

**NOVA Academy**  
**Early College High School**  
**2019-2020 Student Handbook**



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# NOVA Academy Early College High School (ECHS)

## MISSION

**NOVA Academy Early College High School will inspire, educate and prepare all students to be successful in college, career and in life.**

### Student Welcome Letter

It is a pleasure to welcome you and your parents/guardians to what we hope will be one of the most exciting times of your life. Your high school years will live in your memory forever, and it is our goal to make these years happy, productive, and successful. The faculty, staff and Board of NOVA Academy ECHS believes that a school works best when it employs a team approach to educating its students. You, as a student of NOVA Academy ECHS are the most vital member of our team. We promise to provide you with the best possible academic education and to assist in your development into an intelligent, committed life-long learner and a productive member of our society.

None of these things can take place, however, without your commitment to do your best. You have selected a NOVA Academy ECHS because it is a college preparatory school. These will be challenging years for you, but you will rise to the challenge if you set your goals high and work diligently to attain those goals, and structure your Individual Student Plan (ISP) to use as your road map and guide for your future.

In the midst of all of the studying and hard work, take time to enjoy your high school years. We have a variety of exciting activities planned throughout the year.

This handbook provides you with information about our school and helps you to stay on the right track. Do your best in everything you do. Never settle for second best and you will be the awesome individual that you were created to be. Remember, **“DON’T BE AFRAID TO FAIL; BE AFRAID NOT TO TRY!”**

Welcome to our NOVA Academy ECHS family.

Sincerely,

Your teachers, staff and the NOVA Academy Board of Directors

## **Parent/Guardian Welcome Letter**

Dear Parents/Guardians:

On behalf of the NOVA Academy ECHS, we welcome you and your child to our school. NOVA Academy ECHS is founded on the belief that the education of its students takes a team effort, and you, as parents/guardians, are vital members of our team. There are numerous opportunities for you to become involved in your student's education. We welcome your input on important issues confronting our school, and your attendance at the monthly parent education meetings is strongly encouraged.

This Student Handbook has been designed to answer any general questions that you might have regarding our school and to advise you of your rights and responsibilities. Please take the time to review the information in this handbook and the supporting documents. We hope that you find it useful. When completed, please return the Parent Acknowledgement Form to our office. Should you require further explanation of any of the Education Codes and Laws cited in this handbook, you may contact the principal at your campus.

Please know that our primary goal is to provide your child with an outstanding academic education in a safe and nurturing environment. We look forward to your participation in our school events and invite you to become one of our parent volunteers. We thank you in advance and appreciate your support. We will do everything in our power to ensure that your child has a successful high school experience. Remember, we need you as a part of our educational team.

Welcome to the NOVA Academy ECHS Family.

Sincerely,

Teachers, staff and the NOVA Academy Board of Directors

# **NOVA ACADEMY ECHS**

## **SCHOOL COMMITMENT**

NOVA Academy ECHS believes that schools have the responsibility to equip their students with the basic skills necessary to be successful in life. However, educating students is a three-way responsibility shared by each individual parent/guardian, the student, and the school. Without the collaboration and cooperation of all three parties, success will be limited.

NOVA Academy ECHS is committed to providing the necessary resources for a sound secondary education program. In turn, students and parents/guardians must fulfill certain commitments if the student is to gain the maximum benefits from the school program. We believe that the school, the parent/guardian and the student commitments should be as follows:

OUR SCHOOL COMMITMENT IS TO:

1. Employ a highly-qualified certificated staff who know their subject matter and who understand the sociological, physiological and psychological make-up of adolescents and young adults.
2. Provide a positive, constructive, and academically rigorous learning environment.
3. Provide the required standards-based curriculum to meet student needs.
4. Provide materials and equipment necessary for state mandated instruction.
5. Provide a safe learning environment where students can attend school without fear.
6. Establish reasonable expectations regarding student behavior.
7. Provide parents/guardians with regular reports on their student's attendance, academic progress, and school behavior.
8. Provide appropriate, varied classroom learning opportunities to encourage academic progress.
9. Provide appropriate, varied practice (homework) assignments to reinforce and enhance learning.

## **PARENT/GUARDIAN COMMITMENT**

1. Insist that your student attend school every day unless illness or a family emergency occurs.
2. Each year, parents are encouraged to volunteer at least ten service hours per student or twenty service hours if you have two or more students at NOVA Academy ECHS. Parent service hours are not required for acceptance, continued enrollment, or any other privilege offered by NOVA Academy ECHS, nor will NOVA Academy ECHS discriminate against a student based on his or her parents' service hours or lack thereof.
3. Attend Parent Education meetings.
4. Call the school office when the student is going to be absent. Send a note when the student returns from an absence. Please refer to the **ATTENDANCE** section of the handbook for further clarification of this process.
5. See that the student gets the appropriate amount of sleep on school nights to be attentive and alert in class.
6. Ensure that the student eats breakfast each morning, as it is essential and necessary for adequate brain function.
7. Ensure that the student is dressed appropriately as per the school Dress Code.
8. Provide approximately 2-3 hours daily of uninterrupted study time and a quiet and orderly place to study and complete practice. Encourage daily reading time after school for the student.
9. Check with the student daily regarding practice assignments and monitor completion of assignments. Your student's progress and practice may be monitored through the Parent Portal on Aeries.
10. Contact teachers immediately to request a conference with the school staff if there is a question concerning student progress or lack of practice.



## **STUDENT COMMITMENT**

1. Attend assigned classes daily unless illness or a family emergency occurs.
2. Turn in completed class assignments on time and follow up with teacher for any make-up assignments due to absence(s). **This is the responsibility of the student!**
3. Be prepared with the necessary books and materials each day.
4. Ensure you are dressed appropriately, as per the school Dress Code.
5. Seek immediate assistance from the teacher when class assignments are not understood.
5. Be attentive in class and remember it takes commitment to gain the best education possible.
6. Academic excellence requires constant effort and a substantial block of time each day (minimum of 2 hours) to learn the materials taught in both your high school classes and college courses.
7. Follow all school expectations.
8. Meet with your Counselor to ensure that you are following your Individual Student Plan (ISP) for high school requirements and college courses.
9. Ask for assistance from teachers, counselors and school personnel when academic or personal problems occur which inhibit learning.

## **COUNSELING DEPARTMENT**

### **Services Provided:**

- Student Enrollment and Withdrawal
- Academic Advisement and Counseling
- Graduation Requirements and Checklists
- Four Year Academic Planning
- Assistance with College and University Application Process
- Post-Secondary Academic and Career planning
- Short-term Therapeutic Counseling when Needed (NOVA Academy ECHS)
- Crisis Intervention
- Parent/Teacher Conferences
- Student Academic and Personal Record Guardian
- Community Referral Liaison
- Local College/University Tours
- College Fair excursions
- SAT and ACT workshops
- FAFSA Assistance
- Scholarship Information
- Assistance in Development and Monitoring of Individual Student Plan (ISP)

## **COLLEGE & CAREER CENTER**

Interested in learning more about a career? Want to search colleges? Need help finding a job? Your College and Career Counselor is here to help!

The College and Career Counselor offers the following services:

- Online interest and skill inventories
- Career information
- Career presentations (Career Day)
- College campus tours
- College admissions information
- College application assistance
- College registration assistance
- Certificate/Vocational program information
- Regional Occupation Program (ROP) information (if available)
- Armed services information
- Tutoring information
- Job search
- Transcript requests
- Financial aid information
- AB540 information
- SAT/ACT workshops
- SAT/ACT registration

## GRADUATION INFORMATION

### GRADUATION REQUIREMENTS

		<u>Santa Ana</u>	<u>Coachella</u>
<b>Language Arts</b>	4 years including English 1-8, Honors or AP English	40 Credits	40 Credits
<b>Mathematics</b>	3 years (4 recommended) including: Algebra I/Math 1 Algebra II/Math 2 Geometry/Math 3 <u>Advanced Courses</u> Statistics Trigonometry/Pre-Calculus Calculus	10 Credits 10 Credits 10 Credits  10 Credits 10 Credits 10 Credits	10 Credits 10 Credits 10 Credits  10 Credits 10 Credits 10 Credits
<b>Social Studies</b>	3 years (30 credits) including: World History United States History Government/Economics	10 Credits 10 Credits 10 Credits	10 Credits 10 Credits 10 Credits
<b>Science</b>	2 years including (3 years recommended): Biology Chemistry <u>Recommended 3rd &amp; 4th year Courses</u> Physics Anatomy & Physiology AP Environmental Science AP Biology	10 Credits 10 Credits  10 Credits 10 Credits 10 Credits 10 Credits	10 Credits 10 Credits  10 Credits 10 Credits 10 Credits 10 Credits
<b>Fine Arts</b>	1 year of the same subject (Drawing, Painting, Studio Art)	10 Credits	10 Credits
<b>Foreign Language</b>	2 years of same Foreign Language <u>Recommended 3rd &amp; 4th year Courses</u> AP Spanish Language AP Spanish Literature	20 Credits  10 Credits 10 Credits	20 Credits  10 Credits 10 Credits
<b>Study Skills</b>	1 semester of Seminar (Santa Ana Campus) 2 semesters of Seminar (Coachella Campus)	5 Credits	10 Credits
<b>Physical Education</b>	2 years (20 credits); maximum of 40 semester credits applied to graduation	20 Credits	20 Credits
<b>Electives</b>	45 semester credits; must include 10 semester credits of College Prep Elective	45 Credits	40 Credits
<b>Minimum Required Credits for Graduation</b>		<b>220 Credits</b>	<b>220 Credits</b>

**Community Service:** 20 hours per year / 80 hours in four years

### **Senior Exit Portfolio**

The NOVA Academy Early College High School Senior Exit Portfolio is an additional requirement for NOVA Academy ECHS students. Students are required to present and defend the work submitted in their portfolios to a review team made up of community leaders.

### **Senior Activities**

Seniors not on track to graduate and who demonstrate they are failing to meet graduation requirements will not be eligible to participate in senior class activities, including Senior Breakfast, Grad Nite, and the graduation ceremony.

### **VALEDICTORIAN SELECTION PROCEDURE**

The valedictorian is the academic title conferred upon the highest ranked student among those in the graduating class. Selection to this title shall be governed by the procedure established below.

A student shall be considered for selection as valedictorian based upon the following:

1. The student's total grade point average (GPA) in his/ her academic studies.
2. Recommendation of the school faculty and administration.
3. Grade point calculations at the end of the first semester of grade twelve.
4. Completion of a minimum of three semesters in local area schools.
5. Inclusion of all summer school and intersession grades.
6. The following values for marks: A=4; B=3; C=2; F=0
7. Honors/Advanced Placement classes and college courses are weighted and calculated with the addition of 1 point per class / course ( i.e. a student having a college course fulfilling the University of California IGETC requirements and receiving a grade of an A would have 5.0 points) A=5; B=4; C=3.

### **GRADUATION CEREMONY DRESS CODE AND BEHAVIOR**

Suggested appropriate dress for men is a tie, dress shirt, dress slacks, dress shoes. Suggested appropriate dress for women is a dress, skirt or slacks and blouse, and heels or flats. The gown may not be altered or decorated in any fashion. Caps may be decorated in a manner appropriate for a school ceremony as long as all décor is flat and messaging aligns with NOVA Academy's core values. Only school-issued graduation items may be worn on the gown such as medals, cords. Leis are not permitted during the ceremony.

Appropriate behavior includes marching in and out with dignity, respectful attention and applause for speakers, receiving the diploma on stage without gesturing or celebrating, and bringing into the auditorium only those items issued you by the school.

### **GRADUATION CORDS**

Students may qualify to wear a school-earned cord during graduation. Cords are awarded for GPA and college course completion, to name a few. Students may purchase cords if they qualify through the school. The pricing for cords is updated annually and will be shared with seniors.

## COLLEGE ENTRANCE REQUIREMENTS

	<b>Cal State Universities</b>	<b>Universities of California</b>
<b>Social Studies</b>	2 Years- World History U.S. History Government/Economics	2 Years- World History U.S. History (3 recommended)
<b>Language Arts</b>	4 years college prep	4 years college prep
<b>Mathematics</b>	3 years - Algebra /Math 1, Geometry/Math 3, Algebra 2, Math 2	3 years - Algebra 1/Math 1 Geometry/Math 3, Algebra 2/Math 2 (4 years recommended)
<b>Science</b>	2 years of lab science (Biology and Chemistry)	2 years of lab science Biology and Chemistry (3 years recommended)
<b>Language Other than English</b>	2 Years of the same foreign language	2 years of the same foreign language (3 years recommended)
<b>Visual &amp; Performing Arts</b>	1 year of fine art (art, music, drama, film, photo or humanities)	1 year of fine art (art, music, drama, film, photo or humanities)
<b>Electives</b>	1 year selected from additional English, fine arts, foreign language, lab science, math or social studies (Gov't/Econ meet this req.)	1 year selected from additional English, fine arts, foreign language, lab science, math or social studies (Gov't/Econ meet this req.)
<b>Physical Education</b>	None	None
<b>Study Skills</b>	None	None
<b>Community Service</b>	None	None
<b>Testing Requirements</b>	SAT or ACT	SAT or ACT

**All of the above courses meet UC and CSU admissions criteria.**

Community Colleges & Private and Out of State Colleges - Consult with your counselor.

\*Must complete CSU and UC requirements with a grade of C or better

## **SENIOR EXIT PORTFOLIO**

The NOVA Academy ECHS Senior Exit Portfolio is a student-selected collection of work which represents his/her reflections and achievements in academic studies, personal growth, and extracurricular activities. As the student completes his/her high school years and continues working towards future goals, this portfolio provides an authentic assessment tool for the students to evaluate their learning, for the staff to review programs/projects from the student perspective, and for the school community to witness the demonstration of the Student Learning Outcomes (SLO).

## **COMMUNITY SERVICE HOURS**

NOVA Academy ECHS believes that a true component of citizenship is demonstrated when individuals make an effort to positively impact their community. By fulfilling the required hours of service, students will be able to gain insight and empathy, acquire life and job skills and build a resume toward their college and career pathways. Furthermore, service hours, student reflection of service hours, and letters of recommendation will make an impressive addition to their senior exit portfolio. Ultimately, these experiences will build lasting memories inspiring a commitment to their community which, hopefully will, one day, extend globally.

Students are required to complete a total of 20 community service hours annually and to have completed 80 community service hours before graduation. Community service hours must be submitted in the same school year in which they were served. Students should perform their community service at an accepted non-profit organization (e.g., school, library). To obtain permission to receive credit for hours at a location that is NOT a non-profit requires prior approval from the school administration. **All community service hours should be completed and submitted by the day students are back following spring break of their senior year.**

### **REQUIRED COMMUNITY SERVICE HOURS**

Grade incoming	Total Community service hours due
9 <sup>th</sup>	80
10 <sup>th</sup>	60
11 <sup>th</sup>	40
12 <sup>th</sup>	20

## **REPORTING YOUR COMMUNITY SERVICE HOURS**

Students can obtain the Community Service Verification form from the Front Office. Forms should be completed and turned in to the designated representative.

## **UNIVERSITY & COLLEGE ADMISSION REQUIREMENTS**

**NOTE:** Some UC and CSU campuses are impacted, and some major areas at some campuses are highly competitive and can only accept limited numbers of students each year. For acceptance to these campuses and into these majors, students must possess academic qualifications that go well beyond the minimum admission requirements summarized in the following pages.

## **UNIVERSITY OF CALIFORNIA (UC)**

All UC campuses have the same undergraduate admission requirements. (Berkeley, Davis, Irvine, Los Angeles, Merced, Riverside, Santa Barbara, San Diego, San Francisco and Santa Cruz. Some schools are more selective than others.)

**A-G Subject Requirements:** To satisfy this requirement, you must have successfully completed a specific sequence of high school courses in the subjects listed below. To be accepted by the University, they must appear on a list certified by your high school principal as "Courses to Meet Requirements for Admission to the University of California." Your counselor or principal will have a copy of this list. This list is available on the UC website at <http://www.ucop.edu>.

The grades you earn in the A-G subjects taken in the tenth and eleventh grades are the only grades the University will use to calculate your grade-point average for admission. It will take 15 units (one unit is equivalent to a one-year course) of high school work to fulfill the subject requirement. At least 7 of the 15 units must have been earned in courses taken during the last two years of high school.

- a. United States History and/or U.S. Government and World History: Two years required; three years recommended.
- b. English Composition, Literature, etc.: Four years required; maximum of one year in the 9th grade allowed.
- c. Mathematics: Three years of Mathematics – Integrated Math 1, 2 & 3 (or applicable Algebra, Geometry, or Algebra 2 course) required; four years recommended.
- d. Laboratory Science: Biology, Chemistry, Physics, etc. Two years required; three recommended.
- e. Language other than English: Two years of same foreign language required; three recommended
- f. Visual and Performing Arts. One year required.
- g. College Preparatory Elective Courses: One year required. This course must be chosen from any of the following areas: Social Science, English, Advanced Math, Laboratory Science, Foreign Language and specified advanced visual and/or performing arts courses. (See UC approved list.)

**YOU MUST ALSO HAVE COMPLETED ALL A - G SUBJECTS WITH SATISFACTORY GRADES OF "C" OR BETTER. EARN A GPA OF 3.0 OR BETTER (3.4 IF YOU'RE A NON RESIDENT) IN THOSE COURSES, WITH NO GRADE LOWER THAN A "C". ELD COURSES IN READING AND LANGUAGE ARTS DO NOT COUNT TOWARD UC/CSU (EXCEPT ELD ADV). TAKE THE ACT WITH WRITING OR THE SAT REASONING TEST BY DECEMBER OF YOUR SENIOR YEAR.**

## **CALIFORNIA STATE/POLY UNIVERSITY (CSU)**

Bakersfield, Channel Islands, Chico, Dominguez Hills, East Bay, Fresno, Fullerton, Humboldt, Long Beach, Los Angeles, Monterey Bay, Maritime Academy, Pomona, Northridge, Sacramento, San Bernardino, San Diego, San Francisco, San Jose, San Luis Obispo, San Marcos, Sonoma, and Stanislaus. **Subject Requirements**

- a. Two years of History (U.S. and/or U.S. Government and World History)
- b. Four years of college preparatory English.
- c. Three years of Mathematics. (Integrated Math 1,2 & 3 or applicable Algebra 1, Geometry, Algebra 2 courses)
- d. Two years of a laboratory Science.
- e. Two years of a language other than English.
- f. One year of visual and performing arts. (fields of art, music, drama, humanities)
- g. College Preparatory Electives – (additional year chosen from the University of California 'A-G' list)

## **YOU MUST COMPLETE ALL 15 SUBJECT REQUIREMENTS WITH SATISFACTORY GRADES OF "C" OR BETTER!**

**Examination Requirement:** To satisfy this admission requirement, you must submit scores from the standardized tests described below:

One aptitude test, either a or b:

- a. The Scholastic Aptitude Test (SAT)
- b. The American College Test (ACT)

## **COLLEGES, UNIVERSITIES & MILITARY ACADEMIES**

### **COMMUNITY COLLEGES**

Any high school graduate or any adult 18 years of age or over, who can show evidence that he/she can benefit from the instruction, may be admitted to the community college. Math and English placement tests must be taken at the college to determine proper placement in basic subject areas.

### **PRIVATE COLLEGES & UNIVERSITIES**

Private colleges vary in their entrance requirements. It is important that you check their catalogs very carefully. Discuss your situation with your counselor. You must determine whether you will meet entrance requirements; it is wise to apply to more than one college since you may not be accepted by your first choice. The counseling office has excellent resources on all independent colleges and universities in California.

