



Making Waves Academy
Student-Parent/Guardian Handbook
2025-2026

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Mission and Values

Mission

Making Waves Academy (“MWA” or “the Academy”) commits to rigorously and holistically preparing students to gain acceptance to and graduate from college to ultimately become valuable contributors to the workforce and their communities.

Core Values

COMMUNITY

We combine our intellect and critical thinking to support each other and make healthy choices for ourselves and positive changes in our community.

RESILIENCE

We are agents of change, who, through hard work and perseverance, have the power to define ourselves and to control our destiny.

RESPECT

We believe each person is valuable and we demonstrate respect by following our community norms.

RESPONSIBILITY

We have integrity, we are accountable for our decisions and actions and their impact on self and community.

SCHOLARSHIP

We are life-long learners who aspire to and achieve academic excellence.

MWA Expectations

MWA is committed to educating students in a safe and effective learning environment. Social-emotional development, self-regulated behavior, and decision-making are important components contributing to student success at MWA. MWA's goal is to facilitate social emotional development, self-regulation, and decision-making with the support of students, parents, and staff. All parties must work in partnership to achieve this goal.

Student Expectations

In order to assist you in creating a more meaningful experience, achieve success, make good decisions, and make positive contributions to your community, Wave-Makers are expected to:

- Know, understand, and follow all rules, expectations, and policies.
- Interact with other students, faculty, and staff in a respectful and positive manner.
- Understand, develop, and apply the MWA Core Values.
- Understand that harmful conduct to self or to others is not allowed.
- Respect and care for the property of self, others and school.
- Show consideration for peers, adults and self.
- Do your best and ask for help if you need it.

Each student must read, sign, and return the [Student-Parent/Guardian Acknowledgment Form](#) (Appendix A) and the [Parent/Guardian and Student Commitment Form](#) (Appendix B)

Parent/Guardian Expectations

Family involvement is essential to the MWA community and student development and achievement. While not required for admission or enrollment, parents/guardians play a vital role in the ongoing success of our school and our students and are encouraged to volunteer at MWA. For information regarding volunteering opportunities please contact MWA front office or go to our [Volunteer Webpage](#). MWA parents/guardians are encouraged to:

- Be active partners with us.
- Model the Core Values we aim to instill in our students.
- Work with school officials to resolve any behavior management incident in a patient, objective, and fair manner.
- Review and sign off on assessments and class assignments, as assigned by the teacher.
- Attend parent/guardian conferences and school meetings.
- Actively monitor and assist with student progress.
- Communicate with all MWA staff in a professional and respectful manner.
- Reinforce MWA's academic and behavioral standards at home.
- Help with special events (e.g., dances, fundraisers, etc.) when possible.
- Attend parent meetings.
- Communicate with MWA by phone, email, or note to verify student absences.
- Adhere to all of the parking, traffic and safety instructions from the school, including:
 - Not stopping in the middle of Lakeside Drive to drop off their students.
 - Not violating our neighbors' parking spaces to pick up students.
- Pick up students in a timely fashion.

Parents/Guardians must read, sign and return the [Student-Parent/Guardian Acknowledgment Form](#) (Appendix A) and the [Parent/Guardian and Student Commitment Form](#) (Appendix B)

Staff Commitments

At MWA, we hold high expectations for both students and staff. Our staff is committed to fostering excellence in learning, achievement, and integrity. Staff will:

- Put students at the center of their teaching, teach a curriculum that is rigorous and culturally relevant, and ensure all students are actively engaged in learning.
- Believe in every student's ability to succeed and set challenging goals to promote academic growth.
- Create safe and respectful spaces and experiences for students.
- Model, teach, and reinforce appropriate behavior consistently.
- Work effectively and respectfully with colleagues, school administrators, and parents to support student learning.
- Stay updated on current educational research and best practices to improve teaching methods. Actively seek opportunities to enhance their teaching skills and knowledge.
- Maintain high ethical standards and upholding the integrity of the school.
- Follow and reinforce all school policies.

Middle School Academic Program

At MWA we strive to create holistic students who have a well-rounded educational experience. MWA's instructional program is designed to empower students to become analytical thinkers who can apply subject knowledge to solve real-world problems. MWA offers a broad range of academic and enrichment courses across all subject areas.

Listed below are the course offerings:

Grade	Math	English	Science	History	Encore	Physical Education*
5 th	Math 5	ELA 5	Science 5	Social Studies: Early United States	Intro to Technology	Health & Wellness
6 th	Math 6	ELA 6	Science 6	Social Studies: The Ancient World	Art	Health & Wellness
7 th	Math 7	ELA 7	Science 7	History: Medieval Times	Music	Health & Wellness
8 th	Math 8	ELA 8	Science 8	History: US History	Art	Health & Wellness

*Students will be granted an accommodation in connection with engaging in physical activity components of a PE course during a period of religious fasting upon submission to the school principal of written notification from the student's parent/guardian, if less than 18 years of age, or from the student, if 18 years or older, that the student is participating in religious fasting.

Promotion

The 8th grade promotion at MWA middle school is an event that symbolizes the transition from the middle school to the upper school. It is our expectation that every middle school student will be eligible for 8th grade promotion. It is the belief of MWA that with parent support, all 8th grade students will be able to participate in the promotion ceremony. However, if a student does not meet the behavioral and academic requirements, the student may not *walk* on stage during the ceremony and may not participate in any events (rehearsals, field trips, etc.) related to promotion. Additionally, any monies that were paid beforehand intended for end of the year activities *will not* be refunded. For further information regarding the minimum requirements for promotion, please also see the section below regarding retention.

Grading Scale

A	90-100%	B	80-89%
C	70-79%	F	0-69%

D's are not part of the MWA grading scale, as a "D" does not receive credit when applying to college. In 2024-2025 we are adopting a schoolwide policy on grading using a 50% floor, including for missing work, and for all other assignments except for summative assessments. Academically, students recommended for promotion to the next grade are those who earn an overall average of "C" (2.0 Grade Point Average) or higher in their core academic classes for that academic year. In high school, the GPA is an indicator and predictor for college success.

Retention Policy

At MWA we want our students to meet (and exceed) academic and social emotional expectations. MWA provides services that promote social-emotional development and awareness in addition to various academic support systems.

To be promoted to the next grade level, a student *must* have *cumulative* passing grades (equivalent to a "C" or better) in science, mathematics, social studies, **and** English Language Arts. A student shall progress through the grade levels by demonstrating growth in learning and by meeting and/or exceeding the grade-level academic and behavioral expectations as established by MWA.

Should a student receive below a cumulative "C" average, parents/guardians will be advised by the administration that the student will be recommended for retention in their current grade level. In addition to these standards, attendance, test scores, teacher recommendations, and other pertinent data will be used to determine the possibility of retention. Students that are at risk for possible retention in their current grade level will be identified as early in the school year, and as early in their school careers, as practicable. To note, parents/guardians are currently notified at multiple points in the semester of their child's academic performance via progress reports and semester report cards. In addition, parents/guardians have access to their child's grades via the online [PowerSchool Public Portal](#). Should the student be recommended for retention, the student may lose opportunities to participate in school-wide extracurricular events (e.g., field trips, campus celebrations, casual dress, etc.).

The middle school is the sole feeder for the upper school. It is imperative that our students successfully transition into the upper school with the skill set required to be successful in high school, college, and in their chosen careers.

Upper School Academic Program

The aim of the MWA upper school is to effectively prepare students to gain acceptance to and graduate from college and to pursue a variety of post-secondary education and career pathway options. The courses offered and required of MWA students are aligned with the "A-G" admissions criteria for the University of California (UC) and California State University (CSU) systems. These criteria are some of the highest high school standards in the country. Students successfully passing these courses with high enough grades have proven to be competitive for admission to top public and private universities around the country. At their core, students will be required to attain and develop strong writing skills, critical reading and thinking skills, and strong mathematical, computational and problem-solving skills. A variety of core subjects are offered in 9th and 10th grades. In the 11th and 12th grades, Advanced Placement (AP) courses and other science, math, and art electives are available. In addition, Career Technical Education (CTE) courses are also available, linking specific courses to education and specific career pathways. Students scoring a 3, 4, or 5 (on the 5-point scale) on an AP exam may earn college credit in that subject.

Grading Scale

A	92-100%	B	82-84%	C	70-74%
A-	88-91%	B-	78-81%	F	0-69
B+	85-87%	C+	75-77%		

Percentages will be reflected on the report card along with the letter grade in order to show improvement (e.g., raising a 43% to a 68%). The semester letter grades are what are shown in the transcript.

Grade Point Scale

<i>Letter Grade</i>	A+	A	A-	B+	B	B-	C+	C	D	F
<i>Grade Points (MWA)</i>	N/A	4.0	3.7	3.3	3.0	2.7	2.3	2.0	N/A	0.0
<i>Advanced Placement (AP) & Honors Points (MWA)</i>	-	5.0	4.7	4.3	4.0	3.7	3.3	3.0	-	0.0
	1.0 additional grade point will be added for each semester in which a 'C' or better is earned.									
<i>Grade Points (UC)</i>	-	4.0	-	-	3.0	-	-	2.0	1.0	0.0

Graduation

MWA graduation requirements are displayed in comparison to the required and recommended courses for University of California and California State Universities. In order to graduate, students must successfully complete each of the required courses with a grade of "C" or better. Students who do not have enough credits earned in time for a June graduation are not eligible to participate in the graduation ceremony.

a-g	Content Area	MWA Requirement	MWA Total Units	UC/CSU Requirement	UC/CSU Total Units	UC/CSU Recommended	Total Units
a	History*	3 Years	6	2 Years	4	2 Years	4
b	English	4 Years	8	4 Years	8	4 Years	8
c	Math	3 Years	6	3 Years	6	4 Years	8
d	Science**	2 Years	4	2 Years	4	3 Years	6
e	Language	2 Years	4	2 Years	4	3 Years	6
f	Art	1 Year	2	1 Year	4	1 Year	2
g	Electives	***	0	1 Year	2	1 Year	2
CA	Health & Wellness*❖	2 Years	4	--	--	--	--
Totals			34		32		36

*The California Department of Education requires 3 years of History and 2 years of Physical Education

**The Science requirement includes one Life Science and one Physical Science course

***The Electives (g) requirement is satisfied by a 3rd year of History (a)

❖Students will be granted an accommodation in connection with engaging in physical activity components of a PE course during a period of religious fasting upon submission to the school principal of written notification from the student's parent/guardian, if less than 18 years of age, or from the student, if 18 years or older, that the student is participating in

Grade Level Promotion

Students must successfully complete a minimum number of credits to be promoted to the next grade level, earning a “C” or higher in a minimum of four core classes each year, earning at least eight credits in courses required for graduation. Each successfully completed semester course earns one credit. Students who do not successfully earn this minimum number of credits may be retained in their current grade level and reclassified into a different Wave. Reclassification and credit recovery plans occur at the close of the spring semester based on credit standing.

Grade Level	9	10	11	12
Min. Req. Credits for Promotion	6 Credits*	14 Credits*	22 Credits*	34 Credits*
Total Required	10 Credits	12 Credits	12 Credits	12 Credits
Credits Possible	10 Total	22 Total	36 Total	48 Total

*Must pass grade-level English Course

Courses Offered By Grade Level

Each year, students will take courses appropriate for their grade level and earn credits toward graduation. The types of classes students will take will reflect the offerings listed below.

9 th Grade	10 th Grade	11 th Grade	12 th Grade
English Math Science Language Health and Wellness Elective	English Math Science Language History Art	English Math Science Language History Art/ Elective	English Math Science History Art/ Elective Health and Wellness

Academic Integrity

At MWA, students are expected to give their best at all times and to consistently put forth the effort needed to achieve academic excellence. Forgery, plagiarism, and academic dishonesty of any kind are not tolerated.

Plagiarism and Cheating

Any form of plagiarism will result in a level 2 infraction; refer to School-Wide Behavior Management System for more information. The following are not tolerated at MWA:

- Using work without acknowledging the content owner
- Copying assignments that are turned in as original work
- Trading assignments with other students
- Using unauthorized notes or technology, such as bringing notes into a test or using a computer program to generate an answer or translate an assignment and turning it in as one's own

- Plagiarizing using Artificial Intelligence (AI) programs of any kind is prohibited
- Sharing answers before, during or after quizzes or tests. Students must be responsible for their own papers and make sure others cannot copy their work

Ways to Avoid Plagiarism and Cheating

- Plan ahead. Rushing to get your work done the night before a big project is due may make it more tempting to cheat or plagiarize.
- Be sure to understand the assignments. Do not rely on friends for information about what is required.
- Do not read someone else's paper or homework before doing your own work. Seek clear direction from teachers about when and how collaboration with partners is appropriate.
- ALWAYS cite the sources used in drafting a paper, report, project, etc. Follow the citation format required by the teacher or content area.
- Keep a list of the sources used (including the author, title, publisher and copyright date). Make sure to note which information you got from which source.
- Protect your own work. Ensure that other students do not have access to homework, essays, projects, tests, or other assigned work that has been completed. If someone else plagiarizes a student's work, the academic integrity of both assignments or assessments is compromised and both students will receive the same grading consequence.
- When in doubt about what to do to avoid cheating or plagiarism, ask the teacher or a school administrator.

MWA Dress Code

MWA strives to foster high standards in all areas of the school program, including student attire and personal appearance. At MWA, we believe that student attire has a significant impact on student mindset and behavior. In order to cultivate a sense of pride in one's appearance, to provide the daily opportunity to acclimate to an external standard of dress, and to promote and maintain a safe and inclusive learning environment, MWA has implemented a school-wide dress code policy.

All students are required to follow the MWA uniform dress code outlined below, from the time they arrive until the time they leave campus. In general, students' clothing should fit properly and reflect a sense of professionalism to the academic environment— clothes should not be ripped, torn, overly baggy, inappropriately tight or revealing. If students or parents/guardians are unsure about the MWA dress code, it is their responsibility to seek clarification.

MWA Dress Code applies in class, on campus, and during off-campus field trips.

Uniform for Normal School Days

- **Bottoms:** Navy Blue, Black, Khaki/tan- colored uniform pants, shorts, skorts, or skirts
 - Must be worn at waist level
 - Bottom hem of uniform bottoms cannot be more than 3 inches from the top of the knee
 - No Leggings, sweatpants, pajama pants, yoga pants, or jeans
- **Shirts:** WHITE, DARK BLUE, or SKY BLUE collared sport shirt ("polo") or button-down collared dress shirt
 - College t-shirts or sweaters on "College Friday"
 - T-shirts that are given out from MWA for achievement,/recognition or approved "Wave-level" shirts
 - Long-sleeve undershirts are acceptable (neutral solid colors only)
 - No soccer jerseys with alcoholic sponsorships
- **Sweaters:** Uniform colors or neutral-colored cardigans or sweater vests

- Example of neutral colors: beige, taupe, gray, cream, brown, black and white
- **Sweatshirts:** V-neck, plain uniform colors or neutral-colored. If hooded sweatshirts are worn they must be plain and the hoods must be removed from the students' heads inside the buildings when on campus.
 - **Hooded Sweatshirts Expectations:**
 - No large logo covering the front or back of a hoodie
 - Neutral tone colors (no bright red, green, yellow, purple etc.)
 - Gap hoodies are okay (neutral tone)
- **Jackets:** Can be any color; no offensive images or logos; must be removed prior to entering class
- **Shoes:** Can be any color; closed-toed shoes (sneakers, flats, and casual shoes are acceptable)
 - No shoes with cleats or spikes, unless actively participating in sports
 - Not permitted: open-toed shoes, sandals, slippers, or slides (i.e. flip-flops, Crocs, etc.)
 - Shoes must have a hard-soled bottom
- **Identification Badges**
 - Each student will be issued a MWA ID badge and lanyard
 - Upper School students MUST have ID badge and lanyard on their person either around their collar or hanging from a pant pocket
 - Middle School Students are expected to wear the ID badge and lanyard around the collar at all times. Middle school students should NOT have ID badges hanging from pant pockets, belt loops, etc.
 - Students are not allowed to decorate/deface ID badges or lanyards
 - It is the student's responsibility to replace lost/willfully damaged ID badges. The ID badge replacement cost is \$3 (\$2 for a lanyard replacement)
- **Accessories (including vests, socks, belts, ties/bowties etc.)**
 - The following is not permitted for all visible clothing: inappropriate language, slogans, or symbols, including those associated with alcohol, drugs, vulgarity, gangs, illicit or illegal activities.
 - Hats, caps, beanies, headwear and gloves are allowed, but must be removed once a student enters a school building.
 - Students must not cover their face while inside, and unless there is a valid prescription, may not wear sunglasses indoors.
 - Full face masks are not permitted at any time
 - Religious headwear is permitted to be worn at all times.

Attire for Special Designated Days

Designated Special Attire Days: Professional Dress, College Attire, and Casual Dress Days

Professional Dress Days

Once each month, these days provide students with regular opportunities to demonstrate wearing appropriate attire for professional business environments. Ensuring that we prepare our students to appear confidently and appropriately in professional environments is the key to their success in the workplace and post-secondary education. The following clothes are appropriate for professional dress and formal wear events (i.e. 8th Grade Promotion, awards ceremonies, etc.):

- Slacks, pants, or knee-length skirts in black, brown, navy blue or gray
- Formal blouses or long sleeved, buttoned up, collared dress shirts in white, pastels or neutral colors
- Blazers, suit jackets in black, brown, navy blue or gray
- Sweaters in black, brown, navy blue, gray, pastels or neutral colors
- Suits and ties
- Formal dress shoes and a belt
- Jewelry should not detract from ability to learn or participate in on-campus activities

***Note: if a student does not own or cannot obtain business attire, standard dress code attire is acceptable.**

College Attire Days

As part of our comprehensive efforts to develop a college-going culture at MWA, students have the opportunity to participate in weekly College Attire days **every Friday** to foster a college-going culture. On these days, students may wear the following attire:

- Jeans or uniform pants, sweaters, hoodies, jackets, or accessories representing official colleges and universities.

Casual Dress Days

MWA students have the opportunity to earn Casual Dress days to demonstrate individuality and personal responsibility through choosing their own attire on selected days. On these days, students may wear non-uniform clothing that adheres to the following guidelines:

- No ripped or tattered clothing
- No skin-baring tops
 - **Examples:** No crop tops, tube tops, or tank tops
- No inappropriate logos or images that depict illicit or illegal activity
- Bottom hem of bottoms may not be more than 3 inches above the knee
- No crocs, slippers, or slip on shoes
- No pajama pants or sweatpants
- No leggings or yoga pants

One Casual Dress day can be awarded to the student body each month. Casual Dress days may also be earned for individual classes and grade levels that collectively demonstrate MWA's Core Values on campus and throughout the community. Casual Dress days are also earned for grade levels demonstrating attendance excellence (no more than two students absent within a grade) for two or more days in a school week.

MWA Student Behavior Management & Restorative Practices

MWA believes that each student has liberties that include freedom of expression (artistic, intellectual, individual), freedom from physical aggression, and freedom from concerns regarding personal safety in the school environment. Our model of student support is rooted in restorative justice, which focuses on building positive relationships, comprehensively addressing harm/conflict, and restoring relationships. Our model also asserts that students, especially students coming from urban environments, are not broken, but have valuable skill sets to be accessed. In honor of this approach to behavior management, MWA provides resources that target the development and acquisition of various skills (academic, intellectual, and socio-emotional) in preparation for collegiate and professional environments. Our goal for student development is holistic centered, but we also understand that part of student development includes disciplinary measures as well to ensure the safety of our school community. When appropriate, we will exercise discipline measures to maintain the integrity of our programmatic structure and community safety.

Student Code of Conduct

Teaching and learning for all students is the highest priority. Therefore, one student's misbehavior will not be allowed to interfere with the learning opportunities of other students, or the teacher's responsibility to teach all students. In working to promote both academic and social development, MWA's school-wide behavior management policies are intended to uphold school-wide behavior and academic expectations. Students who fail to adhere to these expectations will be subject to an appropriate consequence.

Classroom Management Policy

When a student does not follow classroom expectations, the following strategies are utilized by faculty to redirect behavior for positive individual and learning outcomes:

- Verbal warning: spoken cue to student that behavior is not appropriate
- "Pause" or "check-in": provision of time/space for student to reflect, de-escalate as necessary and make the choice to positively change their behavior
- Application of classroom consequences per teacher's classroom management system, as listed in their syllabus
- Parent/guardian contact by teacher
- Scheduling of parent/guardian conference by teacher, as needed
- Application of academic and/or behavioral intervention strategies by teacher

If after the implementation of the above strategies, the behavior of the student does not improve, the teacher will submit a behavior referral and contact the Dean of Students. The section below outlines the school-wide behavior management model. The below chart represents a non-exhaustive list of examples of types of behavior and resulting consequences. Depending on the infraction, a single incident may constitute a suspendable or expellable infraction under the [MWA Suspension and Expulsion Policy](#). The school will make every effort to support a student before utilizing consequences involving suspension and or expulsion*.

School-Wide Behavior Management System

Behavior Infraction Category: Level 1, Procedural (Core Value Connection: *Responsibility*)

Procedural: Behaviors that affect only the student exhibiting the behavior and impedes the student from being responsible for their own learning. This behavior can impact how the student engages the process of learning.

Staff Oversight: Teachers

Procedural Infraction Examples:

- Not having appropriate equipment and materials
- Sleeping in class
- Gum chewing and unauthorized eating in classroom or hallways
- Being off task, but not disrupting others
- Improper use of school equipment or materials
- Dress code violations
- Truancy/Repeated lateness
- Skipping/Cutting class
- Failing to follow a reasonable request of a staff member or volunteer
- Usage or possession of cell phone or other electronic device during school hours
- Loitering in neighborhoods or restricted areas
- Defiance of authority

1 st Offense Intervention Range	2 nd Offense Intervention Range	3 rd Offense Intervention Range
<ul style="list-style-type: none"> • Restorative Action/Conversation • Confiscation of device until the end of the school day 	<ul style="list-style-type: none"> • Restorative Action/Conversation • Call home (parent/guardian notification) • Skill development activity/Assignment • 1 -2 weeks cell phone turn in • Confiscation of device until parent/guardian pick-up 	<ul style="list-style-type: none"> • Restorative Action/Conversation • Call home (parent/guardian notification) • Skill development activity/Assignment • Parent shadow requested • Loss of privilege(s) • Cell phone turn in or Behavior contract • Parent/Teacher Conference • Two week device submittal to Front Office

Behavior Infraction Category: Level 2, Self-Management (Core Value Connection: **Scholarship & Community**)
Behaviors that involve students not being prepared, and/or not demonstrating behaviors that represent expected social deportment and academic engagement.

Staff Oversight: Teachers, Dean of Students (for ongoing infractions)

Self-Management Infraction Examples:

- Horseplay
- Being off campus or in an unauthorized area without permission
- Inappropriate display of affection & Public Displays of Affection (PDA)
- Inappropriate/inadequate participation in school activities
- Cheating, academic dishonesty or plagiarism
- Violations of the computer and network use policy not pertaining to Level IV infractions
- Violation of Arrival/ Dismissal Policy or Closed Campus Policy
- Out of class or off campus without permission
- Forging a document/false documentation, cheating, and plagiarism

1 st Offense Intervention Range	2 nd Offense Intervention Range	3 rd Offense Intervention Range
<ul style="list-style-type: none"> • Restorative Circle with impacted students • Call home (parent/guardian notification) • Skill development activity/ Assignment • Zero credit for all incidents of cheating, academic dishonesty or plagiarism 	<ul style="list-style-type: none"> • Restorative Circle with impacted students • Call home (parent/guardian notification) • Skill development activity/ Assignment • 1- 2 week cell phone turn in • Loss of privilege(s) 	<ul style="list-style-type: none"> • Restorative Circle with impacted students • Call home (parent/guardian notification) • Skill development activity/ Assignment • Cell phone turn in or Behavior Contract • Loss of privilege(s) • Parent shadow requested • Parent/Teacher Conference • Behavior plan meeting

Behavior Infraction Category: Level 3, Disruptive (Core Value Connection: *Respect & Community*)

Behaviors that demonstrate the lack of respect of an orderly learning environment and they may cause harm in some instances.

Staff Oversight: Teachers, Dean of Students, Assistant Principal, Principal or Principal Designee

Disruptive Infraction Examples:

- Disturbing another student in any way
- Theft and/or the defacement or destruction of property
- Possession of inappropriate literature, images, music, and/or videos
- Profanity and/or abusive language
- Racialized, homophobic and derogatory name calling
- Disrespect/non-compliance toward adults or peers
- Possession of a non-lethal object (i.e., technology, explicit items) not allowed at school

1st Offense Intervention Range	2nd Offense Intervention Range	3rd Offense Intervention Range
<ul style="list-style-type: none">• Restorative Conference/Circle• Call home (parent/guardian notification)• Skill development activity/Assignment• Restorative Community Project• Campus beautification• Referral to Dean of Students	<ul style="list-style-type: none">• Restorative Conference/Circle• Call home (parent/ guardian notification)• Skill development activity/ Assignment• 2 weeks cell phone turn in• Restorative Community Project• Campus beautification• Parent shadow requested• Parent/Teacher Conference• Referral to Dean of Students• Loss of privilege(s)	<ul style="list-style-type: none">• Restorative Conference/Circle• Call home (parent/guardian notification)• Skill development activity/ Assignment• Behavior contract• Restorative Community Project• Campus beautification• Parent shadow or observation requested (parents may be required to shadow or observe their student in the school setting should the student consistently not meet the behavioral expectation of MWA)• Parent/Teacher Conference• Behavior plan meeting• Referral to Dean of Students• Loss of Privilege(s)• Parent conference with the Dean of Students• Student to present restorative essay during Community Building Time (Advisory/Homeroom)
<i>Depending on the infraction and severity of the infraction, the following may also apply:</i>	<i>Depending on the infraction, the severity of the infraction, or when a repeat infraction occurs, the following may also apply:</i>	<i>Depending on the infraction, the severity of the infraction, or when a repeat infraction occurs, the following may also apply:</i>

<ul style="list-style-type: none"> • 1-2 Day loss of after-school program privileges • 1-2 Day Suspension • Possible report to Richmond Police Department (RPD) or mediation with a representative from RPD • Restitution (financial and otherwise) to target(s)/victim(s), for damage to or loss of personal or school property (whether damage/loss was intentional or unintentional) • Parent/Guardian Conference with Assistant Principal to discuss student placement at MWA 	<ul style="list-style-type: none"> • 2-3 Day loss of after-school program privileges • 2-3 Day Suspension • Possible Report to Richmond Police Department (RPD) or mediation with a representative from RPD • Parent/Guardian Conference with Assistant Principal to discuss student placement at MWA 	<ul style="list-style-type: none"> • 3-5 Day loss of after-school program privileges (further infractions will result in after-school programming privileges being revoked) • 3-5 Day Suspension • Possible report to Richmond Police Department (RPD) or mediation with a representative from RPD • Parent/Guardian Conference with Assistant Principal to discuss student placement at MWA • Ongoing disruptive infractions may result in a recommendation for expulsion from MWA
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Behavior Infraction Category: Level 4, Aggressive: (Core Value Connection: **Respect & Community**)

Behaviors that threaten the physical and/or mental safety and well-being of the school community and/or are illegal.

Staff Oversight: Dean of Students is the primary respondent with support from the Assistant Principal, Principal, or Principal Designee.

Student may be:

- suspended for the maximum number of 5 consecutive school days allowable by law with the possibility of expulsion for all Level 4 infractions.
- recommended for expulsion.
- required to complete a risk or threat assessment by a school-based mental health professional or primary care physician.

Certain infractions require that a student be recommended for expulsion - see [Suspension and Expulsion Procedures](#) section for a list of non-discretionary offenses.

Aggressive Infraction Examples (for a full list of enumerated offenses, see [Suspension and Expulsion Procedures](#)):

- Unauthorized possession, sale, or otherwise furnishing of any firearm, knife, explosive or other dangerous object
- Intimidation/extortion/ threats
- Use of discriminatory or racist language
- Hitting, grabbing, shoving another person with malice intent
- Fighting: assault or battery of any kind
- Possession, sale, distribution, or use of tobacco, alcohol, drugs, any controlled substance, or any intoxicant of any kind
- Pulling a fire alarm without cause or otherwise making a false alarm
- Harassment of any kind
- Arson and possession/use of explosive devices
- Hazing

<ul style="list-style-type: none"> • Inappropriate sexual conduct • Violations of the computer or network use policies pertaining to aggressive infractions 		
1st Offense Intervention Range	2nd Offense Intervention Range	3rd Offense Intervention Range
<ul style="list-style-type: none"> • Immediate referral to Dean of Students • Restorative Conference/Circle • Call home (parent/guardian notification) • Skill development activity/ Assignment • 2 week cell phone turn in • Restorative Community Project • Campus beautification I • Parent/Teacher Conference • Loss of privilege(s) • Parent conference with the Dean of Students • Student to present restorative essay during Community Building time (Advisory/ Homeroom) • Parent shadow or observation requested 	<ul style="list-style-type: none"> • Immediate referral to Dean of Students • Restorative Conference/Circle • Call home (parent/guardian notification) • Skill development activity/ assignment • Behavior contract • Restorative Community Project • Campus beautification • Parent shadow or observation (Parents may be required to shadow or observe their student in the school setting should the student consistently not meet the behavioral expectation of MWA) • Parent/Teacher Conference • Loss of privilege(s) • Parent conference with the Dean of Students • Student to present restorative essay during Community Building time (Advisory Homeroom) 	<ul style="list-style-type: none"> • Immediate referral to Dean of Students • Restorative Conference/Circle • Call home (parent/guardian notification) • Skill Development Activity/ Assignment • Restorative Community Project • Campus beautification • Parent/Teacher Conference • Behavior plan meeting • Loss of Privilege(s) • Parent conference with the Dean of Students • Student to present restorative essay during Community Building time (Advisory/Homeroom) • Parent Shadow or Observation (Parents may be required to shadow or observe their student in the school setting should the student consistently not meet the behavioral expectation of MWA)
<i>Depending on the infraction and severity of the infraction, the following may also apply:</i>	<i>Depending on the infraction, the severity of the infraction, or when a repeat infraction occurs, the following may also apply:</i>	<i>Depending on the infraction, the severity of the infraction, or when a repeat infraction occurs, the following may also apply:</i>
<ul style="list-style-type: none"> • 1-2 Day loss of after-school program privileges • 1-2 Day Suspension • Possible report to Richmond Police Department (RPD) or mediation with a representative from RPD • Complete substance use/abuse education program (where applicable) 	<ul style="list-style-type: none"> • 2-3 Day loss of after-school program privileges • 2-3 Day Suspension • Possible report to Richmond Police Department (RPD) or mediation with a representative from RPD • Parent/Guardian Conference with Assistant Principal to discuss student placement at MWA 	<ul style="list-style-type: none"> • 3-5 Day loss of after-school program privileges (further infractions will result in after-school programming privileges being revoked) • 3-5 Day Suspension • Possible report to Richmond Police Department (RPD) or mediation with a representative from RPD

<ul style="list-style-type: none"> • Parent/Guardian Conference with Assistant Principal to discuss student placement at MWA 		<ul style="list-style-type: none"> • Parent/Guardian Conference with Assistant Principal to discuss student placement at MWA • Ongoing aggressive infractions may result in a recommendation for expulsion from MWA
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*Privileges include, but are not limited to, participation in field trips, assemblies, clubs, Spirit Weeks, casual dress days, special events and celebrations held on campus or off campus under the jurisdiction of MWA.

Consequence Tracker

In conjunction with the behavior management system, the chart below indicates, based on the number of dress code/referrals/detentions, how long a student will be ineligible to participate in school activities.

Total # of Detentions Skipped within a one week period	Consequences
One	The students will be expected to serve two detentions, the one skipped plus an additional one.
Two	<p>There will be a suspension of all privileges* for two weeks, phone calls home are made by the Student Services Team, and the students are expected to serve detentions they missed in the next two immediate upcoming detention sessions.</p> <ul style="list-style-type: none"> • Suspension of privileges, includes: <ul style="list-style-type: none"> ■ Clubs ■ Athletics ■ Field Trips
Three	The student will receive a call home from the Assistant Principal, a parent meeting will be organized. A Behavior Contract will be signed at the meeting and Parent / Guardian Handbook Acknowledgement is signed and returned to school with the students.
More than three	There will be a suspension of all privileges*, a phone call home is made by the Student Services Team, and students are expected to serve the detentions they missed in the next two immediate upcoming detention sessions.

*Privileges include, but are not limited to, participation in field trips, assemblies, clubs, Spirit Weeks, casual dress days, special events and celebrations held on campus or off campus under the jurisdiction of MWA.

Total # of Dress Code Infractions	Consequences
<i>First Infraction</i>	<ul style="list-style-type: none"> • Parent notified via ParentSquare • Loaner uniform provided, <u>if available</u>, distributed by DoS, (student will be asked to exchange personal clothing item in order to ensure return of loaner by end of day) • Student must serve detention
<i>Second Infraction within one week</i>	<ul style="list-style-type: none"> • Parent notified via ParentSquare, and phone by Dean of Students / Assistant Principal • Parent-Student Conference scheduled, parents/ guardians sign Parent / Guardian Handbook Acknowledgement • Loaner uniform provided, <u>if available</u>, distributed by DoS, (student will be asked to exchange personal clothing item in order to ensure return of loaner by end of day) • Student must serve detention
<i>Third Infraction within one week</i>	<ul style="list-style-type: none"> • Parent notified via ParentSquare, and phone by Dean of Students / Assistant Principal • Parent must bring a back-up uniform and schedule a parent-student conference with Principal or designee • Loss of Privileges for one week • Student must serve detention

School Safety Policy Guidelines

It is the policy of MWA to provide a safe environment for students and staff by removing students whose actions cause a potential or continuing danger to students and/or staff. If a student commits any of the following infractions on or under school jurisdiction (while the student is at school, in route to or from school, or at a school-sponsored event/activity), the student **will be recommended for expulsion** from MWA in accordance with the Suspension and Expulsion Policy and Procedures:

- Possessing, selling, or otherwise furnishing a firearm, explosive, or other destructive device unless, in the case of possession of any device of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Assistant Principal or designee's concurrence.
- Brandishing a knife at another person. As used in this section, "knife" means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade longer than 3 ½ inches, a folding knife with a blade (any size) that locks into place, or a razor with an unguarded blade.
- Unlawfully selling a controlled substance.
- Committing or attempting to commit a sexual assault or battery as defined in subdivision (n) of Section 48900.

Fights/Threats/Bullying: Students are encouraged and expected to take the following steps to resolve conflict instead of resulting to physical action, threats, or intimidation:

- Inform a Dean of Students, teacher, campus supervisor, security or any adult in the general vicinity.
- Walk away from the situation that appears to be escalating, then seek out assistance from an adult.
- Take deep breaths to help calm down.
- Request a conflict mediation meeting with the Dean of Students to help resolve potential conflicts.

Consequently, fighting, repeated threats to fight, or bullying as a means of creating or resolving conflicts will result in a recommendation for expulsion from MWA.

Controlled Substances (Drugs or Alcohol):

The following circumstances can result in suspension and a possible recommendation for expulsion:

- Using, possessing, attempting to buy or selling a controlled substance (illegal drugs or alcohol) or being under the influence.
- Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia.
- Possession of tobacco or nicotine products, including but not limited to cigarettes (including electronic smoking devices, e-cigarettes, hookah pens) snuff and smokeless tobacco.

Response to Dangerous, Violent or Unlawful Activity:

MWA will take the following steps to assess and respond to reports of any dangerous, violent, or unlawful activity that is being conducted or threatened to be conducted at the school, at any activity sponsored by the school, or on a school bus serving the school.

- Start and complete a timely and thorough investigation upon receipt of the information
- Review all evidence including but not limited to: student and staff statements, photos, video, and any other written materials related to the alleged activity
- Review the school's policies and administer appropriate disciplinary action to all students found responsible including and up to suspension and expulsion
- Report to Law Enforcement in accordance with MWA's Student-Parent/Guardian Handbook Policies

Please Note: Any of the aforementioned offenses may be reported to the proper legal authorities. Further, repeated or severe violations of the school disciplinary policies may also result in a recommendation for expulsion as identified in the [Suspension and Expulsion Policy and Procedures](#).

In accordance with California SB 906, school officials are obligated to report any threat or perceived threats of homicide immediately to law enforcement. "Threat or perceived threat" means any writing or action of a student that creates a reasonable suspicion that the student is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depiction of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the student. It may also include a warning by a parent, student or other individual. The report shall include copies of documented evidence of the threat. The investigation and threat assessment must include a search conducted at the school site, if justified by a reasonable suspicion that it would produce evidence related to the threat or perceived threat.

The above school rules and regulations apply to all school activities, on or off campus, including school-sponsored activities and events, as well as in transport to/from school grounds.

Searches and Seizures

MWA is fully committed to promoting a safe learning environment. To ensure this, MWA will act in accordance with **state law** to provide procedures and policies with the goal of eliminating the possession and use of prohibited

items, including weapons, controlled substances, or other dangerous items, by students on school premises and at school activities. As necessary to protect the health and welfare of students and staff, law enforcement, MWA security personnel, and/or Executive/Senior Leadership may search a student's personal property, and/or property belonging to MWA under the student's use and may seize illegal, unsafe, or otherwise prohibited items. A student and their belongings may be searched if there is reasonable suspicion that the student has violated or is violating the law or established school rules.

Any illegal items and the possession of illegal items (as defined by state law and MWA's policies and guidelines) may be subject to law enforcement. Student lockers are MWA property and remain at all times under the control of MWA. The acceptance and use of locker facilities on MWA campus by any student shall constitute consent by the student to the search of such locker facilities by authorized MWA personnel and/or law enforcement. Inspections of lockers may be conducted by school personnel and/or law enforcement through the use of trained dogs. **Copies of the MWA Search and Seizure policy can be requested at the middle and upper school Front Offices.**

Attendance

MWA Attendance Office Contact Info:

Voicemail Line: 510-262-1511 (#2); Text Message: 510-410-2149;

Email: attendance@mwacademy.org

We know that students thrive when they are present, on time, and ready to learn. To support your child's academic journey, we ask that you report any absences or tardiness on the day of occurrence. Please remember that vacation time should align with the school calendar, to ensure that no learning time is missed.

