returns from pregnancy disability leave, she will return with the same seniority she had when the leave commenced.

## Medical Certifications

1. An employee requesting a pregnancy disability leave must provide medical certification from her healthcare provider. Failure to provide the required certification in a timely manner (within fifteen (15) days of the leave request) may result in a denial of the leave request until such certification is provided.
2. Recertifications are required if leave is sought after expiration of the time estimated by the healthcare provider. Failure to submit required recertification's can result in termination of the leave.

## Requesting and Scheduling Pregnancy Disability Leave

1. An employee should request pregnancy disability leave by completing a Request for Leave form and submitting it to the Director of Human Resources. An employee asking for a Request for Leave form will be referred to the School's then current pregnancy disability leave policy.
2. Employee should provide not less than thirty (30) days' notice or as soon as is practicable, if the need for the leave is foreseeable. Failure to provide such notice is grounds for denial of the leave request, except if the need for pregnancy disability leave was an emergency and was otherwise unforeseeable.
3. Where possible, employees must make a reasonable effort to schedule foreseeable planned medical treatments so as not to unduly disrupt the School's operations.
4. Pregnancy disability leave may be taken intermittently or on a reduced leave schedule when medically advisable, as determined by the employee's healthcare provider.
5. If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment, the employee may be transferred temporarily to an available alternative position for which he or she is qualified that has equivalent pay and benefits that better accommodates recurring periods of leave than the employee's regular position.
6. The School will respond to a pregnancy disability leave request within ten (10) days of receiving the request. If a pregnancy disability leave request is granted, the School will notify the employee in writing and leave will be counted against the employee's pregnancy disability leave entitlement. This notice will explain the employee's obligations and the consequences of failing to satisfy them.

## Return to Work

1. Upon timely return at the expiration of the pregnancy disability leave period, an employee is entitled to the same position unless the employee would not otherwise have been employed in the same position at the time reinstatement is requested.

If the employee is not reinstated to the same position; she must be reinstated to a comparable position unless one of the following is applicable:

- a. The employer would not have offered a comparable position to the employee if she would have been continuously at work during the pregnancy disability leave.
- b. There is no comparable position available, to which the employee is either qualified or entitled, on the employee's scheduled date of reinstatement or within sixty (60) calendar days thereafter. The School will take reasonable steps to provide notice to the employee if and when comparable positions become available during the sixty (60) day period.

A "comparable" position is a position that involves the same or similar duties and responsibilities and is virtually identical to the employee's original position in terms of pay, benefits, and working conditions.

2. When a request for pregnancy disability leave is granted to an employee, the School will give the employee a written guarantee of reinstatement at the end of the leave (with the limitations explained above).
3. In accordance with CCS policy, before an employee will be permitted to return from a pregnancy disability leave of three (3) days or more, the employee must obtain a certification from her healthcare provider that she is able to resume work.
4. If the employee can return to work with limitations, the School will evaluate those limitations and, if possible, will accommodate the employee as required by law. If accommodation cannot be made, the employee will be medically separated from the School.

### Employment during Leave

No employee, including employees on pregnancy disability leave, may accept employment with any other employer without the School's written permission. An employee who accepts such employment without written permission will be deemed to have resigned from employment.

### **Industrial Injury Leave (Workers' Compensation)**

CCS, in accordance with State law, provides insurance coverage for employees in case of work-related injuries. The workers' compensation benefits provided to injured employees may include:

- Medical care;
- Cash benefits, tax-free to replace lost wages; and
- Vocational rehabilitation to help qualified injured employees return to suitable employment.

To ensure you receive any workers' compensation benefits to which you may be entitled, you will need to:

- Immediately report any work-related injury to the Assistant Superintendent of Business

Services;

- Seek medical treatment and follow-up care if required;
- Complete a written Employee's Claim Form (DWC Form 1) and return it to the Director of Human Resources; and
- Provide the School with a certification from your health care provider regarding the need for workers' compensation disability leave as well as your eventual ability to return to work from the leave.

It is the School's policy that when there is a job-related injury, the first priority is to insure that the injured employee receives appropriate medical attention. CCS, with the help of its insurance carrier has selected medical centers to meet this need. Each medical center was selected for its ability to meet anticipated needs with high quality medical service and a location that is convenient to the School's operation.

- If an employee is injured on the job, he/she is to go or be taken to the approved medical center for treatment. If injuries are such that they require the use of emergency medical systems ("EMS") such as an ambulance, the choice by the EMS personnel for the most appropriate medical center or hospital for treatment will be recognized as an approved center.
- All accidents and injuries must be reported to the Assistant Superintendent of Business Services and to the individual responsible for reporting to the School's insurance carrier. Failure by an employee to report a work-related injury by the end of his/her shift could result in loss of insurance coverage for the employee. An employee may choose to be treated by his/her personal physician at his/her own expense, but he/she is still required to go to the School's approved medical center for evaluation. All job-related injuries must be reported to the appropriate State Workers' Compensation Bureau and the insurance carrier.
- When there is a job-related injury that results in lost time, the employee must have a medical release from the School's approved medical facility before returning to work.
- Any time there is a job-related injury, the School's policy requires drug/alcohol testing along with any medical treatment provided to the employee.

### **Military and Military Spousal Leave of Absence**

CCS shall grant a military leave of absence to any employee who must be absent from work due to service in the uniformed services in accordance with the Uniformed Services Employment and Re-Employment Rights Act of 1994 ("USERRA"). All employees requesting military leave must provide advance written notice of the need for such leave, unless prevented from doing so by military necessity or if providing notice would be impossible or unreasonable.

If military leave is for thirty (30) or fewer days, the School shall continue the employee's health benefits. For service of more than thirty (30) days, employee shall be permitted to continue their health benefits at their option through COBRA. Employees are entitled to use accrued vacation or paid time off as wage replacement during time served, provided such vacation/paid time off accrued prior to the leave.

Except for employees serving in the National Guard, CCS will reinstate those employees returning from military leave to their same position or one of comparable seniority, status, and pay if they have

a certificate of satisfactory completion of service and apply within ninety (90) days after release from active duty or within such extended period, if any, as required by law. For those employees serving in the National Guard, if he or she left a full-time position, the employee must apply for reemployment within forty (40) days of being released from active duty, and if he or she left part-time employment, the employee must apply for reemployment within five (5) days of being released from active duty.

An employee who was absent from work while fulfilling his or her covered service obligation under the USERRA or California law shall be credited, upon his or her return to the School, with the hours of service that would have been performed but for the period of absence from work due to or necessitated by USERRA-covered service. Exceptions to this policy will occur wherever necessary to comply with applicable laws.

CCS shall grant up to ten (10) days of unpaid leave to employees who work more than twenty (20) hours per week and who are spouses of deployed military servicemen and servicewomen. The leave may be taken when the military spouse is on leave from deployment during a time of military conflict. To be eligible for leave, an employee must provide the School with (1) notice of intention to take military spousal leave within two (2) business days of receiving official notice that the employee's military spouse will be on leave from deployment, and (2) documentation certifying that the employee's military spouse will be on leave from deployment during the time that the employee requests leave.

### **Bereavement Leave**

Each full-time employee will be provided with three (3) paid bereavement days for family members. Family members will be defined as members of the employee's or spouse's immediate family which means the parents, grandparents, spouse, significant other, child or grandchild, brother, sister, (step or foster) or any other living in the immediate household of the employee.

If an employee requires more than the three (3) days off for bereavement leave, the employee may use accrued sick and/or vacation days.

### **Jury Duty or Witness Leave**

Jury and Witness leave is provided for any employee who is called to serve jury or witness duty in any court during regularly assigned working hours. Prior notification to and approval by the Human Resources Department is required. The School will pay an employee up to fifteen (15) of days paid per jury service term.

If an employee is asked to use the call in jury system and he/she is not selected to appear the next morning, the employee must report to work. The employee must notify HR if he/she has been selected to serve on a jury and if possible to notify how long the trial may last in order to plan ahead.

As a reminder as of August 2004, in an effort to avoid duplicate payment of public funds, California Superior Court jurors employed by a government entity (including school districts) who receive their regular compensation during jury service may not be paid daily jury duty fees by the court (California Code of Civil Procedure, Section 215). Hence, when completing the juror affidavit questionnaire, it is your responsibility to check the "Government/Public Employee" box (rather than "Employed"). This alerts the court to withhold payment of jury fees (although you will still receive mileage reimbursement, unless you have elected to waive it).

Note: Employees summoned to United States District Court are entitled to jury fees. Therefore, in accordance with current employee agreements, an amount equal to the jury fees paid by the court will automatically be withheld from the employee's subsequent pay.

Employees must provide a copy of Jury Summons or Witness Subpoena when requesting Jury Duty Leave and must submit employer paperwork received from the court at the completion of jury service. Employees must request time off for Jury Service using the BambooHR system.

### **Voting Time Off**

If an employee does not have sufficient time outside of working hours to vote in an official state-sanctioned election, the employee may take off enough working time to vote. Such time off shall be taken at the beginning or the end of the regular working shift, whichever allows for more free time and the time taken off shall be combined with the voting time available outside of working hours to a maximum of two (2) hours combined. Under these circumstances, an employee will be allowed a maximum of two (2) hours of time off during an election day without loss of pay. When possible, an employee requesting time off to vote shall give their immediate supervisor at least two (2) days' notice.