### **MILITARY ACADEMIES**

1. Submit an application on or before September of the year prior to high school graduation. Preferably a student should begin application for nomination procedures in March or April of junior year.
2. Be at least 17 years of age and not have passed one's 22nd birthday.
3. Be a resident of the Congressional District.
4. Be of good moral character.
5. Be unmarried or never have been married.
6. Be in the upper third of his/her class and score above 1800 on SAT.
7. Not be suffering from an obvious physical defect that is not correctable.

Nominations are based upon scholastic aptitude, counselor recommendation, a personal interview by the service academy's review board, and competitive selection by the academy.



## **COLLEGE OPPORTUNITY PROGRAM ELIGIBILITY**

First time College goers will take the college course recommended to them by their NOVA Academy ECHS counselor and will take their college course during the Fall or Spring semester.

Textbooks will be purchased for college courses sponsored by NOVA. Additional supplies and materials required by a college professor will need to be purchased by the student (e.g. art supplies, scantrons, etc.).

### **Community College**

NOVA Academy Early College High School (Santa Ana) will offer two avenues for participation in dual enrollment programming: 1) University-Transfer Pathways and 2) Career Education Pathways.

1. University-Transfer Pathways will permit students with a GPA of 2.7 or higher to enroll in a wider selection of academic courses, identified for their UC/CSU transferability and compatibility with four-year degree programs.
2. Career Education Pathways will allow students with a GPA of 2.0 or higher to enroll in a curated selection of college classes, approved by NOVA Academy as part of an existing sequence of Santa Ana College courses leading to a vocational certificate or career-based degree.

NOVA Academy-Coachella will offer early college programming to students meeting the minimum program entry requirements and enrolling in courses approved by the administration.

The following criteria must be met at the second grade report and end of semester report cards prior to college enrollment.

1. For Santa Ana students enrolling in only approved Career Education college courses, a minimum GPA of 2.0 is required.
2. For Santa Ana students enrolling in any college courses other than the approved Career Education classes, a minimum GPA of 2.7 is required.
3. For Coachella students enrolling in any early college courses, a minimum GPA of 3.0 is required.
4. No "F" grades on grade reports and end of semester report card.
5. No N=Needs improvement or U=Unsatisfactory marks for Citizenship and Work Habits on grade reports and end of semester report card.
6. On time submission of all required paperwork as requested by college counselor (e.g. Teacher Recommendation, Student Self-Assessment, Career Advanced Placement forms, etc.).

Failure to meet ANY of the above criteria at each grade report and at end of semester report card will result in a lost opportunity for college enrollment the following college semester (e.g. fall, spring & summer).

### **College Eligibility for Santa Ana**

Students who are close to qualifying for college but fall short of the eligibility requirements at the progress report may request to be put on NOVA's sponsorship list if they meet all criteria by the end of the semester. Students interested should obtain a Career Advanced Placement form from the counselor at Santa Ana College (SAC) and fill out the form prior to the end of the semester. Prior to enrolling in a college course, students must contact the school counselor to request that NOVA sponsor the costs associated with the college course. Those who do not qualify at the end of the semester may choose to take a course at SAC at their own expense.

### **University Online and On-Campus Program**

This program is by invitation only and space is limited. The following criteria must be met for a student to be considered for the program.

1. Must be in the 11<sup>th</sup> or 12<sup>th</sup> grade while enrolled in the program.
2. Total overall weighted GPA of 3.3 or higher.
3. Solid academic foundation and achievement shown by grades in Honors, Advanced Placement (AP) classes and college course work.
4. Must be recommended by a teacher or counselor.
5. A high level of interest in the program as evidenced by a personal statement of purpose.
6. No “F” grades on grade reports and end of semester report card.
7. No N=Needs improvement or U=Unsatisfactory marks for Citizenship and Work Habits on grade reports and end of semester report card.
8. No more than five unexcused tardies in all classes, including Family, combined per semester.
9. On time submission of all required paperwork as requested by college counselor (e.g. Teacher Recommendation, Student Self-Assessment, application, etc.).

Course offerings will include only courses which are transferable for unit and subject credit toward the Bachelor’s Degree at all UC campuses

### ***University of California Irvine (UCI) Online Early College Program (OEC) Program Specific***

A student who meets the aforementioned criteria and who is successfully enrolled in the UCI OEC will be considered for a scholarship to cover all course expenses (enrollment fee of \$500 and book fees averaging \$150).

NOVA Academy Early College High School reserves the right to alter eligibility requirements for the college opportunities.

### **College Textbooks**

1. Student must completely fill out the College Textbook/Supplies Request form and return it to the NOVA Academy ECHS counselor.
2. Student must attach a copy of the course syllabus to the College Textbook/Supplies Request form.
3. Student will sign for textbook and supplies when issued and returned.
4. Textbook will be issued within 2 school days of having submitted the form.
5. Supplies may require more than 2 school days to provide for student.
6. If textbook is damaged or not returned, student will be responsible for the full cost of replacing the textbook.

## **COLLEGE PARTICIPATION EXPECTATIONS**

1. Student is responsible for being on time in the lobby and/or front office for transportation to and from college during the school day.
2. Call the school office regarding your absence and bring a note on the day of your return. (Please refer to the **ATTENDANCE** section for further clarification).
3. All assignments must be turned in on the required due date. In the event of an absence, **EMAIL** your assignment to your professor prior to the due date.
4. **Attendance is required** at NOVA Academy ECHS if the course is scheduled during the school day and there is no class that day (e.g., on Fridays). **Bring assignments, including reading, textbook, notes and write down questions you may have for your counselor and/or peers.**
5. If you are having difficulty with the subject matter be sure to speak with your college professor regarding your questions.

6. It is highly recommended that students work in study groups, attend tutoring, and participate in extra credit as approved by the professor to ensure success.
7. Failure to attend scheduled courses will result in the forfeiture of future enrollment in college courses.
8. Student is required to submit two progress reports per semester.
9. Any additional course purchases such as art supplies or tickets must be submitted on the Supply Request Form.

### **Unscheduled College Activities**

1. If you need to be transported to college outside of your regularly scheduled time, fill out an Unscheduled College Activities Form available in the Career Center or Counseling Office.
2. Submit form to the College Counselor for approval.
3. If a high school class is missed, the student is required to make up missed assignments.

### **DROP or Withdrawal from a Course**

1. Student is responsible for checking the college's website for the instructional calendar's important dates pertaining to Dropping and Withdrawing from a course.
2. If student chooses to DROP or Withdraw from a College Course, the student will be responsible for all College Expenses (textbooks, health fee, materials, etc.) incurred by NOVA Academy ECHS pertaining to enrollment in the College Course.
3. More than two Withdrawals from a College Course will result in at least a one semester break from college attendance.

### **Earning a grade lower than a "C"**

In the event that a student earns a grade lower than a "C" in a College Course, the student will not qualify for a college course in the subsequent semester.

## **GENERAL STUDENT INFORMATION**

### **ACADEMIC HONESTY**

Academic honesty is a fundamental principle of scholarship. Academic dishonesty includes, but is not limited to such things as cheating; inventing false information or citations, plagiarism, and helping someone else commit any such act.

Content of research papers is expected to provide a means to distinguish a student's own work from the work and ideas of others. Credit must be given to the source of the ideas or words of another. Students are expected to do their own work on tests and on independent homework assignments, giving assistance to other students is only with the permission of assigning teacher and/or peer tutors.

Students will be encouraged to learn together, for example, in study groups furthering their knowledge and understandings by interaction, cooperation and sharing. However, evidence of that learning demonstrated by work to be assessed by the teacher will be the responsibility of the individual student and is to be arrived at independently.

NOVA Academy ECHS considers plagiarism and falsification of documents, including documents that are not academically related, a serious matter and will result in disciplinary and/or academic consequences.

Cheating is using or attempting to use unauthorized materials, information, or study aids in an academic exercise. Plagiarism is representing the words or ideas of another as one's own in an academic exercise. Any

student who helps another student fabricate, cheat, or plagiarize will be considered to have committed the same offense.

Consequences may include and are not limited to:

1. Written warning of misconduct in Aeries by the teacher and/or Administration and a zero on the assignment.
2. Call to parent/guardian of student by teacher and/or Administration.
3. Recommendation for Disciplinary Probation, Suspension, or Removal from NOVA Academy ECHS.

**The school may impose appropriate consequences at any stage deemed necessary.**

### **GRADING POLICY**

1. Grades must consistently reflect a continuum of mastery-based achievement and mastery.
2. Learning objectives will be clearly communicated for each formal and informal assessment within each unit of study.
3. Students will have the opportunity to track and reflect on their progress of the standards.
4. Informal assessments will be weighted less than formal assessments dependent upon grade level.
5. Formal assessments are the primary factor in academic grades. Behavior, attendance and work habits are not included in academic grades but are reflected in Citizenship and Work Habits grade given for each course.
6. In order to ensure equity, departments will establish mastery-based common criteria for student work and assessments.
7. If a student has made a reasonable attempt to complete an informal assessment, as determined by teacher, the student shall be allowed to re-do or complete an alternative assignment to re-master content for a higher score.
8. Teachers shall allow students to retake formal assessments within the guidelines established by the department/teacher at the beginning of the course. Final Exams are not included in this and may not be retaken.
9. Extra credit may only be offered under the guidelines established by the teacher, and may only be given for standard mastery.
10. No single assignment or assessment shall exceed more than 15% of student's overall semester grade (including final assessment).
11. Teachers will base their grades on the following:

<b>Class Division</b>	<b>Weight of Formal Evaluation</b>	<b>Weight of Informal Evaluation</b>	<b>Final Evaluation</b>
<b>Lower</b>	<b>60%</b>	<b>40%</b>	

9 <sup>th</sup> & 10 <sup>th</sup>	<i>Examples: Tests, quizzes, unit exams, science fair, projects, final essays, finals, etc.</i>	<i>Examples: Standard based practice, drafts, peer edits, observations, questioning, discussion, entrance/exit tickets, think-pair- share, class activities, etc.</i>	<i>Final Evaluations are to be given at the end of each semester and should weigh no less than 10% and no more than 15% of a student's overall Formal Evaluation grade</i>
<b>Upper</b>	<b>70%</b>	<b>30%</b>	
11 <sup>th</sup> & 12 <sup>th</sup>	<i>Examples: Tests, quizzes, unit exams, finals, science fair, projects, final essays. etc.</i>	<i>Examples: Standard based practice, drafts, peer edits, observations, questioning, discussion, entrance/exit tickets, think-pair-share, class activities, etc.</i>	<i>Final Evaluations are to be given at the end of each semester and should weigh no less than 10% and no more than 15% of a student's overall Formal Evaluation grade</i>

## **GRADING SCALE**

<b>Letter Grade</b>	<b>Percent Range</b>	<b>Descriptor</b>	<b>Achievement Level Descriptors</b>	<b>Rubric Scores</b>
A+	97% - 100%	More complex learning goal. An "A" means the student shows mastery of content above grade level rigor with in-depth inferences and applications that go beyond what is taught in class.	Exceeds	4
A	93% - 96%			
A-	90% - 92%			
B+	87% - 89%	Target learning goal. A "B" means the student has completed proficient work on all course objectives at grade level rigor with no major errors or omissions.	Meets	3
B	83% - 86%			
B-	80% - 82%			
C+	77% - 79%	Simpler learning goal. A "C" means the student has completed proficient work on the most important objectives, although not on all objectives, at below grade level rigor of what was explicitly taught in class.	Nearly Meets	2
C	73% - 76%			
C-	70% - 72%			
F	1% - 69%	An "F" means the student produces minimal information even with prompting. The student has completed proficient work on fewer than half of the course objectives and cannot successfully complete the next course in the sequence.	Does Not Meet	1

## **REPORT CARDS**

Progress reports are issued twice per semester. Two report cards are issued annually, one at the end of each semester. The final report card, issued at the end of the semester will be recorded on the student's permanent record.

## **ACHIEVEMENT LEVEL DESCRIPTORS**

Achievement Levels were determined by the Smarter Balanced Assessment Consortium. Students fall into one of four categories of performance called Achievement Levels. These categories are defined by Achievement Level Descriptors, the specifications for what knowledge and skills students display at each level (i.e., Level 1, Level 2, Level 3, and Level 4). We refer to these categories as Levels, but each Smarter Balanced member state refers to them in different ways, such as “novice, developing, proficient, and advanced.” Students performing at Levels 3 and 4 are considered on track to demonstrating the knowledge and skills necessary for college and career readiness.

<b>High School Mathematics Reporting Achievement Level Descriptors</b>	<b>English Language Arts/Literacy Reporting Achievement Level Descriptors</b>
<p><b>Level 4 - Exceeds</b> The student has exceeded the achievement standard and demonstrates the knowledge and skills in mathematics needed for likely success in entry-level credit-bearing college coursework after high school.</p>	<p><b>Level 4 - Exceeds</b> The student has exceeded the achievement standard and demonstrates the knowledge and skills in English language arts/literacy needed for likely success in entry-level credit bearing college coursework after high school.</p>
<p><b>Level 3 - Meets</b> The student has met the achievement standard and demonstrates progress toward mastery of the knowledge and skills in mathematics needed for likely success in entry-level credit-bearing college coursework after completing high school coursework.</p>	<p><b>Level 3 - Meets</b> The student has met the achievement standard and demonstrates progress toward mastery of the knowledge and skills in English language arts/literacy needed for likely success in entry-level credit bearing college coursework after completing high school coursework.</p>
<p><b>Level 2 – Nearly Meets</b> The student has nearly met the achievement standard and may require further development to demonstrate the knowledge and skills in mathematics needed for likely success in entry-level credit-bearing college coursework after high school.</p>	<p><b>Level 2 – Nearly Meets</b> The student has nearly met the achievement standard and may require further development to demonstrate the knowledge and skills in English language arts/literacy needed for likely success in entry-level credit bearing college coursework after high school.</p>
<p><b>Level 1 – Has Not Met</b> The student has not met the achievement standard and needs substantial improvement to demonstrate the knowledge and skills in mathematics needed for likely success in entry-level credit-bearing college coursework after high school.</p>	<p><b>Level 1 – Has Not Met</b> The student has not met the achievement standard and needs substantial improvement to demonstrate the knowledge and skills in English language arts/literacy needed for likely success in entry-level credit bearing college coursework after high school.</p>

## **WORK HABITS & CITIZENSHIP GRADES**

1. Work habits and citizenship are reported separately from academic grades.
2. Work habits are based on a student’s responsibility for completing assigned work, including completing work that is missed due to absences, suspensions, or assignments to alternative learning centers, including school suspension.
3. Citizenship is based on compliance with site expectations for student behavior.

<b>Grade</b>	<b>Work Habits</b>	<b>Citizenship</b>
O (Outstanding)	Completes all assignments, including standard based practice	Consistently high compliance with site and district expectations for behavior
S (Satisfactory)	Completes at least 70% of assignments, including standard based practice	Generally complies with site and district expectations for behavior
N (Needs Improvement)	Completes some assignments, including standards-based practice	Needs to improve compliance with district and site expectations for behavior
U (Unsatisfactory)	Completes few assignments, including standards-based practice	Extremely poor compliance with district and site expectations for behavior

**MASTERY-BASED PRACTICE (previously known as homework)**

Mastery-based practice shall be meaningful and be purposely aligned to the mastery of core curriculum and content standards. Mastery-based practice can be expected to be completed during class time and/or during student’s own time (at home, during office hours, link, etc.) and grades are considered informal evaluation grades. Mastery-based practice shall be prescriptive and differentiated to meet the needs of teachers’ diverse student populations. Assignments may vary with subject, but need to be designed so students may do one or more of the following:

1. Practice and reinforce fundamental skills to meet course standards, objectives and skills.
2. Aid in processing needed information to demonstrate subject matter mastery.
3. Provide an opportunity to increase their learning ability through independent experiences with resources found outside of a classroom setting.
4. Develop regular study habits, responsibility, and self-discipline, which are needed skills to budget their time effectively and work independently.
5. Engage in shared learning experiences with family members at home.
6. Enhance concepts taught in class and may reinforce real world applications.

**GRADING MASTERY-BASED PRACTICE**

Mastery-based practice will be graded and will be part of the informal evaluation section of the overall grade along with other formative measures. Grading varies with specific assignments. For example, some assignments may receive a rubric score, letter grade, percent score, points for completion, full credit, partial credit, or no credit depending upon the accuracy and completion of work. Dependent upon the assignment, students may receive one or more of the following forms of feedback in a timely manner:

1. Direct instructional feedback when completed work practice is reviewed in class.
2. Graded work returned with relevant and meaningful written comments and feedback.
3. Peer evaluations with clearly outlined objectives and responses.

## **MAKE-UP WORK**

Students who miss school coursework because of excused absences shall be given the opportunity to make up missed work. Teachers shall assign such makeup work as necessary to ensure academic progress, not as a punitive measure. Teachers shall set a reasonable time frame for when missing assignments are to be completed and turned in. Students who miss school work because of unexcused absence may or may not be given the opportunity to make up work, which will be determined by the teacher.

## **LATE WORK & MISSING ASSIGNMENTS**

Students will be allowed to turn in late work. Late work can be turned in for up to 75% credit as determined by the school campus.

*For Example: If late work is only to be accepted up to two weeks (14 days) after the original due date, the late work/missing assignment window will be closed and assignments will be zeroed out in the grade book after the two week period. If an assignment is due at the end of the semester when less than two weeks are available, the student will have up until the day of their final to submit missing assignments for that time period.*

*If an assignment worth 100 points was due September 12<sup>th</sup>, students may turn this assignment in for late credit up until the end of the school day on September 26<sup>th</sup>. If a student turns in this assignment late and it is 100% accurate and perfectly completed, the highest grade they may receive is a 75% of 100/100 = 75/100 (75%). If a student turns in this assignment late and it is only 50% accurate, they will receive 75% of 50/100 = 37.5/100 (37.5%).*

Students who habitually do not turn in work should be referred for possible interventions, including tutoring, support classes, SSTs, etc. as guided by departments and site procedures. Teachers should continue to do all in their power to ensure students are completing the work. Students and parents are integral members of the education team, and need to continue to ensure that students are completing the required assignments. When students are struggling to complete the assignments, they or their parents need to contact the teacher for additional support.

## **ZEROS**

Students who do not make a reasonable attempt to complete an assignment/assessment, as determined by the teacher, department or administration, will receive a zero. For assignments/assessments that receive a zero, students will be allowed to make-up the work or participate in the retake of an assessment, within the guidelines established by the teacher at the beginning of the course and as outlined in the “Late Work & Missing Assignments” section above.

## **PRINCIPAL’S LIST**

Principal’s List recognition is given to students who have earned a weighted GPA of 4.00 or higher in a semester. Principal’s List certificates of achievement will be issued to each student meeting the criteria.

## **HIGH HONOR ROLL**

High Honor Roll recognition is given to students who have earned a weighted GPA of 3.50 - 3.99 in a semester. High Honor Roll certificates of achievement will be issued to each student meeting the criteria.

## **HONOR ROLL**

Honor Roll recognition is given to students who have earned a weighted GPA of 3.0 - 3.49 in a semester. Honor Roll certificates of achievement will be issued to each student meeting the criteria.



## **DISTINGUISHED ACADEMIC EAGLE AWARDS**

Students are nominated by their instructors during the month in their respective subject. This award honors the most outstanding student who has demonstrated leadership, excellent grades, attendance, solid work performance and a positive attitude. Award winners are recognized monthly in an all school assembly. Award winners will receive a certificate of recognition.

## **SOARING EAGLE AWARDS**

Students are nominated by their Family advisors during the month in their respective Family class. This award is given to the most outstanding student who has consistently demonstrated the ability to soar beyond self. They have offered sincere service to others and have shown concern for social justice while exhibiting decision-making and leadership skills. Award winners are recognized monthly in an all school assembly. Award winners will receive a certificate of merit.

## **FAMILY INTERVENTIONS**

### **Weekly Check In - All students**

The Family teacher/advisor will check grades with students on a weekly basis. Students will write down their missing assignments. Family teachers can check this frequently throughout week. Family teachers will hold students accountable for completing missing assignments.