To provide a child with an outstanding education, the child must maintain excellent attendance. Due to California's law of compulsory education (Educ. §§48200, et seq.; 48400; 48293), all children of school age (6-18 years old) are legally required to attend school. To stay informed about your student's attendance, you can access PowerSchool, which provides real-time updates on attendance records, grades, and other important academic information.

MWA allows 10 days per school year of excused absences for illness or other purposes specifically identified below (see the section titled "[Excused Absence](#)"), without the need for verification from a doctor. However, **parents/guardians are required to call and provide the reason for the absence within 5 days.** If the parent/guardian does not provide a reason for the absence within 5 days, the absence will be unexcused and it cannot be changed. A doctor's note is required to excuse absences lasting more than 3 days. No student may have their grade reduced or lose academic credit for any excused absence, when missed assignments and tests that can be reasonably provided are satisfactorily completed within a reasonable amount of time. However, when student's absences are unexcused, it is up to the teacher whether they can make up missed assignments/test and how much credit they can receive.

Once students have 3 or more full-day unexcused absences or tardy truants, they are subject to the SART/ SARB process below

Final Exams (finals)

The attendance policy for finals is different from the regular school attendance policy and students must be in uniform to take their finals.

Only two requests for absence* will be approved for missing a final exam:

1. Medical Emergency (formal documentation includes: verification letter, document from a hospital or doctor.
2. Family Emergency (formal documentation includes: verification letter of immediate family member's hospitalization, police report or case numbers)

*In order for these requests to qualify as an excused absence from a final, the parent/guardian and/or student must submit formal documentation to the Attendance Office for approval by 4pm on the last day of finals. Students who are absent outside of these two reasons **WILL NOT** be allowed to make up their final exams.

Attendance Notifications

MWA uses an automated notification system called ParentSquare, which broadcasts calls to parents/guardians when a student has tardies, absences, late to class, and/or cuts. It is critical that parents/guardians work with their child to ensure they arrive on time every day. Tardiness disrupts the classroom setting and interferes with the learning process, often significantly impacting student performance. Patterns of tardiness may affect a student's good standing at MWA.

If a parent/guardian receives a notification that a student had an unexcused absence, parents/guardians should contact MWA Attendance Office to provide an absence verification. **Parents/Guardians have five days from the date of the occurrence to provide information and documentation to excuse an absence.** For example, a note from a doctor counts as an "excused" verification of an absence.

Tardiness

Arriving to class and school on time is a critical element of academic success, as well as a skill that is necessary for success in post-secondary and work environments. Habitual tardiness may affect a student's good standing at MWA. For unexcused tardies, the following applies:

- Student reports to the Front Office for Tardy Pass
- Tardy Pass is recorded in PowerSchool
- Student attends detention

It is the student's responsibility to attend detention on the date that the student is assigned. Arriving late to detention, or incurring multiple tardies on a single day, will result in the issuance of a behavior referral.

Tardies excused for medical reasons require written verification by a medical professional.

Excused Absences

The following are **excused** absences:

- Illness of student including an absence for the benefit of the student's mental or behavioral health (more than 10 absences excused for this reason are considered excessive; verification by a medical professional is required)
- Medical, dental, optometry, or chiropractic appointments. **Parents/guardians are encouraged to schedule appointments after school hours.**
- Quarantine under the direction of a county or city health officer.
- Funeral of immediate family (parent, grandparent, sibling or any relative living in the immediate household of the student) limited to 5 days
- Participation in victim or grief support services, or in safety planning related to the death of the student's immediate family member.

- Legal matters*
- Religious holidays or ceremonies
- Religious retreats, not more than 1 school day per semester*
- Funeral ceremony other than immediate family limited to not more than five 5 days per incident*
- Unforeseen emergencies (i.e. natural disasters) will be handled on a case-by-case basis
- For the purpose of spending time with a member of the student's immediate family, who is an active duty member of the uniformed services, as defined in EC § 49701*
- For the purpose of jury duty in the manner provided for by law
- Attendance at the student's naturalization ceremony to become a United States citizen
- Due to the illness or medical appointment during school hours of a child of whom the student is the custodial parent, including absences to care for a sick child for which the school shall not require a note from a doctor.
- Authorized parental leave for a pregnant or parenting student for up to eight (8) weeks, which may be extended if deemed medically necessary by the student's physician.
- Students in grades 7-12 may be excused from school for the purpose of obtaining confidential medical services, without the consent of the student's parent/guardian.
- Participation in a cultural ceremony or event. "Cultural" means relating to the habits, practices, beliefs, and traditions of a certain group of people.
- Participation in a civic or political event, **provided** that the pupil notifies the school ahead of the absence. "Civic or political event" has been defined to include, but not be limited to, voting, poll working permitted protesting, strikes, public commenting, candidate speeches, political or civic forums, and town halls.
- For the purpose of attending a college tour/training (limited to 1 day for local visits and 2 days for out of state visits). Document verification will be required.

**Must be requested in writing by parent/guardian prior to absence and approved by a school designated official.*

As a reminder, the **following will not be excused**:

- Family vacations/trips
- Passport Appointments
- DMV Appointments
- Trips related to off-campus activities not related to school
- Work
- Lack of transportation

Unexcused Absences

Student absences will be recorded as unexcused for any absence other than those listed above as excused absence. More than 3 unexcused absences per year are considered concerning and results in a referral to the **School Attendance Review Team (SART)** for truancy proceedings (see section titled "[School Attendance Review Team](#)" below).

Excessive Absences

Students accumulating more than 17 excused absences (or 10% of school days) are considered excessive and may be referred to the **Contra Costa County Office of Education School Attendance Review Board (County SARB)** for truancy proceedings (see section titled "School Attendance Review Board ("SARB")" below). Additionally, students reaching a **20% Absence Threshold** during the school year-whether excused or unexcused may be considered for involuntary removal (see section titled "Involuntary Removal" below).

Early Release

Early Release is a privilege granted by the school administration to specific students who meet the attendance, academic and behavioral expectations outlined below. This privilege allows students the opportunity to leave school after their last core classes in order to engage in an alternate enrichment activity or other authorized reason listed below. All early release requests must be verified by a parent/guardian, and in some cases, accompanied by formal documentation. All students under age 18 must either be signed out at the Front Office by a parent/guardian or other Authorized adult with a valid picture identification, or the school and Front Office must have written signed permission from the parent/guardian indicating that date and time the student is permitted to leave campus. Students age 18 or older may sign themselves out and may not leave campus without doing so. MWA does not permit early release within the 30 minutes period prior to the regular dismissal time. An exception to this policy may be granted by the Director of Student Support Services, Principal, Assistant Principal or designee.

Authorized Reasons for Early Release

MWA students will only be considered for early release and absences based on the following reasons:

- Personal reasons (e.g., funeral service, legal obligations, medical/dental appointments, internship program, etc.)
- Observance of or attendance to a religious celebration, holiday, ceremony, or retreat
- School related sports, outdoor education, or other educational programs
- Socialization (peer group, psychological services, etc.)
- Additional academic support

School Attendance SART/SARB Process

When a student is a habitual truant, or has irregular attendance at school, the student may be referred to the School Attendance Review Team (SART). The first intervention is conducted by MWA's School Attendance Review Team, which is composed of representatives from MWA (administrator, social worker, teacher, staff) and/or member(s) of the county (law enforcement, members from the county office, or welfare). During the first intervention, the family and MWA sign an agreement regarding the student's attendance. Should the student continue to have attendance difficulties that lead to a violation of that agreement, the student may be referred to the Contra Costa County School Attendance Review Board (SARB). At the County SARB hearing, the problem is addressed, possible solutions proposed, and a formal, legal binding contract is made between the parent, student, and school. Violations of the contract may lead to referral for legal action to the County District Attorney's office.

It is the responsibility of MWA to maximize the use of all available resources and services to resolve attendance and behavior problems. MWA shall notify a student's parent/guardian of their child's absence in the most cost-effective method possible.

The following procedure will be followed to insure parents are aware of their student's absences and the interventions to be implemented:

- **First Notification of Truancy Letter**
 - Sent for any combination of **3** full day Unexcused Absences (UA) or Unexcused Tardies (TX), or excessive (more than 17 full day) total absences (excused or unexcused)
- **Second Notification of Truancy Letter** (Habitual)
 - Sent for **6** full day Unexcused Absences (UA) or Unexcused Tardies (TX) or continued absences after surpassing 17 total absences (excused or unexcused)

- A mandated parent/student conference is held to identify areas of support. SART team meeting is required and fulfills mandated conference requirements.
- **Third Notification of Truancy and Referral to SARB Letter**
 - Sent for **8** or more full day Unexcused Absences (UA) or Unexcused Tardies (UX), or continued absences after surpassing 17 total absences (excused or unexcused). The letter is sent only when MWA is prepared to send the SARB Referral packet, as the letter alerts the family that this will take place.
 - During this hearing, the student's attendance and academic record will be reviewed. A formal legal, binding contract is made between the parent, student, and school. Violations of the contract may lead to referral to the County's Student Attendance Review Board.

School Attendance Review Team (SART) Hearing

The parents/guardians will be given notice by certified mail for the scheduled hearing to meet with MWA's SART to consider a proper plan for correcting problems with attendance. Notices for SART are sent by mail 5 days in advance to the address on file. The parent/guardian and student will be asked to sign an attendance contract. Failure to comply with the contract will result in the order of a citation to appear in a SARB hearing.

Contra Costa County Office of Education Student Attendance Review Board (County SARB)

A student may be referred to the County SARB once MWA has utilized all available interventions to support a student's attendance. The CCCOE conducts district-level SARB hearings for students referred from its county-operated community school and its county-authorized charter schools. The County SARB will review information presented by MWA and will interview the student and a parent/guardian. Following the hearing, the student may be placed in a contractual agreement with the County SARB, be required to report their progress, and be referred to the County's District Attorney's Office if they fail to meet the requirements of their agreement.

More information about the Contra Costa County Office of Education's SARB can be found on their website: https://www.cccoe.k12.ca.us/programs/for_educators/sarb

Involuntary Removal Process

No student shall be involuntarily removed by MWA for any reason unless the parent or guardian of the student has been provided written notice of intent to remove the student no less than five schooldays before the effective date of the action ("Involuntary Removal Notice"). The written notice shall be in the native language of the student or the student's parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder. The Involuntary Removal Notice shall include the charges against the student and an explanation of the student's basic rights including the right to request a hearing before the effective date of the action. The hearing shall be consistent with MWA's expulsion procedures. If the student's parent, guardian, or educational rights holder requests a hearing, the student shall remain enrolled and shall not be removed until MWA issues a final decision. As used herein, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions or expulsions pursuant to MWA suspension and expulsion policy.

Upon a parent/guardian request for a hearing, MWA will provide notice of the hearing consistent with its expulsion hearing process, through which the student has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the student has the right to bring legal counsel or an advocate. The notice of hearing shall be in the native language of the student or the student's parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder and shall include a copy of MWA expulsion hearing process. If the parent/guardian is nonresponsive to the Involuntary Removal Notice, the student will be disenrolled as of the effective date set forth in the Involuntary

Removal Notice. If a parent/guardian requests a hearing and does not attend on the date scheduled for the hearing the student will be disenrolled effective the date of the hearing.

If as a result of the hearing the student is disenrolled, notice will be sent to the student's last known district of residence within thirty (30) days. A hearing decision not to disenroll the student does not prevent MWA from making a similar recommendation in the future should student truancy continue or reoccur.

Arrival/Dismissal Policy

In order to protect and ensure student safety, MWA is a **closed campus**. This means that from the time of arrival to the time of dismissal to home, students may not leave campus. All parents/ guardians and students are expected to follow MWA's Arrival and Dismissal Policy, including traffic guidelines, time frames, and directives from MWA staff members and volunteers facilitating arrival/dismissal in order to maintain a safe environment for everyone. Violation of the arrival and/or dismissal policies is a Level 2 infraction.

	Days/Time	Procedure
Arrival (All grades)	<u>Monday through Friday:</u> 8:00 to 8:30 am	<ul style="list-style-type: none"> Cars dropping off must use the drive loop and authorized loading/unloading zones only. Parents/Guardians may not park along Lakeside Drive to drop-off students, or pull into driveways along Lakeside. Middle school students report directly to the MS campus Upper school students report directly to the US campus There is no supervision on campus before 8:00am, the designated arrival time
Dismissal 3:00 pm (5th-8th grade)	<u>Monday</u> <u>Tuesday</u> <u>Wednesday</u> <u>Thursday</u>	<ul style="list-style-type: none"> Students may leave campus via the MWA bus, bike, car, and by walking to public transportation or home Students should report to designated loading/unloading zones ONLY Families with both students in both the upper and middle schools should pick up sibling groups at the middle school dismissal zone
Dismissal 3:30 pm (9th-12th grade)	<u>Monday</u> <u>Tuesday</u> <u>Wednesday</u> <u>Thursday</u>	<ul style="list-style-type: none"> Students not leaving campus are expected to report directly to sports, club activities, or after school programming under the direct supervision of MWA faculty or staff. Any student remaining on campus 30 minutes after dismissal will be asked to leave upon the close of dismissal Students may not leave campus and return without permission from the Program Director or their designee
Friday Early Dismissal 2:00 pm (All grades)	Regular AND Community Building Wednesdays* *EXCEPT on 4-day weeks	<ul style="list-style-type: none"> *On 4-day school weeks there is NO early Dismissal on Wednesday; instead school will dismiss at 3:00 and 3:30 for the respective grades <p><i>After the close of the dismissal, parents/guardians picking up students must go to the MS Front Office to collect their student from the designated school-wide late pick-up waiting area.</i></p>

Expectations for Parents/Guardians & Students During Arrival & Dismissal

Parents/guardians are responsible for clearly communicating with their students every day regarding student dismissal plans.

Students may make phone calls home from the front office during breaks or lunch if they need to speak to their parents/guardians about pick-up times, after-school plans, sports and other plans. Students are permitted to use personal cell phones during approved times for transportation-related calls.

Students and parents/guardians are expected to respectfully and courteously follow traffic laws, posted signs, and the directions of all MWA staff and volunteers during arrival and dismissal. Additionally, they should be mindful of the volume and appropriateness of their music when on campus.

To ensure student safety, and to ensure families get through the arrival and dismissal line quickly, please follow the directions of staff, faculty and volunteers at all times. The dismissal process takes approximately 10-25 minutes, depending on the day and weather conditions. Students and parents/guardians should plan ahead if there is an appointment or other commitment for which they need to leave school promptly. Parents/guardians should review the [early release](#) procedure if they anticipate needing to leave school early in order to attend an appointment (appointments are excused per the reasons outlined in the section titled "[Excused Absences](#)").

Traffic Procedures

To ensure student and community safety, it is essential to follow the traffic procedure. Families and/or students found violating MWA arrival/dismissal expectations, traffic regulations or operating in an unsafe manner may lose their parking privileges on campus (for students) and/or receive a Level 2 consequence. The local police department will be involved as necessary.

Guidelines

- Always follow directions of the staff, faculty and volunteers directing traffic
- Always use the crosswalks
- Never "j-walk"
- U-Turns on Lakeside are prohibited
- Never park in the red curb areas
- Speed limit is 10 mph while driving anywhere on campus (e.g. the parking lots and the drive loop)
- Students may only park in designated student parking areas
- Students may not park in faculty or visitor parking spaces
- Students must be dropped off/picked up in designated on-campus areas ONLY through use of the Drive Loops; do not drop off/pick up in campus driveways, roadways or parking lots.
- Student drop-off/pick-up at any of the surrounding businesses (for example, the YMCA, post office, business park) is **strictly prohibited**

Students and parents/guardians who do not follow the Arrival/Dismissal Policy jeopardize the safety of our students and staff, and will be subject to the following:

- School-Wide Behavior Management System interventions – refer to School-Wide Behavior Management System
- Meeting with School Administrator to discuss safety violations
- Report to Law Enforcement as mandated by law

Student athletes are permitted to leave campus and return for later practices and games with the permission of the Athletic Director. Athletes must return promptly at the start time of their activity supervised by MWA staff, or wait in the designated academic program area. Athletes may not wait in unsupervised and closed buildings. Athletes may **not bring unapproved food back to campus.*

School-wide Services, Expectations, and Guidelines

Student Support Services

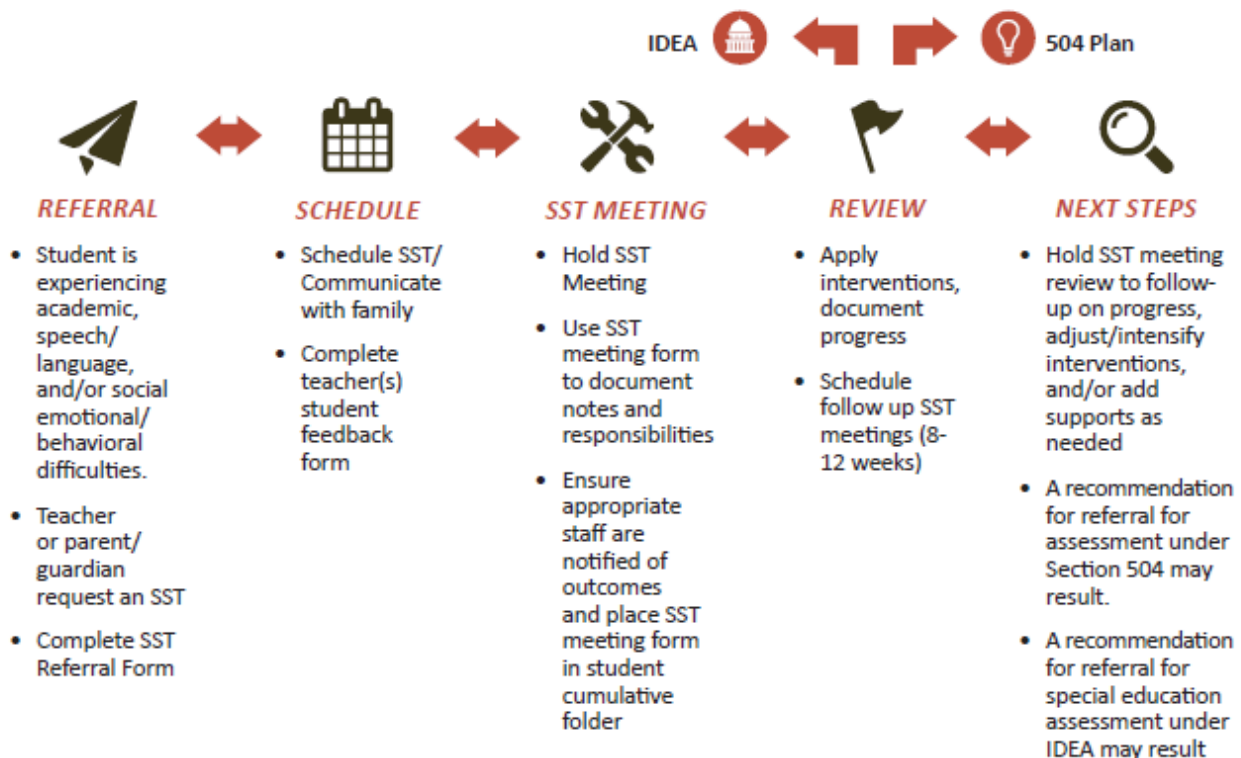
Student Success Team (SST)

An SST is a multi-disciplinary team that considers, plans, and assesses general education interventions and supports for students experiencing academic, speech/language, and/or social-emotional/behavioral difficulties. This early intervention for struggling students through the SST process is a function of the general education program and not of special education. The purpose of the (SST) is to problem-solve and to identify supports in the general education setting which allow a student to be successful in that setting.

A student may be referred to the SST for:

- Lack of academic progress
- Behavioral/emotional concerns
- Attendance/truancy issues
- Consideration for retention
- Social Emotional concerns
- Consideration for special education evaluation
- Other unresolved parent/guardian concerns

SST FLOWCHART



Who participates in the SST team?

The SST is composed of members of the general education school staff and includes meaningful participation of the parent/guardian and the student, if appropriate. The SST reviews and analyzes all screening data, including Response To Instruction and Intervention (RTI2) results and provides a system for accountability. Parents play an integral role in the SST process. If requested, intervention specialists and/or special educators may also participate in SST meetings.

What is 504 and how is it connected to the SST process?

504 is a section of the Rehabilitation Act of 1973 that ensures individuals with disabilities have equal access and opportunities and may not be discriminated against on the basis of their disability. If interventions in the general education environment prove to be insufficient, the SST team may decide to refer the student to the 504 team, to determine if the student may be eligible for services under 504. If the SST refers a student for special education assessment, and the student does not qualify, a student's 504 eligibility may be considered.

504 Policies and Procedures

Students with a disability may qualify for regular or special education and/or related aids, services, and/or accommodations under Section 504. Please refer to the 504 Policy which can be found in both the middle and upper school offices. Section 504 covers qualified students with a disability who attend schools receiving Federal financial assistance. Section 504 requires that LEAs provide a Free Appropriate Public Education (FAPE) to qualified students in their jurisdictions who have a physical or mental impairment that substantially limits one or more major life activities.

Section 504 defines a person with a disability as one of the following:

- Has a physical or mental impairment that substantially limits one or more major life activities
- Has a record of such an impairment
- Be regarded as having such an impairment

Under Section 504, unless a student actually has an impairment that substantially limits a major life activity, the mere fact that a student has a "record of" or is "regarded as" disabled is insufficient, in itself, to trigger Section 504 protection that require the provision of a Free and Appropriate Public Education (FAPE). The phrases "has a record of disability" and "is regarded as disabled" are meant to reach the situation in which a student either does not currently have or never had a disability, but is treated by others as such.

Substantial Limitation: A substantial limitation that affects a person's ability to perform an activity in relation to the average person in the general population.

Referrals

When a student is exhibiting academic, social, emotional, participation, attendance, and/or behavioral problems, the student may need to be referred to the intervention/student success team (SST). This referral may lead to a referral to assess under Section 504 and/or a referral to assess under IDEA. A referral to either of the above-mentioned teams, can be initiated by, but is not limited to, the following: parent, administrator, teacher, or school personnel.

Special Education

MWA recognizes the importance of providing educational opportunities to all students regardless of physical challenges or special needs. MWA is committed to serve the exceptional needs of such students in accordance with applicable federal and state laws. MWA collaborates with parents/guardians, the student, teachers, and other agencies, as may be indicated, in order to appropriately serve the educational needs of each student.

Special Education Services are provided to allow students with disabilities to participate in their educational experience within the least restrictive environment (LRE). Special education services are provided by MWA staff and contracted service providers to all eligible MWA students in accordance with the Individuals with Disabilities Education Act (IDEA) and the policies/requirements of MWA's Special Education Local Plan Area ("SELPA"). MWA is part of the El Dorado Charter SELPA. Students may be referred for special education support services through the Response to Intervention model adopted by MWA.

Identification and referral for special education evaluation by MWA is generally made through the Student Study Team (SST) process by evaluating the student's response to intervention and possible need for a higher level of support, as well as by consulting with an appointed Special Education approved designee. Parents/guardians may also request assessments in any areas of suspected disability. Identification can take place at any time in the school year and support will be given as soon as eligibility is determined by an Individual Education Plan (IEP) team. Eligibility of students with disabilities for special education shall be determined by the IEP team, which can include Local Education Agency (LEA) staff and specialists (psychologist, resource specialist, speech and language therapist, program specialist, etc., as appropriate), MWA's Student Support designee, MWA administrator(s), MWA classroom teachers, the parent/guardian of the student, and oftentimes the student themselves.

MWA offers a continuum of special education placements and services based on individual student needs. The Least Restrictive Environment (LRE) mandate of the IDEA requires that students with disabilities receive their education in the "regular education environment" to the maximum extent appropriate or, to the extent such placement is not appropriate, in an environment with the least possible amount of segregation from the students' non-disabled peers and community (34 CFR 300.114 through 34 CFR 300.120). LRE not only applies to instruction taking place in the classroom but also broadly to all aspects of a student's special education program, as well as to students who are not educated in traditional settings (e.g., independent study or virtual programs). The continuum of alternative placements reflects a range of potential placements for which a Local Education Agency (LEA) can implement a student's IEP. The continuum begins with the general education setting and continues to become more restrictive with each placement on the continuum (34 CFR 300.114). The IDEA requires that each LEA ensure:

1. To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children without disabilities; and
2. Special classes, separate schooling, or other removal(s) of children with disabilities from the general education environment occurs only if the nature or severity of the disability is such that education in the general education setting, with the use of supplementary aids and services, cannot be achieved satisfactorily.

If a student is not accessing FAPE in their current setting, the LEA may convene an IEP team meeting to discuss the student's identified needs and progress towards their current IEP goals. This may include initiating additional assessments to gain information about a student's present levels of performance to drive identified needs, goals, and supplementary aids/supports/services.

Parent Resources

Knowing the basics of special education in California can help parents navigate the IEP process. The El Dorado SELPA provides parents with resources to support parents understand parent's rights, general terminology, and additional resources. Please see SELPA website <https://charterselpa.org/parent-resources>.

Expectations for Outdoor Activities and Use of Facilities

To maintain consistency and a positive school climate throughout the MWA community the following rules and expectations apply in all outdoor spaces across the MWA campus at all times during and outside of regular school hours:

General Rules

Students must:

- Follow all directions from MWA staff members and adhere to all school rules.
- Share equipment and space.
- Keep all areas clean and tidy.
- Keep food and drinks (except water) in designated eating areas ONLY (not permitted in classrooms). Exceptions will be made for students with an established medical accommodation.
- Notice. Talk. Act. Report any unsafe behavior to a MWA staff member.
- Practice good sportsmanship.
- For Middle School: Freeze at the end of recess when the whistle is blown, then proceed immediately to designated line-up areas.

The Garden

Students must never:

- Stand on, get inside, or jump over concrete raised beds.
- Pull or pick at plants in the garden without staff permission.
- Eat anything from the garden without consulting with a staff member.
- Hide behind plants at any time.

Fences/Walls/Gates

Students must:

- Stay inside MWA's fences/perimeter at all times. No students are permitted to be outside of fences/perimeter.
- Not play or climb on fences, walls or gates. Violation of this safety policy is a Level 2 infraction.
- Not throw any objects through or over the fences, walls or gates.
- Not exit any gate at any time without explicit permission from a staff member.

Equipment

- Middle School students may check-out recess equipment from designated staff. Students may not bring recess equipment from home. Equipment brought from home that is used during school hours may be confiscated.
- Upper School students may bring recess equipment (balls, frisbees) from home. Equipment brought from home should be stored out of sight (e.g. backpack/locker) during non-break periods. Equipment brought from home that is used outside of designated break periods may be confiscated. The School will restrict use of equipment from home and/or remove permission to bring equipment from home if equipment is misused or used in a manner deemed unsafe by School Leadership.

- If personal equipment brought from home goes over the fences, students and parents may retrieve it **after school**.
- If MWA or Health and Wellness equipment goes over the fences, MWA staff will supervise retrieval.
- No bats or hardballs are permitted for use at MWA, except during designated team sports activities under faculty/coach supervision.
- No jump ropes may be tied on fences or used in any physical way towards another person.
- No bikes, rollerblades, Heelys, scooters, or skateboards may be ridden on campus.
- Students must not climb poles or hang from hoops or nets on the basketball courts. Hoops are for balls only.

Picnic Benches & Cement Ledges/Benches

- Students are to clean up after themselves after consuming food or beverages, trash is to be picked up and disposed of in the proper receptacle.
- Students may not stand on picnic tables, benches, or cement ledges/benches anywhere on campus.

Restricted Activities, Areas, & Equipment

- Any areas outside of the perimeter are off limits to students.
- Any area around or near storage sheds are off limits to students.
- Students are to remain off all landscaped and garden areas, including the sand/pebble/bark areas.
- Students may not climb on or stand on large rocks in middle school; only sitting is permitted.
- Unsupervised students are not allowed in classrooms or hallways.
- No rock throwing; what is on the ground stays on the ground.
- Tag or Flag football only; no tackling or contact sports.
- No dog piling, wrestling, play-fighting, or similar games.
- No cheerleader flips, cartwheels, or gymnastics.

Outside Courts

- No gum, food, beverages, or eating allowed on basketball courts.
- No sitting or lounging on the courts to prevent injury by active players/game.

Turf Rules

- No backpacks or students wearing backpacks on the turf. Drop backpacks in the backpack zone prior to entering the turf area.
- No food, drink or eating is permitted on the turf. No gum. Drinking water is permitted on the turf only in sealed bottles resting against the fence.
- No sitting/laying (turf is for exercise/practice/walking only).
- Students will not have access to Health and Wellness (H&W) equipment during recess. See Equipment section above for more details.
- If there are H&W classes using the turf, student use for recess must be pre-arranged with H&W faculty and supervised by separate staff.
- Adult supervision is mandatory in order for students to use the turf.
- No tackling, tripping, wrestling, or play fighting is permitted on the turf.
- When whistle blows, any equipment continued to be used will be confiscated. 10 second rule!
- No phones on the turf.

Gym Rules

- Food, gum, beverages are not allowed.
- Non-marking athletic shoes are REQUIRED on the gym floor.
 - To test a particular shoe, make a dent in the sole with your thumbnail; if the dent recovers quickly the shoe is non-marking. Or, rub the shoe's sole on a clean white piece of paper; if there are no scuff marks the shoe is non-marking.
- Scheduled events have priority.
- Return all equipment after use.
- Do not wear jewelry during workouts.
- Lock all valuables in your assigned lockers.
- No backpacks on the court.
- Report all injuries to your instructor immediately.
- Anyone found damaging or defacing the gym or equipment will be held financially responsible and subject to disciplinary action.
- If the space needs custodial services, please notify your instructor immediately.
- No hanging from or jumping on any equipment including basketball hoop nets, volleyball stands/nets, and bleachers.
- No dunking.

Student Wellness

Immunizations and Physical Examinations

To ensure a safe learning environment for all students, MWA follows and abides by the health standards set forth by the state of California. Students will not attend school until all required records have been received. This requirement can be waived only if a properly signed health exemption is filed. The immunization status of all students will be reviewed periodically. Those students who do not meet the State guidelines will be excluded from school until the requirements are met. Students who have been exposed to a communicable disease for which they have not been immunized may be excluded from school at the discretion of MWA.

Students will be screened for vision and hearing. A parent/guardian of a child enrolled in MWA may file annually with the Assistant Principal a written and signed statement stating that the parent/guardian will not consent to a physical examination of the child. Thereupon the child shall be exempt from any physical examination, but whenever there is a good reason to believe that the child is suffering from a recognized contagious or infectious disease, the child shall be sent home and shall not be permitted to return until MWA authorities are satisfied that any contagious or infectious disease does not exist.

Medical Conditions Management and Medication Administration

In order to provide a safe and supportive environment, MWA in accordance with the California Education Code (49422, 49423) that applies to all students taking medication during school hours and includes medication prescribed for a student's illness or chronic health condition (i.e. asthma inhalers, antibiotics) and over-the-counter medications (e.g. acetaminophen, ibuprofen), requirements under the Student Medication at School section must be met prior to the administration of medication at school.

Parents/guardians of MWA students with a medical condition must notify the School Nurse of their child's condition, subsequent medication needs, provide a medical care plan issued by the child's medical provider, and complete the Medication Authorization Form regarding storage and administration of medications on campus and whether students are fit to self-administer the prescribed medication during the school day. MWA is a

fragrance-free campus, in part to reduce potential triggers of an asthma attack or allergic reaction; more details can be found in the Dress Code section of this handbook.

Student Medications at School

Administration of medication should be arranged to be taken outside of school hours whenever possible.

A MWA Medication Authorization Form (available in the nurse's and front offices) must be completed by BOTH the parent/guardian AND the healthcare provider for all medications taken at school, including prescription medications and medications purchased over the counter (OTC). The form must be completed annually and must include:

- Medication Name, Medication Dosage, Route of Administration, Indication/ Reason for Medication

The completed Medication Authorization Form must be returned to MWA prior to the administration of medication at school.

- Parents/Guardians must provide the medication in a pharmacy-labeled or original container/dispenser.
- Parents/Guardians must deliver the medication to the school personally or send it with a designated adult. Please contact the MWA school nurse for exceptions.
- Medications may be administered at school according to the healthcare provider's instructions by:
 - The school nurse or a designated trained staff member;
 - The parent/guardian or designee who may come to school to administer the medication on a pre-arranged schedule.
 - The student, who under certain circumstances, may self-administer medication, as indicated by the Medication Authorization Form.
- Parents/guardians will be notified prior to the end of the school year to retrieve their child's medication(s). Medications not retrieved will be properly disposed of by school staff.

The Seizure Safe Schools Act (CA Education Code 49468.2) authorizes the administration of emergency anti-seizure medication. If a physician has prescribed emergency anti-seizure medication for seizure control for your child, notify MWA school nurse so that the proper paperwork is completed and personnel can be identified and trained to administer the emergency anti-seizure medication. In case of an emergency, the school nurse or trained volunteer will follow the Emergency First Aid Guidelines for California Schools response for Seizures and the student's Emergency Action/Care Plan if available.

CA Education Code 49414 authorizes school districts to provide emergency epinephrine auto-injectors to school nurses or trained personnel who have volunteered to use such injectors to respond to emergency allergic reactions. In case of an emergency, the school nurse or trained volunteer will follow the Emergency First Aid Guidelines for California Schools response for Allergic Reaction and the student's Emergency Action/Care Plan if available.

CA Education Code 49414.5 authorizes school districts to administer glucagon to a pupil who is suffering from severe hypoglycemia. If your child has diabetes, please notify the MWA school nurse so that the proper paperwork is completed and personnel can be identified and trained to provide emergency medical assistance to your child in the event your child is suffering from severe hypoglycemia at school.

CA Education Code 49414.7 authorizes school districts to administer emergency stock albuterol to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from respiratory distress. In case of an emergency, the school nurse or trained volunteer will follow the Emergency First Aid Guidelines for

California Schools response for Asthma/Wheezing/Difficulty Breathing or the student's Emergency Action/Care Plan if available.

The school nurse is the designated administrator to order and restock rescue medications on campus. Emergency medications are located in the emergency medication cabinets at each of the school health offices and the athletics emergency kit.

Opioid Overdose Response

In the event of an opioid overdose on campus, MWA maintains an emergency supply of Naloxone (Narcan) Nasal Spray, which is an over-the-counter medicine used to treat a known or suspected opioid overdose emergency. Signs and symptoms include breathing problems, severe sleepiness, and inability to respond.

California Education Code section 49414.3 authorizes charter schools to provide emergency Naloxone (Narcan) or another opioid antagonist to school nurses or trained personnel who have volunteered, and to use it to provide emergency medical aid to persons suffering, or reasonably believed to be suffering from an opioid overdose. Section 49414.3 additionally states that a charter school may designate one or more volunteers to receive initial and annual refresher training based on standards regarding the storage and emergency use of this medication from the school nurse or other qualified person designated by an authorizing physician or surgeon.

If an opioid overdose is suspected, a school nurse will administer Naloxone (Narcan) to the person suspected or experiencing an opioid overdose. If the school nurse is not on site or is unavailable, a trained volunteer may administer this medication to a person exhibiting potentially life-threatening symptoms of an opioid overdose.

Emergency Naloxone nasal spray kits are located in the emergency medication cabinets at each of the school health offices and the athletics emergency kit.

SB 997 prohibits charter schools from prohibiting pupils in middle schools, junior high schools, high schools, or adult schools, while on a school site or participating in school activities, from carrying fentanyl test strips or a federally approved opioid antagonist, as provided, for the emergency treatment of persons suffering, or reasonably believed to be suffering, from an opioid overdose.

Additionally, in accordance with California Education Code section 49414.35(a) MWA will not prohibit a pupil 12 years or older, while on a school site or participating in school activities, from carrying or administering opioid overdose reversal medication for the purposes of providing emergency treatment to persons who are suffering, or reasonably believed to be suffering, from an opioid overdose, naloxone hydrochloride or another opioid antagonist.

Management of Lice and Outbreaks

MWA follows a "no live lice" policy.

1. If faculty or staff suspect a student may have lice, they must refer the student to the school nurse for further evaluation. The school nurse will examine the student for any signs or symptoms of live lice.
 - a. It is essential to protect the privacy of any student identified with nits (eggs) or live lice. Confidentiality must be upheld to prevent any bullying or stigma associated with having lice.
2. If live lice are found, parents/guardians will be notified to pick up the student at the end of the school day, and given a written notice and a copy of the brochure "A Parent's Guide to Head Lice".
3. Parents/Guardians should consult their physician or pharmacist for treatment.

4. The student with live lice will remain at home until treatment with a lice shampoo has been initiated. Once treatment has begun, and no live lice are present, the student may report to school to be re-evaluated and cleared to return to class.
5. For maximum efficacy, the shampoo treatment should be repeated in a week.
6. An exposure letter will be sent home with students who are identified as 'close contacts' at the discretion of the school nurse.

Nutrition Policy

Part of the MWA holistic approach involves children being properly nourished. Statistics show that brain function is related to nutrition, and unfortunately, many students are less prepared to learn because they do not consume consistently nutritious meals on a regular basis. The purpose of MWA's nutrition/food guidelines is to serve as a point of nutritional reference to provide consistency for both staff and students.

Our priority is the health of our students. Any contradictory messages (regarding healthy food choices and nutrition) undermine our approach and philosophy on student health. We want our students to build healthy eating habits that they follow now and in the future, but they need help in doing this. Some of our students live in communities where a large part of the population suffers from preventable diseases directly related to diet and food choice. As a result of living in communities where healthy food options are not always available, we want to ensure that our community has the requisite knowledge to make healthy food choices.