### **School Appearance and Activities Leave**

As required by law, CCS will permit an employee who is a parent or guardian (including a stepparent, foster parent, or grandparent) of school children, from kindergarten through grade twelve (12), or a child enrolled with a licensed child care provider, up to forty (40) hours of unpaid time off per child per school year (up to eight (8) hours in any calendar month of the school year) to participate in activities of a child's school or child care. If more than one (1) parent or guardian is an employee of CCS, the employee that first provides the leave request will be given the requested time off. Where necessary, additional time off will also be permitted where the school requires the employee(s) appearance.

The employee requesting school leave must provide reasonable advanced notice of the planned absence. The employee must use accrued but unused paid leave (e.g., vacation or sick leave) to be paid during the absence.

When requesting time off for school activities, the employee must provide verification of participation in an activity as soon as practicable. When requesting time off for a required appearance, the employee(s) must provide a copy of the notice from the child's school requesting the presence of the employee.

### **Bone Marrow and Organ Donor Leave**

As required by law, eligible employees who require time off to donate bone marrow to another person may receive up to five (5) workdays off in a 12-month period. Eligible employees who require time off to donate an organ to another person may receive up to thirty (30) workdays off in a twelve (12) month period.

To be eligible for bone marrow or organ donation leave ("Donor Leave"), the employee must have been employed by the School for at least ninety (90) days immediately preceding the Donor Leave.

An employee requesting Donor Leave must provide written verification to the School that he or she is a donor and that there is a medical necessity for the donation of the organ or bone marrow.

An employee must first use five (5) days of accrued paid leave for bone marrow donation and two (2) weeks of accrued paid leave for organ donation. If the employee has an insufficient number of paid leave days available, the leave will otherwise be paid.



Employees returning from Donor Leave will be reinstated to the position held before the leave began, or to a position with equivalent status, benefits, pay and other terms and conditions of employment. The School may refuse to reinstate an employee if the reason is unrelated to taking a Donor Leave. A Donor Leave is not permitted to be taken concurrently with an FMLA/CFRA Leave.

## **Victims of Abuse Leave**

CCS provides reasonable and necessary unpaid leave and other reasonable accommodations to employees who are victims of domestic violence, sexual assault, or stalking. Such leave may be taken to attend legal proceedings or to obtain or attempt to obtain any relief necessary, including a restraining order, to ensure the employee's own health, safety or welfare, or that of the employee's child or children. Employees may also request unpaid leave for the following purposes:

- Seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.
- Obtain services from a domestic violence shelter, program, or rape crisis center.
- Obtain psychological counseling for the domestic violence, sexual assault, or stalking.
- Participate in safety planning, such as relocation, to protect against future domestic violence, sexual assault, or stalking.

To request leave under this policy, an employee should provide CCS with as much advance notice as practicable under the circumstances. If advance notice is not possible, the employee requesting leave under this policy should provide CCS one (1) of the following certifications upon returning back to work:

1. A police report indicating that the employee was a victim of domestic violence, sexual assault, or stalking.
2. A court order protecting the employee from the perpetrator or other evidence from the court or prosecuting attorney that the employee appeared in court.
3. Documentation from a licensed medical professional, domestic violence or sexual assault counselor, licensed health care provider, or counselor showing that the employee's absence was due to treatment for injuries or abuse from domestic violence, sexual assault, or stalking.

Employees requesting leave under this policy may choose to use accrued paid leave. In addition, CCS will provide reasonable accommodations to employees who are victims of domestic violence, sexual assault or stalking for the employees' safety while at work. To request an accommodation under this policy, an employee should contact Human Resources.

## **Returning from Leave of Absence**

Employees cannot return from a medical leave of absence without first providing a sufficient doctor's return to work authorization.

When business considerations require, the job of an employee on leave may be filled by a temporary or regular replacement. An employee should give the Director of Human Resources thirty (30) days' notice before returning from leave. Whenever the School is notified of an employee's intent to return from a leave, the School will attempt to place the employee in his former position or in a comparable position with regard to salary and other terms and conditions for which the employee is qualified. However, re-employment cannot always be guaranteed. If you need further information regarding Leaves of Absence, be sure to consult the Director of Human Resources.

## **DISCIPLINE AND TERMINATION OF EMPLOYMENT**

### **Rules of Conduct**

The following conduct is prohibited and will not be tolerated by the School. This list of prohibited conduct is illustrative only and applies to all employees of the School; other types of conduct that threaten security, personal safety, employee welfare and the School's operations also may be prohibited. Further, the specification of this list of conduct in no way alters the at-will employment relationship as to at-will employees of the School. If an employee is working under a contract with the School which grants procedural rights prior to termination, the procedural terms in the contract shall apply.

1. Insubordination - refusing to perform a task or duty assigned or act in accordance with instructions provided by an employee's manager or proper authority.
2. Inefficiency - including deliberate restriction of output, carelessness or unnecessary wastes of time or material, neglect of job, duties or responsibilities.
3. Unauthorized soliciting, collecting of contributions, distribution of literature, written or printed matter is strictly prohibited on School property by non-employees and by employees. This rule does not cover periods of time when employees are off their jobs, such as lunch periods and break times. However, employees properly off their jobs are prohibited from such activity with other employees who are performing their work tasks.
4. Acceptance, from any source, of a reward, gift, or other form of remuneration in excess of \$100.00, in addition to regular compensation to all staff.
5. Damaging, defacing, unauthorized removal, destruction or theft of another employee's property or of School property.
6. Fighting or instigating a fight on School premises.
7. Violations of the drug and alcohol policy including using, possessing, dealing, distributing, or being under the influence of intoxicating beverages, non-prescribed drugs or any unlawful drugs while on duty or at a work location.
8. Actions which constitute an unwholesome influence on scholars or other staff members, such as harassment, which includes sexual harassment.
9. Using or possessing firearms, weapons or explosives of any kind on School premises.
10. Gambling on School premises.
11. Tampering with or falsifying any report or record including, but not limited to, personnel, absentee, sickness or production reports or records, specifically including applications for employment and time cards.
12. Electronically clocking for another employee or permitting or arranging for another employee to record your clock time.
13. Use of profane, abusive or threatening language in conversations with other employees and/or intimidating or interfering with other employees.
14. Conducting personal business during business hours and/or unauthorized use of telephone lines for personal calls.
15. Excessive absenteeism or tardiness excused or unexcused.
16. Posting any notices on School premises without prior written approval of management, unless posting is on a School bulletin board designated for employee postings.
17. Immoral or indecent conduct.
18. Conviction of a criminal act, especially a felony, or conviction of a misdemeanor involving moral turpitude.
19. Engaging in sabotage or espionage (industrial or otherwise)
20. Violation of the sexual harassment policy.
21. Violation of the School's policies regarding discrimination, harassment, or retaliation.
22. Failure to report a job-related accident to the employee's manager or failure to take or follow

- prescribed tests, procedures or treatment.
23. Sleeping during work hours.
  24. Release of confidential information without authorization.
  25. Any other conduct detrimental to other employees or the School's interests or its efficient operations.
  26. Any willful act of conduct undertaken in bad faith, either during or outside of duty hours, which is of such a nature that it causes discredit to the Charter School;
  27. Violation of any federal, state or local laws affecting the School or the employee's employment or fitness for employment with the School.
  28. Failure to comply with the School's safety protocols and procedures;
  29. Refusal to speak to supervisors or other employees.
  30. Dishonesty.
  31. Failure to possess or maintain the credential/certificate required of the position.

For employees who possess an employment contract which provides for other than at-will employment, the procedures and process for termination during the contract shall be specified in the contract.

### **Off-Duty Conduct**

While the School does not seek to interfere with the off-duty and personal conduct of its employees, certain types of off-duty conduct may interfere with the School's legitimate business interests. For this reason, employees are expected to conduct their personal affairs in a manner that does not adversely affect the School or its own integrity, reputation, or credibility. Illegal or immoral off-duty conduct by an employee that adversely affects the School's legitimate business interests or the employee's ability to perform his or her work will not be tolerated.

While employed by the School, employees are expected to devote their energies to their jobs with the School. For this reason, second jobs are strongly discouraged. The following types of additional employment elsewhere are strictly prohibited:

- Additional employment that conflicts with an employee's work schedule, duties, and responsibilities at our School.
- Additional employment that creates a conflict of interest or is incompatible with the employee's position with our School.
- Additional employment that impairs or has a detrimental effect on the employee's work performance with our School.
- Additional employment that requires the employee to conduct work or related activities on the School's property during the employer's working hours or using our School's facilities and/or equipment; and
- Additional employment that directly or indirectly competes with the business or the interests of our School.

Employees who wish to engage in additional employment that may create a real or apparent conflict of interest must submit a written request to the School explaining the details of the additional employment. If the additional employment is authorized, the School assumes no responsibility for it. CCS shall not provide workers' compensation coverage or any other benefit for injuries occurring from or arising out of additional employment. Authorization to engage in additional employment can

be revoked at any time.