### **Monthly Check In - All students**

- A. Grades will be checked formally for placement into or removal from LINK.
- B. Gradebook summary printouts will also be sent home through the student. A parent signature is required and will be included as part of the Family grade - 10 points per returned/signed grade printout. If signed grade sheet is not returned, a scripted blackboard will be sent out. Message is to inform parents/guardians that the signature must be turned in. If signature is not turned in, grade will remain '0'.
- C. Family Intervention with Family teacher/advisor and students will take place using the Family Intervention Form. Students will participate in the interventions if they meet the below criterion:
  - A grade of F in any class
  - A grade below a 73% in any class
  - 5 missing assignments in any class
  - 10 total missing assignments in all classes

### **LINK (Mandatory\*)**

NOVA Academy ECHS is committed to **linking** teachers to students and connecting students to their peers in order to provide the greatest opportunity for high school and college success. \*LINK will only be mandatory for students who need the academic support and will be updated each month to ensure all students have access to additional support when needed.

Students will be evaluated on a regular basis to determine if they will be placed in or removed from LINK.

### **LINK CRITERIA - evaluated on predetermined days of each month**

- A grade of F in any class

- A grade below a 73% in any class
- 5 missing assignments in any class
- 10 total missing assignments in all classes

**ACADEMIC IMPROVEMENT PLAN/ACADEMIC PROBATION**

Students who earned a semester Grade Point Average (GPA) of 2.0 or below will be on an Academic Improvement Plan (AIP) the following semester. The AIP will include:

1. Meeting with student, parent/guardian and Administration to discuss the following:
  - a. Reasons for poor academic performance
  - b. Possible solutions to correct poor academic performance
2. Weekly and Monthly grade checks by Family teacher. Please refer to FAMILY INTERVENTIONS section of Student Handbook regarding Weekly Check In and Monthly Check In.
3. Possible placement into LINK. Please refer to LINK section of Student Handbook.
4. Parent/guardian will utilize the Parent Portal to monitor their student’s grades at least weekly.

At the end of the semester, when the student has raised their semester GPA to or above a 2.0, they will no longer be at risk of being placed on Academic Probation.

If the student’s semester GPA remains below a 2.0 at the end of the semester, the student will remain on an AIP. The student and parent/guardian will sign a contract stating that the student will adhere to the prescribed criteria agreed upon by school administrators, counselors and parent/guardian. Overall student progress will continue to be evaluated on a weekly basis through FAMILY INTERVENTION and regular meetings with an administrator. At the end of the semester, when the student has raised his/her semester AGPA to or above a 2.0, student will be removed from the AIP. If student does not raise his GPA to a 2.0 or above after one full semester, student will be placed on Academic Probation for the next semester.

Students who are continuing to achieve below a 2.0 grade point average after being place on AIP will be placed on Academic Probation. Students on Academic Probation are provided with weekly progress reports that provide vital information on their progress as well as giving teachers information for the planning of instructional strategies to meet their needs.

**POSITIVE BEHAVIORAL SUPPORT PLAN**

Belief in the individual’s capability for behavioral change leads NOVA Academy ECHS School administrators and teachers to a commitment of assisting the student in improving him/herself as both a student and a member of the school community. The possibility for constructive change of behavior is based on the recognition and acceptance of the principle of individual responsibility. Behavioral issues in the classroom will be handled by the teacher. If behavior does not improve, then the student will be referred to an Administrator or his/her designee. The student, his/her parent/guardian, and an Administrator will create a positive behavior support plan to best meet the needs of the individual student.

**TIER 1: UNIVERSAL BEHAVIOR SUPPORT**

ACTION	WHO
Standards-based rigorous instruction	Teacher
Firm, fair, and corrective behavior management in classroom	Teacher
Positive and proactive de-escalation in classroom	Teacher

Effective classroom management	Teacher
Positive reinforcement	Teachers & Staff
Active monitoring and supervision in and out of classroom	Teachers & Staff
Positive and negative parent phone calls	Teachers & Staff

**TIER 2: SELECTED BEHAVIOR SUPPORT**

<b>ACTION</b>	<b>WHO</b>
Weekly parent phone check in	Parent, Teacher, Admin
Work/Study/Service	Student
Weekly parent classroom observation	Parent
Peer mediation	Peer Counselors, Students, Admin
Initial behavior contract	Student, Parent, Admin, Teacher
Other support as needed	To be determined

**TIER 3: TARGETED AND INTENSIVE BEHAVIOR SUPPORT**

<b>ACTION</b>	<b>WHO</b>
Weekly parent phone check in	Parent, Teacher, Admin
Work/Study/Service	Student
Weekly parent classroom observation	Parent
Peer mediation	Peer Counselors, Students, Admin
Official behavior contract and/or Final behavior contract	Student, Parent, Admin, Teacher
Student Success Team	Student, Parent, Teacher, Counselor, Admin
Follow up contract meeting	Student, Parent, Admin

**MEAL POLICY**

Food and drinks must be consumed in designated areas, with the exception of approved activities. Littering is unacceptable. **Students may not leave campus during breakfast or lunch.**

- Students are to eat only in the designated eating areas on campus. **Any food/beverages removed from designated areas will be confiscated and discarded.**
  - Eating in the lobby/front office is prohibited without prior approval.

- Eating in a teacher’s classroom requires prior approval of said teacher.
- Students are expected to deposit trash in the receptacles provided.
- All outside food must be preapproved by and checked in at the office.
  - Outside food must not be shared with other students without prior approval from an administrator.
- Approval for large food orders for clubs, parties, and other events require at least a week’s notice to site administration.

### **FREE AND REDUCED PRICE MEALS**

NOVA Academy ECHS participates in the National School Lunch Program. Applications for free or reduced price meals are included in the first day packets to all families and can also be obtained on the NOVA Academy ECHS website and in the main office. All families are encouraged to complete the application form in order to include as many eligible students as possible.

### **CALIFORNIA HIGH SCHOOL PROFICIENCY EXAMINATION (CHSPE)**

#### **What is the CHSPE?**

- The California High School Proficiency Examination (CHSPE) is a voluntary test that assesses proficiency in basic reading, writing, and mathematics skills taught in public schools. The CHSPE consists of two test sections: mathematics and English-language arts (ELA). The ELA section has two subtests (reading and language). Eligible persons who pass both parts of the CHSPE are awarded a Certificate of Proficiency by the State Board of Education. The test is given in English only.

#### **Who is eligible to take the CHSPE?**

You may take the CHSPE *only if* on the test date, you:

- Are at least 16 years old, *or*
- Have been enrolled in the tenth grade for one academic year or longer, *or*
- Will complete one academic year of enrollment in the tenth grade at the end of the semester during which the next regular administration will be conducted. (Regular administrations are the fall and spring administrations each school year.)

There is at least one test administration center in most California counties; some counties have more than one test administration center. A list of the counties and test centers may be found on the Internet at <http://www.chspe.net/about/locations> or in the CHSPE Information Bulletin also available on this Website.

#### **Certificate of Proficiency**

California law requires that the Certificate of Proficiency be equivalent to a high school diploma. Institutions that are subject to California law and that require a high school diploma must accept a Certificate of Proficiency. A student who receives a Certificate of Proficiency may, with verified parental approval, leave high school early. The Certificate of Proficiency, however, is not equivalent to completing all course work required for regular graduation from high school. Speak to your school counselor to understand the benefits of the Certificate of Proficiency. This certificate meets the federal financial aid requirement of a high school diploma or equivalent. If you are planning to continue your studies in a college or university, contact the admissions office so that you may understand its requirements and whether or not the CHSPE certificate will be accepted.

#### **For more information:**

Additional information about the CHSPE is located on the Web at <http://www.chspe.net> or by calling 866-342-4773.

### **CLASS/COURSE PROGRAM CHANGES**

Students are encouraged to work out their class schedules with a counselor, teachers and parents prior to registration, as it will be difficult to make program changes after the semester begins. The following guidelines will be observed regarding program changes.

1. Student initiated changes for schedule errors and improper class placements will be made during the **FIRST WEEK OF THE SEMESTER.**
2. Students at the Santa Ana campus have TWO WEEKS from the first day of school to request to change a class to a different class (e.g., Yearbook to Drama) or a different level (e.g., Honors Biology to Biology). After the first two weeks of school, students will NOT be able to change classes as there will be too much curriculum missed in the new course. Changes can be made on a space available basis and requests may not always be possible. Students at the Coachella campus have ONE WEEK from the first day of school to request to change a class to a different class or a different level. Teachers at Coachella have TWO WEEKS to make a change request. For honors level changes at Coachella, students need to take their request to their teacher first for approval. If approved, the teacher will bring the request to counseling to make the change.
3. School-initiated changes related to class placements or class withdrawals will be made at the discretion of the principal or his/her designee.
4. School initiated college course Drops will have a designated a "W" (Withdrawal) on the transcript. Students are required to meet with their counselor prior to Dropping or Withdrawal from a college course. Please refer to the COLLEGE PARTICIPATION EXPECTATIONS section of Student Handbook.

Class/course changes must be academic in nature. Changes to accommodate a student because they do not like an instructor or cannot get up early are not acceptable reasons to change a class/course.

### **List of Course Descriptions (Prospectus)**

The descriptions and instructional aims of every course offered by NOVA Academy ECHS are available upon request.

### **CLOSED CAMPUS**

Students are not permitted to leave campus once they arrive, for any reason, without permission granted through the office. Students may ONLY leave campus with an adult designated on their EMERGENCY INFORMATION/MEDICAL RELEASE. THE PARENT/GUARDIAN OR EMERGENCY CONTACT PERSON MUST PRESENT A VALID ID TO PICK UP STUDENT.

Any person waiting in the parking lot during the day may be approached for safety reasons. Any person who brings a student an item during the day should label it and drop it off at the office. All visitors, including alumni, must report to the office immediately upon arrival to the school. Please refer to VISITORS ON CAMPUS section of the Student Handbook.

### **DEBTS**

School debts are submitted to the office and entered into the student's account. This account then becomes "frozen" until all debt is resolved. Examples of debt include, but are not limited to: lost, willfully damaged or non-returned school and college books, returned checks, etc. To clear this debt, the item(s) and/or payment must be submitted to the office. Outstanding debt with the school may result in a delay in student services. NOVA Academy ECHS will notify the student's parent/guardian and provide the student with due process before

NOVA Academy ECHS withholds the student's grades, diploma, or transcripts. If a student and/or parent are unable to pay for the damages, or to return the property, NOVA Academy ECHS will provide a program of voluntary work for the student in lieu of the payment of monetary damages. Upon completion of the voluntary work, the grades, diploma, and transcripts of the pupil shall be released. Additionally, participation in school sponsored extracurricular activities may be prohibited until debt is resolved. If there is a discrepancy, please check with the office.

### **EARLY RELEASE**

Seniors may qualify for Early Release and take one fewer class during senior year. To qualify, seniors must maintain academic and attendance eligibility:

1. Need no more than 30 credits to graduate
2. Have an overall and last semester GPA of 2.50 and continue to maintain a 2.50 GPA
3. Owe no more than 20 Community Service hours

Accrue no more than 10 tardies during 2<sup>nd</sup> semester 11<sup>th</sup> grade

### **EMERGENCY PREPAREDNESS**

In the event of a major earthquake, any other disaster, or a Lock-Down situation wherein students need to be picked up, all students are required to remain on campus until a parent/guardian or the emergency contact person listed on their EMERGENCY INFORMATION/MEDICAL RELEASE form picks them up. THE PARENT/GUARDIAN OR EMERGENCY CONTACT PERSON MUST PRESENT A VALID ID TO PICK UP STUDENT.

In the event of a Lock-Down, students will not be allowed to leave campus until an all clear is given to the school by authorities.

### **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)**

The Family Educational Rights and Privacy Act ("FERPA") affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 5 business days after the day the NOVA Academy ECHS receives a request for access. Parents or eligible students should submit to the NOVA Academy ECHS Chief Executive Officer or designee a written request that identifies the records they wish to inspect.

The Charter School official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask NOVA Academy ECHS to amend a record should write NOVA Academy ECHS Chief Executive Officer or designee, clearly identify the part of the record they want changed, and specify why it should be changed. If NOVA Academy ECHS decides not to amend the record as requested by the parent or eligible student, NOVA Academy ECHS will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to provide written consent before NOVA Academy ECHS discloses personally identifiable information (“PII”) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to Charter School officials with legitimate educational interests. A Charter School official is a person employed by NOVA Academy ECHS 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 NOVA Academy ECHS Board of Directors. A Charter School official also may include a volunteer or contractor outside of NOVA Academy ECHS who performs an institutional service of function for which NOVA Academy ECHS would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; 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 Charter School official in performing his or her tasks. A Charter School official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, NOVA Academy ECHS discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student’s enrollment or transfer.

Note that NOVA Academy ECHS will not release information to third parties for immigration-enforcement purposes, except as required by law or court order.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by NOVA Academy ECHS to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW Washington, DC 20202

FERPA permits the disclosure of PII from student’s education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to Charter School officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, §99.32 of the FERPA regulations requires NOVA Academy ECHS to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. NOVA Academy ECHS may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student —

1. To other Charter School officials, including teachers, within the educational agency or institution whom NOVA Academy ECHS has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1)).
2. To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student’s enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2)).

3. To authorize representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency in the parent or eligible student’s State (SEA). Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35).
4. In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4)).
5. To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7)).
6. To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8)).
7. To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9)).
8. To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10)).
9. Information NOVA Academy ECHS has designated as “directory information” under §99.37. (§99.31(a)(11)).
10. To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student’s case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement. (20 U.S.C. § 1232g(b)(1)(L)).
11. To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions. (20 U.S.C. § 1232g(b)(1)(K)).

“Directory Information” is information that is generally not considered harmful or an invasion of privacy if released. Directory information can be disclosed to outside organizations without a parent’s prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish year books. NOVA Academy ECHS has designated the following information as directory information:

1. Student’s name
2. Student’s address
3. Parent’s/guardian’s address
4. Telephone listing
5. Student’s electronic mail address
6. Parent’s/guardian’s electronic mail address
7. Photograph
8. Date and place of birth



9. Dates of attendance
10. Grade level
11. Weight and height of members of athletic teams
12. Degrees, honors, and awards received
13. The most recent educational agency or institution attended
14. Student ID number, user ID, or other unique personal identified used to communicate in electronic systems that cannot be used to access education records without a PIN, password, etc. (A student's social security number, in whole or in part, cannot be used for this purpose.)

If you do not want NOVA Academy ECHS to disclose directory information from your child's education records without your prior written consent, you must notify NOVA Academy ECHS in writing at the time of enrollment or re-enrollment. Please notify the Chief Executive Officer at:

Renee Lancaster  
 Chief Executive Officer, NOVA Academy  
 500 W. Santa Ana Blvd  
 Santa Ana, CA 92701

### **TEACHER QUALIFICATION INFORMATION**

All parents may request information regarding the professional qualifications of classroom teachers and/or paraprofessionals.

### **FIELD TRIPS**

NOVA Academy Board approved field trips may be a part of class activities at NOVA Academy ECHS. Permission slips will be provided and must be returned to the coordinating school staff member. School dress code and code of conduct rules are in effect for all field trips. Field trips may have attendance criteria including grades and citizenship.

### **INDIVIDUAL STUDENT PLAN (ISP)/COLLEGE PATHWAYS**

Every student who attends a NOVA Academy ECHS is actively involved in his/her education. Therefore, it is essential that the student provides an update to his/her ISP at least once per semester. **Your ISP is your road map and resume for your college/university application.**

### **LOST AND FOUND**

NOVA Academy ECHS is not responsible for lost or damaged articles. All lost items may be claimed before or after school. At the end of the month, all clothing items remaining in Lost and Found which have not been claimed will be donated to charity.

### **PHYSICAL EDUCATION**

The NOVA Academy ECHS Physical Education (P.E.) Department requires a dress code for all students enrolled in the regular program. P.E. attire is available during orientation or through the school. No buckles, snaps, zippers, or pockets are allowed on athletic shorts. Socks and athletic shoes must be worn. If you have any questions regarding the school's approved P.E. attire, you may contact the P.E. teacher. Students need to refer to their class syllabus for the NON-SUIT POLICY.

### **RETURNED CHECKS**

Please resolve any returned checks immediately. Cash or money order must be returned to the office to cover the amount of the check (unless it was for a voluntary donation), plus the bank fee. Returned check fees are a

debt on the student's account. Failure to resolve the matter promptly may result in the student's loss of purchased items in order to recover funds from returned checks (e.g. yearbook, ASB activities, AP tests, etc).

## **HOURS**

The school office is open from 7:30 am to 4:00 pm Monday-Friday. Parents are expected to arrange for student transportation to and from school daily. Apart from supervised school activities, students must vacate the premises after school. Students are expected to leave the campus when the school sponsored activity ends.

## **TESTING NOTIFICATION**

California students take several mandated statewide tests. These tests provide parents/guardians, teachers, and educators with information about how well students are learning and becoming college and career ready. The test results may be used for local, state, and federal accountability purposes.

### **California Assessment of Student Performance and Progress (CAASPP)**

- **Smarter Balanced Assessment Consortium Assessments**

The California Assessment of Student Performance and Progress (CAASPP) computer adaptive assessments are aligned with the Common Core State Standards (CCSS). English language arts/literacy (ELA) and mathematics tests are administered in grades three through eight and grade eleven to measure whether students are on track to college and career readiness. In grade eleven, results from the ELA and math assessments can be used as an indicator of college readiness.

- **California Science Tests (CAST)**

The new, computer-based CAST measures student acquisition of the California Next Generation Science Standards. It is administered in grades five and eight, and once in high school. The new computer-based CAST replaces the California Standards Tests (CST) for Science.

- **California Alternate Assessments (CAA)**

The computer-based CAA for ELA and CAA for mathematics is administered to students with the most significant cognitive disabilities in grades three through eight and grade eleven. Test items are aligned with the CCSS and are based on the Core Content Connectors. The instructionally embedded CAA for Science is administered in grades five and eight, and once in high school.

- **Standards-based Tests in Spanish (STS) for Reading/Language Arts**

California offers the optional STS for Reading/Language Arts, which are multiple-choice tests that allow Spanish-speaking English learners to demonstrate their knowledge of the California content standards. The California Spanish Assessment (CSA) will replace the optional STS. The CSA will be a computer-based assessment that is aligned with the California CCSS en Español.

Pursuant to California *Education Code* Section 60615, parents/guardians may annually submit to the school a written request to excuse their child from any or all of the CAASPP assessments.

### **English Language Proficiency Assessments for California**

California will transition from the California English Language Development Test (CELDT) to the English Language Proficiency Assessments for California (ELPAC) in 2017–18. The ELPAC is aligned with the 2012 California English Language Development Standards. It consists of two separate English Language Proficiency (ELP) assessments: one for the initial identification of students as English learners and the other for the annual summative assessment to identify students' English language proficiency level and to measure their progress in learning English.

## **Physical Fitness Test**

The physical fitness test (PFT) for students in California schools is the FitnessGram®. The main goal of the test is to help students in starting lifelong habits of regular physical activity. Students in grades five, seven, and nine take the fitness test.

## **Advanced Placement (AP) Tests**

Students are encouraged to take the test for every AP class for which they are enrolled. The AP exam allows students to realistically determine their level of understanding of the content. Additionally, AP exams provide students valuable experience with testing in a college environment. While the school pays a portion for tests for some economically disadvantaged students, while able to do so, the school will cover this cost as long as possible to provide students with this valuable experience. Students who register for an AP test but do not take the test will be charged the cost incurred by the school, which would be \$47 or more per test.

## **CAL GRANT NOTICE**

NOVA Academy ECHS is required by state law to submit the GPA of all high school seniors by Oct. 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.