MWA participates in the National School Lunch Program. Applications/Alternative Income forms for determining eligibility for federally reimbursable free or reduced price meals are included in the first day packets to all families and can also be obtained in the main office. **Completing the application is vitally important, as it may bring significant additional funds to MWA, and qualify students for individual benefits such as college application waivers, Advanced Placement (AP) and International Baccalaureate (IB) testing fee waivers,. If MWA does not receive enough applications, the funding for some programs may be cut. MWA provides a nutritionally adequate breakfast and a nutritionally adequate lunch to each student who requests a meal without consideration of the student's eligibility for a federally funded free or reduced-price meal, with a minimum of one (1) free meal per meal service (breakfast and lunch) each school day.**

Income eligibility guidelines for federally funded free and reduced-price meals are available at: <https://www.cde.ca.gov/ls/nu/rs/>

Based on a parent/guardian's annual earnings, a parent/guardian may be eligible to receive the Earned Income Tax Credit from the Federal Government (Federal EITC). The Federal EITC is a refundable federal income tax credit for low-income working individuals and families. The Federal EITC has no effect on certain welfare benefits. In most cases, Federal EITC payments will not be used to determine eligibility for Medicaid, Supplemental Security Income, food stamps, low-income housing, or most Temporary Assistance For Needy Families payments. Even if you a parent/guardian does not owe federal taxes, they must file a federal tax return to receive the Federal EITC. Be sure to fill out the Federal EITC form in the Federal Income Tax Return Booklet. For information regarding your eligibility to receive the Federal EITC, including information on how to obtain the Internal Revenue Service (IRS) Notice 797 or any other necessary forms and instructions, contact the IRS by calling 1-800-829-3676 or through its website at www.irs.gov.

A parent/guardian may also be eligible to receive the California Earned Income Tax Credit (California EITC) starting with the calendar year 2015 tax year. The California EITC is a refundable state income tax credit for low-income working individuals and families. The California EITC is treated in the same manner as the Federal EITC and generally will not be used to determine eligibility for welfare benefits under California law. To claim the California EITC, even if you do not owe California taxes, you must file a California income tax return and complete

and attach the California EITC Form (FTB 3514). For information on the availability of the credit eligibility requirements and how to obtain the necessary California forms and get help filing, contact the Franchise Tax Board at 1-800-852-5711 or through its website at www.ftb.ca.gov.

MWA allows students, teachers, and staff to bring and carry water bottles. Water bottles may be excluded from libraries, computer labs, science labs, and other places where it is deemed dangerous to have drinking water. MWA may develop additional policies regarding the types of water bottles that may be carried. MWA adheres to all applicable requirements regarding placement and maintenance of water bottle refilling stations on campus. MWA encourages water consumption through promotional and educational activities and signage that focus on the benefits of drinking water and highlight any water bottle filling stations that are located on campus.

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, MWA is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity. Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-0996. To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; or (202) 690-7442; or email: Program.Intake@usda.gov.

Food Drop-Offs

Any food being dropped off to students by families during the school day must be brought directly to the Front Office of the middle school or upper school. Students may pick up their food from the Front Office once it has been approved by the Dean of Students or their designee. ***Students may NOT utilize food delivery services, including but not limited to Doordash, Uber Eats, GrubHub, pizza delivery, etc. If a student is found to be in violation, the food will be confiscated (to be picked up at the end of the day by the parent or student), and a consequence of detention and/or suspension will be applied if violations persist.***

MWA Food Service is committed to:

- Providing students with healthy and nutritious foods; all students will have access to healthy and nutritious food from MWA.
- Encouraging the consumption of fresh fruits and vegetables, low fat milk and whole grains.
- Supporting healthy eating through nutrition education.
- Encouraging students to select and consume all components of the school meal.

The following outline provides a guide to the foods and beverages that are **approved** by MWA for students to bring for everyday breakfast, snack and lunch:

APPROVED	Why is this the healthy choice?
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<ul style="list-style-type: none"> • Snack/protein bars • Healthy sandwiches • Cereal/oatmeal • Baked savory snacks (i.e. pretzels, crackers) • Homemade meals (for your child only) • Chips (no larger than 1 oz personal serving bag) • Fruit • Vegetables • Yogurt • Whole grains • Food items that are low in fat/calories • Water 	<ul style="list-style-type: none"> • Whole grains provide fiber and vital nutrients to fuel a healthy metabolism. • Lean protein allows for proper muscle development. • Diets rich in calcium support healthy bone growth. • Fruits and vegetables provide necessary vitamins and nutrients for proper development and brain function. • Water keeps the body hydrated and operating. It also helps flush out toxins.
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- MWA is not responsible for storing, refrigerating or heating students' meals.

The following outline provides a guide to the foods and beverages that are **not approved** by MWA for students to bring to school or consume during regular school hours:

NON- APPROVED*	Why is this <i>not</i> healthy for our daily food choice?
<ul style="list-style-type: none"> • Sodas/Sport drinks/Energy drinks • Candy • Gum • Chips (<i>outside of recommended personal serving size during designated meal periods</i>) • Shelled Sunflower seeds • Cookies/Brownies/ Desserts (<i>outside of recommended personal serving size during designated meal periods</i>) • Fast food • Ramen/Cup of Noodles • Caffeinated beverages • Hot Cheetos, Takis and similar products containing Red Dye 40, Blue 1 Blue 2, Green 3, Yellow 5, and Yellow 6 	<ul style="list-style-type: none"> • High sugar consumption can lead to diabetes and excessive weight gain. • Diets that include too much sodium can lead to high blood pressure and heart disease. • Foods high in fat can lead to high blood pressure, high cholesterol, excessive weight gain, and diabetes. • Caffeine is a stimulant, affecting your heart rate and blood pressure. Caffeine also has addictive properties- meaning the growing/developing body can become dependent. • Processed and artificially-flavored foods contain unhealthy chemicals and discourage healthy body development. • High amounts of red and yellow dyes and other irritant additives that are unhealthy and even dangerous for some students.

*Non-approved foods will be confiscated. Students receiving multiple infractions of this policy will be issued a referral. All student food consumption should take place during designated snack break and lunch periods in approved serving areas.

Note: The Nutrition Policy can be flexible to accommodate special events and celebrations throughout the year when pre-approved by senior leadership. Food items containing nuts are prohibited on campus.

When bringing snacks/"treats for special events, please bring appropriate serving sizes, especially when bringing sweets or other typically unhealthy options which should be limited to only one or two items per event.

Teachers are encouraged to incentivize students with healthy snack options, or prizes and rewards such as homework passes, fidget trinkets, free choice time, etc.

Food served during classroom celebrations should fall under the approved food and beverages list, supported by the smart snacks regulation program.

Suggestions for Healthy Classroom Celebration Snack Options

- Sparkling/carbonated water, no sugar
- Juice made of 100% juice with no added sugar (one portion)
- Fruit smoothies (frozen fruit with yogurt)
- Fat-free or low-fat pudding cups
- Fat-free or low-fat yogurt (individual cups or tubes)
- Fat-free or low-fat yogurt parfait cups with fresh fruit and granola
- Fat-free or low-fat frozen yogurt bars
- Fresh fruit with no sugar added (kabobs, trays, salads)
- Dried fruit with no sugar added
- Fruit cups in 100% fruit juice or water
- Rice cakes
- Pretzels (small portions)
- Graham crackers
- Whole grain fruit or cereal bars
- Whole grain cereal cups
- Small whole grain waffles with fresh fruit
- Sugar-free fruit jello cups
- Whole grain small bagels with low-fat cream cheese
- Jelly sandwiches with 100% fruit jelly on whole wheat bread
- Whole grain crackers
- Baked whole grain tortilla chips
- Baked chips (small portions)
- Low-fat or air popped popcorn without butter

Nut-Safe Campus Policy

Here at MWA, it is our goal to provide our students with a safe and healthy learning environment. Numerous students across campus have severe allergies to a variety of nuts.

Anaphylaxis is a severe and potentially life-threatening condition that, when triggered by exposure to allergens such as nuts, can completely close a person's airway. Although we have epinephrine injectors supplied on-campus in case of an emergency, prevention is a much safer method for reducing risk. In light of this, MWA has adopted a Nut Safe and Allergy Awareness Policy that includes:

1. Identifying students with allergies and their allergens
2. Minimizing the risk of occurrence through management controls
3. Planning for effective response to emergencies

What does this mean for parents and students?

- Inform MWA if your child has a nut allergy as soon as possible.
- Work with the school nurse to create a Health Care Plan according to the needs of your child.
- **All students and staff:**
 - Do **NOT** pack or bring any food, snacks, or meals containing nuts such as peanuts, nuts, peanut butter, nut butters, or peanut products for your students.
 - Do **NOT** provide or bring any baked goods or treats containing nuts for class parties and potlucks.

*Below is a list of nuts and nut products that are **not** approved by MWA for students to bring to school for everyday breakfast, snack, and lunch:*

NON-APPROVED NUTS AND NUT PRODUCTS
<ul style="list-style-type: none"> • Almonds • Brazil nuts • Cashews • Filberts • Hazelnuts • Macadamia nuts • Pecans • Pine nuts (<i>Pesto sauce is made of pine nuts</i>) • Pistachios • Walnuts

Listed here are nut-safe alternatives to substitute in your child's lunch. These brands manufacture products in dedicated nut-free facilities. These companies distribute products that are safe and **approved** by MWA for students to bring for everyday breakfast, snack and lunch:

APPROVED NUT-SAFE FOOD BRANDS
<ul style="list-style-type: none"> • Artisana • Beanitos • Blue Diamond • Deep River • Enjoy Life Foods • Gerbs • Go Raw • King Arthur • Lundberg • Made Good • Mary's Gone Crackers • Namaste • Pirate's Booty • Skinny Pop • SunButter • Vermont Nut Free

Mental Health Services

MWA recognizes that unidentified and unaddressed mental health challenges can lead to poor academic performance, increased likelihood of suspension and expulsion, chronic absenteeism, student attrition, homelessness, incarceration, and violence. Access to mental health services at MWA and in our community is not only critical to improving the physical and emotional safety of students, but it also helps address barriers to learning and provides support so that all students can learn problem-solving skills and achieve in school and, ultimately, in life. Our students can ask for support from MWA's division social worker by contacting the Main Office in person or by phone at 510-262-1511. The parent/guardian would then share their child's current grade and support needed (e.g. family divorce, grief/loss, concerned about depressive symptoms) in order to connect with the assigned social worker.

Suicide Prevention and Intervention

The Centers for Disease Control and Prevention (“CDC”) reports that suicide is the second leading cause of death among people 10 to 34 years of age in the United States[i]. MWA's Suicide Prevention and Intervention policy, along with MWA's Death Policy, outlines MWA's suicide prevention, intervention and postvention procedures to protect the health and well-being of all MWA students. Please see MWA's Death Policy for postvention procedures on how to respond to a student who has died by suicide or other circumstances. A full copy of the Suicide Prevention and Intervention Policy and MWA's Death Policy can be found on MWA's website or available by request.

Prevention Programming for Students

Students will participate in workshops and trainings that will inform them about the warning signs of suicide, symptoms of mental health disorders commonly experienced by adolescents, and resources for mental health support.

Risk Factors and Protective Factors

Risk factors for suicide are characteristics or conditions that increase the chance that a person may try to take her or his life. Suicide risk tends to be highest when someone has several risk factors at the same time. (<https://www.thetrevorproject.org/resources/preventing-suicide/suicide-risk-factors/>)

FACTORS OF THE MIND AND BODY	FACTORS FROM THE ENVIRONMENT	FACTORS THAT A PERSON TAKES PART IN, EXPERIENCES OR LEARNS
<ul style="list-style-type: none">• History or signs of depression• History of mental illness• History of being abused or mistreated• History of self-injury• Tendency to be impulsive• Major physical illness• Affective disorders (i.e. mood disorders)• Previous suicide attempt(s)	<ul style="list-style-type: none">• Barriers to mental health services• Lack of community support• Homelessness• A death or relationship breakup• A job loss or change in financial security• Feeling unsafe• Family history of suicide• High stress family environment or dynamic• Academic or family crisis• Easy access to lethal materials	<ul style="list-style-type: none">• Risky health behaviors (e.g. substance abuse, unsafe sex practices, etc.)• Lack of support from other youth• Cultural or religious beliefs that suggest suicide as a solution• Exposure to suicide through the media, family, friends or co-workers• Unwillingness to seek help• Non-suicidal self-injury• Victimization at home or in school• Difficulty in school, failing grades, bullying others

It is important to bear in mind that the large majority of people with mental disorders or other suicide risk factors do not engage in suicidal behavior.

Protective factors for suicide are characteristics or conditions that may help to decrease a person's suicide risk. While these factors do not eliminate the possibility of suicide, especially in someone with risk factors, they may help to reduce that risk. Protective factors for suicide have not been studied as thoroughly as risk factors, so less is known about them.

Protective factors for suicide include:

- Easy access to effective, culturally competent care
- Support from medical and mental health care professionals
- Coping, problem solving and conflict resolution skills
- Restricted access to highly lethal means of suicide (e.g. firearms)
- Strong connections to family members
- Connectedness to safe schools
- Academic, artistic, athletic achievements

- Nonviolent problem solving and conflict resolution
- Family acceptance for their sexual orientation and/or gender identity
- Positive connections with friends who share similar interests
- Cultural and religious beliefs that discourage suicide
- Positive role models and self esteem

Note that protective factors do not entirely remove risk, especially when there is a personal or family history of depression or other mental disorders.

Re-Entry Procedures

When a student returns to school after a mental health crisis, the Dean(s) of Students and the Social Worker will meet with the student's parent/guardian and the student to discuss the process for re-entry and the student's readiness to return to school. This includes:

- The parent/guardian will provide documentation from a mental health care provider of the student's discharge plan that includes the hospitalization dates and contact information of the treating clinician.
- The Social Worker will inform the senior leadership team of the support plan for the student.
- The Social Worker will share with the student's Grade Level Lead the support plan and accommodations or adjustments that should be put in place to help re-integrate the student back to school. If needed, the Social Worker will work with the support services team to determine appropriate next steps for support. This may include convening a Student Success Team (SST) meeting or referral to 504 plan or special education if appropriate.
- The Social Worker will schedule periodic check-ins with the student and parents/guardians to help the student readjust to the school community and address any ongoing concerns.

[i] <https://www.cdc.gov/violenceprevention/suicide/statistics/>

Expectant and Parenting Students

The MWA mission states, "Making Waves commits to rigorously and holistically preparing students to gain acceptance to and graduate from college to ultimately become valuable contributors to the workforce and their communities." This statement is inclusive of expectant and parenting students. MWA encourages expectant and parenting students to continue their education while receiving necessary health, social service, and day care services. MWA recognizes that expectant and parenting students face challenges that may interfere with academic success and are entitled to accommodations that provide them with the opportunity to succeed academically while protecting their health and the health of their children. This policy outlines the protocol that MWA will utilize to best support expectant and parenting students.

A pregnant or parenting student is entitled to eight weeks of parental leave, or more if deemed medically necessary by the student's physician, which the student may take before the birth of the student's infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction, in order to protect the health of the student who gives or expects to give birth and the infant, and to allow the pregnant or parenting student to care for and bond with the infant. A pregnant or parenting student who does not wish to take all or part of the parental leave to which they are entitled shall not be required to do so. When a student takes parental leave, MWA will ensure that absences from the student's regular school program are excused until the student is able to return to the regular school program or an alternative education program. MWA shall not require a pregnant or parenting student to complete academic work or other school requirements during the leave. A pregnant or parenting student may return to the school and the course of study in which the student was enrolled before taking parental leave.

Upon return to school after taking parental leave, a parenting student will be able to make up work missed during their leave, including, but not limited to, makeup work plans and re-enrollment in courses. Notwithstanding any other law, a pregnant or parenting student may remain enrolled for a fifth year of instruction in MWA if it is necessary in order for the student to be able to complete any graduation requirements, unless MWA determines that the student is reasonably able to complete the graduation requirements in time to graduate from high school by the end of the student's fourth year of high school. If a student chooses not to return to MWA after taking parental leave, they are entitled to alternative education options offered by MWA. A pregnant or parenting student who participates in an alternative education program shall be given educational programs, activities, and courses equal to those he or she would have been in if participating in the regular education program. A student shall not incur an academic penalty as a result of the student's use of the accommodations to which it is entitled under the law.

Complaints of noncompliance with laws relating to pregnant or parenting students may be filed under the [Uniform Complaint Procedures \("UCP"\)](#) of MWA. The complaint may be filed in writing with the UCP compliance officer:

Elizabeth Martinez, Chief Operating Officer
4123 Lakeside Drive, Richmond, CA 94806
(510) 262-1511, mwacompliance@mwacademy.org

What Does Federal Law Say Regarding Expectant and/or Parenting Students?

The federal regulations implementing Title IX of the Educational Amendments of 1972 stipulate the following in regards to expectant and/or parenting students:

- No rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex shall be applied (5 CCR § 4950; 34 CFR § 106.40(a)).
- Schools must treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit, service, plan or policy MWA administers, operates, offers, or participates in with respect to MWA's students (5 CCR § 4950(d); 34 CFR § 106.40(b)(4)).
- A physician's note certifying that the student is physically and emotionally able to continue participation may be required only if such certification is required for all students for other physical or emotional conditions requiring the attention of a physician (5 CCR § 4950(b); 34 CFR § 106.40(b)(2)).
- Students are permitted to take a leave of absence for pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom for so long a period of time as is deemed medically necessary by the student's physician, at the conclusion of which the student shall be reinstated to the status which she held when the leave began (34 CFR § 106.40(b)(5)).
- Students shall not be discriminated against or excluded from education programming or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity of MWA. (34 CFR § 106.40(b)).
- A student may participate in a program or activity for pregnant students if provided by MWA, but participation must be completely voluntary and the separate program or activity must be comparable to that offered to non-pregnant students (34 CFR § 106.40(b)(3)).
- Requiring or refusing to allow a student to take a course or participate in a program on the basis of sex is prohibited (34 CFR § 106.34).
- Discriminatory counseling and use of materials that treat students differently on the basis of sex are prohibited (34 CFR § 106.36).
- Discrimination is prohibited in activities that are part of MWA's education program even if they are not directly run by MWA. Thus, a student cannot be excluded from a program such as student exchange, study abroad, or coursework programs on any basis prohibited by Title IX (34 CFR § 106.31(d)).

Social Work Support

Students who are identified as expectant or parenting will be referred to MWA's Division Social Worker. The Division Social Worker will work alongside the student to ensure that MWA is providing academic and socio-emotional support in-school, in addition to referring the student to these types of support within the community. Once an expectant or parenting student is referred to the Division Social Worker, the following protocol will be implemented:

- The Division Social Worker will meet with the expectant and/or parenting student to assess the student's physical, mental, and emotional state. The Social Worker will review Title IX rights and confidentiality with the student. If the student consents, the Social Worker will set-up a meeting with the student, student's family, and school administrators.
- The Division Social Worker will collaborate with academic interventionists in order to develop a graduation plan with each expectant and/or parenting student, which will include maternity/paternity leave dates, academic goals, an academic plan, and academic and socio-emotional supports needed.
- The Division Social Worker will collaborate with school staff to ensure the delivery of support systems.
- The Division Social Worker will refer the student to community resources and supports that serve expectant and parenting students, including Cal-Safe Programs.

School Adjustments

MWA will make reasonable adjustments to facilitate equal access and full participation of expectant and parenting students. Adjustments will be made on a case-by-case basis, and may include:

- Home-based study with support from teachers
- Online learning
- Class schedule flexibility
- Provide a private location where the student can pump milk
- Allow additional time for passing periods, lunch, pumping, and breastfeeding as needed

Confidentiality

Expectant and parenting students have the right to have their health and personal information kept confidential. MWA staff should make every effort to keep personal information and health records confidential within the boundaries of applicable law, including but not limited to:

- Personal information that students share with the Division Social Worker will be kept confidential.
- The Division Social Worker should encourage these youth to consider informing their parents of a pregnancy. However, the Division Social Worker and/or school staff may not disclose this information to the student's parents or force or coerce the youth to inform their parents, or any other individual, of any pregnancy or parenting related information.
 - Fear of disclosure prevents some minors from seeking services. When minors are assured that providers will respect their privacy and provide confidential care, they are more likely to seek care, especially reproductive healthcare. Generally, when a minor has the right to consent to treatment or testing, healthcare providers and school staff should keep information related to the service confidential. However, there are circumstances in which confidentiality may not be possible, including: cases of suspected child abuse or neglect, threats by the minor against self or others, cases where there is a serious risk to the minor's life or health (learning of a pregnancy or parenting status is not in and of itself a serious risk to the minor's life or health).

Expecting and/or Parenting Students Attendance

Every child between the ages of 6 and 18 has the right and the obligation to attend school. Expectant and parenting students have the same right and obligation under compulsory school attendance laws. This attendance right and obligation applies to students regardless of their marital or parental status. Below are important guidelines to monitor the attendance of expectant and/or parenting students.

- Students are entitled to an extended absence or leave of absence for reasons of pregnancy and related medical conditions, including pregnancy-related illness or health condition, childbirth, and recovery therefrom. The leave shall be for at least the duration deemed medically necessary by the student's licensed health care provider. Documentation from students' licensed health care providers may be required for verification of pregnancy and related medical conditions only if it is also required for absences due to other medical conditions. Student parents are also entitled to a fair and reasonable parental leave following the birth of a new child. That leave may be taken sequentially following pregnancy leave. The student's family, school staff and medical professionals shall specify a fair and reasonable term for parental leave with each expectant student.
- Students with excused absences or tardiness such as pregnancy-related illnesses or the medical care of related conditions shall be treated like all other students with excused absences or tardiness for short-term disability or medical reasons. Students with excused absences shall be allowed to complete all assignments and tests missed, or a reasonable equivalent of the work missed, during the absences within a reasonable time period. Students shall be given full credit upon satisfactory completion of that work.
- A student who is the parent of a child shall be considered excused when their absence or tardiness is due to the illness or the medical appointment of their child or as a result of the student's pre- or post-natal medical conditions.
- A student who is the parent of a child shall also be considered excused due to lack of child care when the student has made a reasonable effort to secure and maintain reliable child care. The Division Social Worker will take part in determining whether the student has made a reasonable effort to secure child care. MWA requires verification of appointments from expectant students' licensed healthcare providers or the licensed healthcare providers for students' children, however, any such oral or written verification will not appear in the student's school records and shall be stored in a separate confidential file managed by the Division Social Worker.
- At the conclusion of a pregnancy and/or parental leave, students will be reinstated at MWA with the same status as before the leave began. MWA will support the continuation of learning during excused absence and leave with the supports listed above.

Homeless Youth

Liaison for Homeless, Foster and/or Mobile Youth:

Sonja Jackson, Social Worker

4123 Lakeside Drive, Richmond, CA 94806

(510) 262-1511

The term "homeless children and youth" means individuals who lack a fixed, regular and adequate nighttime residence due to economic hardship. It includes children and youths who (42 USC 11434a):

- Are sharing the housing of other persons **due to loss of housing, economic hardship, or a similar reason**; are living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
- Have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings;
- Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations,

or similar settings; and/or

- Migratory children and unaccompanied youth (youth not in the physical custody of a parent or guardian) may be considered homeless if they meet the above definition of “homeless.”

Homeless status is determined in cooperation with the parent/guardian during student registration and re-enrollment. In the case of unaccompanied youth, the status is determined by the MWA Liaison.

A copy of [MWA's annual notice on Homeless Youth](#) is located in the appendices section.

Foster Youth

The following definitions apply:

1. “Foster youth” refers to any child who has been removed from their home pursuant Welfare and Institutions Code section 309 and/or is the subject of a petition filed under Welfare and Institutions Code section 300 or 602. This includes children who are the subject of cases in dependency court and juvenile justice court.
2. “Former juvenile court school students” refers to a student who, upon completion of the student’s second year of high school, transfers from a juvenile court school to MWA.
3. “Child of a military family” refers to a student who resides in the household of an active duty military member.
4. “Currently Migratory Child” refers to a child who, within the last 12-months, has moved with a parent, guardian, or other person having custody to MWA from another Local Educational Agency (“LEA”), either within California or from another state, in order that the child or a member of the child’s immediate family might secure temporary or seasonal employment in an agricultural or fishing activity, and whose parents or guardians have been informed of the child’s eligibility for migrant education services. “Currently Migratory Child” includes a child who, without the parent/guardian, has continued to migrate annually to secure temporary or seasonal employment in an agricultural or fishing activity.
5. “Newcomer pupil” means a student who is participating in a program designed to meet the academic and transitional needs of newly arrived immigrant students that has as a primary objective the development of English language proficiency.

A copy of [MWA's annual notice on Foster Youth](#) is located in the appendices section.

School Property and Personal Possessions

Lockers and Locks

Students will be assigned a locker with a lock. Only locks provided by MWA will be used on the lockers. Students should keep the combination to themselves. There will be a \$5 replacement fee for any lost locks. Lockers are for your belongings and school supplies. Students are responsible for the organization and cleanliness of their locker. Lockers may be searched at any time by school officials to the extent allowed by law. As such, students:

- Should not have any unauthorized and/or illegal items such as weapons, cigarettes, vape, drugs (even prescription drugs, which should be kept in the nurse’s office).
- Should not leave food in their locker as it attracts rodents and ants.
- Should not leave any PE clothing in the locker over the weekend.
- Should not leave any electronics, irreplaceable items or other valuables in their locker, including money.

Textbooks

Students will be issued textbooks for their classes. Instructional materials are an expensive resource and MWA provides sufficient instructional materials in accordance with state law. Instructional materials provided for use by students remain the property of MWA. Students are responsible for returning borrowed materials in good condition, with no more wear and tear than usually results from normal use. Students are expected to handle all instructional materials in good condition. Damages to instructional materials may be billed to the family/guardian. If a student textbook is found not under the possession of its owner on campus, it is returned to the Front Office and the parent/guardian is notified.

The parent/guardian of a minor student shall be liable for the replacement cost for any textbooks that the student fails to return or that is willfully cut, defaced or otherwise damaged. The cost of the textbook varies based on the subject matter and cost of shipping. Textbooks purchased by the student or parent/guardian will not be accepted as a replacement in lieu of funds. If the student or parent/guardian are unable to return the property or pay for the damages, they can work with MWA administration to reach a solution.

Computer/Internet Use Policy

MWA provides internet access to students for educational purposes only. The use of the internet is necessary for many school research projects. Misuse of the internet or other MWA technology violates [MWA Technology Acceptable Use Policy](#) and subjects a student to school disciplinary consequences. MWA also encourages students and families to purchase device insurance to cover accidental damages to student devices. You can read more details on this offering in the [student device insurance](#) policy.

Guidelines:

- Students must complete a cyber-ethics and safety course every year.
- Students should have no expectation of privacy at any time while using MWA technology, nor at home when it pertains to school business.
- MWA is authorized to, and does, monitor the use of MWA technology including but not limited to email logs and internet histories of students.
- Students may only use MWA technology, including its internet network, for appropriate educational purposes and research.
- Student access to the internet shall be for school related purposes only; students may not use the network in a fashion inconsistent with directions from teachers or other staff or in violation of the MWA Technology Acceptable Use Policy, which includes, but is not limited to the following prohibited actions:
 - a. Playing games or online gaming.
 - b. Use of online platforms not provided by MWA for learning and instruction, or for communication.
 - c. Downloading software, music, movies or other content in violation of licensing requirements, copyright or other intellectual property rights.
 - d. Installing software on MWA equipment without the permission of a teacher or other authorized MWA staff person.
 - e. Downloading, viewing or sharing inappropriate content, including pornographic, defamatory or otherwise offensive material.
 - f. Conducting any activity that is in violation of MWA policy, the student code of conduct or local, state or federal law.
 - g. Engaging in any activity that is harmful to other student(s), including the use of MWA technology to harass, intimidate, or bully or otherwise disrupt the educational process.
 - h. Using MWA technology to engage in political activities or conducting for-profit business.
 - i. Using hacking tools on the network or intentionally introducing malicious code or viruses into MWA's network.

- j. Using any software or proxy service to obscure either the student's IP address or the sites that the student visits.
 - k. Disabling, bypassing, or attempting to disable or bypass any system monitoring, filtering or other security measures.
 - l. Accessing or attempting to access material or systems on the network that the student is not authorized to access.
- Students should use the internet/network only with the permission of designated school staff.
 - Students should be considerate of other users on the network.
 - Students must use appropriate language for school situations and must not use vulgar or profane language or images, including those with implied vulgarity and/or profanity.
 - Students should immediately report any security problems or breaches of these responsibilities to the supervising teacher.
 - Students must adhere to copyright laws and plagiarism rules when using the Internet; students should acknowledge the source of information included in their work.
 - Students may not share user IDs and passwords required to access email and other programs.
 - Students may not give out personal information about themselves or where they live.
 - Students may not fill out forms on the Internet without parent/teacher permission.
 - Students may not send pictures of themselves through email using MWA technology.
 - Students may not have access to e-commerce or publicly provided Internet Service Providers or email services. Students will receive school email accounts upon enrollment.
 - Students may not use proxy avoidance sites (sites that allow the user to bypass the Internet filter) or other sites indicated as blocked. Use of these sites violates MWA's Technology Acceptable Use Policy and could result in loss of internet access and/or other disciplinary actions.
 - Students may not intentionally degrade or disrupt internet network services or equipment. This includes but is not limited to tampering with computer hardware or software, vandalizing data, invoking computer viruses, attempting to gain access to restricted or unauthorized network services, unauthorized redirection of school web pages or violating copyright laws.
 - Students may not work directly on teacher or MWA websites without express written permission from the MWA IT Director and an administrator.
 - Students may not use MWA technology to construct websites using content or links that violate state or federal laws.
 - Students should treat MWA technology with care and respect; no food or drink is allowed when using MWA technology.
 - Students are not allowed to use online platforms for communication or for other purposes unless it is officially sanctioned by the school or if directed to do so by an instructor or MWA staff person.

Note: To see the full MWA Technology Acceptable Use Policy, please request one from the front desk of the Middle School or Upper School.

Cell Phone/Electronics Policy

Students may not carry or possess, or use privately owned Chromebooks, laptops, or tablets at school and school-sponsored activities held at the school. Students must use their MWA issued Chromebook when on campus to complete their work and no personal Chromebooks, laptops, or tablets will be allowed.

MWA believes that cell phones/electronics are disruptive to the educational environment and therefore are completely restricted during instructional time (unless specifically authorized by a teacher for instructional purposes). All cell phone and electronic devices should be turned off and not visible during instructional time. **Students using a cellphone or electronic device during an unauthorized time will have the item confiscated. In accordance with Assembly Bill 3216, the Phone-Free School Act, MWA reserves the right**

to implement additional measures to restrict the use of cell phones or electronic devices on campus throughout the school day (not just instructional time). Additional measures include but are not limited to the use of lockable pouches, designated lockers, caddies, or bins, etc.

If students are seen with a cell phone or prohibited electronic devices including but not limited to headphones/earbuds, they will be warned to put it away the first time.

- A second time a student is seen with a cell phone and/or prohibited electronics it will be confiscated and turned into the front office, where the student can retrieve the electronic at the end of the day.
- The third time a cell phone or prohibited electronic is confiscated and turned into the front office, the parent must pick up the item.
- From then on, the student will be asked to check their phone at the office at the beginning of the day and students can pick it up at the end of the day when they are going home.
- Continued violation of the policy may lead to loss of privileges

Camera or audio recording functions of electronic devices may pose threats to the personal privacy of individuals, be used to exploit personal information, or compromise the integrity of educational programs. Accordingly, use of the audio recording or camera functions of electronic devices will be strictly prohibited on school premises at all times. The violation of one's privacy in such a manner will result in school and/or district consequences, including law enforcement referral. If a student is found using a cell phone or electronic devices to cyberbully, plagiarize, harm or disrupt the learning environment for other students they may be subject to disciplinary action including and up to Suspension and/or Expulsion.

The cell phone or prohibited electronic device can be confiscated whether or not the student is the owner of the phone or not. Cell phones and electronics may be confiscated from students by any MWA staff.

In cases where a student has lost the privilege of having a cellphone/electronic device in their personal possession during the day and a parent/guardian is concerned about safety, please contact the Dean of Students. Repeated violations of this policy will result in a parent/guardian meeting and possible additional consequences.

At no time shall MWA be responsible for preventing theft, loss or damage to cell phones, pagers, or other electronic devices brought onto campus or school-provided transportation. Students bringing personal devices to campus are doing so at their own risk. The school shall not assume responsibility for unauthorized calls made with an electronic device. If devices are loaned to and misused by non-owners, device owners are jointly responsible for the misuse or policy violation(s). Individuals wishing to report a violation of this policy should contact a dean, dean office administrator, principals and school administrator.

Notwithstanding the above rules, no student shall be prohibited from possessing or using a cell phone or electronic device in an emergency, in response to a perceived threat of danger, as required by the student's IEP or when it is determined by a licensed physician and surgeon to be essential for the health of the student and use of which is limited to purposes related to the health of the student.

School Safety

Visitor Policy/Guidelines

Partnership between MWA, parents/guardians and families is essential to support student achievement. To promote family involvement, community building, and academic growth, parents/guardians and educational advocates are always welcome on campus, on the condition that they adhere to the visitor policy outlined below.

All visitors are expected to register by providing a photo identification card (ID) to the Front Office prior to being approved for visit. MWA uses the Raptor Visitor Management System in our Front Offices to strengthen campus security for students and faculty. Part of keeping students and faculty safe is knowing who is in our buildings at all times and if it is safe for them to be around minors. The Raptor system will support us to achieve this goal by allowing us to screen visitors, contractors and volunteers against national databases for sex offenders.

Upon entering the front office, visitors will be asked to present a valid ID such as a Driver's License, which can either be scanned or manually entered into the system. If a parent or guardian for any reason does not have a US government-issued ID, the school staff member can use any form of identification and manually enter the person's name into the Raptor system. The Raptor system checks the visitor's name and date of birth against a national database of registered sex offenders. The registered sex offender database is the only official database checked by the Raptor system. No other data from the ID is gathered or recorded and the information is not shared with any outside agency. If the visitor clears the database check, Raptor will issue a badge that identifies the visitor, the date, and the purpose of their visit. A visitor's badge will not be necessary for those who visit our schools simply to drop off/pick up an item or student in the office.

MWA complies with all applicable health and safety guidelines and orders issued by federal, state, or local governments or health departments. Visitors (including volunteers) who demonstrate signs of a contagious disease (e.g., fever, coughing, etc.) may be denied registration. When recommended or required by the State or County Department of Public Health, visitors will be required to wear personal protective equipment, such as masks, and adhere to physical distancing protocols. MWA reserves the right to implement additional measures for the protection of its school community, such as limiting nonessential visitors on campus or requiring forehead temperature checks before entry to the same extent being utilized for students and employees.

A "visitor" is any person seeking to enter the school grounds during school hours who is not a current MWA employee or current student. A "visitor" does not include a parent or guardian of a current student who is solely on school grounds for pick-up or drop-off of their child. All visitors who are not a parent or guardian of a current student must have a specific and educationally-relevant purpose for their visit.

All campus visitors must have the prior consent and approval of the school leader or their designee to be on campus. Visitors are required to adhere to the following procedures:

- Visitors may request school leader consent through the front office or by contacting the front office/school main line at 510-262-1511.
- The request should include the purpose of the visit, dates, and times of the visit and the specific classroom(s) or student(s) of focus.
- Immediately upon arriving on campus, all visitors must check in at the front office to sign in and obtain a visitor's pass.
- All visitors must wear a visitor's pass (printed sticker) in a visible place throughout the duration of their stay on campus.
- All visitors must sign out upon the completion of their visit and return their visitor's pass.

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

Visitor Conduct While on Campus

In order to maintain a safe and productive learning environment for students and staff, we request that visitors adhere to the following:

- Enter and leave the classroom as quietly as possible.
- Do not converse with students, teachers or other instructional assistants during the visit unless given permission.
- Visitors should not address nor confront other students.
- Keep the length and frequency of classroom visits reasonable, based on the activity being observed.
- No electronic listening or recording device may be used in a classroom without the Assistant Principal or designee's permission. No recordings may be published publicly.
- Visitors are expected to conduct themselves as professionals, and as such this entails not entering campus under the influence of alcohol or drugs. Nor should visitors show up smelling like drugs, e.g., marijuana. If the visitor does not meet the stated expectations they will be asked to leave the premises.

Parents/Guardians, Visitors Shall Not:

- Be permitted access to the campus if they are registered sex offenders without prior permission from the Chief Executive Officer or their designee in accordance with Penal Code 626.81. The request must be received by the school no later than 21 school days prior to the first date the person is requesting to be on campus.
- Willfully interfere with the behavior management, order or conduct in any classroom or school activity with the intent to disrupt, obstruct, or inflict damage to property or bodily injury to any person.
- Disrupt class work, extracurricular activities or cause disorder in a place where a school employee is required to perform their duties.
- Willfully interfere with or disregard any safety-related operations and procedures (e.g. moving traffic cones for convenience), including for student sign-out, arrival and dismissal.
- In accordance with Penal Code 626.10 PC, bring or possess any dangerous weapon on school grounds.

Administrator Authority

All visitors who enter MWA and fail to adhere to the visitor policy, or who defy the school policy and administration's authority, may be reported to the appropriate police agency and may be subject to criminal charges.

Parent/Guardian Rights

- Parents have the right to observe classrooms in which their child is enrolled after making a request at least 5 school days in advance.
- Parents have the right to request a meeting with a classroom teacher, the school Principal, Assistant Principal, or their designee after observing their student.

Removal of Visitors

- A "Visitor" refers to any person who is not a student or an employee of Making Waves Academy.
- MWA administration may refuse to register a visitor if it is believed that the presence of the visitor would cause a threat of disruption, physical injury to staff members or students, and/or threat of destruction of property.
- MWA administration may withdraw consent to be on campus whenever there is reason to believe that the person has willfully disrupted or is likely to disrupt MWA's orderly operation. If consent is withdrawn by

someone other than the Principal or Assistant Principal, they may reinstate consent for the visitor if he/she believes that the person's presence will not constitute a disruption or substantial and material threat to MWA's orderly operation. Consent can be withdrawn for up to fourteen (14) days.

- MWA Administration may request that a visitor who has failed to register, or whose registration privileges have been denied or withdrawn, promptly leave school grounds. When a visitor is directed to leave, MWA administration shall inform the visitor that if he/she reenters MWA without following the posted requirements he/she will be guilty of a misdemeanor and will be referred to law enforcement.
- Any visitor that is denied registration or has their registration revoked may request a conference with the Principal or designee. The request shall be in writing, shall state why the denial or revocation was improper, shall give the address to which notice of conference is to be sent, and shall be delivered to the Principal within fourteen (14) days of the denial or revocation of consent. The Principal shall promptly mail a written notice of the date, time, and place of the conference to the person who requested the conference. A conference with them shall be held within seven (7) days after they receive the request. If no resolution can be agreed upon, the Principal shall forward notice of the complaint to the MWA Board of Directors. The MWA Board of Directors shall address the complaint at the next regular board meeting and make a final determination.
- MWA administration will seek the assistance of the police in managing or reporting any visitor in violation of this policy.