### **Termination of Employment**

Should it become necessary for you to terminate your at-will employment with the School, please notify the Director of Human Resources regarding your intention as far in advance as possible. At least two (2) weeks' notice is expected whenever possible.

When you terminate your at-will employment, you will be entitled to all earned but unused vacation pay. If you are participating in the medical and/or dental plan, you will be provided information on your rights under COBRA.

## **INTERNAL COMPLAINT REVIEW<sup>1</sup>**

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 Director of Human Resources or Board of Directors to express their work-related concerns.

Specific complaints of unlawful harassment, discrimination, and retaliation are addressed under the School’s “Policy Prohibiting Unlawful Harassment, Discrimination, and Retaliation.”

### **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 co-worker.

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 Director of Human Resources or designee:

1. The complainant will bring the matter to the attention of the Director of Human Resources as soon as possible after attempts to resolve the complaint with the immediate supervisor have failed or if not appropriate.
2. The complainant will reduce his or her complaint to writing, indicating all known and relevant facts. The Director of Human Resources or designee will then investigate the facts and provide a solution or explanation.
3. If the complaint is about the Director of Human Resources, the complainant may file his or her complaint in writing to the Superintendent & CEO. The Superintendent & CEO or designee will then investigate the facts and provide a solution or explanation.
4. If the complaint is about the Superintendent & CEO, the complainant may file his or her complaint in writing to the Chair of the Board of Directors, who will then confer with the Board and may conduct a fact-finding or authorize a third party investigator on behalf of the Board. The Board Chair or investigator will report his or her findings to the Board 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 Director of Human Resources or Superintendent & CEO (if the complaint concerns the Director of Human Resources) 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, Director of Human Resources (or designee) shall abide by the following process:

1. The Director of Human Resources 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 Director of Human Resources (or designee) finds that a complaint against an employee is valid, the Director of Human Resources (or designee) may take appropriate disciplinary action against the employee. As appropriate, the Director of Human Resources (or designee) may also simply counsel/reprimand employees as to their conduct without initiating formal disciplinary measures.
3. The Assistant Superintendent of Business Services (or designee's) decision relating to the complaint shall be final unless it is appealed to the Superintendent & CEO. The decision of the Superintendent & CEO shall be final.

### **General Requirements**

1. 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.
2. 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.
3. Resolution: The Board (if a complaint is about the Superintendent & CEO) or the Director of Human Resources 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.

## **AMENDMENT TO EMPLOYEE HANDBOOK**

This Employee Handbook contains the employment policies and practices of the School in effect at the time of publication.

CCS reserves the right to amend, delete or otherwise modify this Handbook at any time provided that such modifications are in writing and duly approved by the employer.

Any written changes to the Handbook will be distributed to all employees. No oral statements can in any way alter the provisions of this Handbook.

## APPENDIX A

### HARASSMENT/DISCRIMINATION/RETALIATION COMPLAINT FORM

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

*If you are an employee of the School, you may file this form with the Director of Human Resources or Superintendent & CEO.*

*Please review the School's policies concerning harassment, discrimination, and retaliation for a definition of such unlawful conduct and a description of the types of conduct that are considered unlawful.*

*CCS 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 offender.*

*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, discrimination, and retaliation are taken very seriously by the School both because of the harm caused by such unlawful conduct, and because of the potential sanctions that may be taken against the offender. 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 harassed, or discriminated or retaliated against, you or someone else: \_\_\_\_\_

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





**APPENDIX B**  
**INTERNAL 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.

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

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

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

To be completed by School:

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

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

APPENDIX C

SCHOOL SAFETY PLAN

California Comprehensive School  
Safety Plan (CSSP)  
Implementation Plan

Compass  
Charter Schools



## **PART 1: California Charter School Comprehensive School Safety Plan Program Overview**

### **What is the California Charter School Safety Plan Compliance Requirement?**

Source: [http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill\\_id=201720180AB1747](http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201720180AB1747)

According to the staff analysis:

#### **Need for the Bill:**

According to the author, "The California Constitution guarantees California children the right to attend public schools which are safe, secure and peaceful. The educational institutions of California, such as the CDE, public school districts, county offices of education, and the schools themselves are responsible for creating safe and secure learning environments.

According to a 2017 audit report conducted by the California State Auditor (CSA), schools face challenges in preparing and responding to incidents of school violence, including active shootings. Results from a statewide survey of districts and county offices conducted as part of the audit suggested that the frequency of active shooter threats and incidents in and around California schools is increasing.

"Comprehensive school safety plans are a collection of procedures for schools to utilize in the event of an emergency, and a policy guideline that promotes a safe learning space. Although the Department of Homeland Security and federal and state agencies recommend having procedures for responding to active shooter incidents, state law does not require that California schools include these procedures in their safety plans. Consequently, the CSA's audit revealed that many districts and county offices do not independently require their schools to include these safety procedures, which results in schools being inadequately prepared to respond to violent incidents."

Existing law specifies that school districts and county offices of education are responsible for the overall development of school safety plans. Each school is required to develop a school safety plan that includes procedures, and policies to ensure student and staff safety at a school site. The components of the plan range from procedures for safe ingress and egress of pupils, parents and school employees; to disaster and emergency procedures such as those during and after earthquakes; to behavioral policies such as discrimination and harassment policies.

State law does not currently require charter schools to have safety plans, but charter petitions must include procedures the school will follow to ensure the safety of pupils and staff. This bill requires charter schools to develop a school safety plan, including procedures for conducting tactical responses to criminal incidents; requires comprehensive school safety plans to include procedures for conducting tactical responses to criminal incidents; increases the California Department of Education's (CDE's) responsibilities relating to school safety plans; and requires school site councils to also consult with the fire department and other first responder entities in the writing and development of the comprehensive school safety plan.

Specifically, this bill:

- 1) Adds classified employees to the language stating that is the intent of the Legislature that comprehensive school safety plans be developed in cooperation with local law enforcement agencies, community leaders, parents, pupils, teachers, administrators, and other persons who may be interested in the prevention of campus crime and violence.
- 2) States that it is the intent of the Legislature that all school staff be trained on the comprehensive school safety plan.

- 3) Requires the school site council to also consult with a representative from a fire department and other first responder entities in the writing and development of the comprehensive school safety plan.
- 4) Requires the comprehensive school safety plan and any updates to the plan shall be shared with the law enforcement agency, the fire department, and the other first responder entities.
- 5) Requires the comprehensive school safety plan to include procedures for conducting tactical responses to criminal incidents, including procedures related to individuals with guns on school campuses and at school-related functions.
- 6) Requires the procedures to prepare for active shooters or other armed assailants to be based on the specific needs and context of each school and community.
- 7) Requires the CDE to:
  - a) Provide general direction to school districts, county offices of education, and charter schools on what to include in the school building disaster plan.
  - b) Maintain and conspicuously post on its Internet Web site a compliance checklist for developing a comprehensive school safety plan, and shall update the checklist when necessary.
  - c) Develop and post on its Internet Web site best practices for reviewing and approving school safety plans.
- 8) Requires charter schools to develop a school safety plan, based on many of the components of a comprehensive school safety plan, and procedures for conducting tactical responses to criminal incidents.

## **PART 2: What charter schools are required to include in their school safety plan**

### **AB1747 specifically states the following:**

The Charter Schools Act of 1992 provides for the establishment and operation of charter schools, including countywide charter schools, and requires a petition for the establishment of a charter school to contain comprehensive descriptions of various matters and procedures, including procedures that the charter school will follow to ensure the health and safety of pupils and staff.

This bill would require these procedures to also require the development of a school safety plan, as provided, and that the school safety plan be reviewed and updated by March 1 of every year by the charter school. To the extent the bill would impose additional duties on county boards of education, the bill would impose a state-mandated local program.

Specifically, the following sections of charter school law were amended as follows:

### **SEC. 5. (Establishment of a charter school within a school district)**

Section 47605 of the Education Code is amended to read:

(6) Commencing January 1, 2003, a petition to establish a charter school *shall* not be approved to serve pupils in a grade level that is not served by the school district of the governing board considering the petition, unless the petition proposes to serve pupils in all of the grade levels served by that school district.

(F) The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall *require all of the following*:

(i) *That each employee of the charter school furnishes the charter school with a criminal record summary as described in Section 44237.*

(ii) *The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (H), inclusive, of paragraph (2) of subdivision (a) of Section 32282 and procedures for conducting tactical responses to criminal incidents.*

(iii) *That the school safety plan be reviewed and updated by March 1 of every year by the charter school.*

#### **SEC. 6. (Establishment of a charter school with a County Board of Education)**

Section 47605.6 of the Education Code is amended to read:

(G) The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall *require all of the following:*

(i) *That each employee of the charter school furnishes the charter school with a criminal record summary as described in Section 44237.*

(ii) *The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (H), inclusive, of paragraph (2) of subdivision (a) of Section 32282 and procedures for conducting tactical responses to criminal incidents.*

(iii) *That the school safety plan be reviewed and updated by March 1 of every year by the charter school.*

(I) The manner in which annual, *independent* financial audits shall be conducted, in accordance with regulations established by the state board, and the manner in which audit exceptions and deficiencies shall be resolved.