## **TEXTBOOKS**

High School Textbooks are issued free of charge to students. However, students are responsible for the care and return of these books. Students will be charged accordingly if books are lost, stolen or damaged beyond normal wear. Every student will sign a textbook authorization form accepting full responsibility for their textbooks. Please refer to COLLEGE PARTICIPATION EXPECTATIONS section in Student Handbook regarding College Textbooks.

## **VISITORS ON CAMPUS**

Visitors are not permitted on campus or at school activities without prior authorization and/or a specific purpose. All visitors (including alumni) must report to the office and sign in upon arrival. A Visitor's Badge must be worn in clear view if presence is approved by an administrator.

## **PARENT ESCORTS**

Parents are welcome to escort and accompany their children to school in order to encourage better attendance and behavior in class. Parents must provide 24 hour notice in order to escort students to school. Each student may have up to three parent escort days per school year.

## **WORK PERMIT APPLICATIONS**

Students interested in obtaining work-permit applications should request the necessary form from the Front Office.

## **YEARBOOK**

Yearbook sales will be announced throughout the year, and will be sold during registration and at other designated times.

## **CHROMEBOOK AND COMPUTER USE**

The purpose of Chromebook and computer use is for academic pursuits. Users have a right to expect a quiet, clean environment that is conducive to learning. These guidelines are intended to outline the responsibilities of Chromebook and computer use.

- No food or drinks are permitted where Chromebooks or computers are in use.

- Students may only use Chromebooks or computers when supervised by a staff member.
- NOVA Academy ECHS assumes no responsibility for any lost or stolen data including thumb drives.
- Downloading or installing programs on Chromebooks or computers is strictly prohibited. Any information saved or installed will be removed once the system is rebooted.
- **Users are responsible for saving documents on their own media.**
- Use of equipment to view or download materials may require the user to demonstrate the educational or research purpose for such use.

### **INTERNET/TECHNOLOGY POLICY**

NOVA Academy ECHS recognizes that local and wide area network services offer a wide variety of opportunities to further goals and objectives and, therefore, provides network access to its staff and students. Access to this vast resource of information is an opportunity requiring responsible use by each individual. As such, every NOVA Academy ECHS user should act in an ethical and legal manner consistent with NOVA Academy ECHS goals and objectives and should conform to appropriate use and network etiquette that includes being polite, using appropriate language, and respecting the privacy of others.

The local and wide area networks provided by NOVA Academy ECHS include networked computers in offices, schools and other facilities, and the Internet, which gives access to computers around the world. Opportunities provided by this network may include:

- Access to information from sites around the world
- Discussion groups on a wide variety of topics consistent with NOVA Academy ECHS goals and objectives.
- Research and distance learning
- Development of curriculum

Users of NOVA Academy ECHS network services should remember that the level of confidentiality of NOVA Academy ECHS computers may not be the same as that expected when using their own equipment or Internet services. E-mail files and other Internet records may be examined for educational and administrative purposes and to verify that acceptable-use guidelines are being followed.

NOVA Academy ECHS has taken reasonable steps to ensure that network use is only for activities that support NOVA Academy ECHS goals and objectives. Use of the NOVA Academy ECHS network or the Internet is a privilege which may be revoked at any time for inappropriate conduct.

### **ONLINE CONDUCT**

Inappropriate conduct includes, but is not limited to:

- Using the network for illegal activities, including unauthorized installation, use, storage, or distribution of copyrighted software or materials in violation of copyright laws.
- Using the network for personal financial or commercial purposes.
- Using the network for political activities.
- Accessing or distributing files that contain pornographic materials or obscene or harmful matter as defined in California Penal Code Section 313 (a).
- Unauthorized use of another individual's name or password or allowing another user access to your account or password.
- Providing another individual's e-mail address or other personal information.
- Violating privacy rights and/or accessing information of other individuals.
- Vandalizing, debilitating, or disabling equipment or data.
- Sending or exchanging messages that are inconsistent with NOVA Academy ECHS policies.

## ONLINE RESPONSIBILITY

As a user of the NOVA Academy ECHS wide area and local area networks, I agree to:

- Report any known misuse of the network to the responsible person.
- Use my network access in an acceptable manner, following all district rules and regulations regarding network use, including being polite, using appropriate language and respecting others' privacy.
- Use online time and other network resources efficiently.

Students who violate the *Network/Internet Acceptable Use Agreement*, misuse electronic resources, or violate state or federal laws may be subject to disciplinary action including loss of access privileges and/or legal action. We support the parent or guardian's right to authorize or decline Internet access for their student.

## CAMPUS LIFE

### ANNOUNCEMENTS

The announcements are read during the school day at NOVA Academy ECHS and are posted daily as well. Announcements contain important information for students, such as test dates, activities, changes of school policy, etc. Students who represent school organizations must submit items **at least one day** prior for inclusion in the announcements, with faculty sponsor approval.

### CLUBS

NOVA Academy ECHS offers opportunities for leadership, planning, and means of developing pride in one's accomplishments. New clubs must be approved by the Activities Director. All clubs must meet the following requirements:

- All clubs must be open to all members of the student body.
- All clubs must have a faculty advisor who will assume responsibility for the club. **The faculty advisor must be present during all club meetings and activities.** Club meetings and activities typically meet during the school day or immediately after school, unless special arrangements are approved by the administration.

### CLUB ELIGIBILITY

Co-curricular or extracurricular activities generally take place outside of classroom time. If a student is placed into LINK, they may not participate in any co-curricular or extracurricular activities outside of school hours until they are no longer mandated to attend LINK. Please refer to LINK section in the Student Handbook. Students may not miss LINK to attend any co-curricular/extracurricular activities.

Participation in clubs is a privilege, not a right. The Student Code of Conduct must be followed. The following are the general standards set by the school which must be followed in order for the student to participate in clubs.

1. Parents and athletes must sign and return an "information sheet" on concussions/head injuries and sudden cardiac arrest.
2. A physical and a medical doctor's clearance are required before there is any participation in any form of athletics, including clubs involving physical fitness activities. All physical information including the doctor's signature and doctor's office stamp must be an original copy. No copies or faxed copies will be accepted. The physical is valid one calendar year to the day. Physicals by Chiropractors are not accepted.

3. A student must have medical and hospital insurance before participating in any sport, or club involving physical fitness activities. This is required by state law. A front and back copy of your insurance card or a copy of your policy is required.
4. A student must demonstrate and maintain satisfactory citizenship without any school debt or truanacies.

All students who are a member of any club or sport must complete a transportation permission form for each specific event in which the student is participating.

### **DANCES & ACTIVITIES**

Dances and activities are held for the enjoyment of NOVA Academy ECHS students. Guests 21 years of age or older and 8<sup>th</sup> grade or younger are not permitted to attend NOVA Academy ECHS dances. You must be a current NOVA Academy ECHS student to purchase event tickets. The purchaser must bring a copy of his/her guest's current I.D. card and a thoroughly completed/signed guest permission slip in order to purchase a guest ticket. Guests must have a current photo I.D. from their school or a valid government issued I.D. (i.e. driver's license, state issued I.D. card) for admission.

**Students must be present for the entire school day in order to participate in school dances and activities.**

All event attendees must dress appropriately according to the school event dress code. No alcohol, tobacco, drugs, or paraphernalia are allowed. You may be searched upon entering. Please do not bring gum, rave items, canes, pens or pencils, wallet chains, lighters, electronic cigarettes, weapons, etc. All school rules are in effect.

Procedure for event ticket purchase:

1. If bringing a guest, the NOVA Academy ECHS student must obtain a guest permission slip from the Activities Director. It must be filled out by the student, signed by the guest, and signed by that student's and guest's parent/guardian as well as the guest's school administrator (unless no longer in high school). The completed guest permission slip must be returned to the Activities Director for approval. Once approved, the student may purchase tickets.
2. Approved guest permission slip (with a copy of guest I.D.).
3. Tickets may be purchased before school, after school, and during lunch ONLY. Cash and imprinted checks are accepted.
4. Event permission slips and information will be available on the NOVA Academy ECHS websites.

### **POSTERS/ADVERTISEMENTS**

Any student or group wishing to post or distribute notices or advertisements of any kind on school property must present them to the Activities Director for approval. Postings without approval will be removed and discarded.

### **STUDENT LEADERSHIP**

Student Leadership is the legislative and supervisory body of the Associated Student Body (ASB). It is composed of elected and appointed student officers with oversight by the Activities Director. ASB meets to plan and facilitate extracurricular activities and support all school related functions.

## **STUDENT LEADERSHIP ELECTIONS**

Election days will be announced in the daily announcements. Students running for office must meet NOVA Academy ECHS eligibility standards.

## **HEALTH**

### **HEARING SCREENING**

NOVA Academy ECHS shall adhere to Education Code Section 49450 *et seq.* as applicable to the grade levels served by NOVA Academy ECHS. A parent or guardian may file annually with the principal a statement in writing, signed by the parent or guardian, stating that the parent/guardian will not consent to a physical examination of his/her 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 NOVA Academy ECHS is satisfied that any contagious or infectious disease does not exist.

### **IMMUNIZATIONS**

All enrolled students who receive classroom-based instruction will be required to provide records documenting immunizations as is required at public schools pursuant to Health and Safety Code Sections 120325-120375, and Title 17, California Code of Regulations Sections 6000-6075. All rising 7<sup>th</sup> grade students must be immunized with a pertussis (whooping cough) vaccine booster.

### **MEDICATIONS**

1. NOVA Academy ECHS does not provide a school nurse. If a student is ill, it is the responsibility of the parent to seek medical assistance. In the event of an emergency, the school may contact an appropriate emergency professional for assistance. Only prescribed medication may be administered during class periods, if necessary.
2. ALL PRESCRIPTION and ALL NON-PRESCRIPTION MEDICATIONS (aspirin, topical ointments, etc.) must be brought to school in their original packaging, left in the front office and administered by designated school personnel. A student may carry and self-administer prescription auto-injectable epinephrine if NOVA Academy ECHS receives both a written statement from the physician and surgeon or physician assistant detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken, and confirming that the pupil is able to self-administer auto-injectable epinephrine, and a written statement from the parent, foster parent, or guardian of the pupil consenting to the self-administration, providing a release for the school nurse or designated school personnel to consult with the health care provider of the pupil regarding any questions that may arise with regard to the medication, and releasing NOVA Academy ECHS and school personnel from civil liability if the self-administering pupil suffers an adverse reaction as a result of self-administering medication.
3. Additionally, the trained personnel who have volunteered may use epinephrine auto-injectors to provide emergency medical aid to persons suffering, or reasonably believed to be suffering from, an anaphylactic reaction. NOVA Academy ECHS will ensure it has the appropriate type of epinephrine auto-injector on site (i.e., regular or junior) to meet the needs of its pupils. NOVA Academy ECHS will ensure staff properly store, maintain, and restock the epinephrine auto-injectors as needed. NOVA Academy ECHS will ensure any school personnel who volunteer are appropriately trained regarding the storage and emergency use of epinephrine auto-injectors based on the standards developed by the

Superintendent of Public Instruction. NOVA Academy ECHS will distribute an annual notice to all staff describing the request for volunteers who will be trained to administer an epinephrine auto-injector to a person if that person is suffering, or reasonably believed to be suffering from, anaphylaxis. The annual notice shall also describe the training the volunteer will receive.

4. A student may not take non-prescription medication by himself/herself.
5. A parent consent form with doctor's approval must be on file in the office for administering of ALL PRESCRIPTION and ALL NON-PRESCRIPTION MEDICATIONS. In order for a pupil to be assisted by the school nurse or other designated school personnel in administering medication other than emergency epinephrine auto-injectors, NOVA Academy ECHS shall obtain both a written statement from the physician and surgeon or physician assistant detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken and a written statement from the parent, foster parent, or guardian of the pupil indicating the desire that NOVA Academy ECHS assist the pupil in the matters set forth in the statement of the physician and surgeon or physician assistant.
6. The school assumes no liability for possible complications which may arise.
7. AT NO TIME is a student, or non-authorized faculty or staff member, permitted to provide or administer prescription or non-prescription medication to another student.
8. A student needing to leave the premises during the school day due to illness MUST first report to the office. Students may ONLY leave campus with an adult designated on their EMERGENCY INFORMATION/MEDICAL RELEASE form.

## **TYPE 2 DIABETES INFORMATION**

### **Description**

Type 2 diabetes is the most common form of diabetes in adults.

- Until a few years ago, type 2 diabetes was rare in children, but it is becoming more common, especially for overweight teens.
- According to the U.S. Centers for Disease Control and Prevention (CDC), one in three American children born after 2000 will develop type 2 diabetes in his or her lifetime.

Type 2 diabetes affects the way the body is able to use sugar (glucose) for energy.

- The body turns the carbohydrates in food into glucose, the basic fuel for the body's cells.
- The pancreas makes insulin, a hormone that moves glucose from the blood to the cells.
- In type 2 diabetes, the body's cells resist the effects of insulin, and blood glucose levels rise.
- Over time, glucose reaches dangerously high levels in the blood, which is called hyperglycemia.
- Hyperglycemia can lead to health problems like heart disease, blindness, and kidney failure.

### **Risk Factors Associated with Type 2 Diabetes**

It is recommended that students displaying or possibly experiencing the risk factors and warning signs associated with type 2 diabetes be screened (tested) for the disease.

### **Risk Factors**

Researchers do not completely understand why some people develop type 2 diabetes and others do not; however, the following risk factors are associated with an increased risk of type 2 diabetes in children:

- **Being overweight.** The single greatest risk factor for type 2 diabetes in children is excess weight. In the U.S., almost one out of every five children is overweight. The chances are more than double that an overweight child will develop diabetes.
- **Family history of diabetes.** Many affected children and youth have at least one parent with diabetes or have a significant family history of the disease.
- **Inactivity.** Being inactive further reduces the body's ability to respond to insulin.



- **Specific racial/ethnic groups.** Native Americans, African Americans, Hispanics/Latinos, or Asian/Pacific Islanders are more prone than other ethnic groups to develop type 2 diabetes.
- **Puberty.** Young people in puberty are more likely to develop type 2 diabetes than younger children, probably because of normal rises in hormone levels that can cause insulin resistance during this stage of rapid growth and physical development.

### **Warning Signs and Symptoms Associated with Type 2 Diabetes**

Warning signs and symptoms of type 2 diabetes in children develop slowly, and initially there may be no symptoms. However, not everyone with insulin resistance or type 2 diabetes develops these warning signs, and not everyone who has these symptoms necessarily has type 2 diabetes.

- Increased hunger, even after eating
- Unexplained weight loss
- Increased thirst, dry mouth, and frequent urination
- Feeling very tired
- Blurred vision
- Slow healing of sores or cuts
- Dark velvety or ridged patches of skin, especially on the back of the neck or under the arms
- Irregular periods, no periods, and/or excess facial and body hair growth in girls
- High blood pressure or abnormal blood fats levels

### **Type 2 Diabetes Prevention Methods and Treatments**

Healthy lifestyle choices can help prevent and treat type 2 diabetes. Even with a family history of diabetes, eating healthy foods in the correct amounts and exercising regularly can help children achieve or maintain a normal weight and normal blood glucose levels.

- **Eat healthy foods.** Make wise food choices. Eat foods low in fat and calories.
- **Get more physical activity.** Increase physical activity to at least 60 minutes every day.
- **Take medication.** If diet and exercise are not enough to control the disease, it may be necessary to treat type 2 diabetes with medication.

The first step in treating type 2 diabetes is to visit a doctor. A doctor can determine if a child is overweight based on the child's age, weight, and height. A doctor can also request tests of a child's blood glucose to see if the child has diabetes or pre-diabetes (a condition which may lead to type 2 diabetes).

### **Types of Diabetes Screening Tests That Are Available**

- **Glycated hemoglobin (A1C) test.** A blood test measures the average blood sugar level over two to three months. An A1C level of 6.5 percent or higher on two separate tests indicates diabetes.
- **Random (non-fasting) blood sugar test.** A blood sample is taken at a random time. A random blood sugar level of 200 milligrams per deciliter (mg/dL) or higher suggests diabetes. This test must be confirmed with a fasting blood glucose test.
- **Fasting blood sugar test.** A blood sample is taken after an overnight fast. A fasting blood sugar level less than 100 mg/dL is normal. A level of 100 to 125 mg/dL is considered pre-diabetes. A level of 126 mg/dL or higher on two separate tests indicates diabetes.
- **Oral glucose tolerance test.** A test measuring the fasting blood sugar level after an overnight fast with periodic testing for the next several hours after drinking a sugary liquid. A reading of more than 200 mg/dL after two hours indicates diabetes.

Type 2 diabetes in children is a preventable/treatable disease and the guidance provided in this information sheet is intended to raise awareness about this disease. Contact your student's school nurse, school administrator, or health care provider if you have questions.

## **STUDENTS**

### **DRIVING FOR STUDENTS**

Students who drive to school must have proof of valid driver's license and proof of insurance on file with the office prior to driving to school. Failure to provide proof of valid driver's license and insurance will result in consequences which may include notification to authorities of this violation.

For **NOVA Academy ECHS**, Student parking is located in a designated area. NOVA Academy ECHS campuses are closed and students may not access their vehicles during the course of the school day.

NOVA Academy ECHS is not responsible for any damage, loss or theft to vehicles parked on or around the campus. Additionally, students and others (including parents/guardians/friends/relatives) who cause damage to property or other vehicles on or around campus will be held responsible to pay for those damages.

### **IDENTIFICATION CARDS**

Students at the Santa Ana campus must carry their school-issued Identification (I.D.) Card to school each day. All students will have an opportunity to purchase a replacement I.D. card. Replacement I.D. cards can be obtained BY ARRANGEMENT ONLY, Monday - Friday, at the office for a fee of \$5. Student I.D. cards are required for the purchase of tickets for all school sponsored events, both on and off-campus (e.g., dances and skate nights), as well as admittance to these events. I.D. cards may also be required for other school programs/events.

### **PLANNERS**

**THIS IS MANDATORY FOR ALL STUDENTS.** Student planners will be provided for students during registration.

### **STUDENT BUSINESS**

The office is open for student business before school and after school. No student business may be conducted during class hours even if the student has a non-academic class, such as aide or P.E.

## **ATTENDANCE INFORMATION**

### **NON-ATTENDANCE**

Students will be dropped after the fifth day of non-attendance at the start of the school year without a valid excuse. A written notice will be sent to the student's parents indicating the date the student was dropped.

### **WHEN YOU ARE ABSENT**

A WRITTEN NOTE IS REQUIRED upon the student's return (within 48 hours) to school for school records. A student MUST present written verification upon return to school following an absence. Failure to clear an absence in the allotted time will result in an UNEXCUSED ABSENCE (also considered TRUANCY). Please refer to the PRACTICE POLICY Unexcused Absence: Late or Missing Assignments/Practice section of the Student Handbook.

Students absent for five or more consecutive days, including a portion of five consecutive days, will require a doctor's note to clear the absences. Students with ten or more partial or full-day absences will require a doctor's note to clear subsequent absences.

## **HOW TO CLEAR AN ABSENCE**

**WHEN A STUDENT IS ABSENT, A WRITTEN NOTE IS REQUIRED** upon the student's return to school. The office opens at 7:30 a.m. **STANDING IN LINE WILL NOT EXCUSE TARDINESS TO CLASS.** Absences must be cleared **within 48 hours** of the student's return to school.

## **ABSENCE CALLING SYSTEM**

To provide better communication with the parents, office staff will call home when a student is marked absent in one or more classes during the day. Parents who are aware of their student's absence **SHOULD CALL THE OFFICE**, and **MUST ALSO** send a note when their child returns to school.

## **WHEN YOU NEED TO LEAVE SCHOOL**

Students cannot leave campus at any time for any reason without parental consent. Leaving campus without authorization will result in work/study/service, even if a note is brought the next day.