Volunteer Criminal Background Checks and Tuberculosis Testing

As required by law, all individuals volunteering at MWA will be required to submit to a criminal background screening, the extent of such screening will be determined by the number of volunteer hours per month and per year and whether the volunteer will have contact with students. No condition or activity will be permitted that may compromise MWA's commitment to the safety, and the well-being of students. Conditions that preclude volunteering at MWA include conviction of a controlled substance or sex offense, or a serious or violent felony. Additionally, should a volunteer, during their volunteer service with MWA, be convicted of a controlled substance or sex offense, or serious or violent felony, the volunteer must immediately report such a conviction to the Director of Human Resources.

All volunteers of MWA whose functions require frequent or prolonged contact with students 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 volunteer 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 volunteers whose functions require frequent or prolonged contact with students will be required to undergo TB risk assessments and, if risk factors are found, the examination at least once every four (4) years. The costs of the TB risk assessment and, if indicated, the examination will be borne by the volunteer. Food handlers may be required to have annual TB exams. Documentation of volunteer compliance with TB risk assessments and examinations will be kept on file in the HR office. More information on volunteering can be found on MWA's [Volunteer Webpage](#).

All-School Safety and Emergency Plan

MWA has a detailed Comprehensive School Safety Plan. A Letter to the Public describing annual updates to the plan is posted on the MWA website and a copy of desired sections may be requested at the middle school or upper school Front Offices*. In the case of an emergency, it is important that students listen to, and follow exactly, the instructions given by any MWA staff member or emergency personnel. Staff and faculty are trained annually on all emergency procedures prior to the start of each school year and reviewed/re-disseminated as needed during the school year. Training slides for each drill type are reviewed with students the first three (3) times that drill type is held during the school year, and thereafter as needed. Throughout the academic year, staff, faculty

and students practice a variety of safety drills to educate our students and staff and make them aware of what they need to know and what to do in the event of an emergency.

*Tactical Responses (EC32282(a)[2](J) - MWA, in consultation with law enforcement officials, has developed tactical responses to criminal incidents at the school site that may result in death or serious bodily injury. In accordance with EC 32281(f), MWA elects not to disclose the tactical response portions in the publicly-viewed copy of this plan. The undisclosed procedures for Secure Campus, Lockdown, and Evacuation are contained in the appendices of the plan and are not included in their entirety in the public version.

All-School Lockdown Drill

In the event of a dangerous situation or crisis in process, “Lockdown Campus” would be declared by the Incident Commander.

The procedure for the lock down as facilitated by faculty and staff is as follows:

- “Lockdown Campus” is announced over the PA system,
- Staff will quickly check outside their rooms to allow any nearby staff or students to enter before closing and locking the door.
- Doors are locked. Lights are turned off. Windows are covered. Silence is required for everyone’s safety.
- All students and staff will duck out of sight, cover and remain in place until notified that the need for lockdown is over.

If your students feel anxiety as a result of this drill, they are encouraged to seek support from the Student Services Team or speak with any staff member.

Notice of Pipeline Hazard

An 8-inch diameter liquid petroleum pipeline, owned and operated by Kinder Morgan Energy, Partners, LP traverses the western portion of the MWA property, primarily behind US Building 2 (4131 Lakeside Drive). J House Environmental, Inc. prepared a pipeline hazard analysis to identify potential safety hazards associated with school facility operations in proximity to this pipeline.

This analysis concluded, “The Kinder-Morgan refined petroleum product pipeline that traverses the western portion of the 4123 and 4131 Lakeside Drive site is not anticipated to pose a significant safety hazard to students or staff at the proposed charter school.”

A copy of the complete 26-page pipeline hazard analysis is available for viewing at the upper school Front Office, MWA, 4123 Lakeside Drive, Richmond, CA.

Appendices

Appendix A: Student-Parent/Guardian Acknowledgment Form

This form is now signed and collected via ParentSquare

Please complete, detach and return to homeroom or advisor teacher

(PLEASE PRINT CLEARLY)

Student Name _____ Wave _____

The MWA Student-Parent/Guardian Handbook is designed to promote and support student success by outlining the important policies, procedures and expectations of MWA.

We are requiring that all parents and guardians read and review MWA's Student-Parent/Guardian Handbook with their student and return this form acknowledging that this document has been received and read.

I have received and read a copy of the MWA Student-Parent/Guardian Handbook. I understand that if I have any questions about the Handbook, I may consult the Assistant Principal and/or designee(s).

Student Full Name: _____

Student Signature: _____

Parent/Guardian Full Name: _____ Date: _____

Parent/Guardian Signature: _____ Date: _____

Appendix B: Parent/Guardian and Student Commitment Form

This form is now signed and collected via ParentSquare

<i>Student Commitment</i>	<i>Parent/Guardian Commitment</i>
<p>As a student I will:</p> <ul style="list-style-type: none"> • Set goals • Be a scholar • Make mistakes and learn from them • Arrive at school on time ready to learn • Reflect on and evaluate my performance • Act with truthfulness, kindness, and respect • Treat all people with respect, kindness, and dignity • Put forth my best effort to be the best Wave-Maker I can be • Discover and develop my voice, my talents, and my strengths • Discover and develop my value to the group, MWA, and the community • Take responsibility for my actions, my relationships, my community, and my environment • Follow all policies and rules 	<p>As a parent/guardian I will:</p> <ul style="list-style-type: none"> • Take primary responsibility for behavior management • Work with school officials to resolve any behavior management incident in a patient, objective, and fair manner • Work to develop in my student good behavior habits as well as proper attitudes regarding school-life and life in general by teaching through example • Attend parent/guardian -conference sessions and any other mandatory meetings • Actively monitor and assist with my student's academic and behavioral progress • Communicate and work closely with MWA staff • Communicate with all MWA staff in a professional and respectful manner • Follow all policies and rules • Stay informed through Parent Square, Parent Talks and other opportunities for school engagement.
<p>_____</p> <p>Student Name (Print)</p>	<p>_____</p> <p>Student Name (Print)</p>
<p>_____</p> <p>Student Signature</p>	<p>_____</p> <p>Parent/Guardian Name (Print)</p>
<p>_____</p> <p>Date</p>	<p>_____</p> <p>Parent/Guardian Signature</p>
	<p>_____</p> <p>Date</p>

Appendix C: Professional Boundaries - Staff/Student Interaction Policy

The School recognizes its responsibility to make and enforce all rules and regulations governing student 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 student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student.

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, students, 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:

Examples of PERMITTED actions (NOT corporal punishment)

1. Stopping a student from fighting with another student;
2. Preventing a pupil from committing an act of vandalism;
3. Defending yourself from physical injury or assault by a student;
4. Forcing a pupil 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.

Examples of PROHIBITED actions (corporal punishment)

1. Hitting, shoving, pushing, or physically restraining a student as a means of control
2. Making unruly students 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/Student 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 students 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, students, 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 student. Trespassing the boundaries of a student/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 student 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 students, 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 students certainly fosters learning, student/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 student behavior that crosses boundaries or where a student appears to be at risk for sexual abuse.

Examples of Specific Behaviors -- THIS IS NOT AN EXHAUSTIVE LIST

Unacceptable Staff/Student Behaviors (Violations of this Policy)

- (a) Giving gifts to an individual student that are of a personal and intimate nature.
- (b) Kissing of any kind.
- (c) Any type of unnecessary physical contact with a student in a private situation.
- (d) Meeting with students for a non-school purpose, or intentionally being alone with one (1) or more students away from the school.
- (e) Making or participating in sexually inappropriate comments.
- (f) Sexual jokes.
- (g) Seeking emotional involvement with a student for your benefit.
- (h) Listening to or telling stories that are sexually oriented.
- (i) Discussing inappropriate personal troubles or intimate issues with a student in an attempt to gain their support and understanding.
- (j) Becoming involved with a student so that a reasonable person may suspect inappropriate behavior.
- (k) Communicating with a student outside of school hours unless it is pertaining to specific classroom assignments or student club activity responsibilities.

Unacceptable Staff/Student Behaviors without Parent and Supervisor Permission

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

- (a) Giving students a ride to/from school or school activities.
- (b) Being alone in a room with a student at school with the door closed.
- (c) Allowing students in your home.
- (d) Communicating with a student outside of school hours unless it is pertaining to specific classroom assignments or student club activity responsibilities.
- (e) Communicating with students through non-school platforms. This means using personal cell phones or any non-school-issued platforms to interact with students. All communication shall be confined to designated school platforms unless approved by the Principal or designee.

- (f) Serving food or drinks (except water) in the classroom to students without prior approval from the Assistant Principal.

Cautionary Staff/Student 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 student.
- (c) Sending emails, text messages or letters to students if the content is not about school activities.

Acceptable and Recommended Staff/Student Behaviors

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

Appendix D: Annual Notices for Academic Programs

California Assessment of Student Performance and Progress (“CAASPP”)

MWA shall annually administer required state testing to the applicable grades (e.g., the California Assessment of Student Performance and Progress.) Notwithstanding any other provision of law, a parent’s or guardian’s written request to school officials to excuse their child from any or all parts of the CAASPP shall be granted.

Teacher Qualifications

All parents may request information regarding the professional qualifications of classroom teachers and/or paraprofessionals including at a minimum:

1. Whether the student’s teacher:
 - a. Has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
 - b. Is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; and
 - c. Is teaching in the field of discipline of the certification of the teacher; and
2. Whether the child is provided services by paraprofessionals and, if so, their qualifications.

Upon request, MWA will provide the information to the parents/guardians in a timely manner. Parents/guardians may contact Human Resources (humanresources@mwacademy.org) to obtain this information.

Workplace Readiness Week and Work Permits

The week of each year that includes April 28 shall be known as “Workplace Readiness Week.” All public high schools, including charter schools, shall annually observe that week by providing information to students on their rights as workers.

Beginning August 1, 2024, any minor seeking the signature of an MWA verifying authority on a Statement of Intent to Employ a Minor and Request for a Work Permit-Certificate of Age will be issued, before or at the time of receiving the signature of the verifying authority, a document clearly explaining basic labor rights extended to workers. An infographic explaining these rights is available at: <https://laborcenter.berkeley.edu/wp-content/uploads/2024/05/Know-Your-Rights-FINAL.pdf>

Parent and Family Engagement Policy

MWA aims to provide all students in our school significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps while abiding by guidelines within the Elementary and Secondary Education Act (“ESEA”). MWA staff recognizes a partnership with families is essential to meet this goal. Our Parent and Family Engagement Policy leverages and promotes active involvement of all families as partners with schools to ensure student success. A copy of the MWA’s complete Policy is available upon request in the main office.

Homework Policy

Homework is an important part of the instructional program at MWA. Homework assignments increase appropriately in quantity and variety as a student progresses each year. Homework reinforces classroom studies and helps to develop student capacity to do independent work. Students will be given a planner and are required to use it daily for recording homework assignments. Students are expected to complete homework neatly, on time, and with a parent signature (as required by the teacher). Any problems or concerns regarding the completion of homework should be communicated with the classroom teacher.

In the event of an unplanned absence, students are expected to request and make arrangements to complete homework that was due on the day(s) they were absent upon their return to school. Accepting late homework due to unexcused absences is the discretion of the teacher. For every day of an excused absence, students have that number of days to turn in late assignments.

Cal Grant Program Annual Notice

MWA is required by state law to submit the GPA of all high school seniors by October 1 of each year, unless the student over age 18 or parent/guardian for those under 18 opt out. Students currently in eleventh (11th) grade will be deemed a Cal Grant applicant, unless the student (or parent, if the student is under 18) has opted out by or before February 1, 2021.

Human Trafficking Prevention

California has the highest number of incidents of human trafficking in the U.S., and all students may be vulnerable. MWA believes it is a priority to inform our students about (1) prevalence, nature of and strategies to reduce the risk of human trafficking, techniques to set healthy boundaries, and how to safely seek assistance, and (2) how social media and mobile device applications are used for human trafficking. Human trafficking prevention information and resources are available at:

<https://www2.ed.gov/about/offices/list/oese/oshs/factsheet.html>

<https://www.cdss.ca.gov/inforesources/child-welfare-protection/child-trafficking-response>

In accordance with the California Healthy Youth Act, MWA will provide age-appropriate instruction on the prevention of human trafficking, including sexual abuse, assault, and harassment. You have the right to excuse your child from all or part of the instruction on the prevention of human trafficking. An opt-out form is available at the main office for your convenience. Your consent for this instruction is NOT required. If we do not receive a written request to excuse your child, your child will be included in the instruction.

Information Regarding Financial Aid

MWA shall ensure that each of its students receives information on how to properly complete and submit the Free Application for Federal Student Aid (FAFSA) or the California Dream Act Application, as appropriate, at least once before the student enters grade 12. MWA will provide a paper copy of the FAFSA or the California Dream Act Application upon request.

- The FAFSA form and information regarding the FAFSA are available at:
 - <https://studentaid.gov/h/apply-for-aid/fafsa>
- The California Dream Act Application and information regarding the California Dream Act are available at:
 - <https://www.csac.ca.gov/post/resources-california-dream-act-application>

MWA shall confirm that each of its students in grade 12 completes and submits a FAFSA to the United States Department of Education, or if the student is exempt from paying nonresident tuition pursuant to Education Code section 68130.5, a California Dream Act Application to the Student Aid Commission. Students who are exempt or whose parent/guardian (if the student is a minor) have opted-out will not be required to comply.

Upper School Interscholastic Athletics Program Annual Notice

Interscholastic Athletic Participation is an enriching co-curricular opportunity for the students in the Upper School. While all students are welcomed to try out and participate, there are expectations set by the Bay Area Conference (BAC), North Coast Section (NCS) and California Intercollegiate Federation (CIF), the three governing bodies for our participation in high school athletics. In addition, MWA has expectations for its student athletes as well.

Participation in athletics helps teach resilience, teamwork, cooperation, sportsmanship, dedication, perseverance, fitness, and so much more. Please be advised that parents/guardians must sign a concussion/head injury information sheet on a yearly basis if their student is an athlete on any of the MWA's athletic teams. This does not apply to an athlete engaging in an athletic activity during the regular school day or as part of a physical education course. For eligibility and participation requirements, please review our MWA Athletics Participation Policy located at the upper and middle school offices.

- For a full list of sports offered at MWA, visit our [Interscholastic Athletics](#) and [MS Athletics](#) pages on the MWA website

Concussion/Head Injuries

A concussion is a brain injury that can be caused by a bump, blow, or jolt to the head, or by a blow to another part of the body with the force transmitted to the head. Even though most concussions are mild, all concussions are potentially serious and may result in complications including prolonged brain damage and death if not recognized and managed properly. Because MWA has elected to offer an athletic program, we must immediately remove from a school-sponsored athletic activity for the remainder of the day an athlete who is suspected of sustaining a concussion or head injury during that activity. The athlete may not return to that activity until the athlete is evaluated by, and receives written clearance from, a licensed healthcare provider. If the licensed health care provider determines the athlete has a concussion or head injury, the athlete shall also complete a graduated return-to-play protocol of no less than seven days in duration under the supervision of a licensed health care provider. On a yearly basis, a concussion and head injury information sheet must be signed and returned by the athlete and the athlete's parent or guardian before the athlete initiates practice or competition. This requirement does not apply to an athlete engaging in an athletic activity during the regular school day or as part of a physical education course.

Opioid Information Sheet

MWA annually provides each athlete with an Opioid Factsheet for Patients published by the Centers for Disease Control and Prevention. The athlete and, if the athlete is 17 years of age or younger, the athlete's parent or guardian shall sign a document acknowledging receipt of the Opioid Factsheet for Patients and return that document to MWA before the athlete initiates practice or competition. The fact sheet is available at:

<https://www.cdc.gov/drugoverdose/pdf/AHA-Patient-Opioid-Factsheet-a.pdf>

Sudden Cardiac Arrest

MWA is invested in the health of its athletes, especially their heart health. Sudden cardiac arrest (SCA) is when the heart stops beating, suddenly and unexpectedly. Those wishing to participate in athletics at MWA must review the information sheet on sudden cardiac arrest via the link below and provided prior to participation:

http://assets.ngin.com/attachments/document/0115/1081/Sudden_Cardiac_Arrest_Info_.pdf

English Learners

MWA is committed to the success of its English learners and support will be offered both within academic classes and in supplemental settings for students who need additional support for English language learning. MWA will meet all applicable legal requirements for English learners as they pertain to annual notification to parents, student identification, placement, program options, English learners and core content instruction, teacher qualifications and training, reclassification to fluent English proficient status, monitoring and evaluating program effectiveness, and standardized testing requirements. MWA will implement policies to assure proper placement, evaluation, and communication regarding English learners and the rights of students and parents.

Sexual Health Education

MWA offers comprehensive sexual health education to its students. A parent or guardian of a student has the right to excuse their child from all or part of comprehensive sexual health education, HIV prevention education, and assessments related to that education through a passive consent (“opt-out”) process. MWA does not require active parental consent (“opt-in”) for comprehensive sexual health education and HIV prevention education. Parents and guardians may:

- Inspect written and audiovisual educational materials used in comprehensive sexual health education and HIV prevention education.
- Excuse their child from participation in comprehensive sexual health education and HIV prevention education in writing to MWA.
- Be informed whether the comprehensive sexual health or HIV/AIDS prevention education will be taught by MWA personnel or outside consultants. When MWA chooses to use outside consultants or to hold an assembly with guest speakers to teach comprehensive sexual health or HIV/AIDS prevention education, be informed of:
 - The date of the instruction
 - The name of the organization or affiliation of each guest speaker
- Request a copy of Education Code sections 51930 through 51939.

Anonymous, voluntary, and confidential research and evaluation tools to measure students’ health behaviors and risks may be administered to students. A parent or guardian has the right to excuse their child from the test, questionnaire, or survey (“opt-out”). Parents or guardians shall be notified in writing that this test, questionnaire, or survey is to be administered, given the opportunity to review the test, questionnaire, or survey if they wish, notified of their right to excuse their child from the test, questionnaire, or survey, and informed that in order to excuse their child they must state their request in writing to MWA.

A student may not attend any class in comprehensive sexual health education or HIV prevention education, or participate in any anonymous, voluntary, and confidential test, questionnaire, or survey on student health behaviors and risks, if MWA has received a written request from the student’s parent or guardian excusing the student from participation. An alternative educational activity shall be made available to students whose parents or guardians have requested that they not receive the instruction or participate in the test, questionnaire, or survey.

Tests on Personal Beliefs

Unless a parent or guardian gives written permission, a student will not be given any test, questionnaire, survey, or examination containing any questions about the student’s, or their parents’/guardians’ personal beliefs or practices in sex, family life, morality, or religion.

California Healthy Kids Survey

MWA will administer the California Healthy Kids Survey (“CHKS”) to fifth and sixth grade students whose parents provide written permission, and seventh through twelfth graders whose parents provide passive consent. The CHKS is an anonymous, confidential survey of school climate and safety, student wellness, and youth resiliency that enables MWA to collect and analyze data regarding local youth health risks and behaviors, school connectedness, school climate, protective factors, and school violence.

Animal Dissections

Students at MWA perform animal dissections as part of the science curriculum. Any student who provides their teacher with a written statement, signed by their parent/guardian, specifying the student’s moral objection to

dissecting or otherwise harming or destroying animals, or any parts thereof, may be excused from such activities if the teacher believes that an adequate alternative education project is possible. The alternative education project shall require a comparable time and effort investment by the student. It shall not, as a means of penalizing the student, be more arduous than the original education project. The student shall not be discriminated against based upon their moral objection to dissecting or otherwise harming or destroying animals, or any parts thereof. Students choosing an alternative educational project shall pass all examinations of the respective course of study in order to receive credit for that course of study. However, if tests require the harmful or destructive use of animals, a student may, similarly, request alternative tests as set forth above.

Diabetes Annual Notification to Parents

MWA will provide an information sheet regarding type 2 diabetes to the parent or guardian of incoming 7th grade students, pursuant to Education Code Section 49452.7. The information sheet shall include, but shall not be limited to, all of the following:

1. A description of type 2 diabetes.
2. A description of the risk factors and warning signs associated with type 2 diabetes.
3. A recommendation that students displaying or possibly suffering from risk factors or warning signs associated with type 2 diabetes should be screened for type 2 diabetes.
4. A description of treatments and prevention of methods of type 2 diabetes.
5. A description of the different types of diabetes screening tests available.

The information sheet can be found at: <https://www.cde.ca.gov/ls/he/hn/type2diabetes.asp>

Please contact the office if you need a copy of this information sheet or if you have any questions about this information sheet.

MWA will provide an information sheet regarding type 1 diabetes to the parent or guardian of a student when the student is first enrolled in elementary school, pursuant to Education Code Section 49452.6. The information sheet may include, but shall not be limited to, all of the following:

1. A description of type 1 diabetes.
2. A description of the risk factors and warning signs associated with type 1 diabetes.
3. A recommendation that parents or guardians of students displaying warning signs associated with type 1 diabetes should immediately consult with the student's primary care provider to determine if immediate screening for type 1 diabetes is appropriate.
4. A description of the screening process for type 1 diabetes and the implications of test results.
5. A recommendation that, following a type 1 diagnosis, parents or guardians should consult with the pupil's primary care provider to develop an appropriate treatment plan, which may include consultation with and examination by a specialty care provider, including, but not limited to, a properly qualified endocrinologist.

A copy of the information sheet regarding type 1 diabetes is available at:

<https://www.cde.ca.gov/ls/he/hn/type1diabetes.asp>.

Please contact the office if you need a copy of this information sheet or if you have any questions about this information sheet.

Cancer Prevention Act

Students in the state are advised to adhere to current immunization guidelines, as recommended by the Advisory Committee on Immunization Practices (ACIP) of the federal Centers for Disease Control and Prevention (CDC), the American Academy of Pediatrics, and the American Academy of Family Physicians, regarding full human papillomavirus (HPV) immunization before admission or advancement to the eighth grade level of any private or public elementary or secondary school.

Because the vaccine is more effective when given at younger ages, two doses of HPV vaccine are recommended for all kids between the ages of 9 to 12 years, and the second dose should be given before the start of 8th grade. Kids who wait until later to get their first dose of HPV vaccine may need three doses.

HPV vaccination can prevent over 90 percent of cancers caused by HPV. HPV vaccines are very safe, and scientific research shows that the benefits of HPV vaccination far outweigh the potential risks.

Dangers of Synthetic Drugs

The illicit use and abuse of synthetic drugs represents an emerging and ongoing public health threat in California. The fentanyl crisis specifically, has impacted communities across the state, leading to a sharp increase in fentanyl poisonings and deaths in recent years.

This notice aims to address the crisis with a preventative approach ensuring students and families are educated on the deadly consequences of recreational drug use.

A synthetic drug is a drug with properties and effects similar to a known hallucinogen or narcotic but having a slightly altered chemical structure, especially such a drug created in order to evade existing restrictions against illegal substances.

Synthetic drugs include but are not limited to synthetic cannabinoids (“synthetic marijuana,” “Spice,” “K2”), methamphetamines, bath salts, and fentanyl.

The California Department of Public Health (“CDPH”) has expounded on the extreme danger of drugs laced with fentanyl. Illicit fentanyl can be added to other drugs to make them cheaper, more powerful, and more addictive. Illicit fentanyl has been found in many drugs, including heroin, methamphetamine, counterfeit pills, and cocaine. Fentanyl mixed with any drug increases the likelihood of a fatal overdose. Furthermore, it is nearly impossible to tell if drugs have been laced with fentanyl without additional testing, because fentanyl cannot be seen, smelled, or tasted when used as a lacing agent.

Parents should also note the risk of social media platforms being used as a way to market and sell synthetic drugs, such as fentanyl.

Additional information regarding fentanyl from the CDPH’s Substance and Addiction Prevention Branch can be found [here](#).

Use of Student Information Learned from Social Media

MWA complies with all federal, state, and local guidelines regarding the gathering and/or maintenance of information about any enrolled student obtained from social media in the student’s educational record. MWA gathers student information from social media. Such information shall be maintained in MWA’s records with regard to the student and shall be destroyed within one (1) year after a student turns 18 years of age or within one (1) year after the student is no longer enrolled in MWA, whichever occurs first. A non-minor student or a student’s parent or guardian may access the student’s records for examination of the information, request the removal of information or corrections made to information gathered or maintained by MWA by contacting the Assistant Principal.

Safe Storage of Firearms

The purpose of this notice is to inform and to remind parents and legal guardians of all students at MWA of their responsibilities for keeping firearms out of the hands of children as required by California law. There have been many news reports of children bringing firearms to school. In many instances, the child obtained the firearm(s) from his or her home. **These incidents can be easily prevented by storing firearms in a safe and secure manner, including keeping them locked up when not in use and storing them separately from ammunition.**

To help everyone understand their legal responsibilities, this notice spells out California law regarding the storage of firearms. Please take some time to review this notice and evaluate your own personal practices to assure that you and your family are in compliance with California law:

- With very limited exceptions, California makes a person criminally liable for keeping any firearm, loaded or unloaded, within any premises that are under their custody and control where that person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, and the child obtains access to the firearm and thereby (1) causes death or injury to the child or any other person; (2) carries the firearm off the premises or to a public place, including to any preschool or school grades kindergarten through twelfth grade, or to any school-sponsored event, activity, or performance; or (3) unlawfully brandishes the firearm to others.
 - The criminal penalty may be significantly greater if someone dies or suffers great bodily injury as a result of the child gaining access to the firearm.
- With very limited exceptions, California also makes it a crime for a person to negligently store or leave any firearm, loaded or unloaded, on their premises in a location where the person knows or reasonably should know that a child is likely to gain access to it without the permission of the child's parent or legal guardian, unless reasonable action is taken to secure the firearm against access by the child, even where a minor **never** actually accesses the firearm.
- In addition to potential fines and terms of imprisonment, as of January 1, 2020, a gun owner found criminally liable under these California laws faces prohibitions from possessing, controlling, owning, receiving, or purchasing a firearm for 10 years.
- Finally, a parent or guardian may also be civilly liable for damages resulting from the discharge of a firearm by that person's child or ward.

The county or city may have additional restrictions regarding the safe storage of firearms. Thank you for helping to keep our children and schools safe. Remember that the easiest and safest way to comply with the law is to keep firearms in a locked container or secured with a locking device that renders the firearm inoperable.

Appendix E: Anti-Bullying, Harassment, Intimidation, Discrimination and Title IX Policy

MWA is committed to providing a work and educational atmosphere that is free of unlawful discrimination, sexual harassment, harassment, intimidation, and bullying. MWA will not condone or tolerate discrimination or harassment of any type, including bullying, or intimidation, by any employee, independent contractor or other person with whom it does business, or any other individual, student, or volunteer.

As used in this policy, discrimination, sexual harassment, harassment, intimidation, and bullying are described as the intentional conduct, including verbal, physical, written communication or cyber-bullying, including cyber sexual bullying, based on the actual or perceived characteristics of mental or physical disability, sex (including pregnancy and related conditions, and parental status), sexual orientation, gender, gender identity, gender expression, immigration status, nationality (including national origin, country of origin, and citizenship), race or ethnicity (including ancestry, color, ethnic group identification, ethnic background, and traits associated with race, including,

but not limited to, hair texture and protective hairstyles such as braids, locs, and twists), religion (including agnosticism and atheism), religious affiliation, medical condition, genetic information, marital status, age, or any combination of those characteristics, association with a person or group with one or more of these actual or perceived characteristics, or any combination of those characteristics, or any other basis protected by federal, state, local law, ordinance or regulation. Hereafter, such actions are referred to as “misconduct prohibited by this policy.”

All complaints of misconduct prohibited by this policy will be treated seriously. Students are expected to guide all of their actions with others using the MWA Core Values. Material that is considered verbally or physically threatening, obscene, racist, discriminatory, will not be tolerated. MWA will address misconduct prohibited by this policy, which includes but is not limited to harassment in social networking threatening posts and/or correspondence, that comes to the attention of MWA. MWA reserves the right to access and review any and all information in accordance with the law and MWA policies in an attempt to preserve the safety, health, and overall well-being of the student.

To the extent possible, MWA will make reasonable efforts to prevent students from being discriminated against, harassed, intimidated and/or bullied, and will take action to investigate, respond to, and address any reports of such behaviors in a timely manner. MWA staff who witness acts of misconduct prohibited by this policy will take immediate steps to intervene, when safe to do so.

MWA will promptly and thoroughly investigate and respond to any complaint of misconduct prohibited by this policy, including but not limited to those instances occurring on social networking sites and communication devices during regularly scheduled work days and hours, in a manner that is not deliberately indifferent and will take appropriate corrective action, if warranted.

This policy applies to incidents occurring on the school campus, at school-sponsored events and activities regardless of the location, through school-owned technology, and through other electronic means, whether perpetrated by a student, employee, parent/guardian, volunteer, independent contractor or other person with whom MWA does business, and all acts of MWA's Board of Directors (“Board”) in enacting policies and procedures that govern MWA.

MWA complies with all applicable state and federal laws and regulations and local ordinances in its investigation of and response to reports of misconduct prohibited by this policy.

Title IX, Harassment, Intimidation, Discrimination and Bullying Coordinators:

For Students:

Dean of Students
4123 Lakeside Drive
Richmond, CA 94806
(510) 262-1511
Jovan Fulton-Wilson
Alexis Bustamante
Sonja Jackson

For Employees:

Elizabeth Martinez, Chief Operating Officer

compliance@mwacademy.org
4123 Lakeside Drive
Richmond, CA 94806
(510) 262-1511

Harassment

Harassment means conduct based upon one or more of the protected characteristics listed above that is severe or pervasive, which unreasonably disrupts an individual's educational or work environment or that creates a hostile educational or work environment. Harassment includes, but is not limited to:

- Verbal conduct such as epithets, derogatory jokes, comments, or slurs;
- Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work or school based on any of the protected characteristics listed above;
- Retaliation for reporting or threatening to report harassment;
- Deferential or preferential treatment based on any of the protected characteristics listed above.

Sexual Harassment

In accordance with Title IX (20 U.S.C. § 1681 et seq.; 34 C.F.R. Part 106) and California law, discrimination and harassment on the basis of sex in education institutions, including in the education institution's admissions and employment practices, is prohibited. All persons, regardless of sex, are afforded equal rights and opportunities and freedom from unlawful discrimination and harassment in education programs or activities conducted by MWA.

MWA is committed to providing a work and educational environment free of sexual harassment and considers such harassment to be a major offense, which may result in disciplinary action. Inquiries about the application of Title IX and 34 C.F.R. Part 106 may be referred to the Coordinator, the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

Under Title IX, "sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

- An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
- "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Under California Education Code section 212.5, sexual harassment consists of conduct on the basis of sex, including but not limited to unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct on the basis of sex, regardless of whether or not the conduct is motivated by sexual desire when: (a) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, education, academic status, or progress; (b) submission to, or rejection of, the conduct by the individual is used as the basis of employment, educational or academic decisions affecting the individual; (c) the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment; and/or (d) submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

Examples of conduct that may fall within the Title IX definition of sexual harassment, the Education Code definition of sexual harassment, or both:

Physical assaults of a sexual nature, such as:

- Rape, sexual battery, molestation or attempts to commit these assaults and
- Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another's body, or poking another's body

Unwanted sexual advances, propositions or other sexual comments, such as:

- Sexually oriented gestures, notices, remarks, jokes, or comments about a person's sexuality or sexual experience
- Preferential treatment or promises of preferential treatment to an individual for submitting to sexual conduct, including soliciting or attempting to solicit any individual to engage in sexual activity for compensation or reward or deferential treatment for rejecting sexual conduct
- Subjecting or threats of subjecting a student or employee to unwelcome sexual attention or conduct or intentionally making the student's or employee's performance more difficult because of the student's or employee's sex

Sexual or discriminatory displays or publications anywhere in the work or educational environment, such as:

- Displaying pictures, cartoons, posters, calendars, vandalism, objections, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning or pornographic or bringing or possessing any such material to read, display or view in the work or educational environment
- Reading publicly or otherwise publicizing in the work or educational environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic, and
- Displaying signs or other materials purporting to segregate an individual by sex in an area of the work or educational environment (other than restrooms or similar rooms)

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

Formal Complaint of Sexual Harassment means a written document filed and signed by a complainant who is participating in or attempting to participate in MWA's education program or activity or signed by the Coordinator alleging sexual harassment against a respondent and requesting that MWA investigate the allegation of sexual harassment. At the time of filing a formal complaint of sexual harassment, a complainant must be participating in or attempting to participate in MWA's education program or activity.

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

What is Bullying?

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

1. Placing a reasonable student or students in fear of harm to that student or those students' person or property.
2. Causing a reasonable student to experience a substantially detrimental effect on their physical or mental health.

3. Causing a reasonable student to experience substantial interference with their academic performance.
4. Causing a reasonable student to experience substantial interference with their ability to participate in or benefit from the services, activities, or privileges provided by MWA.

* "Reasonable student" is defined as a student, including, but not limited to, a student with exceptional needs, who exercises average care, skill and judgment in conduct for a person of their age, or for a person of their age with their exceptional needs.

What is Cyberbullying?

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

"Electronic Act" means the creation 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:

1. A message, text, sound, video, or image.
2. 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 website created for the purpose of having one or more of the effects as listed in the definition of "bullying," above
 - b. Creating a credible impersonation of another actual student for the purpose of having one or more of the effects listed in the definition of "bullying," above. "Credible impersonation" means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated
 - c. Creating a false profile for the purpose of having one or more of the effects listed in the definition of "bullying," above. "False profile" means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.
3. An act of "cyber sexual bullying" including, but not limited to:
 - a. The dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in the definition of "bullying," above. A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
 - b. "Cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
4. Notwithstanding the definitions of "bullying" and "electronic act" above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet

Bullying and Cyberbullying Prevention Procedures

MWA has adopted the following procedures for preventing acts of bullying, including cyberbullying.

1. Cyberbullying Prevention Procedures

MWA advises students:

- A. To never share passwords, personal data, or private photos online.
- B. To think about what they are doing carefully before posting and by emphasizing that comments cannot be retracted once they are posted.
- C. That personal information revealed on social media can be shared with anyone including parents, teachers, administrators, and potential employers. Students should never reveal information that would make them uncomfortable if the world had access to it.
- D. To consider how it would feel receiving such comments before making comments about others online.

MWA informs its employees, students, and parents/guardians of MWA's policies regarding the use of technology in and out of the classroom. MWA encourages parents/guardians to discuss these policies with their children to ensure their children understand and comply with such policies.

2. Education

MWA employees cannot always be present when bullying incidents occur, so educating students about bullying is a key prevention technique to limit bullying from happening. MWA advises students that hateful and/or demeaning behavior is inappropriate and unacceptable in our society and at MWA and encourages students to practice compassion and respect each other.

MWA educates students to accept all student peers regardless of protected characteristics (including but not limited to actual or perceived sexual orientation, gender identification, physical or cognitive disabilities, race, ethnicity, religion, and immigration status) and about the negative impact of bullying other students based on protected characteristics.

MWA's bullying prevention education also discusses the differences between appropriate and inappropriate behaviors and includes sample situations to help students learn and practice appropriate behavior and to develop techniques and strategies to respond in a non-aggressive way to bullying-type behaviors. Students will also develop confidence and learn how to advocate for themselves and others, and when to go to an adult for help.

MWA informs MWA employees, students, and parents/guardians of this Policy and encourages parents/guardians to discuss this Policy with their children to ensure their children understand and comply with this Policy.

3. Professional Development

MWA annually makes available the online training module developed by the California Department of Education pursuant Education Code section 32283.5(a) to its certificated employees and all other MWA employees who have regular interaction with students.

MWA informs certificated employees about the common signs that a student is a target of bullying including:

- Physical cuts or injuries
- Lost or broken personal items
- Fear of going to school/practice/games
- Loss of interest in school, activities, or friends
- Trouble sleeping or eating
- Anxious/sick/nervous behavior or distracted appearance
- Self-destructiveness or displays of odd behavior
- Decreased self-esteem

MWA also informs certificated employees about the groups of students determined by MWA, and available research, to be at elevated risk for bullying and provides its certificated employees with information on existing

school and community resources related to the support of these groups. These groups include but are not limited to:

- Students who are lesbian, gay, bisexual, transgender, or questioning youth (“LGBTQ”) and those youth perceived as LGBTQ; and
- Students with physical or learning disabilities.

MWA encourages its employees to demonstrate effective problem-solving, anger management, and self-confidence skills for MWA’s students.

Grievance Procedures

Scope of Grievance Procedures

MWA will comply with its [Uniform Complaint Procedures \(“UCP”\) policy](#) when investigating and responding to complaints alleging unlawful harassment, discrimination, intimidation or bullying against a protected group or on the basis of a person’s association with a person or group with one or more of the protected characteristics set forth in the UCP that:

- a. Are written and signed;
- b. Filed by an individual who alleges that they have personally suffered unlawful discrimination, harassment, intimidation or bullying, or by one who believes any specific class of individuals has been subjected to discrimination, harassment, intimidation or bullying based on a protected characteristic, or by a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying; and
- c. Submitted to the [MWA UCP Compliance Officer](#) not later than six (6) months from the date the alleged unlawful discrimination, harassment, intimidation or bullying occurred, or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.

The following grievance procedures shall be utilized for reports of misconduct prohibited by this policy that do not comply with the writing, timeline, or other formal filing requirements of a uniform complaint. For formal complaints of sexual harassment, MWA will utilize the sexual harassment grievance procedures listed below in addition to its UCP when applicable.

Submitting a Report or Complaint

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

Reports and complaints of misconduct prohibited by this Policy shall be submitted to the Coordinator as soon as possible after the incidents giving rise to the report or complaint. If a complaint is against one of the Coordinators, the complaint may be submitted to the other Coordinator.

Complaints regarding such misconduct may also be made to the U.S. Department of Education, Office for Civil Rights. Civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders may also be available to complainants.