(O) The rights of an employee of the county office of education, upon leaving the employment of the county office of education, to be employed by the charter school, and any rights of return to the county office of education that an employee may have upon leaving the *employment* of the charter school.

(iv) In accordance with Section 49011, preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued *enrollment*.

(k) If a county board of education denies a petition, the petitioner *shall* not elect to submit the petition for the establishment of the charter school to the state board.

#### **SEC. 7.**

*If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.*

#### **Summary**

In accordance with the amended language cited above, a Charter School Comprehensive School Safety Plan must therefore comply specifically with education code sections 44237, and subparagraphs (A) to (H), inclusive, of paragraph (2) of subdivision (a) of Section 32282. In addition, the plan must include procedures for conducting tactical responses to criminal incidents.

### **PART 3: Charter School Employee Criminal Record Summary Policy (EC 47605.6.F.i; EC 44237)**

Compass Charter Schools recognizes the importance of maintaining a safe workplace with employees who are honest, trustworthy, qualified, reliable, and nonviolent, and do not present a risk of harm to students, coworkers or others. Compass Charter Schools will perform applicant background checks and employee investigations as required by Education Code section 47605 [b][f], which requires that “each employee of the school furnish the school with a criminal record summary”.

All employees must have Live Scan fingerprint results on file with Compass Charter Schools. Proof of Live Scan fingerprinting is a requirement of employment and the results must be provided to Compass Charter Schools prior to the first day of work. Live Scan fingerprinting will be required of all job applicants, employees, and volunteers as required by California and federal law.

Background checks may also be required of employees whose job duties involve care of students, handling of money, valuables or confidential information, or as otherwise deemed prudent by the school. These background checks are performed through a fingerprinting service coordinated by the California Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI). Any and all information obtained by Compass Charter Schools may be taken into consideration in evaluating one’s suitability for employment, promotion, reassignment, or retention as an Employee.

Compass Charter Schools shall also request subsequent arrest notification from the Department of Justice and take all necessary action based upon such further notification.

Compass Charter Schools may occasionally find it necessary to investigate current employees, where behavior or other relevant circumstances raise questions concerning work performance, reliability, honesty, trustworthiness, or potential threat to the safety of coworkers, students or others. Employee investigations may, where appropriate, include credit reports and investigations of criminal records, including appropriate inquiries about any arrest for which the employee is out on bail. In the event that a background check is conducted, Compass Charter Schools will comply with the federal Fair Credit Reporting Act and applicable state laws, including providing the employee with any required notices and forms. Employees subject to an investigation are required to cooperate with Compass Charter School’s lawful efforts to obtain relevant information, and may be disciplined up to and including suspension without pay and/or termination for failure to do so.

Employees with adverse background information (such as certain specific criminal conviction) may be ineligible for employment with Compass Charter Schools.

### **PART 4: Charter School Safety Procedures—Child Abuse Reporting [EC 47605(6)(F)(ii); EC 32282.(2)(A)]**

**According to the Education Code (EC § 32282):**

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

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



California Penal Code section 11166 requires any child care custodian who has knowledge of, or observes, a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse to report the known or suspected instance of child abuse to a child protective agency immediately, or as soon as practically possible, by telephone and to prepare and send a written report thereof within thirty-six (36) hours of receiving the information concerning the incident.

CCS will provide annual training on the mandated reporting requirements, using the online training module provided by the State Department of Social Services, to employees who are mandated reporters. Mandated reporter training will also be provided to employees hired during the course of the school year. This training will include information that failure to report an incident of known or reasonably suspected child abuse or neglect, as required by Penal Code section 11166, is a misdemeanor punishable by up to six (6) months confinement in a county jail, or by a fine of one-thousand dollars (\$1,000), or by both that imprisonment and fine.

All employees required to receive mandated reporter training must provide proof of completing the training within the first six (6) weeks of each school year or within the first six (6) weeks of that employee's employment.

By acknowledging receipt of this Handbook, employees acknowledge they are child care custodians and are certifying that they have knowledge of California Penal Code section 11166 and will comply with its provisions.

## **PART 5: Charter School Safety Procedures—Routine and Emergency Disaster Procedures [EC 47605(6)(F)(ii); EC 32282.(2)(B)]**

### **According to the Education Code (EC § 32282):**

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

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

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

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

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

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

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

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

## **SAFETY RULES**

Each employee is expected to follow all safety rules, safe operating procedures and practices designed to promote a safe and healthful workplace.

- Employees shall not engage in horseplay, running, fighting or any activity that may result in injury.
- No employee shall report to work while under the influence of drugs or intoxicating substances.
- All unsafe conditions must be reported to a supervisor immediately.
- Never operate any office machine with which you are unfamiliar or have not been trained.
- Never block or obstruct exits or hallways.
- Always observe proper lifting techniques and ask for help if required.
- Do not perform any task you feel is unsafe. Inform a supervisor and request help.
- Always observe proper posture and ergonomic guidelines when typing.
- Immediately report any work-related injuries to your supervisor

## **FIRST AID KIT & FIRE EXTINGUISHERS**

First Aid kits are available at the administrative office and at each site where students and staff are required to gather, i.e. testing sites. The first aid kit contains medical supplies needed in case of minor accidents. Please report to your supervisor if the kit needs more supplies.

Fire extinguishers are accessible at the administrative office. Please report to your supervisor or Office Support Coordinator if you need a new fire extinguisher or need to charge your existing one. Fire extinguishers are inspected annually by an outside company that provides this service.

Remember to notify your supervisor immediately if you have any work-related accident or injury.

## **Driving a Vehicle as Part of One's Job**

Some positions require that an employee drives to or between various sites, including students' homes during working hours. All drivers must, at all times, have a valid California drivers' license and possess at least the minimum of automobile insurance as required by Compass Charter School. If, at any time, an employee's license or insurance is terminated, revoked, cancelled or suspended, s/he must notify the school immediately and refrain from driving a motor vehicle until his or her license and/or insurance is reinstated.

Unless approval has been granted by the Superintendent, no employee shall transport a student or student's parent during working hours.

All drivers are expected to follow California's laws while driving on school business, including obeying speed limits and observing rules of the road. Moving violations, parking tickets, and accidents are an employee's responsibility and the Charter School will not reimburse for fines, tickets, or traffic school that are imposed as consequences of driving behaviors.

## Employee Safety Training

All new employees will attend safety training. In addition, all current employees will attend safety training if transferred to a new position or when changes are made to the workplace. Refresher training will be provided as necessary. Safety training is mandatory.

## **EARTHQUAKES AND FIRE SAFETY**

### **EARTHQUAKE PROCEDURE**

In a major quake, you may experience gentle shaking at first and then more violent shaking within a few seconds. You may find it difficult to maintain your balance or it may even knock you off your feet. Or, you may be shaken by a sudden and violent jolt. It may be difficult or impossible to move from one room to the next. Within seconds, you'll feel the shaking stop.

Don't Panic:

- Remain calm and reassure students or staff.
- Act decisively; your action will set the tone for others around you.

If you are indoors when shaking starts:

- “DROP, COVER AND HOLD ON.” If you are not near a strong table or desk, drop to the floor against an interior wall and cover your head and neck with your arms or stand in a doorway and direct students to do the same.
- Stay away from windows, bookcases, cabinets, outside walls and other heavy objects until the shaking stops.
- Do not try to run out of the structure during strong shaking.
- Stay away from buildings. Glass from tall buildings does not always fall straight down; it can catch a wind current and travel great distances.
- Do not use elevators.
- If you use a wheelchair, lock the wheels and cover your head.
- Protect your head and eyes from falling debris.
- Stay in the building.
- Don't be surprised if the electricity goes out or the fire alarms sound.

If you are outdoors when shaking starts:

- Move to a clear area if you can safely walk. Avoid power lines, buildings and trees.

### **The Shaking Has Stopped. Now What?**

Immediately after the quake, the greatest danger is from falling objects, followed by fire.

- Make sure you are safe and not injured.
- Remain calm.
- Check those around you, looking for those trapped or injured; administer first aid. Do not move seriously injured persons unless they are in immediate danger.

- Check around you for dangerous conditions, such as fires or possible fire hazards, downed power lines and structure damage.
- If you have fire extinguishers and are trained to use them, put out small fires immediately.
- If you suspect danger, evacuate.
- Don't use the elevator. Use the stairs.
- If at a testing site, calmly walk students to the evacuation meeting site, bringing

student list.

- Take attendance to verify ALL students who were with you in the room are accounted for in the line.
- Note any students who are missing on the Missing Student Form. Someone will be around to collect this information.
- Wait for instructions.
- Turn on battery powered radios or a car radio.
- Check the building for damage.
- Assemble emergency supplies, water, food, and first aid supplies.
- Telephone for emergencies only.
- Be prepared for aftershocks; they are usually not as strong as the initial earthquakes.
- Cooperate with public safety officials.
- If faculty and students are released back to the building, return and verify attendance once more (if students are present).