- No student will be permitted to leave school unless parent/guardian or someone on the student's EMERGENCY INFORMATION/MEDICAL RELEASE form signs them out **IN PERSON OR OVER THE PHONE.**

## **WORK IN CASE OF EXTENDED ABSENCE**

Extended absences must be approved by the principal at least two weeks in advance. A great deal of time and effort is required to prepare homework assignments for students who are absent. For that reason, it is necessary that a 72 hour notice be given to teachers in order to prepare homework. Parents should contact the office to request homework for excused absences. If the duration of the illness will be lengthy (one week or more) parents should contact the principal.

## **UNEXCUSED TARDIES**

It is an expectation at NOVA Academy ECHS that students arrive to school and to each class period on time. This includes Family. The following consequences will be instituted for tardiness **per semester.**

**Tardy 5: Student is no longer eligible for the following semester's College Opportunity Program** if they have MORE THAN (5) FIVE UNEXCUSED TARDIES IN ALL CLASSES COMBINED, including Family, PER SEMESTER. Please refer to the COLLEGE OPPORTUNITY PROGRAM ELIGIBILITY section of the Student Handbook.

**Tardy 10:** Parent/Student meeting with Administrator; Attendance Contract. **SARB process begins if tardies are to the first class period of the day.**

**NOTE:** A STUDENT TARDY TO ANY CLASS IN EXCESS OF THIRTY (30) MINUTES IS CONSIDERED TRUANT TO THAT CLASS.

## **ABSENCES AND TRUANCIES**

### **Excused Absences**

A student absent from school under **excused** reason enumerated under **California Education Code 48205** shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefore. The teacher of any class from which a pupil is absent shall determine the tests and assignments that will be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the student missed during the absence.

**Excused absences** are enumerated under **California Education Code 48205**, and include the following reasons:

- Due to his or her verified illness.
- Due to quarantine under the direction of a county or city health officer.
- For the purpose of having medical, dental, optometric, or chiropractic services rendered.
- For the purpose of attending the funeral services of a member of his or her immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.
- For the purpose of jury duty.
- Due to the illness or medical appointment during school hours of a child of whom the student is the custodial parent.
- For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, or when the student's absence has been requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.
- For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.
- For the purpose of spending time with a member of the pupil's immediate family, who is an active duty member of the uniformed services, and has been called to duty for, is on leave from, or has immediately returned from, deployment in a combat zone or combat support position.

### **EXCESSIVE EXCUSED ABSENCES**

Education Code Section 60901[c][1] defines students with excessive excused absences as a *Chronic Absentee*. A Chronic Absentee is a student who is absent 10 or more days per semester (includes both excused and unexcused absences/tardies) or 10% or more total days based on total days students are enrolled in the school year.

### **UNEXCUSED ABSENCES**

Unexcused absences are:

- Family vacations / reunions
- Religious retreats that exceed four (4) school hours
- Theme Park excursions
- Non school-related sports events / competitions
- Cruises, trips to the river, Mexico, beach trips, etc.
- Acting, movie, or commercial shoots
- Theme camps (i.e. cheer camp, dance camp, baseball camp, etc.)
- Other activities not enumerated under California Education Code Section 48205 that are deemed unexcused by the principal or a designated representative pursuant to uniform standards established by the governing board.

### **TRUANCIES**

Pursuant to State Law (Education Code 48200 et. Seq., Penal Code 272) all students, age 6-18 years old, are required to attend school. Parents and/or students may be prosecuted for failure to follow this law. Education Code Section 48260 states that any pupil subject to full-time education who is absent from school without valid excuse more than **three days** or tardy in **excess of 30 minutes** on each of more than three days in one school year is a truant and shall be reported to the principal or designee. Possible consequences for 3 or more truancies may include referral of the student to the District Attorney who may assess fines and impose other consequences on the parent/guardian or student such as incarceration, restriction of driving privileges, probation, and the imposition of Community Service. **Any absence that has not been verified by a parent note within 48 hours of student's return will automatically be converted to an unexcused absence.**

**NOTE: A STUDENT HAVING AN UNEXCUSED TARDY TO ANY CLASS IN EXCESS OF THIRTY (30) MINUTES IS TRUANT TO THAT CLASS. \*\*STUDENTS WHO ARRIVE TRUANT TO SCHOOL ARE SUBJECT TO WORK/STUDY/SERVICE AT THE DISCRETION OF ADMINISTRATION.\*\***

**If a student accumulates unexcused absences as outlined above, or is considered a Chronic Absentee, the student will be subject to the following, legally mandated attendance program:**

### **STUDENT ATTENDANCE REVIEW BOARD PROCESS**

#### **First Notification of Student Truancy**

Sent after 3rd Unexcused Absence or Tardy for more than 30 minutes, 10 Excessive Excused Absences OR Tardy (less than 30 minutes) on 10 or more days per semester or 10% or more total absences (including truancies) based on total days students are enrolled in the school year.

Upon a pupil's initial classification as a truant, the school district shall notify the pupil's parent/guardian, by first-class mail or other reasonable means (including electronic mail or phone call), of the following (Education Code Section 48260.5):

1. That the pupil is truant.
2. That the parent/guardian is obligated to compel the attendance of the pupil at school.
3. That parents/guardians who fail to meet this obligation may be guilty of an infraction (or a misdemeanor) and subject to prosecution under Education Code Section 48293 (or Penal Code Sections 270.1 and 272).
4. That alternative educational programs are available in the district.
5. That the parent(s) or guardian(s) has the right to meet with appropriate school personnel to discuss solutions to the pupil's truancy.
6. That the pupil may be subject to prosecution under Education Code Section 48264.
7. That the student may be subject to suspension, restriction, or delay of his/her driving privilege pursuant to Vehicle Code Section 13202.7.
8. That it is recommended that the parent or guardian accompany the pupil to school and attend classes with the pupil for one day.

#### **Second Notification of Student Truancy**

If the unexcused absences or tardies/excessive excused absences or tardies continue after the first letter has been sent, a second letter will be sent after the **sixth (6th)** Unexcused Absence or Tardy or continued Chronic Absenteeism notifying parent/guardian that a school meeting has been scheduled for the parent and pupil to discuss attendance with school officials.

#### **Third Notification - Declaration of Habitual Truant-**

##### **\*\*Required Meeting with District Attorney\*\***

Sent on next (7th) Unexcused Absence or Tardy for more than 30 minutes or excessive absences or tardies.

**If Unexcused Absences/Tardies, Excessive Excused Absences and/or Tardies continue after meeting with District Attorney, student and family are referred to SARB:**

*Education Code 48262:*

- Administration schedules a SARB hearing.
- Administration issues a directive requesting the family to attend a SARB hearing.
- **SARB hearing is to determine if school is the best choice for student and/or whether case should be referred to District Attorney for further action.**
- **If parent or guardian fails to attend the SARB hearing:**
  - **An attempt will made during meeting to contact parent/guardian to encourage attendance.**
  - **A police resource officer or other designee can provide transportation to the meeting for parent/guardian.**
  - **If the above fails, the SARB hearing will continue in the absence of parent/guardian.**
  - **A SARB contract will be prepared and will be reviewed with parent/guardian by administration either at home or school.**

***IF YOU HAVE QUESTIONS, PLEASE CALL THE SCHOOL OFFICE.***

## **STUDENT SUCCESS TEAM**

In an effort to support the positive actions of the vast majority of students, NOVA Academy ECHS School administrators and teachers are committed to assisting and working with the student(s) and parent(s) as needed to help build strategies for student success. This goal is often accomplished with the assistance of a student success team, which is a compilation of administrators, teachers, counseling department personnel, parents, and students.

### **What is the Student Success Team (SST)?**

The Student Success Team is a group of people at the school who utilize a problem-solving approach to an attempt to help students to be more successful in school, at home, and in the community. The philosophy of SST is based on the belief that the school, home and community need to work together to assist the student with obstacles to his/her success in school. The Student Success Team is a group of people at the school who utilize a problem-solving approach in an attempt to help students to be more successful in school, at home, and in the community. The SST often includes the family, classroom teacher, school counselor and Administrator. Others may be asked to attend if it is believed they may assist the student in moving forward with their academic or behavioral progress.

### **What Makes an SST Meeting Necessary?**

A student should be considered for an SST meeting when there are significant concerns about a student, be they related to education, emotional issues, social adjustment, retention, chronic truancy, tardies etc.

An SST meeting should also be considered when it is seen as useful to bring the significant people in the life of the student together for discussion and planning. Students can be referred directly by their parent/guardian, the counseling office, or by their classroom teachers.

The SST is also responsible to look at those students who may be referred for formal assessment and consideration for Special Education services.

## **CODE OF CONDUCT & DISCIPLINARY PROCEDURES**

NOVA Academy ECHS establish policies, procedures and guidelines to promote an environment reflective of the school's mission, purpose, and core values. The governance of the school will provide the structure, support, and order necessary for students to develop their talents and skills to the best of their ability. Students are able to achieve more and grow when clear and consistent policies and guidelines are established. Our goal at NOVA Academy ECHS is to help each student become a productive and effective citizen in our society. We

know the vast majority of students will work toward this goal by respecting the rights of others, respecting personal and school property, and by practicing acceptable patterns of behavior and courtesy. The guidelines and expectations that are found in this handbook are in effect on school grounds, off campus during school hours, at school sponsored functions, or while traveling to or from school activities.

### **WORK/STUDY/SERVICE**

Administrators, teachers or staff may assign Work/Study/Service to any student before school, during lunch or after school if they believe such assignment may have a positive effect on the student's behavior or achievement. An approximate twenty-four (24) hour notice will be given to students who are requested to serve either before or after school.

Work/Study/Service is assigned as a result of irresponsible and/or inappropriate behaviors including, but not limited to, truancies, tardies, dress code violations, or electronics violations.

### **DRESS CODE (while on/off campus for school sponsored activities)**

**It is the responsibility of the parent to see that their student leaves home properly dressed for school and school sponsored activities.**

- No see-through or fishnet fabrics, backless clothing, tube tops, low cut or plunging necklines, revealing tops and/or bare midriffs.
- No spaghetti straps, halter tops, strapless tops, torn or ragged tops or shirts with only the top button fastened.
- **No blankets**
- All pants or shorts must be worn at the hip or above. **Clothing must completely cover all undergarments.** Sagging is not permitted under any circumstances.
- Tights and leggings must be covered by another article of clothing (i.e. shorts, skirts, dresses, etc.).
- Shorts or skirts must be as long as your fingertips when your arms are fully extended at your side. This length requirement includes when shorts or skirts are worn over tights. Undergarments cannot be visible in any way. Revealing shorts, skirts, or dresses are also prohibited.
- No wearing of hoods on campus.
- Illegal/Obscene – Any apparel, jewelry, accessory or inscription on personal belongings which could be construed as depicting or promoting the illegal, the obscene, or are sexually suggestive are not allowed. Specifically those which depict or promote alcohol, drugs, tobacco, and/or obscenities are prohibited.
- Offensive – Apparel, jewelry, accessories, manner of grooming, and inscriptions on personal belongings, including backpacks and book covers, that are sexually suggestive, or by virtue of color, arrangement, trademark, universal meaning or any other attributes, express or advocate racial, ethnic, or religious prejudice are not allowed.
- Jewelry/Accessories – Spiked jewelry, chains, and other dangerous apparel are prohibited.
- Shoes – To protect your safety, shoes must be worn at all times. No Flip Flops or slippers.
- Hats, bandanas, beanies, berets, and hairnets (except when serving food) may not be worn except as authorized by an administrator. All headwear needs to be packed away out of sight or checked in the front office before school starts. This applies to males and females. Religious headwear is permitted.
- No pajama attire allowed unless part of a school activity.

If students come dressed inappropriately, parent/guardian will be notified of student dress code violation. Alternative clothing will be provided by NOVA Academy ECHS for the student to wear for the remainder of

the day. **These borrowed clothes MUST BE RETURNED ON THE SAME DAY THEY WERE BORROWED. Non-returned clothing will result in corresponding charge not to exceed the replacement value. Outstanding charges will result in exclusion from school activities, events, and receiving transcripts.**

The Administrative Staff will make final interpretation of the Dress Code and personal grooming. These standards apply to all students when they are on campus **or at any school-sponsored activity.**

### **DRESS CODE VIOLATIONS**

**First offense (of the school year):** Student will be given appropriate clothing to wear for the remainder of the day and parent/guardian is notified of violation. Any resultant tardy or truancy will be dealt with accordingly.

**Second offense:** Student will be given appropriate clothing to wear for the remainder of the day. Any resultant tardy or truancy will be dealt with accordingly. In addition, the student is assigned 1 hour Work/Study/Service and parents are contacted.

**Third offense:** Student will be given appropriate clothing to wear for the remainder of the day. Any resultant tardy or truancy will be dealt with accordingly. In addition, the student is assigned 2 hours Work/Study/Service and a parent conference is requested.

**Further offense(s):** Students who accumulate more than 3 Dress Code offenses in the school year will be subject to further Disciplinary action as determined by the administration.

### **CELL PHONES/ELECTRONICS**

Cell phones and/or other electronic devices can be in your possession and at school under the following conditions:

1. You may use your cell phone and/or other electronic devices on campus during non-instructional time. At all other times, phones must be turned off.
2. All cell phones and/or other electronic devices and accessories (**including, but not limited to, ear buds, headphones, blue tooth devices**) **must be turned off and stored out of sight or they will be confiscated by a teacher or administrator.**
3. Cell phone/electronic use during class is not permitted unless directed by teacher or staff for instructional/educational purposes only.

The school is not liable for cell phones or electronics brought to school that are lost/misplaced/stolen.

### **CELL PHONE & ELECTRONIC DEVICE VIOLATIONS (per school year)**

**Incident 1:** Warning

**Incident 2:** Teacher confiscation, return at the end of the period.

**Incident 3:** Teacher confiscation, phone given to front office, student pick up at the end of the day.

**Incident 4:** Teacher confiscation, phone given to front office, parent pick up. Further consequences if necessary.

**NOTE:** Failure to hand over a phone/electronic device when asked by school personnel will be considered in defiance. Except as specified above, electronics may only be picked up before school or after school by a parent/guardian only.



## **HALL PASSES**

Students must have a hall pass when not in a classroom during instructional time. Students who are detained for any reason should request a note to avoid being marked tardy in the following class. Students without a hall pass may be assigned to work/study.

## **OUT OF BOUNDS, ON CAMPUS - NOVA ACADEMY ECHS**

There are areas on the campus at NOVA ACADEMY ECHS that are deemed “OUT OF BOUNDS” during school hours.

**Incident 1:** 30 minutes Work/Study/Service, parent contact

**Incident 2:** 1 hour Work/Study/Service, parent contact

**Incident 3:** 90 minutes Work/Study/Service, parent contact

**Incident 4:** Possible out of school suspension, parent contact, Behavior Contract

**Incident 5:** Possible out of school suspension or other disciplinary action

## **SHARPIES**

Sharpies are not permitted on campus.

**Incident 1:** Confiscation and return to parent.

**Incident 2:** 60 minutes Work/Study/Service, parent contact.

**Incident 3:** 90 minutes Work/Study/Service, parent contact.

## **SUSPENSION AND EXPULSION PROCEDURES**

No student shall be involuntarily removed by NOVA 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 (5) schooldays before the effective date of the action. The written notice shall be in the native language of the student or the student’s parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student’s educational rights holder, and shall inform him or her of the right to initiate the procedures specified in this policy for expulsions, before the effective date of the action. If the student’s parent, guardian, or educational rights holder initiates the procedures specified in this policy for expulsions, the student shall remain enrolled and shall not be removed until NOVA issues a final decision. As used in this Charter, “involuntarily removed” includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions or expulsions pursuant to the suspension and expulsion procedures described below.

Notwithstanding the legally required notice in the preceding paragraph, compliance with the procedures set forth in this section of the Charter shall be the only process for the Charter School to involuntarily remove, dismiss, or otherwise exclude a student who attends the Charter School from further attendance at the Charter School for any reason, including but not limited to, disciplinary, attendance, and academic causes.

Students expelled from any school for the offense listed in Education Code Section 48915(a) or 48915(c) shall not be permitted to enroll in NOVA during the period of their expulsion.

This Pupil Suspension and Expulsion Policy has been established in order to promote learning and protect the safety and well being of all students at the Charter School. In creating this policy, the Charter School has reviewed Education Code Section 48900 *et seq.* which describes the noncharter schools’ list of offenses and procedures to establish its list of offenses and procedures for suspensions and expulsions. The language that follows closely mirrors the language of Education Code Section 48900 *et seq.* The Charter School is committed to annual review of policies and procedures surrounding suspensions and expulsions and, as necessary, modification of the lists of offenses for which students are subject to suspension or expulsion, though revisions to the causes or procedures for suspension or expulsion beyond those necessary to comport with current laws as

applicable to charter schools or to reflect changes in Education Code Section 48900 *et seq.* shall constitute a material revision to the Charter.

When the Policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. This policy shall serve as the Charter School's policy and procedures for student suspension and expulsion. Charter School staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This Policy and its Procedures will be printed and distributed as part of the Student Handbook and will clearly describe discipline expectations. Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of or willfully causing the infliction of physical pain on a student. For purposes of the 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.

The Charter School administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline policies and procedures. The notice shall state that this Policy and Procedures are available on request at the Chief Executive Officer's office.

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

#### **A. 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.

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

1. Discretionary Suspension Offenses. Students may be suspended for any of the following acts when it is determined the pupil:

- a) Caused, attempted to cause, or threatened to cause physical injury to another person.
- b) Willfully used force of violence upon the person of another, except self-defense.
- c) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.

- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property.
- g) Stole or attempted to steal school property or private property.
- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
  - i. Except as provided in Education Code Section 48910, a pupil enrolled in kindergarten or any of grades 1 to 3, inclusive, shall not be suspended, and no pupil shall be expelled, for any of the acts enumerated in this subdivision.
- l) Knowingly received stolen school property or private property.
- m) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.
- o) Harassed, threatened, or intimidated a 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.
- p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- q) Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, “hazing” does not include athletic events or school-sanctioned events.
- r) Made terroristic threats against school officials and/or school property. For purposes of this section, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family’s safety, or for the protection of school property, or the personal property of the person threatened or his or her immediate family.
- s) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual’s academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.

- t) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- u) Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting instruction, creating substantial disorder and invading student rights by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- v) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
  - 1) “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including acts 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:
    - 1. 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 his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student’s or those students’ person or property.
    - 2. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
    - 3. Causing a reasonable student to experience substantial interference with his or her academic performance.
    - 4. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
  - 2) “Electronic Act” means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
    - i. A message, text, sound, video, or image.
    - ii. A post on a social network Internet Web site including, but not limited to:
      - (a) Posting to or creating a burn page. A “burn page” means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
      - (b) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (1) above. “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
      - (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
    - iii. An act of cyber sexual bullying.
      - (a) For purposes of this clause, “cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as

described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.

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

3) Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

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

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

- a) Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Chief Executive Officer or designee’s concurrence.

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

- a) Caused, attempted to cause, or threatened to cause physical injury to another person.
- b) Willfully used force of violence upon the person of another, except self-defense.
- c) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property.
- g) Stole or attempted to steal school property or private property.
- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.

- k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
- l) Knowingly received stolen school property or private property.
- m) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.
- o) Harassed, threatened, or intimidated a 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.
- p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- q) Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, “hazing” does not include athletic events or school-sanctioned events.
- r) Made terroristic threats against school officials and/or school property. For purposes of this section, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family’s safety, or for the protection of school property, or the personal property of the person threatened or his or her immediate family.
- s) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual’s academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- t) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- u) Intentionally harassed, threatened or intimidated 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 student rights by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- v) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act
  - 1) “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including acts 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:

1. 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 his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
  2. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
  3. Causing a reasonable student to experience substantial interference with his or her academic performance.
  4. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
- 2) "Electronic Act" means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
- i. A message, text, sound, video, or image.
  - ii. A post on a social network Internet Web site including, but not limited to:
    - (a) Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
    - (b) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (1) above. "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
    - (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
  - iii. An act of cyber sexual bullying.
    - (a) For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
    - (b) For purposes of this clause, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
- 3) Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
- w) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion,

except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (3)(a)-(b).