While submission of a written report is not required, the reporting party is encouraged to submit a written report to the Coordinator. MWA will investigate and respond to all oral and written reports of misconduct prohibited by this Policy in a manner that is not deliberately indifferent. Reports may be made anonymously, but formal disciplinary action cannot be based solely on an anonymous report. Students are expected to report all incidents of misconduct prohibited by this policy or other verbal or physical abuses. Any student who feels she/he is a target of

such behavior should immediately contact a teacher, counselor, administrator, staff person or a family member so that she/he can get assistance in resolving the issue in a manner that is consistent with this policy.

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

MWA prohibits any form of retaliation against any individual who files a report or complaint, testifies, assists, participates, or refuses to participate in any investigation or proceeding related to misconduct prohibited by this Policy. Such participation or lack of participation shall not in any way affect the status, grades or work assignments of the individual. Individuals alleging retaliation in violation of this Policy may file a grievance using the procedures set forth in this Policy. Knowingly making false statements or knowingly submitting false information during the grievance process is prohibited and may result in disciplinary action.

All supervisors of staff will receive sexual harassment training within six months of their assumption of a supervisory position and will receive further training once every two years thereafter. All staff and any individual designated as a coordinator, investigator or decision-maker and any person who facilitates an informal resolution process will receive Title IX training and/or instruction concerning sexual harassment as required by law.

Supportive Measures Under Title IX

Upon the receipt of a report of sexual harassment or a formal complaint of sexual harassment, the Coordinator will promptly contact the complainant to discuss the availability of supportive measures. The Coordinator will consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint of sexual harassment, and explain the process for filing a formal complaint of sexual harassment.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint of sexual harassment or where no formal complaint of sexual harassment has been filed. Such measures are designed to restore or preserve equal access to MWA's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or MWA's educational environment, or deter sexual harassment. Supportive measures available to complainants and respondents may include but are not limited to counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. MWA will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of MWA to provide the supportive measures.

Investigation and Response

Upon receipt of a report or complaint of misconduct prohibited by this policy, the Coordinator or administrative designee will promptly initiate an investigation. At the conclusion of the investigation, the Coordinator or designee will notify the complainant of the outcome of the investigation. However, the Coordinator or designee will not reveal confidential information related to other students or employees, including the type and extent of behavior management issued against such students or employees. Complaints shall be investigated and resolved within 30 school days, unless circumstances reasonably require additional time.

If the complaint is against one of the Coordinators, the other Coordinator or designee will conduct a fact-finding investigation and provide the complainant with information about the investigation and resolution of the incident/situation.

For investigations of and responses to formal complaints of sexual harassment, the following ***grievance procedures*** will apply:

Notice of the Allegations

- Upon receipt of a formal complaint of sexual harassment, the Coordinator will give all known parties written notice of its grievance process, including any voluntary informal resolution process. The notice will include:
 - A description of the allegations of sexual harassment at issue and to the extent known, the identities of the parties involved in the incident, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident;
 - A statement that the respondent is presumed not responsible for the alleged conduct until a final decision is reached;
 - A statement that the parties may have an advisor of their choice, who may be an attorney, and may inspect and review evidence; and
 - A statement that MWA prohibits an individual from knowingly making false statements or knowingly submitting false information during the grievance process.

Emergency Removal

- MWA may place a non-student employee respondent on administrative leave during the pendency of a formal complaint of sexual harassment grievance process in accordance with MWA's policies.
- MWA may remove a respondent from MWA's education program or activity on an emergency basis, in accordance with MWA's policies, provided that MWA undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.
- This provision may not be construed to modify any rights under the IDEA, Section 504, or the ADA.

Informal Resolution

- If a formal complaint of sexual harassment is filed, MWA may offer a voluntary informal resolution process, such as mediation, to the parties at any time prior to reaching a determination regarding responsibility. If MWA offers such a process, it will do the following:
 - Provide the parties with advance written notice of:
 - The allegations;
 - The requirements of the voluntary informal resolution process including the circumstances under which the parties are precluded from resuming a formal complaint of sexual harassment arising from the same allegations;
 - The parties' right to withdraw from the voluntary informal resolution process and resume the grievance process at any time prior to agreeing to a resolution; and
 - Any consequences resulting from participating in the voluntary informal resolution process, including the records that will be maintained or could be shared; and
 - Obtain the parties' advance voluntary, written consent to the informal resolution process.
 - MWA will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Investigation Process

- The decision-maker will not be the same person(s) as the Coordinator or the investigator. MWA shall ensure that all decision-makers and investigators do not have a conflict of interest or bias for or against complainants or respondents.
- In most cases, a thorough investigation will take no more than thirty (30) school days. If the Coordinator determines that an investigation will take longer than thirty (30) school days and needs to be delayed or extended due to good cause, the Coordinator or designee will inform the complainant and any respondents in writing of the reasons for the delay or extension. The entire Title IX process, including informal resolution, opportunities to respond, and determination of responsibility may take ninety (90) calendar days or longer, depending on the complexity of the investigation and the issues raised.
- The parties will be provided with an equal opportunity to present witnesses, to inspect and review any evidence obtained that is directly related to the allegations raised, and to have an advisor present during any investigative meeting or interview.
- The parties will not be prohibited from discussing the allegations under investigation or to gather and present relevant evidence.
- A party whose participation is invited or expected at an investigative meeting or interview will receive written notice of the date, time, location, participants, and purpose of the meeting or interview with sufficient time for the party to prepare to participate.
- Prior to completion of the investigative report, MWA will send to each party and the party's advisor, if any, a copy of the evidence subject to inspection and review, and the parties will have at least ten (10) days to submit a written response for the investigator's consideration prior to the completion of the investigation report.
- The investigator will complete an investigation report that fairly summarizes relevant evidence and send a copy of the report to each party and the party's advisor, if any, at least ten (10) days prior to the determination of responsibility.

Dismissal of a Formal Complaint of Sexual Harassment

- If the alleged harassment did not occur in MWA's educational program in the United States or would not constitute sexual harassment even if proved, the formal complaint with regard to that conduct must be dismissed for purposes of sexual harassment under Title IX. However, such a dismissal does not preclude action under another applicable MWA policy.
- MWA may dismiss a formal complaint of sexual harassment if:
 - The complainant provides a written withdrawal of the complaint to the Coordinator;
 - The respondent is no longer employed or enrolled at MWA; or
 - The specific circumstances prevent MWA from gathering evidence sufficient to reach a decision on the formal complaint or the allegations therein.
- If a formal complaint of sexual harassment or any of the claims therein are dismissed, MWA will promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to the parties.

Determination of Responsibility

- The decision-maker(s) will not be the same person(s) as the Coordinator, the investigator or the decision-maker(s) for the appeal.
- The standard of evidence used to determine responsibility is the preponderance of the evidence standard.
- Determinations will be based on an objective evaluation of all relevant evidence and credibility determinations will not be based on a person's status as a complainant, respondent, or witness.
- MWA will send a written decision on the formal complaint to the complainant and respondent simultaneously that describes:
 - The allegations in the formal complaint of sexual harassment;
 - All procedural steps taken including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
 - The findings of facts supporting the determination;

- The conclusions about the application of MWA's code of conduct to the facts;
- The decision and rationale for each allegation;
- Any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the complainant; and
- The procedures and permissible bases for appeals.

Appeal

Should the reporting individual find MWA's resolution unsatisfactory, for complaints within the scope of this Policy other than formal complaints of sexual harassment, the reporting individual may, within five school days of the date of resolution, file an appeal with the Designated Appeals Committee. In such cases, at least three certificated MWA employees who are unfamiliar with the case and who have been previously designated and trained for this purpose shall be assembled to conduct a confidential review of the complainant's appeal and render a final disposition.

The following appeal rights and procedures will apply to formal complaints of sexual harassment:

- The complainant and the respondent shall have the same appeal rights and MWA will implement appeal procedures equally for both parties.
- Within five (5) business days of MWA's written decision or dismissal of the complaint, the complainant or respondent may submit a written appeal to the President of the Board, who will serve as the appeal decision maker or designate an appeal decision maker.
- The decision-maker(s) for the appeal will not be the same person(s) as the Coordinator, the investigator or the initial decision-maker(s).
- The complainant and respondent may appeal from a determination regarding responsibility, and from MWA's dismissal of a formal complaint or any allegations therein, on the following bases:
 - Procedural irregularity that affected the outcome of the matter;
 - New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
 - The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
- MWA will notify the other party in writing when an appeal is filed.
- The decision-maker for the appeal will give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome; issue a written decision describing the result of the appeal and the rationale for the result; and provide the written decision simultaneously to both parties.

Consequences

Students or employees who engage in misconduct prohibited by this policy, knowingly make false statements, or knowingly submit false information during the grievance process are subject to disciplinary action; students may receive behavior management up to and including suspension or expulsion and employees may be subject to disciplinary action up to and including termination. Bullying by **any individual** at MWA is strictly prohibited. MWA will report all abuse to the *appropriate legal authorities* as required by the law. The Coordinator is responsible for effective implementation of any remedies ordered by MWA in response to a formal complaint of sexual harassment.

In addition, any student involved who engages in misconduct prohibited by this policy, regardless of their role, may be required to participate in the following:

- *Bullying Education:* Participation in a specific number of bullying workshop sessions centered around bullying education (i.e. statistics, prevalence, impact of bullying).
- *Restorative Justice:* Specific activities aimed to address and repair the damage caused to the MWA community by bullying (i.e. write an essay on the harmful effects of bullying and present an essay to the MWA community).
- *Psychological Services:* A specific number of individual or group counseling sessions facilitated by a therapeutic clinician.

Recordkeeping

All records related to any investigation of complaints under this Policy are maintained in a secure location by the Dean of Students or designee.

MWA will maintain the following records for at least seven (7) years:

- Records of each sexual harassment investigation, including any determination of responsibility; any audio or audiovisual recording or transcript; any disciplinary sanctions imposed on the respondent; and any remedies provided to the complainant.
- Records of any appeal of a formal sexual harassment complaint and the results of that appeal.
- Records of any informal resolution of a sexual harassment complaint and the results of that informal resolution.
- All materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.
- Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment.

Appendix F: Nondiscrimination Statement

MWA does not discriminate against any student or employee on the basis of actual or perceived:

- Race or ethnicity (including ancestry, color, ethnic group identification, ethnic background, and traits associated with race, such as hair texture and hairstyle, including but not limited to braids, locs, and twists);
- Gender (including gender identity, gender expression, and transgender identity, whether or not the individual is transitioning or has transitioned);
- Sex (including pregnancy, childbirth, breastfeeding, and medical conditions related to such);
- Religious creed (including agnosticism, atheism, religious dress and grooming practices);
- Marital/registered domestic partner status;
- Age (forty (40) and over);
- Immigration status
- Nationality (including national origin, citizenship, native language spoken and possession of a driver's license issued to persons unable to prove their presence in the U.S. is authorized by federal law);
- 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"), the Fair Employment and Housing Act ("FEHA"), or laws related to domestic violence, sexual assault, and stalking laws;
- Genetic information;
- Sexual orientation;
- Military and veteran status; or
- Any other consideration made unlawful by federal, state, or local laws.

MWA 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 ("IDEIA").

MWA does not discourage students from enrolling or seeking to enroll in MWA for any reason, including, but not limited to, academic performance, disability, neglect or delinquency, English proficiency, for being homeless or a foster/mobile youth, economic disadvantage, nationality, race, ethnicity, or sexual orientation. MWA shall not encourage a student currently attending MWA to disenroll or transfer to another school based on any of the aforementioned reasons except in cases of expulsion and suspension or involuntary removal in accordance with MWA's charter and relevant policies.

MWA does not request nor require student education records prior to a student's enrollment.

The MWA Board of Directors shall not refuse to approve the use or prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction or any book or other resource in a school library on the basis that it includes a study of the role and contributions of Native Americans, African Americans, Latino Americans, Asian Americans, Pacific Islanders, European Americans, LGBTQ+ Americans, persons with disabilities, or members of other ethnic, cultural, religious, or socioeconomic status groups. The MWA Board of Directors shall not adopt or approve the use of any textbook, instructional material, supplemental instructional material, or curriculum for classroom instruction if the use of such would subject a student to unlawful discrimination pursuant to Education Code section 220.

MWA 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); Titles IV, 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 IDEIA; and Section 504 and Title II of the ADA (mental or physical disability). MWA also prohibits sexual harassment, including cyber sexual bullying, and harassment based upon pregnancy, childbirth or related medical conditions, race or ethnicity, religion, religious affiliation, creed, color, citizenship, 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. MWA does not condone or tolerate harassment of any type, including discrimination, intimidation, or bullying, including cyber sexual bullying, by any employee, independent contractor or other person with whom MWA does business, or any other individual, student, or volunteer. This applies to all employees, students, or volunteers and relationships, regardless of position or gender. MWA will promptly and thoroughly investigate any complaint of harassment and take appropriate corrective action, if warranted. The lack of English language skills will not be a barrier to admission or participation in MWA's programs or activities. MWA prohibits retaliation against anyone who files a complaint or who participates in a complaint investigation.

Inquiries, complaints, or grievances regarding harassment as described in this section, above, should be directed to the ***MWA Uniform Complaint Procedures ("UCP") Compliance Officer:***

For Students:

Dean of Students
4123 Lakeside Drive
Richmond, CA 94806
(510) 262-1511
Alexis Bustamante
Jovan Fulton-Wilson
Sonja Jackson

For Employees:

Elizabeth Martinez
Chief Operating Officer
mwacompliance@mwacademy.org
4123 Lakeside Drive
Richmond, CA 94806
(510) 262-1511

Appendix G: Directory Information, FERPA, and Student Records

Definitions

Education Record

An education record is any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche containing information directly relating to a student and is maintained by MWA or by a party acting for MWA. Such information includes, but is not limited to:

- Date and place of birth; parent and/or guardian's address, mother's maiden name and where the parties may be contacted for emergency purposes;
- Grades, test scores, courses taken, academic specializations and school activities;
- Special education records;
- Disciplinary records;
- Medical and health records;
- Attendance records and records of past schools attended; and/or
- Personal information such as, but not limited to, a student's name, the name of a student's parent or other family member, student identification numbers, social security numbers, photographs, biometric record or any other type of information that aids in identification of a student.

An education record does not include any of the following:

- Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
- Records maintained by a law enforcement unit of MWA that were created by that law enforcement unit for the purpose of law enforcement;
- In the case of a person who is employed by MWA but not in attendance at MWA, records made and maintained in the normal course of business, relate exclusively to the individual in that individual's capacity as an employee; and are not available for any other purpose;
- Records of a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are: a) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in their professional capacity or assisting in a paraprofessional capacity; b) made, maintained, or used only in connection with treatment of the student; and c) disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at MWA;
- Records that only contain information about an individual after the individual is no longer a student at MWA; or
- Grades on peer-graded papers before they are collected and recorded by a teacher.

Personally Identifiable Information

Personally identifiable information is information about a student that is contained in their education records that cannot be disclosed without compliance with the requirements of the Family Educational Rights and Privacy Act of 2001 (20 U.S.C. § 1232g) ("FERPA"). Personally identifiable information includes, but is not limited to: a student's name; the name of a student's parent/guardian or other family member; the address of a student or student's family; a personal identifier, such as the student's Social Security number, student number or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combinations, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify

the student with reasonable certainty; or information requested by a person who MWA reasonably believes knows the identity of the student to whom the education record relates.

Directory Information

Directory information is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. MWA may disclose the personally identifiable information that it has designated as directory information, consistent with the terms of the annual notice provided by MWA pursuant to FERPA. MWA has designated the following information as directory information:

- Student's full name
- Photograph
- Dates of attendance
- Grade level
- Participation in officially recognized activities and sports
- Degrees, honors, and awards received
- Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems that cannot be used to access education records without a PIN, password, etc. (A student's SSN, in whole or in part, cannot be used for this purpose.)

Parent

Parent means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

Eligible Student

Eligible student means a student who has reached eighteen (18) years of age.

School Official

A school official is a person employed by MWA as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the Board of Directors of MWA. A school official also may include a volunteer or an independent contractor of MWA, consultant, vendor, or other party who performs an institutional service or function for which MWA would otherwise use its own employees and who is under the direct control of MWA with respect to the use and maintenance of personally identifiable information from education records, such as an attorney, auditor, medical consultant, therapist, or contracted provider of digital educational platforms and/or services; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing their tasks.

Legitimate Educational Interest

A school official has a legitimate educational interest if the official **needs** to review an education record **in order to fulfill their professional responsibility**.

Disclosure of Directory Information

At the beginning of each school year, MWA shall provide parents and eligible students with a notice containing the following information: 1) the type of personally identifiable information it designates as directory information; 2) the parent's or eligible student's right to require that MWA not release "directory information" without obtaining prior written consent from the parent or eligible student; and 3) the period of time within which a parent or eligible student must notify MWA in writing of the categories of "directory information" that it may not disclose without the parent's or eligible student's prior written consent. MWA will continue to honor a valid request to opt out of the disclosure of a former student's directory information made while the former student was in attendance unless the

parent or eligible student rescinds the opt out request. Please note that you **may not opt out of use of the student ID number** because it is necessary identifying information for MWA.

FERPA Disclosure of Directory Information

The MWA FERPA Disclosure of Directory Information Opt-Out Form can be found in Appendix O below.

Annual Notification to Parents and Eligible Students

At the beginning of each school year, in addition to the notice required for directory information, MWA shall provide eligible students currently in attendance and parents of students currently in attendance with a notice of their rights under the FERPA. The notice shall inform the parents and eligible students that they have the right to:

- Inspect and review the student's education records;
- Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading or otherwise in violation of the student's privacy rights;
- Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that disclosure is permitted without prior written consent pursuant to FERPA;
- File with the U.S. Department of Education a complaint concerning alleged failures by MWA to comply with the requirements of FERPA and its promulgated regulations; and
- Request that MWA not release student names, addresses and telephone listings to military recruiters or institutions of higher education without prior written parental consent.

The notice must also include the following:

- The procedure for exercising the right to inspect and review educational records;
- The procedure for requesting amendment of records;
- A statement that MWA forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer; and
- The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

Parental and Eligible Student Rights Relating to Educational Records

Parents and eligible students have the right to review the student's education records. In order to do so, parents and eligible students shall submit a request to review education records in writing to the MWA Assistant Principal. Within ten (10) business days, MWA shall comply with the request.

Copies of Education Records

MWA will provide copies of requested documents within ten (10) business days of a written request for copies. MWA may charge reasonable fees for copies it provides to parents or eligible students. However, no charge shall be made for furnishing: 1) up to two transcripts of former students' records or 2) up to two verifications of various records of former students. The charge will not include a fee to search for or to retrieve the education records.

Request for Amendment to Education Records

To challenge a student's education record, a parent/guardian must file a written request with the Chief Executive Officer to correct or remove any information recorded in the student's education record that is any of the following: 1) inaccurate; 2) misleading; or 3) in violation of the privacy rights of the student.

Within thirty (30) days of receipt of a written request from a parent, the Chief Executive Officer or their designee must meet with the parent/guardian or eligible student and the certificated employee who recorded the information in question, if any. The Chief Executive Officer or their designee must then sustain or deny the parent/guardian or

eligible student's request to amend the records and provide a written statement of the decision to the parent/guardian or eligible student within forty-five (45) days of the receipt of request to amend. If MWA decides not to amend the record as requested, it shall inform the parent or eligible student of their right to a hearing. If the Chief Executive Officer or their designee sustains any or all of the allegations, the Chief Executive Officer or their designee must order the correction or the removal and destruction of the information. The Chief Executive Officer or designee must then inform the parent or eligible student of the amendment in writing.

Hearing to Challenge Education Record

If MWA denies a parent or eligible student's request to amend an education record, the parent or eligible student may, within thirty (30) days of the denial, request in writing that the parent or eligible student be given the opportunity for a hearing to challenge the content of the student's education record on the grounds that the information contained in the education record is inaccurate, misleading or in violation of the privacy rights of the student.

The Chief Executive Officer or the MWA Board President may convene a hearing panel to assist in making determinations regarding educational record challenges provided that the parent has given written consent to release information from the student's records to the members of the panel convened. The hearing panel shall consist of the following persons:

- The MWA Assistant Principal or designee of a public school other than the public school at which the record is on file;
- A certificated employee;
- A parent appointed by the Chief Executive Officer or by the Board of Directors, depending upon who convenes the panel.

The hearing to challenge the education record shall be held within thirty (30) days of the date of the request for a hearing. Notice of the date, time and place of the hearing will be sent by MWA to the parent or eligible student no later than five (5) days before the hearing.

The hearing will be conducted by the Chief Executive Officer or their designee, who shall not be required to use formal rules of evidence or procedure. The parent or eligible student will be given a full and fair opportunity to present evidence relevant to the issues relating to the challenge to the education record. The parent or eligible student may also, at their own expense, be assisted or represented by one or more individuals of their choice, including an attorney. The decision of the Chief Executive Officer or their designee will be based solely on the evidence presented at the hearing and is final. Within 30 days after the conclusion of the hearing, MWA's decision regarding the challenge will be made in writing and will include a summary of the evidence and the reasons for the decision.

If, as a result of the hearing, MWA decides that the information is inaccurate, misleading or otherwise in violation of the privacy rights of the student, it will amend the record accordingly and inform the parent or eligible student of the amendment in writing.

If, as a result of the hearing, MWA decides that the information in the education record is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why they disagree with the decision of MWA, or both. If MWA places a statement by the parent or eligible student in the education records of a student, it will maintain the statement with the contested part of the record for as long as the record is maintained and disclose the statement whenever it discloses the portion of the record to which the statement relates.

Disclosure of Education Records and Directory Information

MWA must have a signed and dated written consent from the parent or eligible student before releasing any non-directory information from a student's education record except as provided below. The written permission must specify the records that may be disclosed, the purpose of the disclosure and the party or class of parties to whom the disclosure may be made. When disclosure is made pursuant to written permission, the parent or eligible student may request a copy of the disclosed records and MWA shall provide the requestor with a copy of the records disclosed upon request. Signed and dated written consent may include a record and signature in electronic form if it identifies and authenticates a particular person as the source of the electronic consent and indicates such person's approval of the information contained in the electronic consent.

MWA will only disclose personally identifiable information on the condition that the receiving party not disclose the information to any party without the prior written consent of the parent or eligible student and that the receiving party use the information for the purposes for which the disclosure was made. This restriction does not apply to disclosures that fall within the disclosure exceptions listed below. MWA must maintain the appropriate records related to these disclosure exceptions, as described below. Except for disclosures pursuant to a warrant, judicial order or lawfully issued subpoena, or directory information or to parents or eligible students, MWA will inform a receiving party of the requirement that the party not disclose the information to any other party without the prior written consent of the parent or eligible student and that the receiving party use it for the purpose for which the disclosure was made. Note specifically that MWA will not release information to third parties for immigration-enforcement purposes, except as required by law or court order.

MWA will disclose education records, without prior written consent of the parent or eligible student, to the following parties:

- School officials who have a legitimate educational interest as defined by 34 C.F.R. Part 99;
- Other schools to which a student seeks or intends to enroll so long as the disclosure is for purposes related to the student's enrollment or transfer. When a student transfers schools, MWA will mail the original or a copy of a student's cumulative file to the receiving district or private school within ten (10) school days following the date the request is received from the public school or private school where the student intends to enroll. MWA will make a reasonable attempt to notify the parent or eligible student of the request for records at their last known address, unless the disclosure is initiated by the parent or eligible student. Additionally, MWA will give the parent or eligible student, upon request, a copy of the record that was disclosed and give the parent or eligible student, upon request, an opportunity for hearing pursuant to Section (IV)(3) above;
- Certain government officials listed in 20 U.S.C. § 1232g(b)(1) in order to carry out lawful functions;
- Appropriate parties in connection with a student's application for, or receipt of, financial aid if it is necessary to determine eligibility, amount of aid, conditions for aid or enforcing the terms and conditions of the aid;
- Organizations conducting certain studies for MWA in accordance with 20 U.S.C. § 1232g(b)(1)(F);
- Accrediting organizations in order to carry out their accrediting functions;
- Parents of a dependent student as defined in section [152 of the Internal Revenue Code](#) of 1986;
- Individuals or entities, in compliance with a judicial order or lawfully issued subpoena. Subject to the exceptions found in 34 C.F.R. 99.31(a)(9)(i), reasonable effort must be made to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek a protective order;
- Persons who need to know in cases of health and safety emergencies;
- State and local authorities, within a juvenile justice system, pursuant to specific State law;
- A foster family agency with jurisdiction over a currently enrolled or former student, a short-term residential treatment program staff responsible for the education or case management of a student, and a caregiver (regardless of whether the caregiver has been appointed as the student's educational rights holder) who has direct responsibility for the care of the student, including a certified or licensed foster parent, an approved relative or non-related extended family member, or a resource family, may access the current or most recent records of grades, transcripts, attendance, behavior management, and online communication

on platforms established by MWA for student and parents, and any individualized education program (“IEP”) or Section 504 plan that may have been developed or maintained by MWA; and/or

- A victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include final results of the disciplinary proceedings conducted by MWA with respect to that alleged crime or offense. MWA may disclose the final results of the disciplinary proceeding, regardless of whether MWA concluded a violation was committed.
- Federal, state and local government agencies for required compliance/state reporting requirements
- Third party vendors for the purposes of providing instruction
- The California College Guidance Initiative (CCGI) in order to do both of the following:
 - Provide pupils and their families with direct access to online tools and resources for college and career planning.
 - Enable a pupil to transmit information shared with the California College Guidance Initiative to both of the following: (1) Institutions of higher education for purposes of admissions and academic placement; and (2) the Student Aid Commission for purposes of determining eligibility for and increasing uptake of student financial aid.

Please visit the CCGI website at CaliforniaColleges.edu to access resources that help students and their families learn about college admissions requirements.

Record-Keeping Requirements

MWA will maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student for as long as the records are maintained. For each request, the record must include the following information: the parties who have requested or received the information and the legitimate interests the parties had in requesting or obtaining the information.

For disclosures of personally identifiable information to institutions that make disclosures of the information on behalf of MWA in accordance with 34 C.F.R. 99.33(b), the record must include the names of the additional parties to which the receiving party may disclose the information on behalf of MWA and the legitimate interests that each of the additional parties has in requesting or obtaining the information.

These record keeping requirements do not apply to requests from or disclosure to parents or eligible students, MWA officials with a legitimate purpose of inspecting the records, a party with written consent from the parent or eligible student, a party seeking directory information, or a party seeking or receiving the records as directed by a court order or subpoena.

The records relating to disclosures of personally identifiable student information may be inspected by parents and eligible students, MWA officials (or their assistants) responsible for the custody of the records, and parties authorized by regulations for the purpose of auditing the recordkeeping procedures of MWA.

Student cumulative records may not be removed from the premises of the MWA or the designated secured off-site storage facility, unless the individual removing the record has a legitimate educational interest, and is authorized by the MWA Assistant Principal, or by a majority of a quorum of the Board of Directors at a duly agendized meeting. Employees who remove student cumulative records or other student records from the MWA premises without a legitimate educational interest and authorization may be subject to behavior management. Employees are permitted to take student work-product, or other appropriate student records, off premises without authorization for legitimate academic purposes (e.g. grading work-product, assigning credit, reviewing materials for classroom discussion, etc.)

Complaints

Parents and eligible students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by MWA to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Student Privacy Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue. S.W.
Washington, D.C. 20202-8520

Contracts for Digital Storage, Management, and Retrieval of Student Records

The CEO or designee may enter into a contract with a third party for the digital storage, management, and retrieval of student records and/or to authorize a third-party provider of digital software to access, store, and use student records, provided that the contract meets the requirements of Education Code section 49073.1 and other applicable state and federal laws.

Appendix H: Uniform Complaint Procedures (“UCP”)

Annual Notice

MWA has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.

MWA shall investigate and seek to resolve complaints using policies and procedures known as the Uniform Complaint Procedure (“UCP”) adopted by our local board for the following types of complaints:

1. Complaints alleging unlawful discrimination, harassment, intimidation, or bullying based on actual or perceived characteristics of age, ancestry, color, ethnic group identification, gender expression, gender identity, gender, genetic information, physical disability, mental disability, medical condition, disability, nationality, national origin, immigration status, citizenship, race or ethnicity, religion, marital status, sex, sexual orientation, or on a person’s association with a person or group with one or more of these actual or perceived characteristics, in any MWA program or activity that receives or benefits from state financial assistance. Unlawful discrimination includes, but is not limited to, noncompliance with Education Code section 243(a) or 244(a).
2. Complaints alleging a violation of state and/or federal law or regulation governing the following programs:
 - Adult Education
 - Consolidated Categorical Aid Programs
 - Migrant Education
 - Career Technical and Technical Education and Training Programs
 - Child Care and Developmental Programs
 - Foster and Homeless Youth Services
 - Every Student Succeeds Act / No Child Left Behind Act Programs
 - Pregnant, Parenting or Lactating students
 - Former Juvenile Court School students
 - Students from Military Families
 - Migratory students
3. Complaints alleging noncompliance with laws relating to student fees. A student enrolled in a public school shall not be required to pay a student fee for participation in an educational activity. A student fee includes, but is not limited to, all of the following:
 - A fee charged to a student as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
 - A security deposit, or other payment, that a student is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
 - A purchase that a student is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

Complaints of noncompliance with laws relating to student fees may be filed with the Compliance Officer or the Assistant Principal of MWA.

4. Complaints alleging noncompliance with the requirements governing the Local Control Funding Formula (“LCFF”) or Local Control and Accountability Plans (“LCAP”) under Education Code sections 47606.5 and 47607.3, as applicable. If MWA adopts a School Plan for Student Achievement (“SPSA”) in addition to its

LCAP, complaints of noncompliance with the requirements of the SPSA under Education Code sections 64000, 64001, 65000, and 65001 shall also fall under the UCP.

5. Complaints alleging noncompliance regarding child nutrition programs established pursuant to Education Code sections 49490-49590 are governed by Title 7, Code of Federal Regulations ("C.F.R.") sections 210.19(a)(4), 215.1(a), 220.13(c), 225.11(b), 226.6(n), and 250.15(d) and Title 5, California Code of Regulations ("C.C.R.") sections 15580 - 15584.
6. Complaints alleging noncompliance regarding special education programs established pursuant to Education Code sections 56000-56865 and 59000-59300 are governed by the procedures set forth in 5 C.C.R. sections 3200-3205 and 34 C.F.R. sections 300.151-300.153.

7. Complaints other than complaints relating to student fees must be filed in writing with the following compliance officer:

Elizabeth Martinez, Chief Operating Officer
4123 Lakeside Drive, Richmond, CA 94806
(510) 262-1511, mwacompliance@mwacademy.org

8. Complaints alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed within six months from the date the alleged discrimination, harassment, intimidation, or bullying, occurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. All other complaints under the UCP shall be filed not later than one (1) year from the date the alleged violation occurred. For complaints relating to the LCAP, the date of the alleged violation is the date on which MWA's Board of Directors approved the LCAP or the annual update was adopted by MWA.

Only complaints regarding pupil fees, LCAP, or noncompliance with Education Code section 243 or 244 may be filed anonymously and only if the anonymous complainant provides evidence or information leading to evidence to support an allegation of noncompliance with the respective applicable laws.

Complaints will be investigated and a written decision or report will be sent to the complainant within 60 days from the receipt of the complaint. This 60-day time period may be extended by written agreement of the complainant. The compliance officer responsible for investigating the complaint shall conduct and complete the investigation in accordance with California regulations and in accordance with MWA's UCP Policy.

The complainant has a right to appeal MWA's decision to the California Department of Education (CDE) by filing a written appeal within 30 calendar days of the date of the MWA's written Decision, except if MWA has used its UCP to address a complaint that is not subject to the UCP requirements. The appeal must include a copy of the complaint filed with MWA, a copy of MWA's decision, and the complainant must specify and explain the basis for the appeal of the decision, including at least one of the following:

1. MWA failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, MWA's decision lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in MWA's decision are not supported by substantial evidence.
4. The legal conclusion in MWA's decision is inconsistent with the law.
5. In a case in which MWA's decision found noncompliance, the corrective actions fail to provide a proper remedy.

A complainant who appeals MWA's decision on a UCP complaint to the CDE shall receive a written appeal decision within sixty (60) calendar days of the CDE's receipt of the appeal, unless extended by written agreement with the complainant or the CDE documents exceptional circumstances and informs the complainant.

Within thirty (30) calendar days of the date of the CDE's appeal Decision pursuant to 5 C.C.R. section 4633(f)(2) or (3), either party may request reconsideration by the State Superintendent of Public Instruction ("SSPI") or the SSPI's designee. The request for reconsideration shall specify and explain the reason(s) for contesting the findings of fact, conclusions of law, or corrective actions in the CDE's appeal Decision.

Complaints alleging noncompliance with Education Code section 243 or 244 may be filed with the SSPI directly, and the SSPI may directly intervene without waiting for an investigation by MWA. The complainant shall present the SSPI with evidence that supports the basis for the direct filing and why immediate action is necessary.

If a UCP complaint is filed directly with the CDE and the CDE determines that it merits direct intervention, the CDE shall complete an investigation and provide a written decision to the complainant within sixty (60) calendar days of receipt of the complaint, unless the parties have agreed to extend the timeline or the CDE documents exceptional circumstances and informs the complainant.

If MWA finds merit in a UCP complaint, or the CDE finds merit in an appeal, MWA shall take corrective actions consistent with the requirements of existing law that will provide a remedy to the affected student and/or parent/guardian as applicable.

Civil law remedies may be available under state or federal discrimination, harassment, intimidation, or bullying laws, if applicable. In appropriate cases, an appeal may be filed pursuant to Education Code Section 262.3. A complainant may pursue available civil law remedies outside of MWA's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For unlawful discrimination, harassment, intimidation or bullying complaints arising under state law, however, a complainant must wait until sixty (60) calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the MWA has appropriately, and in a timely manner, apprised the complainant of the complainant's right to file a complaint in accordance with 5 CCR § 4622.

A copy of the full UCP is available free of charge in the middle school and upper school Front Offices. For further information on any part of the UCP, including filing a complaint or requesting a copy of the UCP, please contact the front office or the compliance officer listed above. The [UCP Form](#) is included below.

Appendix I: Uniform Complaint Procedure Form

Last Name: _____ First Name/MI: _____

Student Name (if applicable): _____ Grade: _____ Date of Birth: _____

Street Address/Apt. #: _____

City: _____ State: _____ Zip Code: _____

Home Phone: _____ Cell Phone: _____ Work Phone: _____

School/Office of Alleged Violation: _____

For allegation(s) of noncompliance, please check the program or activity referred to in your complaint, if applicable:

- | | | |
|--|--|---|
| <input type="checkbox"/> Adult Education | <input type="checkbox"/> Consolidated Categorical Programs | <input type="checkbox"/> Local Control Funding Formula/ Local Control and Accountability Plan |
| <input type="checkbox"/> Career Technical Education and Training | <input type="checkbox"/> Migrant Education | <input type="checkbox"/> Former Juvenile Court School students |
| <input type="checkbox"/> Child Care & Development Programs | <input type="checkbox"/> Student Fees | <input type="checkbox"/> Students from Military Families |
| <input type="checkbox"/> Foster/Homeless Youth | <input type="checkbox"/> No Child Left Behind Prog. | <input type="checkbox"/> Migratory students |
| | <input type="checkbox"/> Pregnant, Parenting or Lactating students | |
| | <input type="checkbox"/> Every Student Succeeds Act | |

For allegation(s) of unlawful discrimination, harassment, intimidation or bullying, please check the basis of the unlawful discrimination, harassment, intimidation or bullying described in your complaint, if applicable:

- | | | |
|---------------------------------|--|---|
| Age | Gender / Gender Expression / Gender Identity | Sex (Actual or Perceived) |
| Ancestry | Genetic Information | Sexual Orientation (Actual or Perceived) |
| Color | Nationality/National Origin | Based on association with a person or group with one or more of these actual or perceived characteristics |
| Disability (Mental or Physical) | Race or Ethnicity | |
| Ethnic Group Identification | Religion/Religious Affiliation | |
| Immigration Status/Citizenship | Marital Status | |
| Medical Condition | | |

1. Please give facts about the complaint. Provide details such as the names of those involved, dates, whether witnesses were present, etc., that may be helpful to the complaint investigator.

2. Have you discussed your complaint or brought your complaint to any MWA personnel? If you have, to whom did you take the complaint, and what was the result?

3. Please provide copies of any written documents that may be relevant or supportive of your complaint.

I have attached supporting documents.

☐ Yes

☐ No

Signature: _____ Date: _____

Mail complaint and any relevant documents to:

Elizabeth Martinez, Chief Operating Officer
4123 Lakeside Drive, Richmond, CA 94806
(510) 262-1511, mwacompliance@mwacademy.org

Appendix J: Anti-Bullying, Harassment, Intimidation, Discrimination and Title IX 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 and conduct; what, if any, physical contact was involved; any verbal statements; etc.) (Attach additional pages, if needed):

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

Signature of Complainant

Date: _____

Print Name

To be completed by the MWA:

Received by: _____ Date: _____

Follow up meeting with complainant held on: _____

Appendix K: Suspension and Expulsion Policy and Procedures

General Principles

MWA is committed to educating students in an environment of safety, behavior management and high achievement for all students. As a result, MWA makes significant efforts to help students understand the rules of comportment at MWA, the self-behavior management necessary for success in school and the community, and the way to interact with other students, staff and community members in a respectful and positive manner.

MWA develops and maintains a comprehensive set of student behavior management policies. These policies are printed and distributed as part of the school's student handbook. This handbook is available in English and Spanish and clearly describes the school's expectations regarding attendance, mutual respect, work habits, safety, fighting, violence and substance use, as well as MWA's policies regarding the grounds for suspension or expulsion. Each student and their parent/guardian is required to verify that they have reviewed and understand the policies prior to enrollment. MWA's Board of Directors, staff and school community reviews our comportment policy each year.

MWA has increased its use of restorative justice practices to replace suspensions. The aim is to help students identify and understand some of the motivations behind their choices. Restorative circles and conferences are aimed at addressing communication issues, personal injuries, and social emotional development. MWA utilizes a combination of traditional behavior management practices and increasing restorative justice practices. MWA wants to limit suspension as a means of student behavior management when possible.