If you are trapped in debris:

- Move as little as possible so that you don't kick up dust. Cover your nose and mouth with a handkerchief or clothing.
- Tap on a pipe or wall so that rescuers can hear where you are. Use a whistle if one is available. Shout only as a last resort.

Prepare Now Before the Shaking Starts

- Become familiar with evacuation routes.
- Discuss plans and know what to do.
- Check areas for earthquake hazards and recommend measures to correct them.
- Brace or anchor high shelves, cabinets, or other things that could fall.
- Be trained in CPR and first aid.
- Plan alternate routes of evacuation.
- Plan for disabled employees.
- You may not be able to leave the premises for 72 hours, so keep a battery-powered radio, extra batteries, flashlights, sturdy shoes, and first aid supplies on hand.

### **Fire Emergency Procedure**

In case of fire, the individual who discovers the fire shall assume these responsibilities:

- Call the Fire Department by dialing 911 and pulling the nearest fire alarm switch.
- If police or paramedics are needed, tell the 911 operator.
- If there isn't an alarm, be sure to tell everyone in the office.

- Clear employees from the immediate area.
- Attempt to put out the fire with an extinguisher if possible, but do not jeopardize your safety to fight it.
- Close, but do not lock all doors leading to the fire areas to contain the fire.
- Have employees exit the building; check restrooms, test cells, etc.
- Assist disabled or injured employees while exiting.

Employees shall follow these safety guidelines:

- Do not panic; listen for instructions.
- Exit quietly and quickly.
- Touch doors before opening. Do not open hot doors. Do not break windows. If you cannot exit an area, stuff a jacket or coat under the door and cover air vents to prevent the entry of smoke. STAY LOW TO THE FLOOR.
- Do not assist fire-fighting personnel unless asked to do so.
- Do not attempt to salvage items or retrieve purses, coats, or other personal belongings.

Evacuation plans shall be posted in conspicuous locations throughout each building.

### **GUIDELINES FOR PEOPLE WITH DISABILITIES IN EMERGENCIES**

Evacuation of people with disabilities will be given high priority in all emergencies. In an emergency situation, it is important that staff are familiar with the needs of people with disabilities. Whenever possible, people with disabilities will be positioned near a doorway for an easier exit.

The following guidelines are important to follow:

- Establish a buddy system. People with disabilities should prepare for an emergency ahead of time by instructing a co-worker or supervisor on how to assist in the event of any emergency.
- If assistance is not immediately available, disabled people should remain near the stairwell landing or in the elevator lobby. Rescue personnel will first check all exit corridors and stairwells for those trapped. She/he should continue to call for help until rescued.
- Individuals, who cannot speak loudly, or with voice / speech impairments, should carry a whistle or have other means of attracting attention of others.
- Be familiar with alarm signals.
- Leave school materials in the room to avoid wasting time.
  - Wait for rescue and remain calm.
  - DO NOT re-enter a building until permitted by emergency personnel.

If you suspect a fire is behind a door; cover your hand to provide protection, first and then test the door by touching it. If it is hot, then do NOT use the door as an exit. Try to find an alternate route for an exit. A cautionary note on elevators: Do NOT use elevators unless authorized to do so by police or fire personnel. Elevators could fail during a fire, earthquake or flood.

### **Evacuation Policy for People with Disabilities**

School personnel shall familiarize themselves with these procedures in order to assist in planning for the evacuation of people with physical and sensory disabilities.

## In All Emergencies, After an Evacuation has Been Ordered:

- Evacuation of people with disabilities will be given high priority in all emergencies and will be evacuated if possible. Evacuating a disabled or injured person by only one person with no assistance is a last resort.
- Attempt a rescue evacuation ONLY if you have had rescue training.
- Check on people with special needs during an evacuation, determine if they have established a “buddy system,” and ensure their safe evacuation.
- Always ASK someone with a disability how you can help BEFORE attempting any rescue technique or giving assistance. Ask how he or she can best be assisted or moved, and whether there are any special considerations or items that need to come with the person.
- If the situation is life threatening, call 9-1-1.
- Do NOT use elevators, unless authorized to do so by police or fire personnel. Elevators could fail during a fire, earthquake or flood.

### **POWER OUTAGES**

If an outage occurs during the day and people with disabilities choose to wait in the building for electricity to be restored, they can move near a window where there is natural light and access to a working telephone. During regular building hours, the Office Support Coordinator will notify the building owner. Power cuts can occur due to rolling blackouts, extreme weather conditions, or can accompany other disasters such as earthquakes. If there is no power in the Charter School, turn off and unplug appliances and computers. Leave one light on to indicate when power has been restored.

### **LOCKDOWN/SHELTER IN PLACE**

#### **ACTIVE SHOOTER**

In the event of an Active Shooter or Gunman on or near Charter School premises, move to our safe room, (the File Room). Lockdown and barricade inside until Police informs you it is now safe to exit this location.

In general, how you respond to an active shooter will be dictated by the specific circumstances of the encounter, bearing in mind there could be more than one shooter involved in the same situation.

If you are near an area where a shooting or shooter is identified, take whatever actions necessary to protect yourself. Situational Awareness is key; if the shooter is in your area, get away from it. Use any means necessary to get out or away from the incident. If you are not hearing gun fire or seeing an assailant, lock down and shelter in place immediately.

- Lockdown/Shelter in Place – Move quickly to the identified safe room or a room that is easily lockable. Stay in that location until Police informs you that it is safe to exit your location.
- Lock all entrances to your location.
- Barricade all entrances with furniture, desks, or anything available.
- Close blinds and turn off the lights.
- Silence cell phones.
- Stay low to the ground and hide until the situation has ended.
- Work in groups and develop a plan in case the shooter is able to make it into your area.

One of the instructions you may be given in an emergency is to shelter-in-place. This means you should stay indoors until authorities tell you it is safe or you are told to evacuate.

#### **Shelter in Place**

In case of a biological event:

- Select a small, interior room, with no or few windows.
- Close and lock all windows and exterior doors.
- Turn off all fans, heating and air conditioning systems.
- Use duct tape and plastic sheeting (heavier than food wrap) to seal all cracks around the door and any vents into the room.
- Listen to your radio or television for further instructions or updates.
- If you are in your car, close windows and turn off vents and air conditioning.

### **TERRORIST ATTACKS**

Terrorism may involve devastating acts using weapons of mass destruction. These weapons range from chemical agents, biological hazards, a radiological or nuclear device, and other explosives. The primary objective of a terrorist is to create widespread fear.

If there is a terrorist Attack:

- Stay calm.
- Be vigilant. Look out for secondary hazards such as falling debris or additional attacks.
- Follow the instructions of emergency service personnel.

### **IF YOU RECEIVE A BOMB THREAT:**

- Ask the caller the following questions:
  1. When is the bomb going to explode?
  2. Where is the bomb right now?
  3. What kind of bomb is it?
  4. What does the bomb look like?
  5. Why did you place the bomb?
  6. Where are you calling from?
- Record the exact time and length of the call.
- Write down the exact words of the caller.
- Listen carefully to the caller's voice and background noise.
- After you hang up, call 9-1-1 immediately from a hard-wired telephone – do not use cell phones to report a bomb threat.

### **TSUNAMI PROCEDURES**

A local earthquake may generate tsunami waves that can reach shore in minutes. immediately evacuate by walking to higher ground if:

- Officials issue a tsunami warning and order evacuations.
- You hear the Outdoor Warning System.
- The earth shakes so much that you can't stand.
- Shaking lasts longer than 20 seconds; and/or
- You notice water receding from the shoreline.

### **Storm & Flooding Procedures**

Winter rains can cause floods, landslides, uprooted trees, and downed or broken utility lines in almost any neighborhood.

During the Storm:

- If water has entered the premises, do not walk through it – it may contain hazardous materials.
- If you are asked to leave your property, disconnect all electrical appliances.
- Avoid downed power lines and broken gas lines.

## **PROCEDURE FOR DOCUMENTING AND REPORTING INJURIES**

In the event of an accident or injury, the employee will fill out the Charter School Accident/Injury Report Form and turn it into the school office or direct supervisor. This form is available at the school office and is included in this Comprehensive School Safety Plan document.

**This Comprehensive Safety Plan has been developed in accordance with the intent of AB 1747 (Rodriguez), passed by the California State Legislature and signed into law in 2017-18, and in full compliance with the corresponding language required in AB 1747 as referenced in California Education Code Sections 47605.(b) (5) (F), 44237, and 32282.**

### **PART 6: Charter School Safety Procedures—Suspension/Expulsion Policies and Procedures [EC 47605(6)(F)(ii); EC 32282.(2)(C)]**

**According to the Education Code (EC § 32282):**

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

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

#### **A. Grounds for Suspension and Expulsion of Scholars**

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

#### **B. Enumerated Offenses**

1. Discretionary Suspension Offenses. Students may be suspended for any of the following acts when it is determined the pupil:
  - a. Caused, attempted to cause, or threatened to cause physical injury to another person.
  - b. Willfully used force or violence upon the person of another, except self-defense.