- x) Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Chief Executive Officer or designee's concurrence.

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

- a) Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Chief Executive Officer or designee's concurrence.

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 dangerous 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 pupil shall be provided due process rights of notice and a hearing as required in this policy.

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

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

### **C. Suspension Procedure**

Suspensions shall be initiated according to the following procedures:

#### **1. Conference**

Suspension shall be preceded, if possible, by a conference conducted by the principal or the principal's designee with the student and his or her parent/guardian and, whenever practical, the teacher, supervisor or Charter School employee who referred the student.

The conference may be omitted if the principal or designee determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or Charter School 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 pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense in accordance with Education Code Section 47605(b)(5)(J)(i). This conference shall be held within two (2) school days, unless the pupil waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with Charter School officials. Reinstatement



of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference.

## 2. Notice to Parents/Guardians

At the time of the suspension, an administrator or designee shall make a reasonable effort to contact the parent/guardian by 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 committed by the student. In addition, the notice may also state the date and time when the student may return to school. If Charter School officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent/guardian respond to such requests without delay.

## 3. Suspension Time Limits/Recommendation for Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension. Upon a recommendation of Expulsion by the principal or principal's designee, the pupil and the pupil's parent/guardian or representative will be invited to a conference to determine if the suspension for the pupil should be extended pending an expulsion hearing. In such instances when the Charter School has determined a suspension period shall be extended, such extension shall be made only after a conference is held with the pupil or the pupil's parents, unless the pupil and the pupil's parents fail to attend the conference, and written notice of the decision to extend the suspension and the rationale for such extension shall be provided to the parent/guardian, including the charges against the student and the student's basic rights.

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

For suspensions and all other expulsions for disciplinary reasons, the Charter School shall: provide timely, written notice of the charges against the student and an explanation of the student's basic rights; and provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the student has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the student has the right to bring legal counsel or an advocate, in accordance with Education Code Section 47605(b)(5)(J)(ii).

## **D. Authority to Expel**

A student may be expelled either by the Charter School Board following a hearing before it or by the Charter School Board upon the recommendation of an Administrative Panel to be assigned by the Board as needed. The Administrative Panel should consist of at least three members who are certificated and neither a teacher of the pupil or a member of the Charter School's Board of Directors. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense.

## **E. Expulsion Procedures**

No student shall be involuntarily removed by the Charter School for any reason unless the parent or guardian of the student has been provided written notice of intent to remove the student no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the student or the student's parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder, and shall inform him or her of the right to initiate the procedures specified above for suspensions longer than 10 days, before the effective date of the action. If the student's parent, guardian, or educational rights holder initiates the procedures specified above for suspensions longer than 10 days, the

student shall remain enrolled and shall not be removed until the Charter School issues a final decision. As used herein, “involuntarily removed” includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions pursuant to the suspension procedures described above.

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 and principal or designee determines that the pupil has committed an expellable offense.

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

Written notice of the hearing shall be forwarded to the 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 pupil. 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.

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

The Charter School 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 Charter School or the hearing officer. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the pupil.

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

hearing room.

4. The entity conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.

5. The entity conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.

6. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the entity presiding over the hearing from removing a support person whom the presiding entity finds is disrupting the hearing. The entity conducting the hearing may permit any one of the support persons for the complaining witness to accompany him or her to the witness stand.

7. If one or both of the support persons is also a witness, the Charter School must present evidence that the witness' presence is both desired by the witness and will be helpful to the Charter School. 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 his or her discretion to remove a person from the hearing whom he or she believes is prompting, swaying, or influencing the witness.

8. The testimony of the support person shall be presented before the testimony of the complaining witness and the complaining witness shall be excluded from the courtroom during that testimony.

9. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in public at the request of the pupil being expelled, the complaining witness shall have the right to have his/her testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are 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.

10. Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the person conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstance can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

### **G. Record of Hearing**

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

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

While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as

proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A recommendation by the Administrative Panel to expel must be supported by substantial evidence that the 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 pupil, the hearing is held at a public meeting, and the charge is committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public.

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

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

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

The Chief Executive Officer or designee, following a decision of the Board to expel, shall send written notice of the decision to expel, including the Board's adopted findings of fact, to the student or 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 the Charter School.

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

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

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

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

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

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

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

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

Students who are expelled from the Charter School shall be given a rehabilitation plan upon expulsion as developed by the Board at the time of the expulsion order, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date

not later than one year from the date of expulsion when the pupil may reapply to the Charter School for readmission.

## **N. Readmission**

The decision to readmit a pupil or to admit a previously expelled pupil from another school district or charter school shall be in the sole discretion of the Board following a meeting with the Chief Executive Officer or designee and the pupil and parent/guardian or representative to determine whether the pupil has successfully completed the rehabilitation plan and to determine whether the pupil poses a threat to others or will be disruptive to the school environment. The Chief Executive Officer or designee shall make a recommendation to the Board following the meeting regarding his or her determination. The Board shall then make a final decision regarding readmission during the closed session of a public meeting, reporting out any action taken during closed session consistent with the requirements of the Brown Act. The pupil's readmission is also contingent upon the Charter School's capacity at the time the student seeks readmission.

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

### **1. Notification of District**

The Charter School shall immediately notify the District and coordinate the procedures in this policy with the District of the discipline of any student with a disability or student who the Charter School or District would be deemed to have knowledge that the student had a disability.

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

Students suspended for more than ten (10) school days in a school year shall continue to receive services so as to enable the 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 ten (10) school days of a recommendation for expulsion or any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the Charter School, the parent, and relevant members of the IEP/504 Team shall review all relevant information in the student's file, including the child's IEP/504 Plan, any teacher observations, and any relevant information provided by the parents to determine:

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

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

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

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

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or the Charter 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 U.S.C. Section 1415(k) until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, unless the parent and the Charter School agree otherwise.

#### 5. Special Circumstances

Charter School 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 Chief Executive Officer 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 IDEIA and who has violated the Charter School's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the Charter School had knowledge that the student was disabled before the behavior occurred.

The Charter School 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 Charter 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 has requested an evaluation of the child.
- c) The child's teacher, or other Charter 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 Charter School supervisory personnel.

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

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

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

## **UPDATED POLICIES**

### **EDUCATION OF ENGLISH LANGUAGE LEARNERS POLICY**

The California Department of Education has set forth goals for all English Learner ("EL") students in the state of California. Those goals are to:

- Ensure that English learners acquire full proficiency in English as rapidly and effectively as possible and attain parity with native speakers of English.
- Ensure that English learners, within a reasonable period of time, achieve the same rigorous grade-level academic standards that are expected of all students.

The Board of Directors of NOVA Academy, a California nonprofit public benefit corporation operating public charter schools shares these goals has adopted this policy to achieve these goals.

### **Legal Requirements**

NOVA Academy will meet all applicable legal requirements for English Learners ("EL") as it pertains to annual notification to parents, student identification, placement, program options, EL and core content instruction,

teacher qualifications and training, re-classification to fluent English proficient status, monitoring and evaluating program effectiveness, and standardized testing requirement. NOVA Academy will implement policies to assure proper placement, evaluation, and communication regarding ELs and the rights of students and parents.

NOVA Academy's EL program shall be based on sound instructional theory, use standards-aligned instructional materials, and effectively assist students in accessing the full educational program.

NOVA Academy shall not deny an EL student enrollment or discriminate against an EL student due to his or her EL status, immigration status or national origin.

### **Identification and Placement**

Upon enrollment at NOVA Academy, each student's primary language shall be determined through a home language survey on enrollment forms. Within 30 days of initial enrollment, students who have been identified as having a primary language other than English from the home language survey are assessed for English proficiency.

Before a student is enrolled in an EL program, the parent/guardian shall receive information about the program and the opportunities for parent involvement, including the right to be involved in their child's education and be active participants in assisting their child to obtain English proficiency, achieve at high levels within a well-rounded education, and meet the challenging State academic standards expected of all students. This information shall include the fact that the student's participation in the program is voluntary on the part of the parent/guardian and that the school shall hold regular meetings with parents/guardians to formulate and respond to the recommendations of EL parents/guardians.

The notice and information required to be provided to parents/guardians under this Policy shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents/guardians can understand.

If 15 percent or more of the pupils enrolled in the specific NOVA Academy charter school speak a single primary language other than English, as determined from the census data submitted in the preceding year, all notices, reports, statements, or records sent to the parent or guardian of any such pupil by NOVA Academy shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language.

### **English Language Proficiency Assessment**

All students who indicate that their primary language is other than English will be tested with the English Language Proficiency Assessments for California ("ELPAC"). The ELPAC has four proficiency levels (Level 4: well developed; Level 3: moderately developed; Level 2: somewhat developed; and Level 1: minimally developed) and is aligned with the 2012 California ELD Standards.

The ELPAC shall be administered in accordance with test publisher instructions, and variations and accommodations in test administration may be provided to EL students. Any student with a disability who is identified as EL shall be allowed to take the assessment with those accommodations for testing that the student has regularly used during instruction and classroom assessment as delineated in the student's individualized education program (IEP) or Section 504 plan. If the student is unable to participate in the assessment or a portion of the assessment even with such accommodations, an alternate assessment for English language proficiency shall be administered to the student as set forth in his/her IEP.



NOVA Academy shall maintain a record of each eligible student’s most recent participation in an administration of the ELPAC. This record shall include the following information for each eligible pupil:

- ELPAC administered (specify initial or summative);
- Student’s name;
- Student’s grade;
- Date on which the administration of the ELPAC test was completed; and
- ELPAC test results.

If an EL student transfers from NOVA Academy, the student’s record of results shall be transferred by within ten (10) calendar days from the date of a request from the receiving local educational agency where the student subsequently enrolls.

The ELPAC consists of two separate assessments:

- Initial Assessment (“IA”)

The ELPAC IA is used to identify students as either an English Learner, or as fluent in English. The IA is administered only once during a student’s time in the California public school system based upon the results of the home language survey. The locally scored IA will be the official score. The IA is given to students in grades K–12 whose primary language is not English to determine their English proficiency status.

- Summative Assessment (“SA”)

ELs will take the SA every year until they are reclassified as fluent English proficient. The ELPAC SA is only given to students who have previously been identified as an EL based upon the IA results, in order to measure how well they are progressing with English development in each of the four domains. The results are used as one of four criteria to determine if the student is ready to be reclassified as fluent English proficient, to help inform proper educational placement, and to report progress for accountability.

Both the ELPAC SA and IA are paper–pencil assessments administered in seven grade spans—K, 1, 2, 3–5, 6–8, 9–10, and 11–12. In kindergarten and grade 1, all domains are administered individually. In grades 2–12, the test is administered in groups, exclusive of speaking, which is administered individually.

Testing times will vary depending upon the grade level, domain, and individual student. Both the ELPAC IA and SA are given in two separate testing windows through the school year.

The IA testing window will be year-round (July 1–June 30). Any student whose primary language is other than English as determined by the home language survey and who has not previously been identified as an English Learner by a California public school or for whom there is no record of results from an administration of an English language proficiency test, shall be assessed for English language proficiency within 30 calendar days after the date of first enrollment in a California public school, or within 60 calendar days before the date of first enrollment, but not before July 1 of that school year.

The testing window will be a four-month window after January 1 (February 1–May 31). The English language proficiency of all currently enrolled English Learners shall be assessed by administering the test during the annual assessment window.

The NOVA Academy charter school in which the student is enrolled will notify all parents of its responsibility for ELPAC testing and of ELPAC results within thirty days of receiving results from publisher. The ELPAC shall be used to fulfill the requirements under ESSA for annual English proficiency testing.

### **Reclassification Procedures**

Reclassification procedures utilize multiple criteria in determining whether to classify a pupil as *proficient* in English including, but not limited to, all of the following:

- Assessment of language proficiency using an objective assessment instrument including, but not limited to, the ELPAC;
- Teacher evaluation, including, but not limited to, a review of the student’s curriculum mastery;
- Parent opinion and consultation, achieved through notice to parents or guardians of the language reclassification and placement including a description of the reclassification process and the parents’ opportunity to participate, and encouragement of the participation of parents or guardians in the reclassification procedure including seeking their opinion and consultation during the reclassification process; and
- Comparison of student performance in basic skills against an empirically established range of performance in basic skills based on the performance of English proficient students of the same age that demonstrate to others that the student is sufficiently proficient in English to participate effectively in a curriculum designed for pupils of the same age whose native language is English.

### **Strategies for English Learners**

The programs, materials, and strategies to be developed, implemented, and administered by NOVA Academy charter schools may include the following:

- English Learners who have less than adequate development will receive designated instruction in English Language Development and/or Critical Reading courses.
- English Learners who have reasonable fluency in English (designated Intermediate) will receive daily instruction based on their language proficiency needs and grade level instruction in the core content areas.
- Supplemental materials will be used to provide supplemental services to EL students and their intervention programs.
- Teachers will develop interventions for ELs who are not making adequate progress.
- NOVA Academy will provide on-going professional development in the area of ELD instruction.
- The EL student shall be given instruction in conversational English and in academic language.
- All of the teachers at NOVA Academy shall have had Specially Designed Academic Instruction in English (“SDAIE”) strategies incorporated into their teacher training program.
- Teachers will coordinate EL testing and provide input on student placement within the curriculum.

Promoting parental and community participation in EL programs will be accomplished through any or all of the following:

- Parents will be informed of how the program will specifically help their student learn English taught by qualified teachers who are providing research- based instruction.
- Parents will be encouraged to participate in the academic achievement of their student through written and oral communications which have been translated into Spanish. Translation into other languages can be accomplished through the use bilingual office staff and outside vendors.
- Interpreters will be available at most parent meetings and conferences, including ones discussing their student’s identification, placement, progress, and exit criteria.

- Parents will receive support strategies to assist their student at home.
- Spanish speaking individuals will make phone calls to parents, when available.

### **Monitoring and Evaluation of Program Effectiveness**

NOVA Academy evaluates the effectiveness of its education program for ELs by:

- Adhering to NOVA Academy’s adopted academic benchmarks by language proficiency level and years in program to determine annual progress.
- Monitoring of teacher qualifications and the use of appropriate instructional strategies based on program design.
- Monitoring of student identification and placement.
- Monitoring parental program choice options.
- Monitoring of availability of adequate resources.

### **English Learner Advisory Committee (“ELAC”)**

When there are 21 or more English Learners at NOVA Academy, an ELAC, consisting of parents/guardians, shall be established and maintained to serve the advisory functions specified by law. Parents/guardians of English Learners shall constitute committee membership in at least the same percentage as their children represent the total number of pupils in the specific NOVA Academy charter school.

The ELAC has 4 legal responsibilities that is the focus of their work. The ELAC must advise the Charter School and staff on the following:

- Development or revision of a master plan for English Learner education for the Charter School.
- Development of the Charter School’s needs assessment.
- Administration of the Charter School’s annual language census.
- Ways to make parents aware of the importance of regular school attendance.

## **EDUCATIONAL RECORDS AND STUDENT INFORMATION POLICY**

The Board of Directors of NOVA Academy, a California nonprofit public benefit corporation operating public charter schools, adopts this Educational Records and Student Information Policy to apply to all educational records and student information maintained by NOVA Academy.

### **I. DEFINITIONS**

#### **1. 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 that is maintained by NOVA Academy or by a party acting for NOVA Academy. Such information includes, but is not limited to:

- a. Date and place of birth; parent and/or guardian’s address, mother's maiden name and emergency contact information;

- b. Grades, test scores, courses taken, academic specializations and school activities;
- c. Special education records;
- d. Disciplinary records;
- e. Medical and health records;
- f. Attendance records and records of past schools attended;
- g. 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:

- a. Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute;
- b. In the case of a person who is employed by NOVA Academy but who is not in attendance at such agency or institution, 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 use for any other purpose;
- c. 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 his or her 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 NOVA Academy;
- d. Records that only contain information about an individual after he or she is no longer a student at NOVA Academy; or
- e. Grades on peer-graded papers before they are collected and recorded by a teacher.

## 2. Personally Identifiable Information

Personally identifiable information is information about a student that is contained in his or her education records that cannot be disclosed without compliance with the requirements of FERPA. Personally identifiable information includes, but is not limited to: a student's name; the name of a student's parent 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 whom NOVA Academy reasonably believes knows the identity of the student to whom the education record relates.

### 3. Directory Information

NOVA Academy may disclose the personally identifiable information that it has designated as directory information, consistent with the terms of NOVA Academy's annual notice provided pursuant to the Family Educational Rights and Privacy Act of 2001 (20 U.S.C. § 1232g) ("FERPA"). NOVA Academy has designated the following information as directory information:

- Student's name
- Student's address
- Parent/guardian's address
- Telephone listing
- Student's electronic mail address
- Parent/guardian's electronic mail address
- Photograph
- Date and place of birth
- Dates of attendance
- Grade level
- Weight and height of members of athletic teams
- Degrees, honors, and awards received
- The most recent educational agency or institution attended
- 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.)

### 4. 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.

### 5. Eligible Student

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

### 6. School Official

A school official is a person employed by NOVA Academy 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 NOVA Academy. A school official also may include a volunteer or an independent contractor outside of NOVA Academy who performs an institutional service or function for which NOVA Academy would otherwise use its own employees and who is under the direct control of NOVA Academy with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; 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 his or her tasks.

7. Legitimate Educational Interest

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

II. DISCLOSURE OF DIRECTORY INFORMATION

At the beginning of each year, NOVA Academy 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 request that NOVA Academy not release "directory information" without obtaining prior written consent from parent or eligible student; and 3) The period of time within which a parent or eligible student may notify NOVA Academy in writing of the categories of "directory information" that it may not disclose without the parent or eligible student's prior written consent.

III. ANNUAL NOTIFICATION TO PARENTS AND ELIGIBLE STUDENTS

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

1. Inspect and review the student's education records;
2. 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;
3. 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;
4. File with the U.S. Department of Education a complaint concerning alleged failures by NOVA Academy to comply with the requirements of FERPA and its promulgated regulations; and
5. Request that NOVA Academy 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:

1. The procedure for exercising the right to inspect and review educational records;
2. The procedure for requesting amendment of records;
3. A statement that NOVA Academy forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll;
4. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

#### IV. PARENTAL AND ELIGIBLE STUDENT RIGHTS RELATING TO EDUCATION 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 Chief Executive Officer. Within five (5) business days, NOVA Academy shall comply with the request.

##### 1. Copies of Education Records

NOVA Academy will provide copies of requested documents within five (5) business days of a written request for copies. NOVA Academy may charge reasonable fees for copies it provides to parents or eligible students. The charge will not include a fee to search for or to retrieve the education records.

##### 2. Request for Amendment to Education Records

Following the inspection and review of a student's education record, a parent or eligible student may file a written request with the Chief Executive Officer to correct or remove any information in the student's education record that is any of the following:

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

NOVA Academy will respond within thirty (30) days of the receipt of the request to amend. NOVA Academy's response will be in writing and if the request for amendment is denied, NOVA Academy will set forth the reason for the denial and inform the parent or eligible student of his or her right to a hearing challenging the content of the education record.

If the Chief Executive Officer sustains any or all of the allegations, he or she must order the correction or the removal and destruction of the information. The Chief Executive Officer or Chief Executive Officer's designee must then inform the parent or eligible student of the amendment in writing. However, the Chief Executive Officer shall not order a pupil's grade to be changed, unless the teacher who determined the grade is, to the extent practicable, given an opportunity to state orally, in writing, or both, the reasons for which the grade was given and is, to the extent practicable, included in all discussions relating to the changing of the grade.