Responsibilities of Parties

Student Responsibilities

- Read, understand and follow the MWA school rules and regulations,
- Submit to the authority of teachers, administrators and classified employees who have student supervisory assignments with respect to student behavior during school hours and activities,
- Demonstrate good behavior while on MWA grounds, while going to and from school, during the lunch period, and during or while going to or coming from a school-sponsored activity,
- Respond to MWA staff in a fashion that shows individual respect.
- Read and understand the behavior management policies outlined in the MWA handbook and posted in classrooms. If a rule or policy is unclear, request that a faculty member explain its meaning.

Parent/Guardian Responsibilities

- Read and understand school rules and regulations relating to behavior management.
- Discuss all components of the school Comportment Policy with the student
- Work with the school to modify and correct unacceptable student behavior.
- Respond to MWA staff in a timely and respectful manner.

Teacher Responsibilities

- Support and enforce all MWA rules and regulations fairly within classrooms, halls and campus.
- Communicate with and respond to students and parents in a respectful and timely manner.
- Propose, participate, and recommend conferences with parents/guardians, counselors and administrators concerning students with serious behavioral problems.
- Report to the Assistant Principal or deans all serious or willful acts of misconduct by students and other individuals.

- If appropriate, give detentions for tardiness, unexcused absences, minor behavior infractions, or institute other appropriate consequences for these kinds of behaviors.

Administrator Responsibilities

- MWA administration shall inform teachers of each student who has engaged in or is reasonably suspected to have engaged in any of the acts listed in Education Code Section 49079 and the corresponding enumerated offenses listed in this Policy. MWA administration shall provide the information to teachers based upon any written records that the school maintains in its ordinary course of business or receives from a law enforcement agency.
- Communicate with and respond to students and parents in a fashion that shows individual respect.
- Issue suspensions and detentions for those students who demonstrate unacceptable behavior and who fail to honor this policy.
- Give suspensions from one to five consecutive school days to students when other means of correction fail to bring about good conduct or when the action of that student presents a danger to persons or property or threatens to disrupt the educational process.
- Monitor at-risk students with 10 or more days of suspension and keep parents/guardians informed about corrective actions being instituted to assist students to improve behavior.

Community Responsibilities

- On a limited basis, the community police may cooperate with the MWA administration in the investigation of incidents where the law may have been violated.

Suspension and Expulsion Policy and Procedures

This student Suspension and Expulsion Policy has been established in order to promote learning and protect the safety and wellbeing of all students at MWA. In creating this policy, MWA has reviewed Education Code Section 48900 *et seq.* which describes the non-charter schools' list of offenses and procedures to establish its list of offenses and procedures for suspensions, expulsions and involuntary removals. The language that follows is largely consistent with the language of Education Code Section 48900 *et seq.* MWA is committed to annual review of policies and procedures surrounding suspensions, expulsions, and involuntary removals and, as necessary, modification of the lists of offenses for which students are subject to suspension, expulsion or involuntary removal.

Consistent with this policy, it may be necessary to suspend or expel a student from regular classroom instruction. This policy shall serve as MWA's policy and procedures for student suspension, expulsion and involuntary removal and it may be amended from time to time without the need to seek a material revision of the charter so long as the amendments comport with legal requirements. MWA staff shall enforce disciplinary policies and procedures fairly and consistently among all students. This policy and its procedures will be printed and distributed annually as part of the student handbook and will clearly describe behavior management expectations. It will be reviewed and updated by the Board of Directors when they review and update other Board policies and procedures, or more frequently as needed.

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of or willfully causing the infliction of physical pain on a student. For purposes of this policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to school property.

MWA administration shall ensure that students and their parents/guardians¹ are notified in writing upon enrollment of all behavior management and involuntary removal policies and procedures. The notice shall state that this policy and its procedures are available on request at the Front Offices.

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

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

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

Grounds for Suspension and Expulsion of Students

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

Enumerated Offenses

Discretionary Suspension and Expellable Offenses

Students may be suspended or recommended for expulsion when it is determined the student:

- Caused, attempted to cause, or threatened to cause physical injury to another person
- Willfully used force or violence upon the person of another, except self-defense

¹ MWA shall ensure that a homeless child or youth's educational rights holder; a foster child or youth's educational rights holder, attorney, and county social worker; and an Indian child's tribal social worker and, if applicable, county social worker have the same rights as a parent or guardian to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, involuntary removal notice, and other documents and related information. For purposes of this Policy and its Procedures, the term "parent/guardian" shall include these parties.

- Unlawfully possessed, used, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage² or intoxicant of any kind
- Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant
- Committed or attempted to commit robbery or extortion.
- Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases.
- Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.
- 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 their own prescription products by a student.
- Committed an obscene act or engaged in habitual profanity or vulgarity.
- Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.
- Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. .
- Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- Engaged in, or attempted to engage in hazing. For the purposes of this policy, “hazing” means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, 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 student. For purposes of this policy, “hazing” does not include athletic events or school-sanctioned events.
- 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 policy, “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 their own safety or for their 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 their immediate family.
- Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this policy, 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 provision shall apply to students in any of grades 4 to 12, inclusive.

² AB 2711 prohibits the suspension of a pupil who voluntarily discloses, in order to seek help through services or supports, their use of a controlled substance, alcohol, intoxicants of any kind, or a tobacco product, solely for that disclosure.

- 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 provision shall apply to students in any of grades 4 to 12, inclusive.
- Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading the rights of either school personnel or volunteers and/or student(s) by creating an intimidating or hostile educational environment. This provision shall apply to students in any of grades 4 to 12, inclusive.
- Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act:
 - 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 student 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 student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of their age, or for a person of their age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
 - ii. Causing a reasonable student to experience a substantially detrimental effect on their physical or mental health.
 - iii. Causing a reasonable student to experience substantial interference with their academic performance.
 - iv. Causing a reasonable student to experience substantial interference with their 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 student 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 student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.
 - (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. "False profile" means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.
 - iii. An act of cyber sexual bullying.
 - (a) For purposes of this policy, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in 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.

- (b) For purposes of this policy, “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.

- A student 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 student 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 behavior management pursuant to subdivision (1)(a)-(b).
- Possessed, sold, or otherwise furnished any knife or other dangerous object of no reasonable use to the student unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Assistant Principal or designee’s concurrence.

Non-Discretionary Suspension and Expellable Offenses

Students must be suspended and recommended for expulsion when it is determined the student:

- Possessed, sold, or otherwise furnished any firearm, explosive, or other destructive device unless, in the case of possession of any device of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Assistant Principal or designee’s concurrence.
- Brandished a knife at another person. The term “knife” means (A) any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing; (B) a weapon with a blade fitted primarily for stabbing; (C) a weapon with a blade longer than 3½ inches; (D) a folding knife with a blade that locks into place; or (E) a razor with an unguarded blade.
- Unlawfully sold a controlled substance listed in Health and Safety Code Section 11053, et seq.
- Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289, or former Section 288a of the Penal Code, or committed a sexual battery as defined in Penal Code Section 243.4.

Firearms and Destructive Devices

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

The term “firearm” means 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; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device. Such term does not include an antique firearm.

The term “destructive device” means any explosive, incendiary, or poison gas, including but not limited to: bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or device similar to any of the devices described in the preceding clauses.

Suspension Procedure

Suspensions shall be initiated according to the following procedures:

Conference

Suspension shall be preceded, if possible, by a conference conducted by the Assistant Principal or the Assistant Principal's designee with the student and their parent/guardian and, whenever practical, the teacher, supervisor or Charter School employee who referred the student to the Division Director or designee.

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

At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against the student and shall be given the opportunity to present their version and evidence in their defense, in accordance with Education Code Section 47605(c)(5)(J)(i). This conference shall be held within two (2) school days, unless the student waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. The conference shall be held as soon as the student is physically able to return to school for the conference. Penalties shall not be imposed on a student for failure of the student's parent or guardian to attend a conference with Charter School officials. Reinstatement of the suspended student shall not be contingent upon attendance by the student's parent or guardian at the conference.

Notice to Parents/Guardians

At the time of the suspension, an administrator or designee shall make a reasonable effort to contact the parent/guardian by email, telephone or in person. Whenever a student 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(s) committed by the student as well as the date the student may return to school following the suspension. In addition, the notice may also state the time when the student may return to school. If MWA officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent/guardian respond to such requests without delay.

Suspension Time Limits/Recommendation for Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five consecutive school days per suspension. Upon a recommendation of expulsion by the Assistant Principal or designee, the student and the student's parent/guardian or representative will be invited to a conference to determine if the suspension for the student should be extended pending an expulsion hearing. In such instances when MWA has determined a suspension period shall be extended, such extension shall be made only after a conference is held with the student and the student's parents/guardians, unless the student and the student's parents/guardians fail to attend the conference. This determination will be made by the Assistant Principal or designee upon either of the following: 1) the student's presence will be disruptive to the education process; or 2) the student poses a threat or danger to others. Upon either determination, the student's suspension will be extended pending the results of an expulsion hearing.

Homework Assignment During Suspension

In accordance with Education Code Section 47606.2(a), upon the request of a parent, a legal guardian or other person holding the right to make education decisions for the student, or the affected student, a teacher shall provide to a student in any of grades 1 to 12, inclusive, who has been suspended from school for two or more schooldays, the homework that the student would otherwise have been assigned.

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

Authority to Expel

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

A student may be expelled either by the neutral and impartial MWA Board of Directors following a hearing before it or by the MWA 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 student nor a member of the Board of Directors. Each entity shall be presided over by a designated neutral hearing chairperson. The administrative panel may recommend expulsion of any student found to have committed an expellable offense, and the Board of Directors shall make the final determination.

Expulsion Procedures

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

A student may be expelled either by the neutral and impartial Charter School Board following a hearing before it or upon the recommendation of a Hearing Officer or an Administrative Panel, to be assigned by the Board as needed. The Hearing Officer shall be assigned at the start of the school year and neither a teacher of the student nor a member of the Board. The Administrative Panel shall consist of at least three (3) members who are certificated and neither a teacher of the student nor a member of the Board. Each entity shall be presided over by a designated neutral hearing chairperson. The Hearing Officer or Administrative Panel may recommend expulsion of any student found to have committed an expellable offense.

Students recommended for expulsion are entitled to a hearing to determine whether the student should be expelled. Unless postponed for good cause, the hearing shall be held within thirty (30) school days after the Chief Executive Officer or designee determines that the student has committed an expellable offense and recommends the student for expulsion.

In the event a Hearing Officer or an Administrative Panel hears the case, it will make a recommendation to the Board for a final decision whether to expel. The hearing shall be held in closed session (complying with all student confidentiality rules under FERPA) unless the student 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 student and the student's parent/guardian at least ten (10) calendar days before the date of the hearing. Upon mailing the notice, it shall be deemed served upon the student. The notice shall include:

1. The date and place of the expulsion hearing;
2. A statement of the specific facts, charges and offenses upon which the proposed expulsion is based;
3. A copy of the Charter School's disciplinary rules which relate to the alleged violation;

4. Notification of the student's or parent/guardian's obligation to provide information about the student's status at the Charter School to any other school district or school to which the student seeks enrollment;
5. The opportunity for the student and/or the student'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 student's behalf including witnesses.

Special Procedures for Expulsion Hearings Involving Sexual Assault or Battery Offenses

MWA may, upon a finding of 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 that shall be examined only by the 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 student.

- The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of their right to (a) receive five days' notice of their scheduled testimony, (b) have up to two (2) adult support persons of their choosing present in the hearing at the time the complaining witness testifies, which may include a parent, guardian, or legal counsel, and (c) elect to have the hearing closed while testifying.
- MWA must also provide the victim a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.
- At the discretion of the entity conducting the expulsion hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which the complaining witness may leave the hearing room.
- 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.
- The entity conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours the complaining witness is normally in school, if there is no good cause to take the testimony during other hours.
- 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 the complaining witness to the witness stand.
- If one or both of the support persons is also a witness, MWA must present evidence that the witness' presence is both desired by the witness and will be helpful to MWA. The entity 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 their discretion to remove a person from the hearing whom they believe is prompting, swaying, or influencing the witness.

- 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.
- Especially for charges involving sexual assault or battery, if the hearing is to be conducted in public at the request of the student being expelled, the complaining witness shall have the right to have their testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.
- Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the entity 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.

Record of Hearing

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

Presentation of Evidence

While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A recommendation by the administrative panel to expel must be supported by substantial evidence that the student committed an expellable offense. Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay. 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 expelled student, 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 their testimony heard in a session closed to the public.

Expulsion Decision

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 MWA Board of Directors shall be made within 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, or the Board of Directors ultimately decides not to expel, the student shall immediately be returned to their previous educational program.

Written Notice to Expel

The Assistant Principal or designee, following a decision of the MWA Board of Directors to expel, shall send written notice of the decision to expel, including the MWA Board of Directors' adopted findings of fact, to the student and the student's parent/guardian. This notice shall also include the following: (a) notice of the specific

offense committed by the student; and (b) notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with MWA.

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

Disciplinary Records

MWA shall maintain records of all student suspensions and expulsions at the school. Such records shall be made available to the chartering authority upon request.

No Right to Appeal

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

Expelled Students/Alternative Education

Parents/guardians of students 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. MWA 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.

Rehabilitation Plans

Students who are expelled from MWA 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 student may reapply to MWA for readmission.

Readmission or Admission of Previously Expelled Student

The decision to readmit a student after the end of the student's expulsion term or to admit a previously expelled student from another school district or charter school who has not been readmitted/admitted to another school or school district after the end of the student's expulsion term, shall be in the sole discretion of the MWA Board of Directors following a meeting with the Assistant Principal or designee and the student and the student's parent/guardian or representative to determine whether the student has successfully completed the rehabilitation plan and to determine whether the student poses a threat to others or will be disruptive to the school environment. The Assistant Principal or designee shall make a recommendation to the MWA Board of Directors following the meeting regarding the Assistant Principal's or designee's determination. The Board shall then make a final decision regarding readmission or admission of the student 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 student's readmission is also contingent upon MWA's capacity at the time the student seeks readmission or admission to MWA.

Notice to Teachers

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

Special Procedures for the Consideration of Suspension and Expulsion or Involuntary Removal of Students with Disabilities

1. **Notification of SELPA**

MWA shall immediately notify the SELPA and coordinate the procedures in this policy with the SELPA of the behavior management of any student with a disability or student who MWA or the SELPA would be deemed to have knowledge that the student had a disability. MWA will also notify the SELPA of which it is a part of any suspension or expulsion.

2. **Services During Suspension**

Students suspended for more than 10 school days in a school year shall continue to receive services so as to enable the student to continue to participate in the general education curriculum, although in another setting (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 10 school days of a recommendation for expulsion or any decision to change the placement of a child with a disability because of a violation of a code of student conduct, MWA 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 parent/guardian 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 MWA, 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 MWA, 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 MWA 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 and MWA agree to a change of placement as part of the modification of the behavioral intervention plan.

If MWA, 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 MWA 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 MWA believes that maintaining the current placement of the

child is substantially likely to result in injury to the child or to others, may request an expedited administrative hearing through the Special Education Unit of the Office of Administrative Hearings or by utilizing the dispute provisions of the 504 Policy and Procedures.

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent/guardian or the school, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer in accordance with state and federal law, including 20 USC Section 1415(k), until the expiration of the 45 -day time period provided for in an interim alternative educational setting, unless the parent/guardian and the school 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 MWA 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 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*

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

The Assistant Principal or designee may remove a student 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 student who has not been identified as an individual with disabilities pursuant to IDEA and who has violated MWA's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if MWA had knowledge that the student was disabled before the behavior occurred.

MWA shall be deemed to have knowledge that the student 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 school supervisory or administrative personnel, or to one of the child's teachers, that the student is in need of special education or related services.
- b. The parent/guardian has requested an evaluation of the child.
- c. The child's teacher, or other school personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education or to other supervisory personnel.

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

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

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

Appendix L: Homeless Youth Annual Notice and Policy

McKinney-Vento Act Overview

The *McKinney-Vento Act* defines homeless children and youths as individuals who lack a **fixed, regular, and adequate** nighttime residence (42 U.S.C. § 11434a) and includes:

- Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
- Children and youths who may be living in motels, hotels, trailer parks, shelters, camping grounds due to a lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
- Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory children and unaccompanied youth (youth who are not in the physical custody of a parent or guardian) who qualify as homeless because they are children who are living in similar circumstances listed above.

Homeless status is determined in cooperation with the parent or guardian. In the case of unaccompanied youth, status is determined by the School Liaison.

Educational Rights of Homeless Students

Once a student has been identified as homeless, the liaison will inform the student and/or family of the following rights and ensure that these rights are met by Making Waves Academy:

- Making Waves Academy shall immediately admit/enroll the student (subject to Making Waves Academy's capacity and pursuant to the procedures stated in MWA's charter and Board policy), even if they do not have all of the documents normally required at the time of enrollment (such as previous academic records, records of immunizations, other required health records, proof of residency) or has missed application or enrollment deadlines during any period of homelessness. Records will be immediately requested from the previous school. If the student needs to obtain immunizations or does not possess immunization or other medical records, the Principal shall refer the parent/guardian or unaccompanied youth to the liaison. The liaison shall assist the parent/guardian in obtaining the necessary immunizations or records for the student. [42 U.S.C. § 11432 (g)(3)(C)] [42 U.S.C. § 11432 (g)(3)(A); Education Code § 48850(a)(3)(A)].
- MWA shall immediately admit/enroll the student for which MWA is a School of Origin. "School of Origin" means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled. Students have the right to remain in their school of origin following the termination of the child's status as a homeless student as follows:
 - a. For students in fifth through eighth grade, inclusive, the student will be allowed to continue in the school of origin through the duration of the academic year in which the student's status changed.
 - b. For students enrolled in high school, the student will be allowed to continue in the school of origin through graduation.
- Transportation to and from MWA for the regular school day, if requested and if MWA is the school of origin. [42 U.S.C. § 11432 (g)(1)(J)(iii)].
- Prompt access to comparable programs and services offered to other students in Making Waves Academy, including transportation services; educational services for which the child meets eligibility

criteria such as special education services for students with limited English proficiency; school nutrition programs; vocational/technical education; gifted and talented services; and before-and after-school care [42 U.S.C. § 11432 (g)(4)].

- Priority access to intersession program (expanded learning program)
- If a dispute arises over admissions/enrollment, the student shall be immediately admitted (subject to MWA's capacity and pursuant to the procedures stated in MWA's charter and Board policy), pending the resolution of the dispute [42 U.S.C. § 11432(g)(3)(E)(i)]. The parent/guardian shall be provided with a written explanation of the admission/enrollment decision, including an explanation of the parent/guardian's right to appeal the decision. The parent/guardian shall also be referred to the liaison. The liaison shall carry out the Board-adopted dispute resolution and complaint processes as expeditiously as possible after receiving notice of the dispute. [42 U.S.C. § 11432(g)(3)(E)].
- The appointment of a local homeless education liaison at Making Waves Academy to ensure that homeless children and youth are identified and given full and equal access to all educational services for which they are eligible in order to succeed in school [42 U.S.C. § 11432 (g)(6)(A)].
- MWA shall accept coursework satisfactorily completed by a homeless student while attending another public school, a juvenile courts school, a charter school, a school in a country other than the United States, or a nonpublic, nonsectarian school even if the pupil did not complete the entire course and shall issue that homeless student full or partial credit for the coursework completed.
- If MWA is the transferring school, it shall issue the full and partial credits on an official transcript for the student and shall ensure the transcript includes all of the following: 1) All full and partial credits and grades earned based on any measure of full or partial coursework being satisfactorily completed, including a determination of the days of enrollment or seat time, or both, if applicable, at the School or any other local educational agency, other public school, juvenile court school, charter school, school in a country other than the United States, or nonpublic, nonsectarian school; 2) The credits and grades for each school and local educational agency listed separately so it is clear where they were earned; 3) A complete record of the student's seat time, including both period attendance and days of enrollment.
- If a homeless student enrolls in MWA, and MWA has knowledge that the transcript from the transferring local educational agency may not include certain credits or grades for the student, MWA shall contact the prior local educational agency within two business days to request that the prior local educational agency issue full or partial credits. The prior local educational agency shall issue appropriate credits and provide all academic and other records to MWA within two business days of the request.
- The credits accepted shall be applied to the same or equivalent course, if applicable, as the coursework completed in the prior school.
- MWA shall not require a homeless student to retake a course if the student has satisfactorily completed the entire course in a prior school. If the student did not complete the entire course, MWA shall not require the pupil to retake the portion of the course the student completed unless MWA, in consultation with the holder of educational rights for the student, finds that the student is reasonably able to complete the requirements in time to graduate from high school. When partial credit is awarded in a particular course, the homeless student shall be admitted in the same or equivalent course, if applicable, so the student may continue and complete the entire course.
- A homeless student shall not be prevented from retaking or taking a course to meet the eligibility requirements for admission to the California State University or the University of California.
- A homeless student who transfers between schools any time after the completion of the pupil's second year of high school and is in the student's third or fourth year of high school, MWA shall exempt from all coursework and other requirements adopted by MWA that are in *addition* to the statewide coursework requirements specified in Education Code section 51225.3, unless MWA makes a finding that the student is reasonably able to complete MWA's graduation requirements in time to graduate from high school by the end of the student's fourth year of high school.

- If MWA determines that the homeless student is reasonably able to complete MWA's graduation requirements within the student's fifth year of high school, MWA shall do all of the following: 1) Consult with the student and the student's educational rights holder of the student's option to remain in school for a fifth year to complete MWA's graduation requirements; 2) Consult with the student, and the student's educational rights holder, about how remaining in MWA for a fifth year to complete MWA's graduation requirements will affect the student's ability to gain admission to a postsecondary educational institution; 3) Consult with and provide information to the student about transfer opportunities available through the California Community Colleges; 4) Permit the student to stay in school for a fifth year to complete MWA's graduation requirements upon agreement with the student, if the student is 18 years of age or older, or if under 18 years of age, with the person holding the right to make educational decisions for the student; 5) Consult with the student and the student's educational rights holder regarding the student's option to remain in the school of origin.
- If MWA determines that the homeless student, who has transferred between schools any time after the completion of the student's second year of high school, is not reasonably able to complete MWA's graduation requirements within the student's fifth year of high school, but is reasonably able to complete the statewide coursework requirements within the student's fifth year of high school, MWA shall exempt a student from MWA's graduation requirements and provide the student the option to remain in MWA for a fifth year to complete the statewide coursework requirements. MWA shall consult with the student and the student's educational rights holder regarding all of the following: 1) the student's option to remain in school for a fifth year to complete the statewide coursework requirements; 2) how waiving MWA's requirements and remaining in school for a fifth year may affect the student's postsecondary education or vocation plans, including the ability to gain admission to an institution of higher education; 3) whether any other options are available to the student, including, but not limited to, possible credit recovery, and any transfer opportunities available through the California Community Colleges; 4) the student's academic data and any other information relevant to making an informed decision on whether or accept the exemption and option to remain in school for a fifth year to complete the statewide coursework requirements.
- To determine whether a homeless student is in the third or fourth year of high school, the number of credits the pupil has earned to the date of transfer, or the length of the student's school enrollment, or for students with significant gaps in school attendance, the student's age as compared to the average age of students in the third or fourth year of high school may be used, whichever will qualify the student for the exemption.
- Within 30 calendar days of the date that a homeless student may qualify for the exemption from local graduation requirements transfers into a school, MWA shall notify the student, the educational rights holder, and MWA's liaison for homeless children and youth of the availability of the exemption and whether the student qualifies for an exemption. If MWA fails to provide timely notice, the student shall be eligible for the exemption from local graduation requirements once notified, even if that notification occurs after the student is no longer homeless, if the student otherwise qualifies for the exemption.
- In addition to providing said notice, MWA shall consult with the student eligible for the exemption and student's educational rights holder about the following: 1) Discussion regarding how any of the requirements that are waived may affect the student's postsecondary education or vacation plans, including the ability to gain admission to a postsecondary educational institution; 2) Discussion and information about other options available to the student, including, but not limited to, a fifth year of high school, possible credit recovery, and any transfer opportunities available through the California Community Colleges; 3) Consideration of the student's academic data and any other information relevant to making an informed decision on whether to accept the exemption.
- A homeless student that has been exempted from local graduation requirements in accordance with Education Code section 51225.1 and completes the statewide coursework requirements specified in Education Code section 51225.3 before the end of the student's fourth year of high school and that

student would otherwise be entitled to remain in attendance at MWA, MWA shall not require or request that the pupil graduate before the end of the student's fourth year of high school.

- If a homeless student is exempted from local graduation requirements pursuant to Education Code section 51225.1, MWA shall notify the student and the person holding the right to make educational decisions for the student how any of the requirements that are waived will affect the student's ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges.
- If a homeless student who is eligible for the exemption from local graduation requirements and would otherwise be entitled to remain in attendance at MWA shall not be required to accept the exemption or be denied admission in, or the ability to complete, courses for which the student is otherwise eligible, including courses necessary to attend an institution of higher education, regardless of whether those courses are required for statewide graduation requirements.
- If a homeless student is not exempted from local graduation requirements or has previously declined the exemption, MWA shall exempt the student at any time if an exemption is required by the student and the student qualifies for the exemption.
- If a homeless student is exempted from local graduation requirements, MWA shall not revoke the exemption.
- If a homeless student is exempted from local graduation requirements, the exemption shall continue to apply after the pupil is no longer a homeless student while the student is admitted in MWA or if a homeless student who is exempt from local graduation requirements transfers to MWA from another school.
- If a homeless student is not eligible for an exemption because MWA makes a finding that the student is reasonably able to complete MWA's graduation requirements in time to graduate from high school by the end of the student's fourth year of high school, MWA nonetheless shall reevaluate eligibility and provide written notice to the student, the student's education rights holder whether the student qualifies for an exemption within the first 30 calendar days of the following academic year, based on the course completion status of the student at the time of reevaluation to determine if the student continues to be reasonably able to complete MWA's graduation requirements in time to graduate from high school by the end of the student's fourth year.
- If it is determined within the first 30 calendar days of the following academic year, that given their course completion status at that time the reevaluation conducted pursuant to the previous paragraph that the student is not reasonably able to complete MWA's graduation requirements in time to graduate from high school by the end of the student's fourth year of high school, MWA shall provide the student with the option to receive an exemption from all coursework and other requirements adopted by MWA's governing board that are in addition to the statewide coursework requirements specified in Education Code section 51225.3 or to stay in school for a fifth year to complete MWA's graduation requirements upon agreement with the student (if over 18 years old), or upon agreement with the student's education rights holder.
- MWA shall not require or request a homeless student to transfer schools in order to qualify the pupil for an exemption.
- MWA shall report to the CDE annually on the number of students who, for the prior school year, graduated with an exemption from MWA's graduation requirements that are in addition to the statewide coursework requirements. This data shall be reported for students graduating in the fourth year and fifth year cohorts, and shall be disaggregated by cohort, pupil category, race, and disability status. The CDE shall make this data publicly available on an annual basis aligned with other reporting timelines for the California dashboard graduation data.

Homeless Student Liaison

The role of Making Waves Academy's Homeless Student Liaison (liaison) is to provide support and ensure that the rights of homeless students are being met by MWA. School leadership will identify the liaison annually by July

1st and provide written notice to parents/guardians and unaccompanied youth of the contact information of the liaison. School leadership will notify the Making Waves Academy Board of the person serving as the liaison by the first board meeting of the school year. The liaison shall:

- Ensure that homeless students are identified by school personnel and through coordinated activities with other entities and agencies.
- Ensure that homeless students enroll in, and have a full and equal opportunity to succeed in Making Waves Academy.
- Ensure that homeless families and students receive educational services for which they are eligible, including services through Head Start programs (including Early Head Start programs) under the Head Start Act, early intervention services under part C of the Individuals with Disabilities Education Act, any other preschool programs administered by Making Waves Academy, if any, and referrals to health care services, dental services, mental health services and substance abuse services, housing services, and other appropriate services.
- Inform parents/guardians of the educational and related opportunities available to their children and ensure that they are provided with meaningful opportunities to participate in the education of their children.
- Disseminate notice of the educational rights of homeless students at places frequented by parents or guardians of such youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, and in a manner and form understandable to the parents and guardians of homeless youth and unaccompanied youth.
- Mediate enrollment disputes in accordance with law, the Making Waves Academy charter, and Board policy.
- Ensure school personnel providing services to youth experiencing homelessness receive annual professional development and other support. The professional development will include training on: (1) MWA's homeless education program policies; and (2) recognition of signs that pupils are experiencing, or are at risk of experiencing, homelessness. The liaison shall inform such employees of the availability of training and the services the liaison provides to aid in the identification and provision of services to students who are experiencing, or are at risk of experiencing, homelessness.
- Collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths.
- Ensure unaccompanied youth are enrolled in school; have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth; and are informed of their status as independent students under section 480 of the Higher Education Act of 1965 and that the youths may obtain assistance from the School Liaison to receive verification of such status for the purposes of the Free Application for Federal Student Aid described in section 483 of the Act.

MWA Homeless Students Liaison

Social Worker
4123 Lakeside Drive
Richmond, CA 94806
Ph. (510) 262-1511

The California Department of Education ("CDE") publishes a list of the contact information for the Homeless Education Liaisons in the state, which is available at: <https://www.cde.ca.gov/sp/hs/>

Identifying Homeless Students

Homeless students at Making Waves Academy will be identified by two different processes:

- Information obtained on the *Residency Information Form* (housing questionnaire) that students/families complete as a part of the school registration process. The form includes questions that will help determine homeless status, and informs the student and/or family of their educational rights.
 - Throughout the school year, informational flyers will be sent home and posted around the school to notify homeless families how to connect with the homeless student liaison. MWA shall annually provide the housing questionnaire to all parents/guardians of students and to all unaccompanied youths at MWA. The housing questionnaire shall be available in the primary language other than English spoken by fifteen (15) percent or more of the students enrolled at MWA and shall be translated into other languages upon request of a student's parent/guardian or an unaccompanied youth. MWA shall collect the completed housing questionnaires and annually report to the CDE the number of homeless children and youths and unaccompanied youths enrolled.
- Referral from a school staff member who identifies that a student or family might meet the definition of homeless as defined above. Please see the *Crisis Intervention Procedure* for more information on the referral process.

For students who may be homeless, the liaison will follow-up with the student and/or family to review their rights and provide support (e.g., transportation, access to educational services, connections to community-based organizations), if needed.

Transportation

In the event that Making Waves Academy provides transportation services to all Making Waves Academy students, Making Waves Academy shall provide comparable transportation services to each homeless child or youth attending Making Waves Academy, as noted above. (42 U.S.C. § 11432(g)(4))

If Making Waves Academy does not otherwise provide transportation services to all Making Waves Academy students, Making Waves Academy shall ensure that transportation is provided for homeless students to and from Making Waves Academy, at the request of the parent or guardian (or liaison) if MWA is the student's school of origin. (42 U.S.C. § 11432(g)(1)(J)) Transportation provided by MWA will be adequate and appropriate for the student's situation, but MWA does not commit to any one method of transportation.

School Website Posting

MWA shall ensure that the following information is posted, and updated as necessary, on its internet website:

- The name and contact information of the liaison for homeless children and youths.
- The contact information of any employee or contractor that assists the liaison in completing the liaison's duties.
- Specific information regarding the educational rights and resources available to persons experiencing homelessness.

Annual Notice and Policy Review

For any homeless student who seeks enrollment at MWA, written notice will be provided to the parent/guardian at the time of enrollment and at least annually while the student is enrolled at MWA.

MWA shall annually review and revise any policies that may act as barriers to the identification of homeless children and youths or the enrollment of homeless children and youths at MWA. In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship. Special attention shall be given to ensuring the identification, enrollment, and attendance of homeless children and youths who are not currently attending school. MWA's review of its homeless education program policies shall use resources developed by the CDE and posted on the CDE's internet website and resources developed by homeless education technical assistance centers established using funding from the American Rescue Plan Act of 2021.

Noncompliance

A complaint alleging noncompliance with this policy may be filed with MWA under MWA's Uniform Complaint Procedures.

Appendix M: Foster Youth Annual Notice

Definitions: For the purposes of this annual notice the terms are defined as follows:

1. "Foster youth" means any of the following:
 - a. A child who has been removed from their home pursuant to Section 309 of the California Welfare and Institutions Code ("WIC").
 - b. A child who is the subject of a petition filed pursuant to California WIC section 300 or 602 (whether or not the child has been removed from the child's home by juvenile court).
 - c. A child who is the subject of a petition filed pursuant WIC section 602, has been removed from the child's home by the juvenile court, and is in foster care.
 - d. A nonminor under the transition jurisdiction of the juvenile court, as described in WIC section 450, who satisfies all of the following criteria:
 - i. The nonminor has attained 18 years of age while under an order of foster care placement by the juvenile court.
 - ii. The nonminor is in foster care under the placement and care responsibility of the county welfare department, county probation department, Indian tribe, consortium of tribes, or tribal organization.
 - iii. The nonminor is participating in a transitional independent living case plan.
 - e. A dependent child of the court of an Indian tribe, consortium of tribes, or tribal organization who is the subject of a petition filed in the tribal court. MWA shall not require an Indian tribe or tribal court representative to certify that any student is a dependent of an Indian tribe, consortium of tribes, or tribal organization.
 - f. A child who is the subject of a voluntary placement agreement, as defined in WIC section 11400.
2. "Former juvenile court school students" refers to a student who, upon completion of the student's second year of high school, transfers from a juvenile court school to MWA.
3. "Child of a military family" refers to a student who resides in the household of an active duty military member.
4. "Currently Migratory Child" refers to a child who, within the last 12-months, has moved with a parent, guardian, or other person having custody to MWA from another Local Educational Agency ("LEA"), either within California or from another state, in order that the child or a member of the child's immediate family might secure temporary or seasonal employment in an agricultural or fishing activity, and whose parents or guardians have been informed of the child's eligibility for migrant education services. This includes a child who, without the parent/guardian, has continued to migrate annually to secure temporary or seasonal employment in an agricultural or fishing activity.
5. "Newcomer pupil" is a person aged 3 to 21 years, who was not born in any of the 50 United States, the District of Columbia, or the Commonwealth of Puerto Rico, and has not been attending one or more schools in any one or more of the 50 United States, the District of Columbia, or the Commonwealth of Puerto Rico, for more than three (3) full academic years. This also includes a "pupil participating in a newcomer program," as defined in Education Code section 51225.2, as that section read on January 1, 2023, who was enrolled in mwa before January 1, 2024. MWA may, in its discretion, also extend the rights in Education Code sections 51225.1 and 51225.2 to a "pupil participating in a newcomer program," as defined in Education Code section 51225.2, as that section read on January 1, 2023.
6. "Educational Rights Holder" ("ERH") means a parent, guardian, or responsible adult appointed by a court to make educational decisions for a minor pursuant to WIC sections 319, 361 or 726, or a person holding the right to make educational decisions for the student pursuant to Education Code section 56055.
7. "School of origin" means the school that the foster youth attended when permanently housed or the school in which the foster youth was last enrolled. If the school the foster youth attended when permanently housed is different from the school in which the student was last enrolled, or if there is some other school that the foster youth attended within the immediately preceding 15 months, the MWA liaison for foster youth, in consultation with and with the agreement of the foster youth and the ERH for the youth,

shall determine, in the best interests of the foster youth, the school that shall be deemed the school of origin. For a foster youth who is an individual with exceptional needs as defined in Education Code section 56026, "school" as used in the definition of "school of origin" includes a placement in a nonpublic, nonsectarian school as defined in Education Code section 56034, subject to the requirements of Education Code section 56325.

8. "Best interests" means that, in making educational and school placement decisions for a foster youth, consideration is given to, among other factors, the opportunity to be educated in the least restrictive educational program and the foster youth's access to academic resources, services, and extracurricular and enrichment activities that are available to all MWA students.
9. "Partial coursework satisfactorily completed" includes any portion of an individual course, even if the student did not complete the entire course.

Within this notice, foster youth, former juvenile court school students, a child of a military family, a currently migratory child, and a newcomer pupil will be collectively referred to as "Foster and Mobile Youth." Within this notice, a parent, guardian, or other person holding the educational rights for a Foster and Mobile Youth will be referred to as a "parent/guardian" or "ERH."

Foster and Mobile Youth Liaison: The Chief Executive Officer or designee designates the following staff person as the Liaison for Foster and Mobile Youth:

Social Worker
4123 Lakeside Drive
Richmond, CA 94806
Ph. (510) 262-1511

The Foster and Mobile Youth Liaison's responsibilities include but are not limited to the following:

1. Ensuring and facilitating the proper educational placement, enrollment in school, and checkout from school of foster children.
2. Assisting foster children when transferring from one school to another school in ensuring proper transfer of credits, records and grades.

School Stability: MWA will work with foster youth and their parent/guardian to ensure that each student is placed in the least restrictive educational programs, and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all students, including, but not necessarily limited to, interscholastic sports. All decisions regarding a foster youth's education and placement will be based on the best interest of the child and shall consider, among other factors, educational stability and the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress.

Foster youth, currently migratory children and children of military families have the right to remain in their school of origin if it is in their best interest. MWA will immediately enroll a foster youth, currently migratory child or child of a military family seeking re-enrollment in MWA as the student's school of origin (subject to MWA's capacity and pursuant to the procedures stated in MWA's charter and Board policy). If a dispute arises regarding a foster youth's request to remain in MWA as the school of origin, the foster youth has the right to remain in MWA pending the resolution of the dispute. MWA will also immediately enroll any foster youth, currently migratory child or child of a military family seeking to transfer to the MWA (subject to MWA's capacity and pursuant to the procedures stated in MWA's charter and Board policy) regardless of the student's ability to meet normal enrollment documentation or uniform requirements (e.g. producing medical records or academic records from a previous school).

Foster youth, currently migratory children, and children of military families have the right to remain in their school of origin following the termination of the child's status as a foster youth, currently migratory child or child of a military family, as follows:

1. For students in Kindergarten through eighth grade, inclusive, the student will be allowed to continue in the school of origin through the duration of the academic year in which the student's status changed.
2. For students enrolled in high school, the student will be allowed to continue in the school of origin through graduation.

If MWA operates an intersession program, MWA shall grant priority access to foster youths. Notwithstanding any other law, if the foster youth will be moving during an intersession period, the pupil's educational rights holder, or Indian custodian in the case of an Indian child, shall determine which school the pupil attends for the intersession period, if applicable. "Intersession program" means an expanded learning program offered by MWA on non school days, including, but not limited to, summer school. "Indian custodian" is as the term is defined in Section 1903 of Title 25 of the United States Code.