- c. Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053- 11058, alcoholic beverage, or intoxicant of any kind.
- d. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e. Committed or attempted to commit robbery or extortion.
- f. Caused or attempted to cause damage to school property or private property, which includes, but is not limited to, electronic files and databases.
- g. Stole or attempted to steal school property or private property, which includes, but is not limited to, electronic files and databases.
- h. Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
- i. Committed an obscene act or engaged in habitual profanity or vulgarity.
- j. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- l. Knowingly received stolen school property or private property, which includes, but is not limited to, electronic files and databases.
- m. Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n. Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.
- o. Harassed, threatened, or intimidated a scholar who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that scholar from being a witness and/or retaliating against that scholar for being a witness.

- p. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- q. Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, “hazing” does not include athletic events or school-sanctioned events.
- r. Made terroristic threats against school officials and/or school property, which includes, but is not limited to, electronic files and databases. 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, which includes, but is not limited to, electronic files and databases, or the personal property of the person threatened or his or her immediate family.
- s. Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual’s academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- t. Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- u. Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a scholar or group of students to the extent of having the actual and reasonably expected effect of materially disrupting classwork, 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. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- v. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
  - 1. “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 scholar or group of students which would

be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:

- i. Placing a reasonable scholar (defined as a student, including, but is not limited to, a scholar with exceptional needs, 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 exceptional needs) or students in fear of harm to that student's or those students' person or property.
- ii. Causing a reasonable scholar to experience a substantially detrimental effect on his or her physical or mental health.
- iii. Causing a reasonable scholar to experience substantial interference with his or her academic performance.
- iv. Causing a reasonable scholar to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.

2. "Electronic Act" means the creation or 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:

- i. A message, text, sound, video, or image.
- ii. A post on a social network Internet Web site including, but not limited to:
  - a. Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
  - b. Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph 1. 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.
  - c. Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) 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.

iii. An act of cyber sexual bullying.

For purposes of this clause, "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 in subparagraphs (i) to (iv), inclusive, of paragraph (1). 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.

a. For purposes of this clause, "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.

3. Notwithstanding subparagraphs (1) and (2) 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.

- w. A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1)(a)-(b).
- x. Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the scholar had obtained written permission to possess the item from a certificated school employee, with the Superintendent or designee's concurrence.

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

a. Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the scholar had obtained written permission to possess the item from a certificated school employee, with the Superintendent or designee concurrence.

3. Discretionary Expellable Offenses: Students may be recommended for expulsion for any of the following acts when it is determined the pupil:

- a. Caused, attempted to cause, or threatened to cause physical injury to another person.
- b. Willfully used force or violence upon the person of another, except self-defense.
- c. Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053- 11058, alcoholic beverage, or intoxicant of any kind.
- d. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e. Committed or attempted to commit robbery or extortion.
- f. Caused or attempted to cause damage to school property or private property, which includes, but is not limited to, electronic files and databases.

- g. Stole or attempted to steal school property or private property, which includes, but is not limited to, electronic files and databases.
- h. Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
- i. Committed an obscene act or engaged in habitual profanity or vulgarity.
- j. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k. Knowingly received stolen school property or private property, which includes, but is not limited to, electronic files and databases.
- l. 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.
- m. Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.
- n. Harassed, threatened, or intimidated a scholar who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that scholar from being a witness and/or retaliating against that scholar for being a witness.
- o. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- p. Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, "hazing" does not include athletic events or school-sanctioned events.
- q. Made terroristic threats against school officials and/or school property, which includes, but is not limited to, electronic files and databases. 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, which includes, but is not limited to, electronic files and databases, or the personal property of the person threatened or his or her immediate family.

- r. Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- s. Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- t. Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a scholar or group of students to the extent of having the actual and reasonably expected effect of materially disrupting classwork, 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. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- u. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
  - 1. "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 scholar or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
    - i.Placing a reasonable scholar (defined as a student, including, but is not limited to, a scholar with exceptional needs, 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 exceptional needs) or students in fear of harm to that student's or those students' person or property.
    - ii.Causing a reasonable scholar to experience a substantially detrimental effect on his or her physical or mental health.
    - iii.Causing a reasonable scholar to experience substantial interference with his or her academic performance.
    - iv.Causing a reasonable scholar to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.

- 2. "Electronic Act" means the creation or 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:

i. A message, text, sound, video, or image.

ii. A post on a social network Internet Web site including, but not limited to:

a. Posting to or creating a burn page. A “burn page” means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.

b. Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph

1. 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.

c. Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) 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.

iii. An act of cyber sexual bullying.

For purposes of this clause, “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 in subparagraphs (i) to (iv), inclusive, of paragraph (1). 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.

a. For purposes of this clause, “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.

3. Notwithstanding subparagraphs (1) and (2) 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.

v. A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (3)(a)-(b).

w. Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the scholar had obtained written permission to possess the item from a certificated school employee, with the Superintendent or designee concurrence.

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

a. Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the scholar had obtained written permission to possess the item from a certificated school employee, with the Superintendent or designee concurrence.

If it is determined by the Administrative Panel and/or Board of Directors that a scholar has brought a firearm or destructive device, as defined in Section 921 of Title 18 of the United States Code, onto campus or to have possessed a firearm or dangerous device on campus, the scholar shall be expelled for one year, pursuant to the Federal Gun Free Schools Act of 1994. In such instances, the pupil shall be provided due process rights of notice and a hearing as required in this policy.

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

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

### **C. Suspension Procedure**

Suspensions shall be initiated according to the following procedures:

#### **1. Conference**

Suspension shall be preceded, if possible, by a conference conducted by the Superintendent or designee with the scholar and his or her parent and, whenever practical, the teacher, supervisor or Charter School employee who referred the scholar to the Superintendent & CEO or designee.

The conference may be omitted if the Superintendent or designee determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of scholars or Charter School personnel. If a scholar is suspended without this conference, both the parent/guardian and scholar shall be notified of the scholar's right to return to school for the purpose of a conference.

At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense, in accordance with Education Code Section 47605(b)(5)(J)(i). This conference shall be held within two (2) school days, unless the pupil waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with Charter School officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference.

#### **2. Notice to Parents/Guardians**



At the time of the suspension, the Superintendent or designee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a scholar is suspended, the parent/guardian shall be notified in writing of the suspension and the date of return following suspension. This notice shall state the specific offense committed by the scholar. In addition, the notice may also state the date and time when the scholar may return to school. If Charter School officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent/guardian respond to such requests without delay.

### 3. Suspension Time Limits/Recommendation for Placement/Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension.

Upon a recommendation of expulsion by the Superintendent or designee, the pupil and the pupil's guardian or representative will be invited to a conference to determine if the suspension for the pupil should be extended pending an expulsion hearing. In such instances when the Charter School has determined a suspension period shall be extended, such extension shall be made only after a conference is held with the pupil or the pupil's parents, unless the pupil and the pupil's parents fail to attend the conference.

This determination will be made by the Superintendent or designee upon either of the following determinations: 1) the pupil's presence will be disruptive to the education process; or 2) the pupil poses a threat or danger to others. Upon either determination, the pupil's suspension will be extended pending the results of an expulsion hearing.

### D. Authority to Expel

As required by Education Code Section 47605(b)(5)(J)(ii), scholars recommended for expulsion are entitled to a hearing adjudicated by a neutral officer to determine whether the scholar should be expelled. The procedures herein provide for such a hearing and the notice of said hearing, as required by law.

A scholar may be expelled either by the neutral and impartial Charter School Board of Directors following a hearing before it or by the Charter School Board of Directors upon the recommendation of a neutral and impartial Administrative Panel to be assigned by the Board of Directors 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 scholar found to have committed an expellable offense, and the Board of Directors shall make the final determination.

### E. Expulsion Procedures

Scholars recommended for expulsion are entitled to a hearing to determine whether the scholar should be expelled. Unless postponed for good cause, the hearing shall be held within thirty (30) school days after the Superintendent or designee determines that the pupil has committed an expellable offense.

In the event an Administrative Panel hears the case, it will make a recommendation to the Governing Board for a final decision whether to expel. The hearing shall be held in closed session (complying with all pupil confidentiality rules under FERPA) unless the pupil makes a written request for a public hearing in open session three (3) days prior to the date of the scheduled hearing.

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

1. The date and place of the expulsion hearing
2. A statement of specific facts, charges and offenses upon which the proposed expulsion is based
3. A copy of CCS' disciplinary rules which relate to the alleged violation
4. Notification of the scholar's and/or parent/guardian's obligation to provide information about the scholar's status at the school to any other school district or school to which the scholar seeks enrollment
5. The opportunity for the scholar and/or the scholar's parent/guardian to appear in person or to employ and be represented by counsel or a non-attorney advisor
6. The right to inspect and obtain copies of all documents to be used at the hearing
7. The opportunity to confront and question all witnesses who testify at the hearing
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the scholar's behalf including witnesses.

#### **F. Special Procedures for Expulsion Hearings Involving Sexual Assault or Battery Offenses**

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

1. The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of his/her right to (a) receive five (5) days' notice of his/her scheduled testimony, (b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she testifies, which may include a parent, guardian, or legal counsel, and (c) elect to have the hearing closed while testifying.
2. CCS must also provide the victim a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.