##### 3. Hearing to Challenge Education Record

If NOVA Academy denies a parent or eligible student's request to amend an education record, the parent or eligible student may request in writing that he/she be given the opportunity for a

hearing to challenge the content of the student's education records on the grounds that the information contained in the education records is inaccurate, misleading or in violation of the privacy rights of the student.

The Chief Executive Officer or the Board Chair 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 pupil's records to the members of the panel convened. The hearing panel shall consist of the following persons:

- 1) The Chief Executive Officer of a public school other than the public school at which the record is on file;
- 2) A certificated employee; and
- 3) 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 NOVA Academy to the parent or eligible student no later than twenty (20) days before the hearing. The hearing will be conducted by the Chief Executive Officer or his/her 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 his/her own expense, be assisted or represented by one or more individuals of his/her choice, including an attorney. The decision of the Chief Executive Officer or his/her designee will be based solely on the evidence presented at the hearing and is final. Within thirty (30) days after the conclusion of the hearing, NOVA Academy'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, NOVA Academy 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, NOVA Academy 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 he/she disagrees with the decision of NOVA Academy, or both. If NOVA Academy 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.

## V. DISCLOSURE OF EDUCATION RECORDS AND DIRECTORY INFORMATION

NOVA Academy 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. 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.

NOVA Academy 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. NOVA Academy must maintain the appropriate records related to these disclosure exceptions, as described below. Except for disclosures pursuant to a judicial order, warrant or lawfully issued subpoena, or directory information or to parents or eligible students, NOVA Academy 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 NOVA Academy will not release information to third parties for immigration-enforcement purposes, except as required by law or court order.

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

1. School employees who have a legitimate educational interest as defined by 34 C.F.R. Part 99;
2. 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. NOVA Academy will make a reasonable attempt to notify the parent or eligible student of the request for records at his/her last known address, unless the disclosure is initiated by the parent or eligible student. Additionally, NOVA Academy 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;
3. Certain government officials listed in 20 U.S.C. § 1232g(b)(1) in order to carry out lawful functions;
4. 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;
5. Organizations conducting certain studies for NOVA Academy in accordance with 20 U.S.C. § 1232g(b)(1)(F);
6. Accrediting organizations in order to carry out their accrediting functions;
7. Parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1986;
8. 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;

9. Persons who need to know in cases of health and safety emergencies;
10. State and local authorities, within a juvenile justice system, pursuant to specific State law;
11. 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 pupil'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 nonrelated extended family member, or a resource family, may access the current or most recent records of grades, transcripts, attendance, discipline, and online communication on platforms established by NOVA Academy for student and parents, and any individualized education program ("IEP") or Section 504 plan that may have been developed or maintained by NOVA Academy.
12. 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 NOVA Academy with respect to that alleged crime or offense. NOVA Academy may disclose the final results of the disciplinary proceeding, regardless of whether NOVA Academy concluded a violation was committed.

## VI. RECORD KEEPING REQUIREMENTS

NOVA Academy 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 NOVA Academy 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 NOVA Academy 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 and eligible students, NOVA Academy 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, NOVA Academy 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 NOVA Academy.

Student cumulative records may not be removed from the premises of NOVA Academy, unless the individual removing the record has a legitimate educational interest, and is authorized by the Chief Executive Officer, or by a majority of a quorum of the Board of Directors at a duly agendaized meeting. Employees who remove student cumulative records or other student records from NOVA Academy premises without a legitimate educational interest and authorization may be subject to discipline. 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.)

## VII. COMPLAINTS

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

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202-5920

### **POLICY, PROCEDURES, AND PARENT RIGHTS REGARDING IDENTIFICATION, EVALUATION AND EDUCATION UNDER SECTION 504**

#### **SECTION 504 POLICY**

The Board of Directors of NOVA Academy, a California nonprofit public benefit corporation operating public charter schools, recognizes the need to identify and evaluate students with disabilities in order to provide them with a free, appropriate public education and its legal responsibility to ensure that “no qualified person with a disability shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” This policy and the related administrative regulation has been developed to ensure the implementation of Section 504 of the Rehabilitation Act of 1973 (“Section 504”), and its implementing regulations as amended, which pertains to public schools. The intent is to ensure that all students with disabilities, who are eligible under Section 504, are identified and evaluated and have access to a free, appropriate public education (“FAPE”).

Under Section 504, individuals with physical or mental impairments that substantially limit one or more major life activities, including learning, are entitled to receive regular or special education and/or related aids and services designed to meet their individual needs as adequately as the needs of nondisabled students are met. Major Life Activities include functions such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working, as well as the operation of a major bodily functions, including functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. Students may be disabled and entitled to services under Section 504 even though they are not eligible for services pursuant to the Individuals with Disabilities in Education Act Improvement Act of 2004 (“IDEA”).

The Chief Executive Officer or designee shall ensure that this policy and set of procedures is implemented and followed. Whenever there is reason to believe that, because of a disability, a student needs regular or special education and/or related aids and services (and the student has not been found eligible under IDEA) that student will be evaluated under this policy’s corresponding procedures.

A Section 504 Team will be convened to determine the student’s need for regular or special education and/or related aids and services. The 504 Team will include persons knowledgeable about the Section 504 standards, the student’s individual needs and school history, the meaning of evaluation data, and placement options. The student’s parent/guardian shall be invited to participate in this 504 Team and shall receive notice of procedural safeguards guaranteed by law. If NOVA Academy does not assess a student after a parent has requested an

assessment, the School shall provide notice of the parent's/guardian's procedural safeguards. NOVA Academy shall not retaliate in any way against parents/guardians or students who exercise any rights under the procedural safeguards and/or Section 504.

If the student, due to disability, is found to require regular or special education and/or related aids and services under Section 504, the Section 504 Team shall develop a 504 plan for the provision of such services to the student. The student shall be educated with nondisabled students to the maximum extent appropriate to the student's individual needs. The student's parent/guardian shall be provided a copy of the 504 plan and shall receive notice of procedural safeguards guaranteed by law. NOVA Academy shall periodically review the student's progress and placement.

NOVA Academy will implement this policy through its corresponding procedures.

## SECTION 504 PROCEDURES

### A. Definitions

1. **Academic Setting** – the regular, educational environment operated by NOVA Academy.
2. **Individual with a Disability under Section 504** – An individual who:
  - a. has a physical or mental impairment that substantially limits one or more major life activities;
  - b. has a record of such an impairment; or
  - c. is regarded as having such an impairment.
3. **Evaluation** – procedures used to determine whether a student has a disability as defined within these Procedures, and the nature and extent of the services that the student needs. The term means procedures used selectively with an individual student and does not include basic tests administered to, or procedures used with, all students in a school, grade or class.
4. **504 Plan** – is a plan developed to identify and document the student's needs for regular or special education and related aids and services for participation in educational programs, activities, and school-sponsored events.
5. **Free Appropriate Public Education (“FAPE”)** – the provision of regular or special education and related aids and services that are designed to meet the individual needs of persons with disabilities as adequately as the needs of persons without disabilities are met.
6. **Major Life Activities** - Functions such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. This list is not exclusive, and an activity or function not specifically listed in the Section 504 regulatory provision can nonetheless be a major life activity.

7. **Physical or Mental Impairment** –

- a. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory; including speech organs; cardiovascular; reproductive; digestive; genitor-urinary; hemic and lymphatic; skin; and endocrine; or
- b. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

8. **504 Coordinator (Coachella Campus)** – The school’s counselor, Sonia Felix, shall serve as the Charter School’s 504 Coordinator. The parents or guardians may request a Section 504 due process hearing from, or direct any questions or concerns to the Section 504 Coordinator at 760-398-9806.

**504 Coordinator (Santa Ana Campus)** – The school’s counselor, Melissa Mier, shall serve as the Charter School’s 504 Coordinator. The parents or guardians may request a Section 504 due process hearing from, or direct any questions or concerns to the Section 504 Coordinator at 714-569-0948.

9. **Has a record of such an impairment** - means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

10. **Is regarded as having an impairment** - means

- a. An individual meets the requirement of 'being regarded as having such an impairment' if the individual establishes that he or she has been subjected to an action prohibited under this Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.
- b. Being regarded as having an impairment shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

B. Referral, Assessment and Evaluation Procedures

1. NOVA Academy will evaluate any student who, because of disability, needs or is believed to need regular or special education and/or related aids and services.
2. A student may be referred by anyone, including a parent/guardian, teacher, other school employee or community agency, for consideration as to whether the student qualifies as a student with disabilities under Section 504. Requests for evaluation shall be made in writing, and a copy of said request will remain in the student’s file regardless of the final determination. This referral should be made to the Section 504 Coordinator who will convene a 504 Team. Any requests made to another Charter School employee will be forwarded to the Section 504 Coordinator.
3. It is important that students who are or may be disabled are referred to the Section 504 Coordinator so that the assessment process is initiated.
4. The 504 Team convened by the Section 504 Coordinator will be composed of the student’s parents/guardians and other persons knowledgeable about the student (such as the student’s

regular education teachers), the student's school history, the student's individual needs (such as a person knowledgeable about the student's disabling condition), the meaning of evaluation data, the options for placement and services, and the legal requirements for least restrictive environment and comparable facilities.

5. The 504 Team shall promptly consider the referral and determine what assessments are needed in all suspected areas of disability to evaluate whether the student is a student with a disability under Section 504 and what special needs the student may have. The decision regarding what assessments shall be undertaken shall be based on a review of the student's school records (including academic, social and behavioral records), any relevant medical records, and the student's needs. Students requiring assessment shall be provided appropriate assessments administered by qualified assessment specialists.
6. The 504 Team will consider the following information in its evaluation of the student:
  - a. Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel;
  - b. Tests and other evaluation materials including those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and
  - c. Tests are selected and administered so as to best ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure.)
7. The evaluation of the student must be sufficient for the 504 Team to accurately and completely describe: (a) the nature and extent of the disabilities; (b) the student's special needs; (c) the impact upon the student's education; and (d) what regular or special education and/or related aids and services are appropriate to ensure that the student receives a free appropriate public education. All significant factors relating to the learning process for that student, including adaptive behavior and cultural and language background, must be considered. The evaluation may include, but is not limited to, classroom and playground observation, performance-based testing, academic assessment information, and data offered by the student's teachers and parent/guardian.
8. The parents/guardians shall be given an opportunity in advance of 504 Team meetings to examine assessment results and all other relevant records.
9. If a request for evaluation is denied, the 504 Team shall inform the parents/guardians in writing of this decision and of their procedural rights as described below.

#### C. 504 Plan

1. When a student is identified as disabled within the meaning of Section 504, the 504 Team shall determine what, if any, services are needed to ensure that the student receives a free, appropriate public education ("FAPE").

2. The 504 Team responsible for making the placement decision shall include the parents/guardians and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.
3. For each identified disabled student, the 504 Team will develop a 504 Plan describing the student's disability and the regular or special education and/or related aids and services needed. The Plan will specify how the special education and/or related aids and services will be provided to the disabled student and by whom. The 504 Plan will also identify the person responsible for ensuring that all the components of the Plan are implemented.
4. The student's teacher and any other staff who are to provide services to the student or who are to make modifications in the classroom for the student shall be informed of the services or modifications necessary for the student and, if appropriate, provided a copy of the 504 Plan. A copy of this plan shall be kept in the student's cumulative file in a manner that limits access to those persons involved in the 504 process and/or the provision of services and modifications.
5. The disabled student shall be placed in the regular education environment unless it is demonstrated that the student's needs cannot be met in the regular education environment with supplementary aids and services. The disabled student shall be educated with students who are not disabled to the maximum extent appropriate to his/her individual needs.
6. The referral, assessment, evaluation and placement process will be completed within a reasonable time. It is generally not reasonable to exceed fifty (50) school days in completing this process.
7. The parents/guardians shall be notified in writing of the final decision concerning the student's identification as a person with disabilities, the educational program and services to be provided, if any, and of the Section 504 procedural safeguards, as described below, including the right to an impartial hearing to challenge the decision.
8. If the 504 Team determines that the student is disabled but that no special services are necessary for the student, the 504 Plan shall reflect the identification of the student as a disabled person under Section 504 and shall state the basis for the decision that no special services are presently needed.
9. The 504 Plan shall include a schedule for annual review of the student's needs, and indicate that this review may occur more frequently at the request of the parent/guardian or school staff.
10. NOVA Academy shall immediately implement a student's prior 504 Plan, when a student enrolls at the Charter School. Within thirty (30) days of starting school, NOVA Academy shall schedule a 504 Team meeting to review the existing 504 Plan. NOVA Academy shall request a copy of the prior 504 plan from both the prior school and the parent/guardian.

#### D. Review of the Student's Progress

1. The 504 Team shall monitor the progress of the disabled student and the effectiveness of the student's 504 Plan. According to the review schedule set out in the student's 504 Plan, the 504 Team shall annually determine whether the services and modifications are appropriate.
2. A reevaluation of the student's needs shall be conducted before any subsequent significant change in placement.

#### E. Procedural Safeguards

1. Parents/guardians shall be notified in writing of all decisions regarding the identification, evaluation or educational placement of students with disabilities or suspected disabilities. Notifications shall include a statement of their rights to:

- Examine relevant records
  - Have an impartial hearing with an opportunity for participation by the parents/guardians and their counsel
  - Have the right to file a Uniform Complaint pursuant to school policy
  - Seek review in federal court if the parents/guardians disagree with the hearing decision.
2. Notifications shall also set forth the procedures for requesting an impartial hearing. Requests shall be made to the following:

Sonia Felix, 504 Coordinator (Coachella campus)  
 Phone: 760-398-9806  
 E-mail: [Sonia-Felix@NOVA-Academy.org](mailto:Sonia-Felix@NOVA-Academy.org)

Melissa Mier, 504 Coordinator (Santa Ana campus)  
 Phone: 714-569-0948  
 E-mail: [Melissa-Mier@NOVA-Academy.org](mailto:Melissa-Mier@NOVA-Academy.org)

Notifications shall also advise that reimbursement for attorney's fees is available only as authorized by law.

3. The Section 504 Coordinator shall maintain a list of entities that can provide a list of impartial hearing officers who are qualified and willing to conduct Section 504 hearings. To ensure impartiality, such officers shall not be employed by or under contract in any capacity other than that of hearing officer with NOVA Academy, NOVA Academy's authorizers (Santa Ana Unified School District and Coachella Valley Unified School District), or the respective County Offices of Education for the authorizers (Orange and Riverside counties), and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.
4. If a parent/guardian disagrees with the identification, evaluation or educational placement of a student with disabilities under Section 504, he/she may request a hearing to initiate due process procedures. The parent/guardian shall set forth in writing his/her request for a hearing. A request for hearing should include:
- The specific decision or action with which the parent/guardian disagrees.
  - The changes to the 504 Plan the parent/guardian seeks.
  - Any other information the parent/guardian believes is pertinent.
5. Within five (5) calendar days of receiving the parent/guardian's request for a hearing, NOVA Academy may offer the parent/guardian an optional alternative dispute resolution process. However, the timeline for the hearing shall remain in effect unless it is extended by mutual written agreement of the parent/guardian and the Charter School. Alternative dispute resolution options include:



- Mediation by a neutral third party.
  - Review of the 504 Plan by the Chief Executive Officer or designee.
6. Within ten (10) calendar days of receiving the parent/guardian's request, the Section 504 Coordinator or designee shall select an impartial hearing officer. These 10 days may be extended for good cause or by mutual agreement of the parent/guardian and Section 504 Coordinator.
  7. Within thirty-five (35) calendar days of the selection of the hearing officer, the due process hearing shall be conducted. These thirty-five (35) days may be extended for good cause or by mutual agreement of the parent/guardian and Section 504 Coordinator or designee.
  8. The parent/guardian and the Charter School shall be afforded the rights to:
    - Be accompanied and advised by counsel and by individuals with special knowledge or training related to the individual needs of students who are qualified as disabled under Section 504.
    - Present written and oral evidence.
    - Question and cross-examine witnesses.
    - Receive written findings by the hearing officer.
  9. The hearing officer shall issue a written decision within ten (10) calendar days of the hearing.
  10. If desired, either party may seek a review of the hearing officer's decision by a federal court. The decision shall be implemented unless the decision is stayed, modified or overturned by a court.
  11. NOVA Academy shall not retaliate in any way against parents/guardians or students who exercise any rights under the procedural safeguards and/or Section 504.

F. **Suspension and Expulsion, Special Procedures for Students with Disabilities**

NOVA Academy shall follow the suspension and expulsion policy and procedures as set forth in the charter. A pupil who is qualified for services under Section 504 of the Rehabilitation Act of 1973 is subject to the same grounds for disciplinary action, including suspension and expulsion, and is accorded the same due process procedures applicable to regular education pupils except when federal and state law mandates additional or different procedures. NOVA Academy will follow Section 504 and all applicable federal and state laws when imposing any form of discipline on a pupil identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such pupils. The following procedures shall be followed when a student with a disability is considered for suspension or expulsion. These procedures will be updated if there is a change in the law.

1. Services During Suspension

Students suspended for more than ten (10) school days in a school year shall continue to receive services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's 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.

## 2. Procedural Safeguards/Manifestation Determination

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

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

If NOVA Academy, the parent, and relevant members of the 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 NOVA Academy, the parent, and relevant members of the 504 Team make the determination that the conduct was a manifestation of the child's disability, the 504 Team shall:

- a. Conduct a functional behavioral assessment and implement a behavioral intervention plan for such child, provided that NOVA Academy 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 NOVA Academy agree to a change of placement as part of the modification of the behavioral intervention plan.

If NOVA Academy, the parent, and relevant members of the 504 team determine that the behavior was not a manifestation of the student's disability and that the conduct in question was not a result of the failure to implement the 504 Plan, then NOVA Academy 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.

## 3. Appeals

The parent of a child with a disability under a 504 Plan who disagrees with any decision regarding placement, or the manifestation determination, or NOVA Academy believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request to utilize the appeal process outlined in the Procedural Safeguards section of these Procedures.

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or NOVA Academy, the hearing officer shall determine whether the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, whichever occurs first, unless the parent and NOVA Academy agree otherwise.

4. Special Circumstances

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

- a. Carries or possesses a weapon, as defined in 18 U.S.C. § 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. § 1415(k)(7)(D), upon a person while at school, on school premises, or at a school function.

5. Interim Alternative Educational Setting

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

6. Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been identified as an individual with disabilities pursuant to the IDEA and who has violated NOVA Academy's disciplinary procedures may assert the procedural safeguards granted under these Procedures only if NOVA Academy had knowledge that the student was disabled before the behavior occurred.

NOVA Academy 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 NOVA Academy 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 has requested an evaluation of the child.
- c. The child's teacher, or other NOVA Academy personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the Principal or to other NOVA Academy supervisory personnel.

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

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

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

### **PARENT/STUDENT RIGHTS IN IDENTIFICATION, EVALUATION, ACCOMMODATION AND PLACEMENT**

(Section 504 of the Rehabilitation Act of 1973)

The following is a description of the rights granted by federal law to students with disabilities. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions. Please keep this explanation for future reference.

You have the right to:

1. Have your child take part in and receive benefits from public education programs without discrimination because of his/her disabling condition.
2. Have NOVA Academy advise you of your rights under federal law.
3. Receive notice with respect to Section 504 identification, evaluation and/or placement of your child.
4. Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have NOVA Academy make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
5. Have your child educated in facilities and receive services comparable to those provided to non-disabled students.
6. Have your child receive special education and related services if he/she is found to be eligible under

the Individuals with Disabilities Education Improvement Act (IDEA).