Graduation Requirements: Foster and Mobile Youth who transfer to MWA any time after the completion of their second year of high school, and newcomer pupils who are in their third or fourth year of high school, shall be exempt from any of MWA's graduation requirements that are in excess of the California minimum graduation requirements specified in Education Code section 51225.3 ("additional graduation requirements") unless MWA makes a finding that the student is reasonably able to complete MWA's graduation requirements by the end of the student's fourth year of high school.

To determine whether a Foster and Mobile Youth is in their third or fourth year of high school, either the number of credits the student has earned to the date of transfer or the length of the student's school enrollment, or, for students with significant gaps in school attendance, the student's age as compared to the average age of students in the third or fourth year of high school, may be used, whichever will qualify the student for the exemption. For a newcomer pupil, enrollment in grade 11 or 12, based on the average age of students in the third or fourth year of high school, may be used to determine whether the student is in their third or fourth year of high school.

Within thirty (30) calendar days of the date that a student who may qualify for exemption under the above requirements transfers into MWA, MWA shall notify the student, the parent/guardian, and where applicable, the student's social worker or probation officer, of the availability of the exemption and whether the student qualifies for an exemption.

MWA shall notify and consult with students who are exempted from MWA's additional graduation requirements and the student's ERH. The consultation shall include all of the following:

1. Discussion regarding how any of the requirements that are waived may affect the pupil's postsecondary education or vocation plans, including the ability to gain admission to a postsecondary educational institution.
2. Discussion and information about other options available to the pupil, including, but not limited to, a fifth year of high school, possible credit recovery, and any transfer opportunities available through the California Community Colleges.
3. Consideration of the pupil's academic data and any other information relevant to making an informed decision on whether to accept the exemption.

MWA shall not require any student who would otherwise be entitled to remain in attendance at MWA to accept the exemption from MWA's additional graduation requirements or deny the student enrollment in, or the ability to complete, courses for which the student is otherwise eligible. MWA shall not revoke an exemption and shall grant

an eligible student's request for the exemption at any time if the student qualifies, regardless of whether the student previously declined the exemption.

If a Foster and Mobile Youth who was eligible for an exemption and 1) was not properly notified of the availability of the exemption, or 2) previously declined the exemption pursuant to this Policy, the Charter School shall exempt the student within thirty (30) days of the exemption request, if an exemption is requested by the student or the student's ERH and the student at one time qualified for the exemption, even if the student is no longer a Foster and Mobile Youth or the court's jurisdiction of the pupil has terminated.

An eligible student's exemption from MWA's additional graduation requirements will continue to apply while the student is enrolled in MWA or if the student transfers to another school even after the court's jurisdiction terminates or the student no longer meets the definition of a Foster and Mobile Youth.

MWA shall not require or request that a student transfer schools in order to qualify the student for the exemption. Nor shall a student, a student's parent/guardian or educational rights holder, or a student's social worker or probation officer request a transfer solely to qualify for an exemption from MWA's additional graduation requirements.

If a student who is exempted from MWA's additional graduation requirements completes the California minimum coursework requirements specified in Education Code section 51225.3 before the end of the student's fourth year of high school and would otherwise be entitled to remain in attendance at MWA, MWA shall not require or request that the student graduate before the end of the student's fourth year of high school.

If MWA determines the student is reasonably able to complete MWA's additional graduation requirements by the end of the student's fifth year of high school, MWA shall do the following:

1. Consult with the student and the student's ERH regarding the student's option to remain at MWA for a fifth year to complete MWA's graduation requirements consistent with the laws regarding continuous enrollment and satisfactory progress for MWA students over age 19.
2. Consult with the student, and the ERH for the student, about how remaining in school for a fifth year to complete MWA's graduation requirements will affect the student's ability to gain admission to a postsecondary educational institution.
3. Consult with and provide information to the student and the student's ERH about transfer opportunities available through the California Community Colleges.
4. Permit the student to stay at MWA for a fifth year to complete MWA's graduation requirements upon agreement with the student, if the student is 18 years of age or older, or, if the student is under 18 years of age, upon agreement with the student's ERH.
5. For a student identified as a foster youth, consult with the student, and the student's ERH, regarding the student's option to remain in the school of origin.

Through January 1, 2028, upon making a finding that a Foster and Mobile Youth is not reasonably able to complete MWA's additional graduation requirements but is reasonably able to complete state coursework requirements specified in Education Code Section 51225.3 within the student's fifth year of high school, the Principal or designee shall exempt the pupil from MWA's graduation requirements and provide pupil the option of remaining in school for a fifth (5th) year to complete the statewide coursework requirements. MWA shall consult with the Foster and Mobile Youth and their ERH regarding all of the following:

1. The pupil's option to remain in school for a fifth year to complete the statewide coursework requirements.
2. How waiving the local educational requirements and remaining in school for a fifth year may affect the pupil's postsecondary education or vocation plans, including the ability to gain admission to an institution

of higher education.

3. Whether any other options are available to the pupil, including, but not limited to, possible credit recovery, and any transfer opportunities available through the California Community Colleges.
4. The pupil's academic data and any other information relevant to making an informed decision on whether to accept the exemption and option to remain in school for a fifth year to complete the statewide coursework requirements.

If a Foster and Mobile Youth is not eligible for an exemption in the year in which the pupil transfers between schools, or for a newcomer pupil, is not eligible for an exemption in the student's third year of high school, because Charter School makes a finding that the pupil is reasonably able to complete Charter School's additional graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school, then Charter School shall do the following:

1. Within the first 30 calendar days of the **following** academic year, Charter School shall reevaluate eligibility;
2. Provide written notice to the pupil, the pupil's ERH, and the pupil's social worker or probation officer, if applicable, whether the pupil qualifies for an exemption upon reevaluation, based on the course completion status of the pupil at the time of reevaluation, to determine if the pupil continues to be reasonably able to complete Charter School's additional graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school.
3. If, given their course completion status at that time the reevaluation is conducted, the pupil is not reasonably able to complete Charter School additional graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school, the Charter School shall provide written notice to the pupil and the pupil's ERH of the pupil's options to:
 - i. Receive an exemption from all coursework and other requirements adopted by the governing board body of Charter School that are in addition to the statewide coursework requirements specified in Section 51225.3, **or**
 - ii. Upon agreement with the pupil's ERH, stay in school for a fifth year to complete the Charter School's additional graduation requirements.

The pupil (if not a minor) or the pupil's ERH shall have sole discretion whether to accept the exemption, based on the pupil's best educational interests.

Reporting Requirements: Charter School shall report to the California Department of Education ("CDE") annually on the number of pupils who, for the prior school year, graduated with an exemption from the Charter School's graduation requirements that are in addition to the statewide coursework requirements. This data shall be reported for pupils graduating in the fourth year and fifth year cohorts, and shall be disaggregated by cohort, pupil category, race, and disability status. The CDE shall make this data publicly available on an annual basis aligned with other reporting timelines for the California dashboard graduation data. For purposes of this notice, "pupil category" means the categories of pupils identified in the "Definitions" section of this Policy, above.

Acceptance of Course Work: MWA will accept any coursework satisfactorily completed at any public school, a juvenile court school, a school in a country other than the United States, and/or a nonpublic, nonsectarian school or agency by a Foster and Mobile Youth.

MWA will provide Foster and Mobile Youth credit for the partial completion of courses taken while attending a public school, a juvenile court school, a school in a country other than the United States, and/or a nonpublic, nonsectarian school or agency. If the student did not complete the entire course, MWA shall not require the

student to retake the portion of the course the student completed unless MWA, in consultation with the holder of educational rights for the student, finds that the student is reasonably able to complete the requirements in time to graduate from high school. When partial credit is awarded in a particular course, the Foster and Mobile Youth shall be enrolled in the same or equivalent course, if applicable, so that the student may continue and complete the entire course. These students shall not be prevented from taking or retaking a course to meet California State University or the University of California admission eligibility requirements.

Student Records: When MWA receives a transfer request and/or student records request for the educational information and records of a foster youth from a new local educational agency ("LEA"), MWA shall provide these student records within two (2) business days. MWA shall compile the complete educational record of the student, including but not limited to a determination of seat time, full or partial credits earned, current classes and grades, immunization and other records, and, if applicable, a copy of the student's special education records including assessments, IEPs, and/or 504 plans. All requests for student records will be shared with the Foster and Mobile Youth Liaison, who shall be aware of the specific educational record keeping needs of Foster and Mobile Youth.

MWA shall not lower a foster youth's grades as a result of the student's absence due to a verified court appearance, related court ordered activity, or a change the placement of the student made by a county or placing agency. If a foster youth is absent from school due to a decision to change the placement of the student made by a county or placing agency, the grades and credits of the student will be calculated as of the date the student left MWA.

In accordance with MWA's Directory Information, FERPA, and Student Records Policy, under limited circumstances, MWA may disclose student records or personally identifiable information contained in those records to certain requesting parties including but not limited to a foster family agency and state and local authorities within a juvenile justice system, without parental consent.

Discipline Determinations: If MWA intends to extend the suspension of any foster/ youth pending a recommendation for expulsion, MWA will invite the student's attorney and an appropriate representative from the relevant county agency to participate in the meeting at which the extension of the suspension will be discussed.

If MWA intends to suspend for more than ten (10) consecutive school days or expel a student with a disability who is also a foster youth due to an act for which the recommendation for expulsion is discretionary, MWA will invite the student's attorney and an appropriate representative from the relevant county agency to participate in the Manifestation Determination Review meeting.

Complaints of Noncompliance: A complaint of noncompliance with any of the requirements outlined above may be filed through MWA's Uniform Complaint Procedures. A copy of the Uniform Complaint Policy and Procedures is available upon request at the main office.

Availability of Complete Policy: For any Foster and Mobile Youth who enrolls at MWA, a copy of MWA's complete foster youth policy shall be provided at the time of enrollment. A copy of the complete Policy is available upon request at the main office.

Appendix N: Parent/Guardian Code of Conduct

1. Policy and Purposes

The purpose of the Parent/Guardian Code of Conduct is to provide a mutual understanding to all parents/guardians about conduct expectations while on school property, at school events, and when interacting with Making Waves Academy (“MWA” or the “School”) employees, students, and/or other parents/legal guardians.

2. General Operating Principles

We expect parents/guardians to have a fundamental understanding and commitment to the following general principles:

- Teachers, administrators, and parents/guardians want all children to succeed.
- Teachers, administrators, and parents/guardians help to foster an inclusive and safe campus culture.
- Teachers, administrators and parents/guardians must work together for the benefit of all students.
- All parents/guardians, MWA employees, as well as all members of the school community, deserve to be treated with respect.
- Teachers, administrators, and parents/guardians will comply with currently mandated and recommended health and safety protocols.
- Parents/guardians have multiple pathways to share comments, feedback, and concerns
- School leaders will create appropriate opportunities to address any issues of concern.
- Parents/guardians and students are welcomed at MWA Board of Directors meetings, where they can provide comments during open sessions.
- Teachers, administrators and parents/guardians will adhere to best practices for timely communication. This includes:
 - Scheduling an appointment to ensure the best person to address concerns is available.
 - MWA Staff and administrators will do their best to return all phone calls/emails within 2-3 school days.

3. Prohibited Behaviors

In order to foster a productive partnership and provide a peaceful and safe school environment, MWA prohibits the following behaviors by parents/guardians:

- Abusive, threatening, discriminatory, racist, profane, or harassing communication, either in person, by email, by text/voicemail/phone, or other written or verbal communication.
- Disruptive behavior that interferes or threatens to interfere with MWA operations, including the effective operation of a classroom, meeting spaces, school events, an employee’s office or duty station, a campus lobby, or school grounds, including sporting events, parking lots, and student drop-off and pick-up lines.
- Threatening to do bodily harm to an MWA employee, visitor, volunteer, fellow parent/guardian, or student.
- Threatening to damage the property of an MWA employee, visitor, volunteer, fellow parent/guardian, or student.
- Damage or destruction of MWA property.
- Excessive unscheduled campus visits, emails, text/voicemail/phone messages or other written or oral communication that impede MWA employees from properly serving students or operating the campus. School staff and administration may not always be immediately available to speak with parents/guardians. The only way to ensure that an MWA staff member or administrator is available is to schedule an appointment. Staff and administrators have a practice of attempting to return all phone calls/emails within

2-3 school days with great success. Calls and visits will be responded to consistent with this practice if someone is not immediately available.

- Any concerns regarding these matters must be made through the appropriate channels so they can be dealt with fairly, appropriately, and effectively for all.
- Parents are discouraged from raising complaints through social media, including but not limited to: websites, blogs, wikis, social networking sites such as Google+, Facebook, Instagram, Snapchat, LinkedIn, Twitter, Flickr, and YouTube because the School cannot track such complaints and therefore has no ability to ensure that they are responded to.
- Use of defamatory or offensive comments regarding the School or school staff made publicly to others.

4. Consequences

In situations involving lesser infractions or where remediation is viable, a warning will be provided, either verbal or in writing by the School.

In serious situations, the Principal or designee may withdraw consent for a parent/guardian to be on campus for up to 14 days, even if the parent/guardian has a right to be on campus, whenever there is reason to believe that the person has willfully disrupted or is likely to disrupt MWA's orderly operation. Consent shall be reinstated whenever the Principal has reason to believe that the presence of the person will not constitute a substantial and material threat to the orderly operation of the School campus. The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the two-week period. The written request shall state the address to which the notice of hearing is to be sent. The Principal shall grant such a hearing not later than seven days from the date of receipt of the request and shall immediately mail a written notice of the time, place, and date of such hearing to such person.

The Principal or designee may seek the assistance of the police in managing or reporting any visitor in violation of this Policy.

Possible legal consequences may include:

- Pursuant to the California Penal Code, if a parent/guardian does not leave after being asked or if the parent/guardian returns without following the posted requirements after being directed to leave, the parent/guardian will be guilty of a misdemeanor, which is punishable by a fine of up to \$500.00 or imprisonment in the County jail for a period of up to six months or both.
- Under California Education Code section 44811, any parent/guardian whose conduct materially disrupts classwork or extracurricular activities or involves substantial disorder is guilty of a misdemeanor and is punishable, upon the first conviction, by a fine of no less than \$500.00 and no more than \$1,000.00 or by imprisonment in a County jail for no more than one year, or both, the fine and imprisonment.
- Disruptive conduct may lead to MWA's pursuit of a restraining order against a parent/guardian, which would prohibit the parent/guardian from coming onto Charter School grounds or attending school activities for any purpose for a period of up to three years.

Additional information about visiting the campus and removal procedures can be found in the Parent/Guardian Student Handbook under the Visitor Policy/Guidelines section.

Appendix O: FERPA Disclosure of Directory Information Opt-Out Form

Student Name (Printed) _____ Student ID: _____

NOTICE OF DIRECTORY INFORMATION OPT OUT

If you do not want the release of certain types of directory information without your prior consent, you may choose to “opt-out” of this FERPA exception by signing the Form below. Directory information of a student who has opted-out from the release of directory information, in accordance with this policy/procedure for opting out, will remain flagged until the student requests that the flag be removed by completing and submitting a revocation of the opt out to the School.

TO: Making Waves Academy

I, the legal custodial parent/guardian of the above-mentioned student, request the withholding of the following personally-identifiable information identified as Directory Information under FERPA. I understand that upon submission of this Form, the information checked cannot be released to third parties without my written consent or unless the School is required by law or permitted under FERPA to release such information without my prior written consent; and that the checked directory information will not otherwise be released from the time the School receives my Form until my opt-out request is rescinded. I understand that I **may not opt out of use of the student ID number** because it is necessary identifying information for the School.

I further understand that if directory information is released prior to the School receiving my opt-out request, the School may not be able to stop the disclosure of my directory information. I understand that I may request and challenge how my directory information is used by contacting the School.

Lastly, I understand that opting out of the disclosure of directory information will result in the **student’s name and/or photo NOT being included in recognitions such as Honor Roll lists, Graduation and Promotion programs, Yearbooks, etc.**

- Check here to opt-out of **ALL** DIRECTORY INFORMATION identified below, or

Check the individual boxes below to selectively opt-out of information sharing:

- Name
- Photograph
- Dates of attendance
- Most recent educational agency or institution attended
- Participation in officially recognized activities and sports
- Degree(s) received
- Awards and honors received

Parent/Guardian Name (printed): _____

Signature: _____ Date: _____

If under 18, a parent or guardian must sign to opt the student out

Appendix P: Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)

PPRA affords parents of elementary and secondary students certain rights regarding the conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include, but are not limited to, the right to:

- A. Consent before students are required to submit to a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED):
 - 1. Political affiliations or beliefs of the student or student’s parent;
 - 2. Mental or psychological problems of the student or student’s family;
 - 3. Sex behavior or attitudes;
 - 4. Illegal, anti-social, self-incriminating, or demeaning behavior;
 - 5. Critical appraisals of others with whom respondents have close family relationships;
 - 6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
 - 7. Religious practices, affiliations, or beliefs of the student or student’s parent; or
 - 8. Income, other than as required by law to determine program eligibility.
- B. Receive notice and an opportunity to opt a student out of:
 - 1. Any other protected information survey, regardless of funding;
 - 2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
 - 3. Activities involving collection, disclosure, or use of personal information collected from students for marketing or to sell or otherwise distribute the information to others. (This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions.)
- C. Inspect, upon request and before administration or use:
 - 1. Protected information surveys of students and surveys created by a third party;
 - 2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
 - 3. Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

MWA will develop and adopt policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. MWA will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. MWA will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. MWA will make this notification to parents at the beginning of the school year if MWA has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt

their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this direct notification requirement:

- Collection, disclosure, or use of personal information collected from students for marketing, sales, or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with:

Student Privacy Policy Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Appendix Q: Gender Identity Inclusiveness and Nondiscrimination Policy

The Board of Directors of Making Waves Academy (“Charter School”) is committed to fostering an environment of inclusiveness, supporting students’ preferred form of self-identification, and ensuring that every student shall have equal access to educational programs and activities.

The purpose of this policy is to delineate state and federal law as well as Charter School’s practices relating to recognition and protection of each student’s gender identity. This is consistent with Charter School’s goals of reducing stigmatization and ensuring equal access for students. The guidelines provided in this policy do not anticipate every situation that might occur with respect to gender identity and expression and students. While the needs of each student are unique, in all cases, the goal is to ensure the opportunity of all students to thrive and retain equal access school programs and activities in accordance with their gender identity without fear of harassment, discrimination, intimidation, bullying, or stigmatization.

This Policy shall apply to all Charter School programs and activities, including those that occur during school hours, before- or after-school programs, field trips, extracurricular or co-curricular activities, and camps or other activities that typically involve at least one (1) overnight stay from home.

Definitions (Intended as functional descriptors, not to label):

- *“Gender”*: A person’s sex, and includes a person’s gender identity and gender expression.
- *“Gender Expression”*: A person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth. Gender expression refers to external cues that one uses to represent or communicate one’s gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body
- *“Gender Identity”*: A person’s gender-related identity, appearance or behavior, whether or not different from that traditionally associated with the person’s physiology or assigned sex at birth.
- *“Gender Nonconformity”*: refers to one’s gender expression, gender characteristics, or gender identity that does not conform to gender stereotypes “typically” associated with one’s legal sex assigned at birth, such as “feminine” boys, “masculine” girls and those who are perceived as androgynous. Sexual orientation is not the same as gender identity. Not all transgender youth identify as gay, lesbian or bisexual, and not all gay, lesbian and bisexual youth display gender-nonconforming characteristics.
- *“Transgender”*: describes people whose gender identity or gender expression is different from that traditionally associated with their assigned sex at birth. “Transgender boy” and “transgender male” refer to an individual assigned the female sex at birth who has a male gender identity. “Transgender girl” and “transgender female” refer to an individual assigned the male sex at birth who has a female gender identity. An individual can express or assert a transgender gender identity in a variety of ways, which may but do not always include specific medical treatments or procedures. Medical treatments or procedures are not considered a prerequisite for one’s recognition as transgender.
- *“Nonbinary Gender”*: A form of gender identify, gender expression, or gender nonconformity that describes people who view themselves as somewhere between or beyond the gender “binary” of male and female, as well as genders that incorporate elements of both male and female.

Guiding Principles and Requirements

The Charter School shall accept the gender identity that each student asserts. There are no medical or mental

health diagnoses or treatment thresholds that students must meet in order to have their gender identity recognized and respected.

The Charter School shall:

1. Respect all students' gender identity and gender expression by honoring the right of students to be identified and addressed by their preferred name and pronoun.
2. Prohibit, within academic programming, the separation of students based upon gender unless it serves as a compelling pedagogical (instructional) tool.
3. Permit all students to participate in co-curricular and extracurricular activities in a manner consistent with their gender identity including, but not limited to, intramural and interscholastic athletics.
4. Provide all students access to facilities that best align with students' gender identity.

Privacy and Confidentiality

All persons, including students, have a right to privacy. This includes student's right to keep their actual or perceived gender identity and expression private. Such private information shall be shared only on a need to know basis.

Students have the right to openly discuss and express their gender identity and expression, and to decide when, with whom, and how much information to share.

In situations where students have not publicly disclosed their gender identity; school personnel must be mindful of the confidentiality and privacy rights of students when communicating with others, so as to not reveal, imply or refer to a student's gender identity or expression. To ensure confidentiality when discussing a particular concern such as conduct, discipline, grades, attendance or health, school personnel should focus on the concern, not the student's gender identity or expression. For example, describe the matter in terms of the underlying issue (behavior/conduct, grade issue, attendance issue, health concern) without referring or linking to gender identity or expression.

When communicating with a student's parent, legal guardian, or educational rights holder, school personnel should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise.

There will be instances when school personnel may find it important to discuss a student's gender identity or expression with parents (if, for example, the student is being bullied based on their gender identity or expression or expresses suicidal ideation on the basis of gender dysmorphia). In such cases, school personnel should consult and work closely with the student to assess the degree to which, if any, the parent is aware of the student's gender identity or expression and is supportive of the student, and school personnel shall take into consideration the safety, health and well-being of the student in deciding whether to disclose the student's gender identity or expression to parents.

Preferred Names and Pronouns

The Charter School recognizes that name and gender identity are central to most individuals' sense of self and well-being, and that it is important for the school to establish mechanisms to acknowledge and support students' self-identification.

The Charter School shall accept and respect a student's assertion of their gender identity where the student expresses that identity at school or where there is other evidence that this is a sincerely held part of the student's core identity. Per the CDE, some examples of evidence that the student's asserted gender identity is sincerely held could include letters from family members or healthcare providers, photographs of the student at public events or family gatherings, or letters from community members such as clergy.

The Charter School shall not require a student to provide any particular type of diagnosis, proof of medical treatment, or meet an age requirement as a condition to receiving the protections afforded under California's anti-discrimination statutes. Similarly, there is no threshold step for social transition that any student must meet in

order to have his or her gender identity recognized and respected by a school.

The Charter School supports student self-identification by honoring the name and pronouns that students wish to go by, in accordance with the following:

1. Students shall be addressed by the name and pronoun that corresponds to their gender identity asserted at school without obtaining a court order, changing their pupil records or obtaining parent/legal guardian permission.
2. Students may request a meeting with a school counselor to discuss a support plan/Student Safety Plan. The counselor will work with school administration and staff to ensure the desired name and pronouns are used.
3. The Charter School may modify its student information system to prevent disclosure of confidential information and ensure, to the best of our abilities, that school personnel use a student's preferred name and pronouns consistent with the student's gender identity.
4. All members of the school community must use a student's chosen name and pronouns. The school shall implement safeguards to reduce the possibility of inadvertent slips or mistakes, particularly among temporary personnel such as substitute teachers. Every effort should be made to use names and pronouns consistent with a student's gender identity. While inadvertent slips or honest mistakes may occur, the intentional and persistent refusal to respect a student's gender identity is a violation of this Policy and may constitute discrimination under State law.
5. There may be situations (e.g., communications with the family, state or federal records, pupil records where a name or gender with which the student identifies isn't authorized, and assessment data) where it may be necessary and recommended for staff to be informed of the student's legal name and gender. In these situations, staff should prioritize safety, confidentiality and respect of the student in a manner consistent with the law.
6. If school personnel are unsure how a student wants to be addressed in communications to home or in conferences with parents/legal guardians/educational rights holders, they may privately ask the student how they want to be referred to when communicating with parents/legal guardians.
7. If a member of the school community, including staff and students, intentionally uses a student's incorrect name and pronoun, persistently refuses to respect a student's chosen name and pronouns, or targets a student based on that student's chosen name and pronouns, that conduct may constitute harassment, discrimination, and/or bullying and investigation in accordance with the school's *Title IX, Harassment, Discrimination, Intimidation, and Bullying Policy*. Per the CDE, Examples of this type of harassment include a teacher consistently using the student's incorrect name when displaying the student's work in the classroom, or a transgender student's peers referring to the student by the student's birth name during class, but would not include unintentional or sporadic occurrences.

Equal Access to School Activities and Programs

Students have the right to equitable access to activities and programs in their school. Students may not be excluded from participation in, be denied the benefits of, or be subjected to harassment or other forms of discrimination on the basis of their actual or perceived gender identity or expression in any program or activity. These activities and programs may include, but are not limited to cheer squad, homecoming, prom, spirit day, celebrations, assemblies, acknowledgments, field trips, afterschool activities and programs, and all extra-curricular activities.

Pursuant to Education Code 221.5(f), participation in sex-segregated school programs and activities, including competitive athletics, intramural sports, athletic teams, competitions and contact sports shall be facilitated in a manner consistent with the student's gender identity. Students who identify as nonbinary should be granted the opportunity to participate in sex-segregated programs and activities that they find best align with their gender identity.

Student Records

Charter School shall use the student's requested name, pronoun, and gender designation unless there is a legal reason not to do so.

- *Official Records*

Charter School shall change a student's name and gender on official records only upon receipt of documentation that such change has been made pursuant to a court order. Certain education records may still require a school to use a student's legal name. For example, birth certificates, passports, standardized testing documentation, transcripts, financial aid documents, immunization and other health records, etc.

- *Unofficial Records*

The Charter School may change a student's name, gender, or pronoun designation on unofficial student records in the absence of a court order indicating legal name change. Unofficial student records include school-issued identification cards, athletic rosters, certificates, playbills, diplomas, attendance lists, etc.

The school may include an "also known as" or a "prefers to be called" field in its electronic data system and list the preferred name/gender identity/pronoun of the student alongside the legal name/assigned sex. This way the preferred name may be cross-referenced with the legal name and administrators will know to use the preferred name when addressing the student.

Nothing in this section changes the obligation of Charter School personnel to **address** the student with the name and pronouns consistent with the student's gender identity. Thus, while a student's records may still indicate the name/sex assigned at birth, upon request of the student, the student should be referred to day-to-day by the name and pronouns that correspond to their gender identity.

Restroom Accessibility

The Charter School maintains separate restroom facilities for male and female students. Students shall have access to restrooms that correspond to their gender identity. Students who identify as nonbinary shall be granted access to the facility which they find best aligns with their gender identity.

If a student desires increased privacy, regardless of the reason, the administrator shall make every effort to provide the student with reasonable access to an alternative restroom such as a single-stall or all-gender restroom. The use of a restroom should be determined by the student's choice; no student shall be compelled to use an alternative restroom. For safety reasons, students should be given access to a restroom that allows reasonable access for appropriate supervision by staff. Regardless, all students are expected to exemplify appropriate behavior in restrooms.

By or before July 1, 2026, Charter School shall:

1. Provide and maintain at least one all-gender restroom for student use that meets the following requirements:
 - (i) Has signage identifying the bathroom facility as being open to all genders and in conformity with Title 24 of the California Code of Regulations.
 - (ii) Is available for pupil use, consistent with the requirements of subdivision (a), as unlocked, unobstructed, easily accessible by any pupil, and consistent with existing pupil access to sex-segregated restrooms.
 - (iii) Is consistent with the requirements pursuant to Section 35292.6.
 - (iv) Is available during school hours and school functions when pupils are present.
2. Designate a staff member to serve as a point of contact for compliance with the above.
3. Post a notice regarding the requirements of this paragraph in a prominent and conspicuous location outside at least one all-gender restroom, including contact information for the person designated as a point of contact for compliance with the above.

Charter School may use an existing restroom to satisfy the requirements above if it ensures that all students have restrooms that are in easily accessible locations and the existing restroom otherwise complies with the requirements above.

Use of an all-gender restroom by a pupil shall be voluntary and students shall not be required to use an all-gender restroom.

Locker Room and Changing-Area Accessibility

Charter School maintains separate locker room facilities and changing areas for male and female students. Students shall have access to the locker room and changing areas facility that corresponds to their gender identity, with the goals to provide equal opportunity to participate in physical education classes, competitive athletics, and extracurricular activities (such drama/theater). Students who identify as nonbinary should be granted access to the locker rooms/changing facilities with which they find best aligns with their gender identity, including access to reasonable accommodations as indicated below.

If there is a request for increased privacy, any student shall be provided access to a reasonable accommodation such as:

- a) Assignment of a student locker or changing areas in near proximity to the coaches'/staff person's office or a supportive peer group.
- b) Use of a private area within the public area of the locker room facility or changing area (e.g., nearby restroom stall with a door or an area separated by a curtain).
- c) Use of a nearby private area (e.g., nearby restroom or a health office restroom).
- d) A separate changing schedule.

Any alternative arrangement should be provided in a way that protects the student's privacy and confidentiality.

Staff Training

Commencing with the 2025-26 school year and continuing through the 2029-30 school year, Charter School shall provide and require at least one hour of training annually to all teachers and other certificated employees serving pupils in grades 7 to 12, inclusive. Training shall include but not be limited to, the following core elements:

1. The creation of safe and supportive learning environments for LGBTQ+ pupils, including those with multiple intersecting identities, including, but not limited to, those who are members of the LGBTQ+ community, members of communities of color, immigrants, or people living with the human immunodeficiency virus.
2. Identifying LGBTQ+ youth who are subject to, or may be at risk of, bullying and lack of acceptance at home or in their communities.
3. The provision of targeted support services to LGBTQ+ youth, including counseling services.
4. Requirements regarding school antibullying and harassment policies, and complaint procedures.
5. Requirements regarding suicide prevention policies and related procedures.
6. Requirements regarding policies relating to use of school facilities, including, but not limited to, bathrooms and locker rooms.
7. Requirements regarding policies and procedures to protect the privacy of LGBTQ+ pupils.
8. The importance of identifying local, community-based organizations that provide support to LGBTQ+ youth.

9. The importance of identifying local physical and mental health providers with experience in treating and supporting LGBTQ+ youth.
10. The formation of peer support or affinity clubs and organizations.
11. The importance of school staff who have received antibias or other training aimed at supporting LGBTQ+ youth.
12. Health and other curriculum materials that are inclusive of, and relevant to, LGBTQ+ youth.

Student Support/Safety Plan

The Charter School shall, wherever possible, and after discussing with, and obtaining permission from the student, meet with a gender-nonconforming student, relevant school personnel, and parents, to discuss and draft a Student Support/Safety Plan. The purpose of the plan shall be to memorialize any specific wishes/needs of the student regarding navigating their gender-confirming status in the school setting, and discuss general welfare and safety issues. The plan may include but is not limited to the following, and shall be tailored to the needs of the individual student:

1. Preferred Name/Pronouns
2. The names and contact information of “safe” adults with whom the student can share any concerns, including instances of bullying, discrimination, intimidation, or harassment
3. Assurances that all staff would receive training and instruction regarding Title IX, and that teachers shall teach about anti-bullying and harassment
4. Assurances that the physical education (“PE”) teacher or athletics coach would be the first to enter and last to leave the locker room
5. Assurances that student’s assigned locker would be in direct sight of the PE teacher/athletics coach’s office
6. Assurance regarding access to the student restroom facilities and locker rooms that correspond to the student’s gender identity or biological sex.
7. Accommodations for student’s use of an alternate restroom (i.e. in the health office or elsewhere) if the student is uncomfortable using student restrooms
8. Accommodations for the student’s use of a private changing area if the student is uncomfortable changing in a locker room with other peers.
9. Any other accommodation appropriate for the student

Dress Code

All Charter School students have the right to dress in accordance with their gender identity within the parameters of the dress code as it relates to the school uniform or safety issues. A copy of the Charter School Dress Code is available for review at the main office.

General-Segregated Activities

In rare situations permitted by law, students may be segregated by gender, such as for health education classes. In situations where students are segregated by gender, such as for health education classes, students should be included in the group that corresponds to their consistently asserted gender identity.

Harassment, Bullying, and Student Safety

The Charter School shall ensure that all staff who regularly interact with students receive professional

development and training opportunities as required and recommended by the California Department of Education (“CDE”) and Charter School Title IX, *Harassment, Discrimination, Intimidation, and Bullying Policy*.

Charter School shall also inform staff about the groups of students determined by Charter school and available research, to be at elevated risk for bullying. These groups include but are not limited to: Students who are lesbian, gay, bisexual, transgender, or questioning youth (“LGBTQIA+”) and those youth perceived as LGBTQIA+.

School staff shall take all reasonable steps to ensure safety and access for students and support students’ rights to assert their gender identity and expression. Students shall be informed they have the responsibility to report incidents of discrimination, harassment, bullying or intimidation to the designated site administrator or Title IX Coordinator in cases where they may be a target or witness. School staff and families shall work together to resolve complaints alleging discrimination, harassment, bullying or intimidation based on a student’s actual or perceived gender identity or expression, in accordance with the school’s *Title IX, Harassment, Discrimination, Intimidation, and Bullying Policy*.

Charter School personnel shall immediately intervene, when it is safe to do so, whenever they witness acts of discrimination, harassment, bullying or intimidation on the basis of a student’s gender identity or expression. Charter School may provide interim safety and emotional support measures as needed. Interim safety measures may include increased monitoring of the parties to a harassment, discrimination, intimidation, or bullying complaint, providing options for the parties to avoid or minimize contact in academic and extracurricular settings, provision of safety plans, training and educational materials to address gender-inclusiveness, and provision of support resources (e.g., academic support, counseling, health and mental health services).

Appendix R: Student Support Plan

-CONFIDENTIAL-

The purpose of this document is to create shared understandings amongst school staff, parents/guardians, caregivers, and the student about the ways in which the student's gender identity and expression will be affirmed and supported at school. *Please note: a Gender Communication Plan can be developed to assist teams in planning for a student's formal gender transition at school.*

Preferred Name:	Legal Name:
Pronouns:	Student ID #:
DOB:	Grade:
Student's Gender Identity	Assigned Sex at Birth
Siblings at the charter school:	Date of Meeting:
Parent(s), Guardian(s), Caregiver(s) /relation to student: <div> <div>_____ / _____</div> <div>_____ / _____</div> <div>_____ / _____</div> <div>_____ / _____</div> </div>	
Support Team Members:	

Parent/Guardian Involvement

- 1) Are the student's parents/guardians aware of the student's self-identified status?
- Yes
 - No

2) What is the level of parent/guardian support/perceived support?

1 2 3 4 5 6 7 8 9 10
(none) (moderate) (high)

*** If support is low, what considerations must be made in implementing this plan?

Confidentiality & Privacy

How public or private will information about this student's gender identity be? (check all that apply)

_____ Site level leadership/administration will know (Principal, associate principal, assistant principal, counselor, etc.)

_____ Teachers and/or other staff will know

Specify the adult staff members: _____

_____ Student will not be openly "out" but some students are aware of the student's gender

Specify the students: _____

_____ Student is open with others (adults and peers) about gender

_____ Other: Describe: _____

How will "in the know" teachers/staff respond to any questions about the student's gender?

Peers? _____

Staff Members? _____

Parents/Community Members? _____

Communication Plan***

- Ideas include Community Circle, empowering student to communicate their gender to teachers, staff members, friends, peers, etc.
- We need a plan to tell staff members: email, PowerSchool, etc.

Student Safety

1) Who will be the student's "go to" adult on campus? _____

Who is the "backup" if this person is unavailable? _____

2) What process will be utilized for periodically checking in with the student and/or parents/guardians?

3) What are the expectations in the event the student is feeling unsafe/how will the student signal their need for assistance? _____

-
- 4) If necessary, who should the student's parents/guardians contact with concerns about their student's treatment at school? _____
-

Name, Pronouns, Records

- 1) What name and pronouns should be used when referring to the student? _____
-
- 2) How will the team address any instances where the incorrect name or pronouns are used by staff or students? _____
-
- 3) What considerations will be made to maintain the student's privacy in the following situations?
- a) During Registration _____
 - b) Powerschool _____
 - c) Class Rosters/taking attendance _____
 - d) With substitute teachers _____
 - e) Standardized tests _____
 - f) School photos _____
 - g) Yearbook/ID badge _____
 - h) IEP/ Other services _____
 - i) Student Cumulative file _____
 - j) Lunch line _____
 - k) Summons to the office _____
 - l) Awards/Certificates _____
 - m) Assignment of IT accounts _____
 - n) Official school-home communication
 - i) Letters home _____
 - ii) Calls/emails from teacher _____
 - iii) Discipline _____

If the student's parents/guardians are not aware and/or supportive of the student's self-identified status, how will school-home communications be handled? _____

What are some other ways the school needs to anticipate information about this student's preferred name and gender marker potentially being compromised? How will these be handled?

Use of Facilities

- 1) Student will use the following bathroom(s) on campus _____
- 2) Student will change clothes in the following place(s) _____
- 3) If student has questions/concerns about facilities, who will be the contact person?

- 4) What are the expectations regarding the use of facilities for any class trips?

- 5) What are the expectations regarding rooming for any overnight trips? _____

- 6) Are there any questions or concerns about the student's access to facilities? _____

Other Considerations

- 1) Are there any specific social dynamics with other students, families, or staff members that need to be discussed or accounted for? _____

- 2) Does the student have any siblings at school? Any factors need to be considered regarding a sibling's needs? _____

- 3) Will considerations need to be made for human growth & development lessons?

- Yes
- No

If yes, please specify: _____

- 4) Will LGBTQ+ sensitivity training for staff be needed in order to build awareness/capacity?

5) Other issues/concerns to be addressed: _____

Support Plan Review and Revision

1) Who will lead the team in monitoring the utilization and effectiveness of this plan?

2) What steps will be taken in the event the Gender Support Plan needs to be revised?

3) Are any future action steps or follow up tasks necessary?