3. At the discretion of the entity conducting the hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which he or she may leave the hearing room.
4. The entity conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.
5. The entity conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
6. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the entity presiding over the hearing from removing a support person whom the presiding person finds is disrupting the hearing. The entity conducting the hearing may permit any one of the support persons for the complaining witness to accompany him or her to the witness stand.
7. If one or both of the support persons is also a witness, CCS must present evidence that the witness' presence is both desired by the witness and will be helpful to CCS. The person presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising his or her discretion to remove a person from the hearing whom he or she believes is prompting, swaying, or influencing the witness.
8. The testimony of the support person shall be presented before the testimony of the complaining witness and the complaining witness shall be excluded from the courtroom during that testimony.
9. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in the public at the request of the pupil being expelled, the complaining witness shall have the right to have his/her testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are not alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing by means of closed-circuit television.
10. Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the person conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstances can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

## **G. Record of Hearing**

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

#### **H. Presentation of Evidence**

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

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

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

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

If the Administrative Panel decides not to recommend expulsion, the pupil shall immediately be returned to his/her educational program.

#### **I. Written Notice to Expel**

The Superintendent or designee, following a decision of the Board of Directors to expel, shall send written notice of the decision to expel, including the Board of Directors' adopted findings of fact, to the scholar or parent/guardian. This notice shall also include the following: (a) Notice of the specific offense committed by the scholar; and (b) Notice of the scholar's or parent/guardian's obligation to inform any new district in which the scholar seeks to enroll of the scholar's status with the Charter School.

The Superintendent or designee shall send a copy of the written notice of the decision to expel to the authorizer. This notice shall include the following: (a) The scholar's name; and (b) The specific expellable offense committed by the scholar.

#### **J. Disciplinary Records**

CCS shall maintain records of all scholar suspensions and expulsions at the Charter School. Such records shall be made available to the authorizer upon request.

#### **K. No Right to Appeal**

The pupil shall have no right of appeal from expulsion from CCS as the CCS Board of Directors' decision to expel shall be final.

#### **L. Expelled Pupils/Alternative Education**

Parents/guardians of pupils who are expelled shall be responsible for seeking alternative education programs including, but not limited to, programs within the County or their school district of residence. CCS shall work cooperatively with parents/guardians as requested by parents/guardians or by the school district of residence to assist with locating alternative placements during expulsion.

#### **M. Rehabilitation Plans**

Scholars who are expelled from CCS shall be given a rehabilitation plan upon expulsion as developed by the Board of Directors at the time of the expulsion order, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date not later than one year from the date of expulsion when the pupil may re-apply to CCS for admission.

#### **N. 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 Board of Directors following a meeting with the Superintendent or designee and the pupil and parent/guardian or representative 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 Superintendent or designee shall make a recommendation to the Board of Directors following the meeting regarding his or her determination. The Board shall then make a final decision regarding readmission during the closed session of a public meeting, reporting out any action taken during closed session consistent with the requirements of the Brown Act. The pupil's readmission is also contingent upon the CCS' capacity at the time the scholar seeks readmission.

#### **O. Special Procedures for the Consideration of Suspension and Expulsion of Students with Disabilities**

##### **1. Notification of SELPA**

CCS shall immediately notify the SELPA and coordinate the procedures in this policy with the SELPA of the discipline of any scholar with a disability or scholar that CCS or the SELPA would be deemed to have knowledge that the scholar had a disability.

##### **2. Services During Suspension**

Students suspended for more than ten (10) school days in a school year shall continue to receive services so as to enable the scholar to continue to participate in the general education curriculum, although in another setting (which could constitute a change of placement and the student's IEP would reflect this change), and to progress toward meeting the goals set out in the child's IEP/504 Plan; and receive, as appropriate, a functional behavioral assessment and behavioral intervention services and

modifications, that are designed to address the behavior violation so that it does not recur. These services may be provided in an interim alternative educational setting.

### 3. Procedural Safeguards/Manifestation Determination

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

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

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

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

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

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

### 4. Due Process Appeals

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

When an appeal relating to the placement of the scholar or the manifestation determination has been requested by either the parent/guardian or CCS, the scholar shall remain in the interim alternative educational setting pending the decision of the hearing officer in accordance with state and federal law, including 20 U.S.C. Section 1415(k), until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, unless the parent/guardian and CCS agree otherwise.

In accordance with 20 U.S.C. Section 1415(k)(3), if a parent/guardian disagrees with any decision regarding placement, or the manifestation determination, or if the Charter School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, the parent/guardian or Charter School may request a hearing.

In such an appeal, a hearing officer may: (1) return a child with a disability to the placement from which the child was removed; or (2) order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.

#### 5. Special Circumstances

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

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

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

#### 6. Interim Alternative Educational Setting

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

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

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

CCS shall be deemed to have knowledge that the scholar had a disability if one of the following conditions exists:

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

If CCS knew or should have known the scholar had a disability under any of the three (3) circumstances described above, the scholar may assert any of the protections available to IDEA-eligible children with disabilities, including the right to stay-put.

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

CCS shall not be deemed to have knowledge that the scholar had a disability if the parent/guardian has not allowed an evaluation, refused services, or if the scholar has been evaluated and determined to not be eligible.

## **PART 7: Charter School Safety Procedures—Procedures to Notify Teachers of Dangerous Pupils [EC 47605(6)(F)(ii); EC 32282.(2)(D)]**

**According to the Education Code (EC § 32282):**



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

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

*(CDE School Safety Plan Compliance Checklist guidance: Refer to Board Policy, include site-specific steps, if needed.)*

At CCS, Administrators will email a confidential notification daily to staff. This bulletin includes the current student suspensions and the educational codes used to identify the student's behavioral issue. In certain cases, a teacher may be notified personally by an administrator if deemed necessary and isn't in violation of the student's rights.

## **PART 8: Charter School Safety Procedures—Discrimination and Harassment Policy [EC 47605(6)(F)(ii); EC 32282.(2)(E)]**

### **According to the Education Code (EC § 32282):**

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

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

CCS does not discriminate against any student or employee on the basis of actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, immigration status, religion, religious affiliation, sexual orientation, or any other characteristic that is contained in the definition of hate crimes in the California Penal Code.

CCS adheres to all provisions of federal law related to students with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990 ("ADA"), and the Individuals with Disabilities Education Improvement Act of 2004.

CCS is committed to providing a work and educational atmosphere that is free of unlawful harassment under Title IX of the Education Amendments of 1972 (sex), Title VI, VI, and VII of the Civil Rights Act of 1964 (race, color, or national origin), the Age Discrimination in Employment Act of 1967, The Age Discrimination Act of 1975, the IDEA, and Section 504 and Title II of the ADA (mental or physical disability). The School also prohibits sexual harassment and harassment based upon pregnancy, childbirth or related medical conditions, race, religion, creed, color, immigration status, gender, gender identity, gender expression, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal, state, local law, ordinance or regulation. CCS does not condone or tolerate harassment of any type, including bullying, discrimination, or intimidation, by any employee, independent contractor or other person with which CCS does business, or any other individual, student, or volunteer. This applies to all employees, students, or volunteers and relationships, regardless of position or gender. CCS will promptly and thoroughly investigate any complaint of harassment and take appropriate corrective action, if warranted.

### **Compliance Officers**

The Board of Directors designates the following compliance officer(s) to receive and investigate complaints and to ensure the Charter School's compliance with law:

J.J. Lewis | Superintendent  
850 Hampshire Road, Suite P  
Thousand Oaks, CA 91361  
818-824-6233

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. CCS' full Discrimination, Harassment, Intimidation, and Bullying Prohibition Policy is available at its Central Office or on the CCS website.

Harassment comes in many forms including:

- Spam (unsolicited emails not pertaining to the course), threatening communications, offensive communications or any other kind of communication that makes a person feel uncomfortable.
- Any scholar who believes that he or she has been harassed or has witnessed any form of harassment should immediately report such incident to a CCS staff member. The Superintendent or designee will immediately investigate all such incidents in a confidential manner.

### **Steps for Scholars to Follow**

Scholars who deem that they are victims of bullying or harassment should follow the steps below:

1. Do not respond to the person alleged of bullying or harassment.
2. Authenticate specific instances of bullying or harassment (i.e., keep a record of abusive communications, and save the documents or messages).
3. If the unwarranted communication is from another scholar and occurs as part of classwork (i.e., as part of any class activity such as a threaded discussion, or group assignment), inform the teacher of the situation and provide the teacher with all the proper correspondence.
4. If the unwarranted communication is from another scholar and happens in any other school setting (i.e., not as a part of a specific class), inform the victim's learning coach, counselor, advisor or other appropriate school staff of the situation and provide all appropriate evidence.
5. If the unwarranted correspondence is from a staff member, report the situation to the Superintendent.

If the abusive communication is from someone within the administration, inform the victim's learning coach of the situation who can then inform the appropriate personnel.

### **PART 9: Charter School Safety Procedures—Schoolwide Dress Code (if it exists), Including Prohibition of Gang-Related Apparel [EC 47605(6)(F)(ii); EC 32282.(2)(F)]**

#### **According to the Education Code (EC § 32282):**

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

(F) The provisions of any school wide dress code, pursuant to Section 35183, that prohibits pupils from wearing "gang-related apparel," if the school has adopted that type of a dress code. For those purposes, the comprehensive school safety plan shall define "gang-related apparel." The definition shall be limited to apparel that, if worn or displayed on a school campus, reasonably could be determined to threaten

the health and safety of the school environment. A schoolwide dress code established pursuant to this section and Section 35183 shall be enforced on the school campus and at any school-sponsored activity by the principal of the school or the person designated by the principal. For purposes of this paragraph, “gang-related apparel” shall not be considered a protected form of speech pursuant to Section 48950.

CCS does not have schoolwide dress code for its scholars.

### **PART 10: Charter School Safety Procedures—Procedures for Safe Ingress and Egress of Pupils, Parents, and School Employees to and from School Site [EC 47605(6)(F)(ii); EC 32282.(2)(G)]**

#### **According to the Education Code (EC § 32282):**

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

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

CCS will take measures to ensure safe ingress and egress to and from the school for pupils, parents, and school employees. Safe ingress and egress will be maintained by periodic reviews of the procedures for ingress and egress. The school will ensure that all passageways to and from school buildings, corridors within school buildings and emergency exits remain clear of all obstruction to allow flow of pedestrian and vehicular traffic. The school will also ensure that potential obstructions and hazards are removed from such areas. To achieve this goal, the school works closely with local law enforcement agencies to ensure that the school’s immediate community is safe.

Through the joint efforts of the District office, site administrators, faculty, PAC, and other organizations, including consultants, CCS has developed a plan to ensure the safe arrival and departure of students, staff, and visitors. CCS encourages input from our community and reviews this plan on an annual basis.

Any problems associated with safe ingress and egress will be addressed immediately.

### **PART 11: Charter School Safety Procedures—A Safe and Orderly Environment Conducive to Learning at the School [EC 47605(6)(F)(ii); EC 32282.(2)(H)]**

#### **According to the Education Code (EC § 32282):**

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

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

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

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

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

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

Our school district 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 32230-32239, 35160, 35160.1, 44806).

CCS remains in compliance with existing laws related to school safety. This manual outlines several elements critical to maintaining a safe school environment.

## **PART 12: Charter School Safety Procedures—Tactical Responses to Criminal Incidents [EC 47605(6)(F)(ii)]**

### **SHOOTING/STABBINGS**

No single warning sign can predict that a dangerous act will occur; however, certain warning signs may indicate that someone is close to behaving in a way that is potentially dangerous to self and/or others. Imminent warning signs usually are present as a sequence of overt, serious, or hostile behaviors or threats directed at peers, staff (usually more than one staff member), as well as the person's immediate family.

#### **IMMINENT WARNING SIGNS REQUIRE AN IMMEDIATE RESPONSE AND MAY INCLUDE THE FOLLOWING**

- Physically fighting with peers or family members.
- Hostile interactions with law enforcement that involve a number of recorded incidents.
- Hostile interactions with staff and administration.
- Destruction of property (school, home, community).
- Severe rage for seemingly minor reasons.
- Detailed (time, place and method) threats (written and/or oral) to harm or kill others.
- Possession and/or use of firearms and other weapons.
- Self-injurious behaviors or threats of suicide.
- Is carrying a weapon, particularly a firearm, and has threatened to use it.

#### **WHAT TO DO IF A SHOOTING/STABBING OCCURS AT THE FOUNDATION OFFICE**

- The first indications of a shooting may include: sound of gunfire, loud cracking sounds, banging noises, windows shattering, glass exploding, bullets ricocheting or a report of a stabbing incident on campus.
- **Call 911.** Identify your address, and succinctly explain the emergency incident and exact location. Stay on the line until the **911** dispatcher has all the information needed to respond to the situation.
- Activate Incident Command System (ICS) with Emergency Management Team.
- Establish Command Post and appoint Incident Commander and communicate location to law enforcement and fire/rescue units.

- Notify appropriate individuals, i.e. Administrators, Policy Group.
- Provide information, when practicable, about the incident to staff via PA system, e-mail or by phone.
- Account for all staff members by using phone or e-mail or other communication means. Attempt to determine if the shooter/stabber is still on the work site.
- Attempt to determine if the weapon has been found or secured.
- Attempt to determine if the shooter/stabber has been identified.
- Assign a liaison (preferably an administrator) to interface with law enforcement and fire department.
- Liaison can supply law enforcement with radio or phone communication, phone numbers, maps, keys, and other information deemed pertinent to the safe operation of the incident.
- Gather witnesses in secure room for law enforcement questioning. DO NOT allow witnesses to talk to one another (to protect the investigation). Assign staff to stay with witnesses until law enforcement arrives.
- Develop plan to evacuate staff to an off-site or alternate evacuation area should it be necessary to evacuate the building.
- Gather information of staff members involved in the incident.
- Prepare written statements for telephone callers and media in cooperation with law enforcement and the [Managing Director](#) or Public Information Officer. Can a message be placed on the [Hotline](#) or website?
- Provide a liaison representative for family members for any injured staff members.
- Provide Crisis Response Team to provide counseling and to help deal with any psychological factors.

### **IF STAFF ARE OUTSIDE, THEY SHOULD BE TRAINED AND/OR INSTRUCTED TO**

- Move or crawl away from gunfire, trying to put barriers between you and the shooter.
- Understand that many barriers may visually conceal a person from gunfire but may not be bulletproof.
- Try to get behind or inside a building. Stay down and away from windows.
- When reaching a relatively safe area, stay down and do not move. Do not peek or raise head.
- Listen for directions from law enforcement.
- Provide your name to work area supervisor who is accounting for all staff.
- Help others by being calm and quiet.
- Provide law enforcement with as much information as possible, such as:
  - Is suspect still on site and do you know current location?
  - Where was the specific location of occurrence?
  - Are there wounded staff members? How many?
  - Description of all weapons (hand gun, shotgun, automatic, dangerous objects, explosive devices, other).
  - Describe sound and number of shots fired.

### **SCENE OF INCIDENT**

- The scene of an incident/crime shall be preserved.
- With the exception of rescue and law enforcement personnel, no one is allowed to enter the immediate area or touch anything.
- Any witnesses, including staff members, should be held near the area of the incident and be made available to law enforcement for questioning.

Law enforcement responding to the incident will coordinate activities at the scene of the incident and finished, release the area to school officials when finished

## **Appendix I: Background Information**

## Education Code (EC § 32282) Relevant Sections Summary

- (2) Identifying appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, which shall include the development of all of the following:
- (A) Child abuse reporting procedures consistent with Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code.
  - (B) Disaster procedures, routine and emergency, including adaptations for pupils with disabilities in accordance with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.). The disaster procedures shall also include, but not be limited to, both of the following:
    - (i) Establishing an earthquake emergency procedure system in every public school building having an occupant capacity of 50 or more pupils or more than one classroom. A school district or county office of education may work with the Office of Emergency Services and the Alfred E. Alquist Seismic Safety Commission to develop and establish the earthquake emergency procedure system. The system shall include, but not be limited to, all of the following:
      - (I) A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of pupils and staff.
      - (II) A drop procedure whereby each pupil and staff member takes cover under a table or desk, dropping to his or her knees, with the head protected by the arms, and the back to the windows. A drop procedure practice shall be held at least once each school quarter in elementary schools and at least once a semester in secondary schools.
      - (III) Protective measures to be taken before, during, and following an earthquake.
      - (IV) A program to ensure that pupils and both the certificated and classified staff are aware of, and properly trained in, the earthquake emergency procedure system.
    - (ii) Establishing a procedure to allow a public agency, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The school district or county office of education shall cooperate with the public agency in furnishing and maintaining the services as the school district or county office of education may deem necessary to meet the needs of the community.
  - (C) Policies pursuant to subdivision (d) of Section 48915 for pupils who committed an act listed in subdivision (c) of Section 48915 and other school-designated serious acts which would lead to suspension, expulsion, or mandatory expulsion recommendations pursuant to Article 1 (commencing with Section 48900) of Chapter 6 of Part 27 of Division 4 of Title 2.
  - (D) Procedures to notify teachers of dangerous pupils pursuant to Section 49079.
  - (E) A discrimination and harassment policy consistent with the prohibition against discrimination contained in Chapter 2 (commencing with Section 200) of Part 1.
  - (F) The provisions of any school wide dress code, pursuant to Section 35183, that prohibits pupils from wearing "gang-related apparel," if the school has adopted that type of a dress code. For those purposes, the comprehensive school safety plan shall define "gang-related apparel." The definition shall be limited to apparel that, if worn or displayed on a school campus, reasonably could be determined to threaten the health and safety of the school environment. A schoolwide dress code established pursuant to this section and Section 35183 shall be enforced on the school campus and at any school-sponsored activity by the principal of the school or the person designated by the principal. For purposes of this paragraph, "gang-related apparel" shall not be considered a protected form of speech pursuant to Section 48950.
  - (G) Procedures for safe ingress and egress of pupils, parents, and school employees to and from school.
  - (H) A safe and orderly environment conducive to learning at the school.