Action Steps	Who is Responsible	Time Frame

4) Does a follow up meeting need to be scheduled?

- Yes
- No

If yes, when will it be held and who is responsible for coordinating the meeting? _____

Appendix S: Student Technology Acceptable Use Policy for Digital Information, Communication, and Technology Resources Agreement

Making Waves Academy (MWA) provides access to technology devices, the internet, and data systems for educational purposes to the student(s). This Acceptable Use Policy (AUP) governs students' electronic activity using Making Waves Academy technology, the internet, and data systems, regardless of location.

For example, MWA technology, internet, and data systems include but are not limited to

- Chromebooks
- Laptops
- Laptop & Chromebook Chargers
- Headphones/wired earbuds
- Internet
- Wifi HotSpots
- Built-in Webcams
- MWA Network
- MWA Email Account
- MWA Subscription to Digital Educational Programs

Those resources will hereafter be referred to as "MWA Technology." This policy intends to provide all students with a safe and conducive learning environment. This policy informs students and their families about the acceptable uses of MWA Technology.

Students must comply with this policy at all times when using MWA Technology (including but not limited to all items listed above), whether inside or outside of MWA campuses. No student may use MWA Technology until the agreement at the end of this policy has been signed by the student and their parent(s) or guardian(s), as applicable, and returned to MWA. MWA reserves the right to change this policy at any time and will inform students and families of any material change. Continued use of MWA Technology following MWA's notification of revisions to this policy constitutes acceptance of those revisions.

Guiding Principles

- Online tools are used in our classrooms, school, and central office to increase community engagement, student learning, and core operational efficiency.
- MWA has a legal and moral obligation to protect the personal data of our student(s).
- Nothing in this policy shall be read to unlawfully limit an individual's constitutional rights to freedom of speech or expression or to unlawfully restrict a student's ability to engage in concerted, protected activity with a fellow student regarding the terms and conditions during their time at Making Waves Academy.

IT & Device Support

MWA provides installation, synchronization, and software support for electronic devices issued by MWA. MWA-issued devices must be regularly connected to the MWA network in order to get software and virus protection updates. All MWA-issued electronic devices must be password-protected to prevent unauthorized use in the event of loss or theft. All students who request support should email ithelpdesk@mwacademy.org.

Passwords

Students must comply with the password requirements established by Making Waves Academy when logging into or using MWA Technology. Students are provided with MWA email addresses and passwords to support their use

of MWA Technology. Students **MUST** not share their passwords and must take extra precautions to avoid phishing emails that request passwords or other personal information.

Compliance Requirement for Students

MWA Leadership reviews the AUP annually and distributes it to student families during enrollment or re-enrollment. Students must attest that they have read and will abide by the AUP annually. MWA encourages parents and guardians to discuss this policy with their children to ensure they comprehend and adhere to it.

Student AUP & other Agreements

Students are responsible for following this policy in addition to [Student Bring Your Own Device \(BYOD\) Policy](#), and the [Student Device\(s\) Repair, Replacement Policy and Insurance Agreement](#). Copies of these documents are included in the electronic registration packets for families and students. These documents are given to all student(s) at the beginning of the school year in the student technology packet during enrollment/re-enrollment. It is expected that parents/guardians go over these documents with their student(s). After going over the all student policy documents together, student(s) and their parents/guardians **MUST** sign these forms and submit them to confirm they have been completed. Before students can use the Internet, they must sign this agreement with their parent(s) or guardian(s) signature. An electronic copy will be kept on file.

Procedures Governing Travel with MWA Technology

While cell phones, laptops, and other electronic devices have become necessities, traveling with such devices occasionally poses challenges.

MWA students are not permitted to travel with their MWA equipment. Implementing the procedures outlined in this document ensures the integrity of MWA devices and student data. Under restricted conditions, travel with MWA devices shall be permitted in accordance with the procedures outlined below:

Although MWA prohibits travel with MWA devices in general, MWA acknowledges that there are circumstances in which a student must travel with an MWA device. To support MWA students' needs while also ensuring the secure use of MWA devices and the safety of student information and data, all students who need to travel with MWA Technology shall follow the following procedures:

- Students or their parent(s)/guardian(s) are required to inform the school administration of their travel plans at least 15 days in advance to determine the type of technical support required.
- If students do not have Chromebook insurance, we recommend purchasing it at thirty-five dollars (\$35) before traveling to cover any loss or damages. *(If you have purchased Chromebook insurance during registration/re-enrollment, student devices are automatically covered.) If an MWA device is damaged or lost and the student's parent/guardian has not purchased Chromebook insurance prior to the damage or loss, the student's parent/guardian will be responsible for the full replacement costs as set forth below.*
- Students and their parent(s)/guardian(s) are required to comply with all applicable laws, regulations, and ordinances governing their usage and the MWA Student Technology Acceptable Use Policy for Digital Information, Communication, and Technology Resources Agreement when using or traveling with an MWA device.
- Students and their parent(s)/guardian(s) must review and agree to the following recommendations before the scheduled trip.

During travel while using MWA technology, students and parents/guardians agree to adhere to the following:

Connect only to known Wi-Fi networks. To deceive unsuspecting travelers, anyone can create a network and give it a name that sounds authentic. These connections allow criminals to capture personal information transmitted through the network. This is especially common at public cafés, hotel lobbies, and airports.

Know what technologies, goods, and devices are subject to restrictions and export control licensing. If traveling to sanctioned countries or destinations that are otherwise impacted by export control restrictions.

Know what technologies and devices are subject to restrictions. If traveling to sanctioned countries or destinations that are otherwise impacted by export control restrictions, Know that when traveling with devices, be aware of which countries restrict or require licenses for the importation of such devices/software (e.g., Cuba, Belarus, Burma/Myanmar, China, Hungary, Iran, Israel, Kazakhstan, Moldova, Morocco, Russia, Saudi Arabia, Tunisia, Ukraine)

*** For example, Zoom video conferencing is prohibited or restricted in the following countries; use this [LINK](#) to see the entire document. ***

- Cuba: For regulatory reasons, this country's users cannot access Zoom services.
- Iran: For regulatory reasons, users in this country cannot access Zoom services.
- North Korea: For regulatory reasons, users in this country are currently unable to access Zoom services.
- Syria: For regulatory reasons, users in this country are currently unable to access Zoom services.
- Ukraine (Crimea Region): For regulatory reasons, users in this region are currently unable to access Zoom services.

Do not leave your device unattended. Physically having control of your device is the easiest way for someone to access your data. If you ever leave your computer, make sure to secure it. Turn it off completely rather than using sleep mode. This makes unauthorized access more difficult.

Do not use untrusted accessories. Never plug in an untrusted accessory, including charging tools. Additionally, never use gifted or found USB or thumb drives.

Do not enter your credentials on untrusted or public-access computers. Public computers, such as those in a hotel business center or internet café, are frequently poorly managed and provide users with minimal security protection.

Connect only to known Wi-Fi networks. Anyone can create a network and give it a name that sounds authentic to deceive unsuspecting travelers. These connections allow criminals to capture personal information transmitted through the network or the Internet. This occurs frequently in public cafés, hotel lobbies, and airports.

Turn off your Wi-Fi and Bluetooth when not in use. Some devices connect to Wi-Fi automatically. Make sure that this feature is disabled on your device. The best practice is to turn off Wi-Fi and Bluetooth when not in use.

Practice safe web browsing. The websites you visit online hold valuable data about you. **Do not click through system or application warnings or error messages.**

Be aware of targeted social engineering. ** This can take many forms, such as a dining invitation, shared ride, calendar invite, or an appeal to your helpfulness. **

Note: **Providing details about your plans or personal life on social media makes targeting even easier. Avoid providing any travel details online in a publicly accessible format.**

After travel, we recommend you consider the following:

Reset Passwords Used. Make sure to reset the password you used during the trip on a trusted device to which you have access.

Whenever possible, students or their parent or guardian(s) must notify the MWA IT Team via email at ithelpdesk@mwacademy.org of any technical difficulties with the MWA device and/or the loss of an MWA device while traveling with an MWA device. Students or their parents or guardians shall also contact the Chromebook insurer and comply with all applicable requirements pursuant to the insurance coverage.

Consequences of Breach of Policy

Using all MWA technology resources is a privilege, not a right. Using MWA's Internet systems and devices, the student agrees to follow all applicable laws and regulations and MWA regulations, policies, and guidelines. Students are encouraged to report misuse or breach of protocols to appropriate personnel, including building administrators, direct supervisors, and the instructional, applied tech, and information technology teams. Abuse of these privileges may result in consequences including but not limited to:

- Suspension or cancellation of use or access privileges.
- Payments for damages or repairs.
- Discipline under appropriate School Division policies, subject to any collective bargaining obligations.
- Liability under applicable civil or criminal laws.

Communication & Social Media

Students are provided with MWA email accounts and online tools to enhance communication within the organization and with the community. Communication should be consistent with the professional practices used for all correspondence. When using online tools, members of the MWA community will use appropriate behavior:

- a) When a student of the Making Waves Academy is communicating by sending an email*
- b) When the communication impacts or is likely to impact the classroom or working environment at Making Waves Academy*

Student(s), staff, and faculty must know that data and other material/files maintained on MWA's systems may be subject to review, disclosure, or discovery. MWA reserves the right to employ and review the results of software that searches, monitors, and/or identifies potential violations of the Technology Acceptable Use Policy. Students should be aware that their files may be discoverable in court and administrative proceedings and in accordance with public records laws. Students should have no privacy expectations regarding the contents of their files and records of their online activity while on MWA Technology. MWA does not encourage student(s), staff, and faculty to store personal data on MWA technology; MWA cannot be responsible for the loss or damage of such data. Using personal email and communication tools for school business is strongly discouraged and may expose an individual's account and search history to disclosure under applicable laws. MWA will cooperate fully with local, state, and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with MWA policies or government regulations.

Important Laws³

Freedom of Information Act (FOIA) - The FOIA is a law that allows releasing government documents at an individual's request. A FOIA request can be made to the Making Waves Academy for electronic documents/communications stored or transmitted through district systems unless that information could be detrimental to governmental or personal interests. For more information, visit <http://www.foia.gov/>

Family Educational Rights and Privacy Act (FERPA) - The FERPA law protects the privacy, accuracy, and release of information for students and families of the Making Waves Academy. Personal information stored or transmitted by agents of the Making Waves Academy must abide by FERPA laws. MWA is required to protect the

³ The list of definitions (laws and other relevant definitions) is not exhaustive

integrity and security of student and family information. For more information, visit <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>.

Children's Internet Protection Act (CIPA) requires schools that receive federal funding through the E-Rate program to protect student(s), staff, and faculty from harmful or inappropriate content. Making Waves Academy must filter internet access for inappropriate content, monitor minors' internet usage, and educate students on safe and appropriate online behavior.

Cost of Equipment

If a violation of this policy results in willful damage to school devices or accessories, pursuant to Education Code Section 48904, the parent or guardian of a minor student shall be liable for the replacement cost for the school devices or accessories, up to an amount not to exceed ten thousand dollars (\$10,000), adjusted annually for inflation. The Division Director or his/her designee will decide the amount that needs to be reimbursed, which will not exceed the device's original cost or equipment. MWA may, after affording a pupil who has willfully cut, defaced, or otherwise injured MWA devices or accessories his or her due process rights and notifying his or her parent in writing, withhold the grades, diploma, and transcripts of the pupil responsible for the damage or loss until the pupil or the pupil's parent or guardian has paid for the damages. When the minor and parent cannot pay for the damages, MWA will provide a voluntary work program for the minor instead of monetary damages. A student over the age of majority shall be liable for the same and have the same voluntary work option.

Roles and Responsibilities

1. The Information Technology (IT) Director, or their designee, will serve as the coordinator to oversee access to MWA Technology and MWA's responsibility, limitations, and rights contained in this policy.
2. The Sr. School Director, or their designee, will be responsible for disseminating this policy and enforcing student responsibilities in their division.

Student Responsibilities When Using MWA Technology:

	<i>I WILL</i>	<i>I WILL NOT</i>
General Use	<ul style="list-style-type: none"> • Use MWA Technology for educational purposes only • Follow teacher and administrator instructions at all times • Exclusively use the e-mail account provided by MWA • Check my MWA e-mail daily • Comply with state and federal law⁴ 	<ul style="list-style-type: none"> • Use MWA technology for non-educational purposes such as, but not limited to, commercial, illegal, religious, recreational, or political activities. • Use my personal email account.
Digital Citizenship	<ul style="list-style-type: none"> • Digital Citizenship training is provided to all students, and is delivered through the Vector Training, K-12 Student Platform, • The digital citizenship training is mandatory for all students. • Use appropriate, professional language in all digital communication • Report any inappropriate (vulgar, profane, sexually explicit, hate-based, 	<ul style="list-style-type: none"> • Create, search, save, display, use or circulate inappropriate material, which includes, but is not limited to: <ul style="list-style-type: none"> ○ Vulgarity ○ Profanity ○ Sexually explicit content ○ Hate-based, discriminatory, derogatory, or offensive content • Harass or bully others online

⁴ See the [Important laws](#) section for more details

	<p>discriminatory, derogatory, or offensive) content to a teacher or administrator</p> <ul style="list-style-type: none"> • Report any suspicion of digital harassment or cyberbullying to a teacher or administrator • Notify a teacher or an administrator immediately if I believe my student account has been compromised • Take any digital citizenship course required by teachers or administrators, including but not limited to: cyber ethics, cybersecurity, digital safety, and cyberbullying • Always cite the source of information I find online • Check if the materials I find online are protected by copyright before using it 	<ul style="list-style-type: none"> • Make public a message that was sent privately to me without authorization from the sender. • Download large files unless necessary for educational purposes • Send chain letters or engage in spamming • Plagiarize others' work without proper citation or permission • Claim to be the author of material created by others • Illegally download materials protected by licensing, copyright, or other intellectual property laws, including music and movies • Load software without permission • Engage in or support cyberbullying
Student Safety	<ul style="list-style-type: none"> • Protect my password • <i>Log off at the end of every session</i> • <i>Keep in mind that all my digital and online activities cannot be permanently erased.</i> • Pay attention to all security warning messages. • Notify a teacher or administrator if I receive any digital communication that makes me feel unsafe or uncomfortable. • Notify a teacher or administrator if I see anything on the internet that makes me feel unsafe. 	<ul style="list-style-type: none"> • <i>Allow others to use my account</i> • <i>Send my password by e-mail or digital messaging</i> • <i>Share personal information (address, phone, SSN, date of birth, photos, etc.) with strangers, or make it public.</i> • <i>Meet in person with someone I met online.</i> • <i>Accept a friend invitation on social networks from someone I don't know</i> • <i>Post photos of others without their permission</i> • <i>Post private information about another person</i> • <i>Opening e-mails from people who I don't know and don't work at MWA</i> • <i>Click on links or open files sent by people who I don't know and don't work at MWA</i>
Devices and Network	<ul style="list-style-type: none"> • Report security problems or breaches to a teacher or administrator • Keep in mind that the school owns the device and networks, and there is no expectation of privacy while I'm using them, inside or outside of MWA campuses • Take good care of all devices 	<ul style="list-style-type: none"> • Bypass security or internet filters (install or utilize proxies) • Attempt to capture others' password • Attempt to modify unauthorized settings • Impersonate or pretend to be someone else online • Attempt to gain access to restricted or unauthorized accounts, network services, or devices (hacking) • Tamper with computer hardware or software • Vandalize data, devices, or any technology resources provided by MWA • Invoke computer viruses or malware • Attempt to interfere with the device antivirus or any security application on any device or system. • Attempt to modify or obscure my IP address or that of others • Work directly on teacher or MWA websites without express written permission from the

		<p>Making Waves Academy IT Director</p> <ul style="list-style-type: none"> • Create unauthorized wireless networks to access MWA's network. MWA networks include establishing wireless access points, wireless routers, and open networks on personal devices
Device Care	<ul style="list-style-type: none"> • Close the lid and use both hands when transporting it • Put it inside a backpack to transport it outside of school • Power down when not using it • If I take it home, charge it at home every night <ul style="list-style-type: none"> ○ In case I'm unable to charge it at home for reasons outside of my control, I will notify a teacher or administrator. • Inform IT immediately of any malfunction by reporting the issue to a teacher or administrator or who can direct me to the IT office for support. • Keep it in a secure place at all times • Use it on stable surfaces • File a police report in case of theft and provide it to MWA within two (2) business days of the incident. • Return it to MWA when requested 	<ul style="list-style-type: none"> • <i>Loan it to other individuals;</i> • <i>Place heavy objects on top of it</i> • <i>Alter its appearance or function in any way</i> (including stickers, markers, etc.) • Eat or drink while using it • Leave it unattended (including inside a car) • Place it in locations prone to be damaged, i.e., on a playground, sports field, or thoroughfare. • Keep it near young children or pets • Remove factory or MWA tags • Intentionally damage or disrupt it • Connect unauthorized equipment to it, including USB devices and SD cards • Disassemble or attempt to repair it
Loss/Theft	<ul style="list-style-type: none"> • Students must take reasonable measures to prevent a device from being lost or stolen. 	<ul style="list-style-type: none"> • If an MWA device is lost or stolen, the student must immediately notify the appropriate school staff, their direct supervisor, local authorities, and the MWA IT Service Desk via email at ithelpdesk@mwacademy.org or schedule an appointment using the IT Curbside Support Calendar.
Distant Learning /Video Meetings	<ul style="list-style-type: none"> • Disable cameras and microphones before entering a video meeting • Only enable cameras and microphones when instructed • Use the appropriate tools to ask a question • Be the only person on camera • Be in a safe and appropriate environment • Report any unsafe behavior to the Dean of Students 	<ul style="list-style-type: none"> • Display inappropriate content on cameras. • Screenshare inappropriate content • Say inappropriate content on microphones • Write inappropriate messages • Spam chat

Making Waves Academy Responsibilities, Limitations, and Rights

General Use

MWA will provide students access to technology for educational purposes. MWA reserves the right to revoke or restrict student usage of technology at times to apply disciplinary actions for violations of this policy.

Limitation of Liability

1. MWA makes no warranties of any kind, express or implied, that the functions or the services provided by MWA technology would be error-free or without defect. MWA will not be responsible for any damage students may suffer, including but not limited to loss of data, missed deliveries, or service interruptions.

The student and parent agree not to hold MWA for the accuracy or quality of the information obtained through or stored on MWA technology or for any claim of damage, negligence, or breach of duty resulting from using MWA technology. MWA will not be responsible for financial obligations arising from a student's unauthorized system use.

2. Students will indemnify and hold MWA harmless from any losses sustained by MWA due to intentional misuse of MWA technology.
3. MWA will not support MWA technology when the school is not operating (after school hours, holidays, and breaks).
4. Parents/guardians are required to supervise and monitor their child's use of MWA Technology, including but not limited to their child's access to the internet and any online services through MWA Technology at any and all times during which any MWA Technology is being used by their child outside school facilities or school hours to ensure compliance with this policy.

Content Filtering

MWA has installed Internet filtering software in a best-effort attempt to block student access to inappropriate and/or harmful content on the Internet. No filtering technology is perfect, and this technology may occasionally fail. In the event that the filtering software is unsuccessful and student(s), staff, and faculty gain access to inappropriate and/or harmful material, MWA will not be liable.

MWA filtering systems adhere to the US Congress-enacted CIPA (Children's Internet Protection Act) guidelines, updated 2011: <http://www.fcc.gov/guides/childrens-internet-protection-act>

Guidelines for Online Communication

MWA Advises students:

- Never share passwords, personal data, or private photos online.
- Consider what they are doing carefully before posting, and emphasize that comments cannot be retracted once posted.
- That personal information revealed on social media can be shared with anyone, including parents, teachers, administrators, and potential employers. Students should never disclose information that would make them uncomfortable if the world had access to it.
- Consider how it would feel to receive such comments before commenting about others online.

Solicitation

The MWA Solicitation Policy prohibits web announcements and online communication promoting a business, with exceptions if benefits are judged sufficient and adhere to MWA policies.

Privacy

Student(s) should not expect privacy while using MWA technology.

1. MWA reserves the right to monitor internet use through its system at all times.
2. As the Children's Internet Protection Act (CIPA) requires, MWA will monitor students' online activities. Such monitoring may reveal that the student has violated or may be violating the MWA Technology Acceptable Use Policy, the Student-Family Handbook, discipline policies, or the law.
3. MWA reserves the right to employ and review the results of software that searches, monitors, and/or identifies potential violations of the Technology Acceptable Use Policy.
4. Students should be aware that their files may be discoverable in court and administrative proceedings and in accordance with public records laws.
5. Students should have no privacy expectations regarding the contents of their files and records of their online activity while on MWA Technology. MWA does not encourage student(s), staff, and faculty to store personal data on MWA Technology - MWA cannot be responsible for the loss or damage of such data.
6. MWA will cooperate fully with local, state, or federal officials in any lawful investigation concerning or relating to illegal activities conducted through MWA Technology.

Important Laws⁵

1. Relevant Laws:

- a. Copyright - A form of protection provided by the United States laws for "original works of authorship," including literary, dramatic, musical, architectural, cartographic, choreographic, pantomimic, pictorial, graphic, sculptural, and audiovisual creations. Violations of copyright law that occur while using the MWA network or other resources are prohibited and can create liability for the district and the individual. MWA student(s), staff, and faculty must comply with regulations on copyright plagiarism that govern the use of material accessed through the MWA's network. "Copyright" literally means the right to copy but has come to mean that body of exclusive rights granted by law to copyright owners to protect their work. Copyright protection does not extend to any idea, procedure, process, system, title, principle, or discovery. Similarly, names, titles, short phrases, slogans, familiar symbols, mere variations of typographic ornamentation, lettering, coloring, and listings of contents or ingredients are not subject to copyright.⁶ student(s), staff, and faculty will refrain from using materials obtained online without requesting permission from the owner of the material's use has the potential of being considered copyright infringement. MWA will cooperate with copyright protection agencies investigating copyright infringement by students of Making Waves Academy's computer systems and network.
- b. Plagiarism - To plagiarize is⁷:
 - i. to steal and pass off (the ideas or words of another) as one's own
 - ii. to use (another's production) without crediting the source
 - iii. to commit literary theft
 - iv. to present a new and original idea or product derived from an existing source
 - v. unauthorized collaboration with peers or others

In other words, plagiarism is an act of fraud. As defined in section 3294 of the California Civil Code, "Fraud" means an intentional misrepresentation, deceit, or concealment of a material fact known to the defendant with the intention on the part of the defendant of thereby depriving a person of property or legal rights or otherwise causing injury.

- c. Cyberbullying - is the "willful and repeated harm inflicted through the use of computers, cell phones, and other electronic devices." The key elements include the following:
 - i. Willful: The behavior has to be deliberate, not accidental.
 - ii. Repeated: Bullying reflects a pattern of behavior, not just one isolated incident.
 - iii. Harm: The target must perceive that harm was inflicted.
 - iv. Computers, cell phones, and other electronic devices: This, of course, is what differentiates cyberbullying from traditional bullying⁸The most common places where cyberbullying occurs are⁹:
 1. Social Media platforms, such as Facebook, Instagram, Snapchat, and Twitter
 2. SMS (Short Message Service), also known as Text Messages sent through devices Instant Message (via devices, email provider services, apps, and social media messaging features)
 3. Email - Bullying in all forms, including cyberbullying, is regulated by the California Education Code,¹⁰ and student(s), staff, and faculty found responsible for engaging in any form of bullying are subject to disciplinary action per the Family Handbook and Suspension and Expulsion Policy.
- d. Hacking - is an unauthorized intrusion into a computer or a network. The person engaged in hacking activities is generally referred to as a hacker. This hacker may alter the system or security features to accomplish a goal that differs from the original purpose of the system¹¹. Accessing a computer system

⁵ The list of definitions (laws and other relevant definitions) is not exhaustive

⁶ Source: [US Copyright Office](#)

⁷ Source: [Plagiarism.org](#)

⁸ Source: [Cyberbullying Research Center](#)

⁹ Source: [Stopbullying.gov](#)

¹⁰ Source: Stopbullying.gov, [California State information](#). The California Code of Education can be found [here](#)

¹¹ Source: [Techopedia](#)

without authorization is illegal under various circumstances under the United States Code, Title 18, Chapter 47, Sec 1030¹².

2. Other Relevant Definitions

- a. Chain emails - are those that ask the recipient to forward the email to multiple people in the body or subject of the message. Many chain letter emails are hoaxes and/or scams, often considered security and privacy risks. If a person forwards the message, it will usually show the names and email addresses of everyone you have sent it to and possibly the addresses of everyone the last person (from which you received it) also sent it. The risk is that you need to know if an unscrupulous or malicious person will receive the email with all the email addresses and what they might choose to do with that list. Many consider chain e-mail to be a type of spam¹³.
- b. IP address - A unique number assigned by an Internet authority that identifies a computer on the Internet. The number consists of four groups of numbers between 0 and 255, separated by periods (dots). For example, 195.112.56.75 is an IP address¹⁴.
- c. Malware is full-blown malicious software, computer programs, or "malicious software," such as viruses, trojans, spyware, and worms. It typically infects a personal computer (PC) through email, websites, or attached hardware devices.
- d. Phishing is the act of sending an email that purports to be from a reputable source, such as the recipient's bank or credit card provider. It seeks to acquire personal or financial information. The name derives from the idea of "fishing" for information.
- e. Proxy or proxy sites - A proxy or proxy site hides the person's identity using them and allows access to content or websites blocked by the MWA firewall or content filters.
- f. Spam - Usenet messages flooded many newsgroups indiscriminately. The term is also loosely applied to junk mail¹⁵.

¹² Source: [Office of the Law Revision Counsel](#)

¹³ Source: [Webopedia](#)

¹⁴ Source: [Gartner IT Glossary](#)

¹⁵ Source: [Gartner IT Glossary](#)

Appendix T: Student Bring Your Own Device (BYOD) Policy

Scope

Privately Owned Electronic devices have become a common means of communication and information access in today's society. However, these devices have the potential of disrupting the orderly operation of the school. The school has therefore created this policy to govern the possession and use of privately owned electronic devices on school premises, during school hours, at school-sponsored activities, and on school transportation.

The Electronic Device Policy for school/district-owned electronic devices is stated in the [Acceptable Use Policy](#) signed by parents and students each year at registration.

Definition

For purposes of this policy, "Privately Owned Electronic Device" means any device that is used for audio, video, or text communication or any other type of computer or computer-like instrument that is not owned and issued by the school, including but not limited to:

- (a) a smart phone;
- (b) a smart or electronic watch;
- (c) a tablet, personal laptop/chromebook; and
- (d) a virtual reality device

Possession and Use of Privately Owned Electronic Devices

Students must adhere to the following guidelines:

- *Students may not carry or possess, or use privately owned Chromebooks, laptops, or tablets at school and school-sponsored activities held at the school.*
- *Students must use their MWA-issued Chromebook when on campus to complete their work; students are not allowed to use personal mobile devices such as laptops or tablets (i.e., iPads, Microsoft Surface, or Android tablets (i.e., Galaxy S6's) while accessing curriculum on MWA campus.*
 - Students may carry or possess privately owned cell phones, smart phones, and smartwatch devices at school and school-sponsored activities held at the school.
 - Reference the school's cell phone and electronics use policy for rules governing the use of cell phones and electronics during the school day.
 - Students may use privately owned cell / smart phones, and smartwatch devices before the first bell and after the final bell of the school day. These devices may be used outside of the school building, on school sidewalks, in parking lots, and on playing fields so long as they do not create a distraction or disruption.
 - Use of privately owned cell / smart phones, and smartwatch devices on school buses is at the discretion of the bus driver. Distracting behavior that creates an unsafe environment will not be tolerated.

Prohibitions

Privately Owned Electronic devices shall not be used in a way that threatens, bullies, humiliates, harasses, or intimidates any school-related individual. This includes students, employees, and guests. Devices should never be used in a way that violates local, state, or federal law. Devices shall not be used to access inappropriate

material on the Internet and World Wide Web while using school wifi services or internet connectivity, whether on or off school property. Privately owned electronic devices shall not be used during standardized assessments.

Confiscation

If a student violates this policy, by bringing their personal device to campus, then his/her/their privately owned electronic device may be confiscated. When an employee confiscates a device under this policy, he/she/they shall take reasonable measures to label and secure the device and turn the device over to a school administrator as quickly as the employee's duties permit.

Potential Disciplinary Actions

If students are seen with a cell phone or prohibited electronic devices including but not limited to headphones/earbuds, they will be warned to put it away the first time.

- A second time a student is seen with a cell phone and/or prohibited electronics it will be confiscated and turned into the front office, where the student can retrieve the electronic at the end of the day.
- The third time a cell phone or prohibited electronic is confiscated and turned into the front office, the parent must pick up the item.
- From then on, the student will be asked to check their phone at the office at the beginning of the day and students can pick it up at the end of the day when they are go

Security of devices

At no time shall MWA be responsible for preventing theft, loss or damage to cell phones, pagers, or other electronic devices brought onto campus or school-provided transportation. Students bringing personal devices to campus are doing so at their own risk. The school shall not assume responsibility for unauthorized calls made with an electronic device. If devices are loaned to and misused by non-owners, device owners are jointly responsible for the misuse or policy violation(s).

Reporting

Individuals wishing to report a violation of this policy should contact a dean, dean office administrator, principals and school administrator.

Prohibitions on camera or audio recording

Camera or audio recording functions of electronic devices may pose threats to the personal privacy of individuals, be used to exploit personal information, or compromise the integrity of educational programs. Accordingly, use of the audio recording or camera functions of electronic devices will be strictly prohibited on school premises at all times. The violation of one's privacy in such a manner will result in school and/or district consequences, including law enforcement referral. If a student is found using a cell phone or electronic devices to cyberbully, plagiarize, harm or disrupt the learning environment for other students they may be subject to disciplinary action including and up to Suspension and/or Expulsion.

Exceptions

With prior approval of the principal, the above prohibitions may be relaxed under the following circumstances:

- the use is specifically required to implement a student's current and valid IEP;
- the use is at the direction of a teacher for educational purposes;
- the use is determined by the principal to be necessary for other special circumstances, health-related reasons, or in case of an emergency.

Teachers may allow the use of privately owned electronic devices in the classroom for curricular purposes only. Teachers may not allow interfering or electronic communication devices as part of a 'reward' or 'free time.' Teachers who chose to allow privately owned electronic devices in the classroom must clearly communicate to parents and students the conditions under which the use of privately owned electronic devices are allowed.

Appendix U: Student Device(s) Repair & Replacement Policy and Insurance Agreement

The Chromebook Insurance Agreement (the "Agreement") is intended to give Making Waves Academy (MWA) and its families the opportunity to obtain insurance coverage in the event of loss or damage to a student's Chromebook or accessories. This agreement covers *up to \$800.00* (eight hundred dollars) in repairs per school year. Students are allotted *two(2) Chromebook damage reports per year*. Parents, guardians, and students will be responsible for damages not covered by this policy.

This insurance agreement also covers the replacement of *one (1) Mifi device* for students eligible to receive an MWA MiFi (hotspot). Parents, guardians, and students will have to pay for any damage this policy doesn't cover should they opt out of purchasing the Chromebook insurance.

What happens if families do not purchase Chromebook insurance?

Should you choose not to purchase Chromebook insurance, you will be invoiced for any damages to the Chromebook assigned to your student(s).

What happens if families do not pay for damages?

After a family has been notified in writing of the damages, MWA may withhold the student's grades, transcripts, and diploma until the damages have been paid.

Payments Options

We will accept payments for Chromebook insurance starting *July 1 through October 31, 11:59 p.m.*, via the Parent Square app using a debit or credit card (*with the VISA and Mastercard logos*), or you can stop by the Upper or Middle school front office and make your payment with cash, money order or check.

Coverage

By entering into this agreement, the parent(s) and/or legal guardian(s) acknowledge that a Chromebook and its accessories will be assigned to their student(s) and will be protected against loss and a variety of damages, as outlined below. In the event that a student vandalizes their assigned device ("Chromebook") or another student's device ("Chromebook"), those damages are NOT covered under this agreement, and an invoice will be issued for the replacement or repair cost of the device.

1. How Coverage works

- a. To receive coverage for the student(s) current school year, the student(s) or their parent(s) or guardian(s) must have a *payment of \$35.00* for insurance online during registration/enrollment or re-enrollment between *July 1st through October 31st, 11:59 pm*.
 - i. When a Chromebook is reported to the IT department for any loss or damage to the student(s) Chromebook or power adapter, an incident is created in the IT ticketing system. An invoice will be created and sent out if the system shows a student does not have Chromebook insurance.

2. What is covered (i.e., accidental damage)

- a. Drops
 - i. Falls on the floor and breaks
- b. Spills & Liquid Submersion
 - i. water damage
- c. Display & Screen Damage
 - i. Cracked Screen (small or large)

- ii. The display has multiple lines through
- d. Power Surges
 - i. By Lighting
 - ii. By Power outages,
- e. Theft
- f. Fire, flood, and natural disaster
- g. Chromebook case damage
 - i. Broken hinges/bezels (Chromebook lid not closing properly)
- h. Keyboard Malfunction
 - i. keys on the keyboard are not working
 - ii. The trackpad/ mouse is not responsive
- i. MWA covers manufacturing defects and/or manufacturing hardware failures

3. Stolen Chromebooks

- a. A police report must also be submitted when filing the insurance claim in case of loss or theft.
- b. If the loss or damage was a result of a violation of the “MWA Technology Acceptable Use Policy” or the “Chromebook Use Agreement,” the student(s) may be subject to the school's disciplinary policy, which can be found in the student/family handbook. Violation of the MWA Technology Acceptable Use Policy and Chromebook Use Agreement includes but is not limited to, intentional or willful damage and negligence.
- c. If a replacement device or accessory is needed, MWA reserves the right to provide the Student(s) with a different make or model that serves the same functionality. The new device or accessories issued to the student(s) will be covered by this Agreement and any insurance coverage purchased by the student's family.
- d. The choice of replacement or repair is at the discretion of the IT Director of MWA.
 - i. In consultation with the IT Director or others as necessary, the School Director or their designee will be responsible for interpreting these rules or any situation not specified in this Agreement.
 - ii. *Insurance covers **two(2)** incidents or up to \$800.00 in damages* (whichever occurs first). Any damages or loss reported after the amount mentioned above is exhausted will be billed to the parents/guardians of the Student(s) for the repair or replacement cost.

Limitations to Coverage

This agreement excludes the following provisions:

- 1. Lost or stolen devices or accessories *without* a police report
- 2. Cosmetic damage or other damage that doesn't affect the function of the device or accessories
 - a. scratches and dents that do NOT affect the device's functionality. -
- 3. Damages caused by misuse or abuse of the Chromebook
 - a. Damage is caused intentionally or through extreme neglect.
- 4. Any device that indicates an attempt to remove or the removal of tamper-proof asset tag stickers.
- 5. Any device not issued to the student
 - a. If your student damages another student's device, your insurance does not cover the replacement or repair cost.

Repair and Replacement Cost

The costs associated with Chromebook repair, replacement, or vandalism are as follows:

Lost / Stolen Chromebook without Insurance	\$275.00
Chromebook Touch Screen LCD	\$180.00
Chromebook Motherboard Replacement	\$165.00
Chromebook Water Damage (accidentally)	\$135.00
Chromebook Keyboard/Palm Assembly	\$70.00
Chromebook 45w Output Power Adapter	\$40.00
Chromebook LCD Bezel/hinge set /Chromebook back or bottom cover	\$60.00

Lost MWA Student Mifi / Hotspot	\$250.00
Deliberate Damage/Vandalism to a student Chromebook <i>with or without insurance</i>	\$275.00

Pricing is subject to change based on the current repair facility policies. MWA will communicate any changes in repair costs to families via school mailings.

Claim Procedures

- Students MUST notify their teacher of the incident
- Go directly to your school's technology room.
- The Technology Department will examine the Chromebook and power adapter to determine if there is a qualified insurance claim.
- If there is a claim, an IT team member will complete the necessary paperwork and inform the appropriate staff.
- Once the claim is processed, the student will be issued a replacement.
- If stolen
 - A copy of a police report must accompany the student before a loaner Chromebook or power adapter is issued in theft or loss cases. The police report must also directly mention the theft or loss of the Chromebook and the circumstances surrounding the theft or loss.

First incident

- Students *with insurance* - Repair and replacement costs are covered under the insurance policy unless excluded, as stated above
- Students *without insurance* - Repair and/or replacement costs will be invoiced.

Second incident

- Students *with insurance* - Repair and replacement costs are covered under the insurance policy unless excluded as set forth above
- Students *without insurance* – Repair and/or replacement costs will be invoiced.

Third incident and each subsequent incident

- Any damages or losses reported will have an invoice sent for repair and/or replacement costs.
(ALL STUDENTS)

If no insurance has been purchased and the device is damaged, lost, or stolen, the parent will be invoiced for the repair costs and/or replacement parts or devices.

Fraud, Concealment, and Misrepresentation

Coverage could be denied if the student(s) intentionally cheats, hides, or lies about any critical information about what happened to damage or lose the device.

Returning Your Chromebooks

Following the computer use policy rules, you must return all Chromebooks and power adapters.

1. Seniors' Chromebooks and power adapters are collected upon the completion of final exams.
 - a. Fifth through eleventh-grade students will keep their Chromebooks unless they transfer from the school.
 - i. Students who have unenrolled or are not returning to MWA MUST RETURN Chromebooks and power adapters to a front office staff member. Any Chromebook or power adapter not returned will be considered stolen property.
 - b. Students(s) who may want to save work should use Google Takeout to transfer any work to a personal G-mail account.
 - c. All Chromebook damages or losses **NOT** covered under this insurance agreement MUST be paid in full when the student leaves.

COVID-19 Notice

COVID-19 requires continuing adjustment to MWA policies and procedures. MWA will comply with all applicable laws, regulations, and orders issued by the state or federal government or local health agencies relating to COVID-19. Compliance may require an adjustment to certain policies or procedures set forth in the handbook.

MWA will continue to adjust our Health and Safety Plans as needed. The most up-to-date copies of our safety plans can be found on our website:

<https://www.makingwavesacademy.org/governance/compliance/public-notice>

MWA reserves the right to revise this handbook at any time. For the most up-to-date versions of our policies please visit: <https://bit.ly/mwapublicnoticesnew>