7. Have an evaluation, educational recommendation, and placement decision developed by a team of persons who are knowledgeable of the student, the assessment data, and any placement options. This includes the right to an evaluation before the initial placement of the student and before any subsequent significant change in placement.
8. Have your child be given an equal opportunity to participate in non-academic and extracurricular activities offered by NOVA Academy.
9. Examine all relevant records relating to decisions regarding your child's Section 504 identification, evaluation, educational program, and placement.
10. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
11. Obtain a response from NOVA Academy to reasonable requests for explanations and interpretations of your child's records.
12. Request an amendment of your child's educational records if there is reasonable cause to believe they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If NOVA Academy refuses this request for amendment, the School shall notify you within a reasonable time and advise you of your right to an impartial hearing.
13. Request mediation or file a grievance in accordance with NOVA Academy Section 504 mediation grievance and hearing procedures, outline above.
14. Request an impartial hearing regarding the Section 504 identification, evaluation, or placement of your child. You and the student may take part in the hearing and have an attorney represent you.
15. File a formal complaint pursuant to NOVA Academy's Uniform Complaint Policy and Procedures. Please ask the Principal for a copy of the School's Uniform Complaint Policy and Procedures if you need one.
16. File a formal complaint with the U.S. Department of Education.

Office for Civil Rights, U.S. Department of Education  
San Francisco Office  
50 United Nations Plaza  
Mail Box 1200, Room 1545  
San Francisco, CA 94102  
(415) 486-5555 PHONE  
(415) 486-5570 FAX  
Email: [OCR.SanFrancisco@ed.gov](mailto:OCR.SanFrancisco@ed.gov)

17. Be free from any retaliation from NOVA Academy for exercising any of these rights.

For the Coachella campus, please contact Sonia Felix, 504 Coordinator, c/o NOVA Academy 52780 Frederick Street Coachella, CA 92236 (760) 398-9806 with any questions regarding the information contained herein.

For the Santa Ana campus, please contact Melissa Mier, 504 Coordinator, c/o NOVA Academy 500 West Santa Ana Blvd, Santa Ana, CA 92701 (714) 569-0948 with any questions regarding the information contained herein.

## **SCHOOL ACCESS RESTRICTION AND REMOVAL POLICY**

NOVA Academy encourages parents/guardians and interested members of the community to visit NOVA Academy and view the educational program. To ensure the safety of students and staff as well as to minimize interruption of the instructional program, NOVA Academy has established procedures to facilitate visits during regular school days.

### **PROCEDURES**

1. Visits during school hours should first be arranged with the teacher and/or administrator or designee in advance. If a conference is desired, an appointment should be set with the teacher during non-instructional time in advance. Parents seeking to visit a classroom during school hours must first obtain the approval of the classroom teacher and the administrator or designee.
2. All visitors shall register with the front office immediately upon entering any school building or grounds during regular school hours. When registering, the visitor is required to provide his/her name, address, age (if under 21), his/her purpose for entering school grounds, and when requested, proof of identity. For purposes of school safety and security, an administrator or designee shall design a visible means of identification of visitors.
3. 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. NOVA Academy shall make reasonable efforts to notify parents or guardians prior to permitting a student to be interviewed or searched, consistent with the law and/or any court order, warrant or instructions from the officer/official. A copy of the documentation provided by the officer and notes from the encounter may be maintained by NOVA Academy, consistent with the law. The NOVA Academy Governing Board and Bureau of Children's Justice in the California Department of Justice, at [BCJ@doj.ca.gov](mailto:BCJ@doj.ca.gov), will be timely informed regarding any attempt by a law-enforcement officer to access a school site or a student for immigration-enforcement purposes, as recommended by the Attorney General

For purposes of school safety and security, the administrator or designee may design a visible means of identification for visitors while on school premises.

4. No electronic listening or recording device may be used by students or visitors in a classroom without the teacher's and administrator's written permission.
5. In order to insulate staff from interruptions of vendors and/or organizations during any free time in the school day, vendors are precluded from accessing the campus during the school day with the exception of valid appointments pursuant to this policy. Appointments with vendors and/or organizations may only be made during the lunch hours of the staff member. When entering school grounds, all representatives associated with the vendor and/or organization must follow the registration process as described in this policy. Representatives of vendors/organizations may not approach, solicit, or otherwise disturb any staff members while on campus.
6. An administrator or designee may refuse to register a visitor if it is believed that the presence of the visitor would cause a threat of disruption or physical injury to teachers, other employees, or students.
7. An administrator or designee may withdraw consent to be on campus even if the visitor has a right to be on campus whenever there is reason to believe that the person has willfully disrupted or is likely to disrupt the school's orderly operation. If consent is withdrawn by someone other than the Principal, the Principal may reinstate consent for the visitor if the Principal believes that the person's presence will not constitute a disruption

or substantial and material threat to the school's orderly operation. Consent cannot be withdrawn for more than 14 days.

8. An administrator or designee may request that a visitor who has failed to register, or whose registration privileges have been denied or revoked, promptly leave school grounds. When a visitor is directed to leave, the administrator or designee shall inform the visitor that if he/she reenters the school without following the posted requirements he/she will be guilty of a misdemeanor.
9. An administrator or designee shall seek the assistance of the police in dealing with or reporting any visitor in violation of this policy.

## PENALTIES

1. If a visitor does not leave after being asked or if the visitor returns without following the posted requirements to contact the Administrative Offices of the campus after being directed to leave, pursuant to California Penal Code (Section 626.7), he/she will be guilty of a crime which is punishable by a fine of up to \$500.00 or imprisonment in the County jail for a period of up to six (6) months or both.
2. Under California Education Code section 44811, disruption by a parent, guardian or other person at a school or school sponsored activity is punishable, upon the first conviction by a fine or no less than \$500.00 (five hundred dollars) and no more than \$1,000.00 (one thousand dollars) or by imprisonment in a County jail for no more than one (1) year, or both the fine and imprisonment.

Additionally, further conduct of this nature by the visitor may lead to NOVA Academy's pursuit of a restraining order against such visitor which would prohibit him/her from coming onto school grounds or attending NOVA Academy activities for any purpose for a period of three (3) years.

## SCHOOL SPONSORED/NON-SPONSORED FIELD TRIPS (REVISED)

NOVA Academy Early College High School ("NOVA Academy" or the "Charter School") and The Board of Directors ("Board") believes that co-curricular and extracurricular experiences can be a positive factor in motivating students and enriching their learning experience. These procedures establish minimum standards for planning and conducting school-sponsored co-curricular and extracurricular activities and provide guidance on how to identify and manage activities that are not school sponsored.

The Board further directs that these activities be planned and carried out with safety as a priority and in a manner consistent with NOVA Academy's need to minimize legal liability and financial cost.

### **I. School-Sponsored Trips**

- a. Any school approved educational activity involving the transport of pupils from the school campus while under the direct supervision of NOVA Academy's personnel is defined as a school-sponsored trip. A school-sponsored field trip must have both school approval and be under the direct supervision of NOVA Academy personnel.
- b. Any other excursion, trip, tour, cruise, or other venture involving school age youngsters that is *not* school approved or is *not* under the direct supervision of school personnel is *not* a NOVA Academy/school-sponsored trip. NOVA Academy assumes no responsibility or liability for any such activities that are *not* school-sponsored as defined in item "a" above. Additionally, no excursion, trip, tour, cruise, or other venture not specifically approved in advance by the school will be promoted as a school activity. Only when those requests for school-sponsored trips are consistent

with applicable laws, regulations and NOVA Academy/school-sponsored trip policies, will they be considered for school approval.

- c. NOVA Academy may charge a fee for trips pursuant to section 35330 of the Education Code. However, NOVA Academy will endeavor to keep the costs of any trips affordable for all students' families. In addition, parents or guardians of students may help defray trip costs through voluntary donations. In no event will a student be prevented from participating in a trip due to lack of sufficient funds. In accordance with Education Code section 35330(b), NOVA Academy will coordinate the efforts of community service groups (including parents or guardians of other students) to supply funds for students in need.
- d. All school-sponsored trips must meet the following criteria and procedural safeguards:
  1. The trip is consistent with NOVA Academy educational goals.
  2. The trip will provide the students with unique experiences that are not available in a classroom setting.
  3. The learning opportunities for pupils justify the time and expense in planning and conducting the trip.
  4. The trip does not unduly distract from the students' regular classroom responsibilities.
  5. The trip is planned and coordinated by employees of the school.
  6. The trip will not expose NOVA Academy to an unreasonable degree of liability, and proper and adequate supervision of students shall be undertaken.
  7. The trip follows pre-established minimum standards for safety and appropriate conduct. Minimum standards shall be developed and updated and will be made available through the NOVA Academy corporate office.
  8. All persons making the school-sponsored trip shall be deemed to have waived all claims against NOVA Academy and the State of California for injury, accident, illness, or death occurring during or by reason of the school-sponsored trip. All parents or guardians volunteering to chaperone trips are required to sign a waiver of all claims against NOVA Academy, its employees, and the State of California for injury, accident, illness or death occurring during or by reason of the field trip or excursion.
  9. All persons driving a 10-passenger van, including the driver, for the purpose of any school-sponsored or non-sponsored trip shall be required to possess a valid Class B driver's license.
  10. Parents shall be required to sign a trip permission form and include all medical needs of the student on the form, prior to the student being allowed to participate in the trip. (*See Section E. "Forms" below for further specific guidance.*)
  11. School personnel are responsible for the supervision of parent volunteers during the course of any field trip or excursion. Appropriate behavior by these volunteers is the responsibility of the school employees who have planned and supervise the trip.
  12. Students on approved, sponsored trips are under the jurisdiction of the Board and subject to school rules and regulations.
  13. While conducting school-sponsored trips, the teacher, employee or agent of NOVA Academy shall have the school's first aid kit in his/her possession or immediately available.
  14. Chaperones shall be assigned a prescribed group of students and shall be responsible for the continuous monitoring of these students' activities.
  15. Non-staff adult chaperones on overnight or out-of-county trips shall be fingerprinted and cleared prior to the trip.
  16. Adequate restroom facilities, food, and water must be available during the trip.
- e. School-sponsored trip approval process:



1. Staff planning a school-sponsored trip shall make the request in writing to the administrator at least four (4) weeks prior to the date of the trip. No distribution of materials or fund-raising activities may be conducted prior to receiving the administrator's permission.
2. The administrator shall approve or disapprove the request and notify the teacher. If the trip is disapproved, the administrator should state the reasons.
3. Signed parent/guardian permission forms must be on file prior to the scheduled activity or trip.
4. While inclusion is highly favored, there may be a situation when administrators must use their discretion to exclude a student from a trip when that student's presence and participation would pose a safety or disciplinary risk.
5. Prior approval by the Board is required for all overnight trips or out of county trips.
6. Use of private transportation for transporting students shall be allowed only after all of the following conditions are met.
  - a) A liability insurance form must be completed by each driver and submitted to the administrator for approval.
  - b) Students (K-12) shall *not* be authorized to transport other K-12 students except siblings with parental permission.
  - c) Responsible NOVA Academy employees must take reasonable precautions to ensure that individuals volunteering to transport students are responsible and capable operators of the vehicles to be used. (*See Section E. "Forms" below for further specific guidance.*)

## **II. Non-school Sponsored or Private Activities**

Some examples of activities not sponsored by the school are evening, weekend, holiday, or summer trips taken by teachers for educational, cultural, or other purposes. These may include but not be limited to hiking, bicycling, water expeditions, and similar excursions.

Promoters of private activities shall not utilize school staff or resources to further their interests or to carry out their business. Use of school names, logos, or mascots by unauthorized individuals or groups is prohibited.

Student participation in non-sponsored activities is voluntary and non-participation shall not result in any academic penalties.

### **Sponsorship Determination**

For legal and insurance reasons, sponsorship must be identified prior to the activity. It should be classified as school-related or private according to the following criteria:

#### **School Sponsored**

Co-Curricular  
 Extra-Curricular  
 Funded all or in part by NOVA Academy  
 Supervised by employees  
 NOVA Academy forms used

Transportation by NOVA Academy  
 contracted vehicle or personal vehicle of  
 authorized volunteer

#### **Private**

Initiated for personal reasons  
 Privately promoted and supervised  
 Privately funded  
 Employee not paid for partaking in the event  
 Transportation by personal, non-NOVA  
 Academy vehicle  
 May be sponsored by private groups

No student may be denied participation on the basis of financial need NOVA Academy forms not used

Occurs on non-school days or not during school day (excluding after school)  
Unrelated to curricular requirements in spite of potential educational benefit

### **A. High Risk Activities**

High-risk activities may be allowed at the school's discretion, but only if appropriate safety precautions are taken and if parents and students sign the risk disclosure form entitled "*Assumption of Potential Risk and Release of Liability for Voluntary Activity*." Examples of high risk activities include football, basketball, baseball, gymnastics, softball, soccer, racquetball, lacrosse, rugby, beach activities, swimming, ocean surfing, snorkeling, diving, scuba diving, water polo, water skiing, water (slides) theme parks, archery, martial arts (only non-contact is allowed), snow skiing, snow boarding, skating (allowed only in public roller or ice rinks), skateboarding, marathons, wrestling, climbing walls, ropes courses, rock climbing, dodge ball, cheerleading, hiking, cross-country running, bicycling, hockey (roller or ice), go-carts, rocketry, dunk tanks, carnivals with powered rides, and visiting pet zoos.

### **B. Prohibited Activities**

Due to safety risks and for liability issues, these are activities that the school shall not sponsor or promote unless there has been prior approval for the specific event by the Board or Chief Executive Officer.

Individuals who wish to pursue these must do so on a private basis. Examples include, but are not limited to: acrobatics, trampoline or inflatable ride use, balloon riding, riding in private aircraft, paragliding, live-animal riding, mechanical bulls, boxing, contact martial arts, bungee jumping, darts and dart games, use of water/squirt guns, knife throwing, firearms practice, jet skiing, use of private watercraft such as boats or rafts, mountain climbing, paintball or laser wars, hypnotism, rodeo, long-distance/overnight bicycle trips, auto and motorcycle clubs, and racing of any type of wheeled device or vehicle, except when a part of an approved instructional activity.

### **C. Guidelines for School-Sponsored Field Trips and Activities**

A NOVA Academy school employee must be present to supervise school-sponsored activities, including study trips and excursions.

An adult-to-student supervision ratio must be observed that is appropriate for the type of activity and age/skill level of the participants.

Student travel on field trips is voluntary, subject to written approval by parents. Students or parents who decline to participate shall be offered suitable alternate arrangements.

NOVA Academy standards of conduct shall be enforced for all participants. Students should be reminded that inappropriate behaviors will not be tolerated, such as horseplay, practical jokes, harassment, taunting, rough play, aggressive or violent behavior, unwanted sexual advances, inappropriate touching of others, name-calling, vandalism, hate behavior, profanity, viewing of pornographic material, and use of alcohol or controlled substances.

NOVA Academy employees or volunteers shall not consume alcohol or use controlled substances (except for medications taken under a physician's orders) while accompanying and supervising students on a trip.

A school employee, an administrator or designee, should be designated as the emergency contact for the group. This emergency contact is to take action if the travel party does not return on time. That individual must have a copy of the itinerary and a list of attendees.

Food, water, and a first aid kit shall be provided for all trips. If a cellular telephone is available, it can be used to summon help in an emergency. If a cell phone is to be used during transit, the vehicle should be stopped before using the phone.

If medication administration is required while on a field trip, appropriate guidelines will be followed.

Injuries or unusual incidents shall be documented in writing, and witness statements and photographs of the accident scene should be obtained. If a police report is taken, obtain the officer's name, badge number and case number. The appropriate school emergency contact must also be called.

Consideration shall be given to the safest mode of transport and the safest routes of travel. If advice is needed on the selection of carriers or vehicle types, contact the administrator.

When traveling by van, do not exceed the legal occupancy limit, which is ten (10) persons including the driver. Seat belts must be used at all times while traveling.

Air travel shall be provided only by scheduled commercial air carriers or on aircraft owned and operated by the state or federal government. Travel by watercraft shall be provided only by commercial charter or scheduled carriers or on vessels owned and operated by the state or federal government. Special permission must be received from the Board or Chief Executive Officer for air or water transport arrangements that do not comply with the aforementioned criteria.

NOVA Academy provides student accident insurance which covers medical expenses arising from student injuries on campus or while participating in a Charter School-sponsored off campus activity. The family's health insurance is primary, but if there is no health insurance, the Charter School's Student Accident Insurance becomes primary.

#### **D. Forms**

***Trip Authorization and Transportation Request*** – Submitted by originator to administrator at least twenty (20) working days prior to trip date. For trips outside of Orange County for Santa Ana school and Riverside County for Coachella school or for overnight trips, the request must be submitted in time for Board approval.

***Parent Permission for Activity*** – Parents/guardians must sign individual permission slips for each field trip or excursion throughout the year. Parents/guardians will be given advance notice of each field trip or excursion.

The permission slip will include a waiver of all claims against NOVA Academy, its employees, and the State of California for injury, accident, illness or death occurring during or by reason of the field trip or excursion. Items that will be included on the permission slip are:

- 1.) An emergency phone number for the student
- 2.) Any medications the student is required to take with the time and dosage required
- 3.) Any medications the student is allergic to
- 4.) Any other medical information necessary to ensure the student's safety

A copy of a completed and signed permission slip will be kept on the Charter School site and one copy will be given to the teacher to take on the field trip or excursion. These forms will be regularly updated to keep all information current.

***Driver's Permission for Use of Private Vehicle to Transport Students*** – This is to be completed by employees and parents who use their private vehicle to transport students other than their own children. Drivers who offer to provide transportation must provide a copy of the following:

- Proof of liability insurance for their vehicle with a minimum of \$100K/300K coverage,
- A copy of their Driver's License and Car Registration,
- A written statement acknowledging that their insurance carrier is the primary agent responsible for insurance during the field trip or excursion,
- A criminal background check conducted by the California Department of Justice ("DOJ"). Employees or volunteers whose DOJ report reveals a Driving Under the Influence conviction shall not be permitted to transport students or operate any vehicle on NOVA Academy business for ten (10) years from the date of the conviction. Any employee or volunteer convicted of a felony shall not be permitted to transport NOVA Academy students on Charter School business.
- A Department of Motor Vehicles record. Employees or volunteers with driving records with two (2) points or more shall not be permitted to transport students or operate any vehicle for Charter School field trips and excursions.

***Assumption of Potential Risk and Release of Liability Agreement for Voluntary Activity*** – Shall be signed by parents and students who choose to participate in high-risk school-sponsored field trips or activities.

**All signed forms shall be maintained by the school for at least one year following the date of the field trip.**

## **STUDENT TRANSPORTATION POLICY**

The safe operation of our motor vehicles is one of the highest priorities at NOVA Academy. For this reason, we have developed the following policy.

Though it is not the intent of NOVA Academy to police the operators of School vehicles or to invade the privacy of employees, it is necessary to establish a basis for determining safe operating standards for drivers. The following shall apply to all persons operating School vehicles or operating their own vehicles to transport students for any reason relating to approved school business:

### **I. Employees or Volunteers**

1. NOVA Academy will enroll in the California Department of Motor Vehicles employer pull notice program. Through this program, NOVA Academy will be able to review an employee's Motor Vehicle Record ("MVR") periodically and upon notice of new violations. Volunteers may be responsible for providing their own MVRs to NOVA Academy.

Employees or volunteers must have a valid driver's license and insurance at all times when operating a School vehicle, or their own personal vehicle when used for student transportation or school business. Employees or volunteers who do not have a valid driver's license are not allowed to drive any vehicle at any time. Employees or volunteers who do not have a valid insurance certificate or adequate insurance coverage are not allowed to transport students in a personal vehicle or drive a personal vehicle for school business.

Evidence of the employee's or volunteer's driver's license and automobile insurance certificate will be kept on file. The employee or volunteer is responsible for providing an updated driver's license and automobile insurance certificate whenever it expires or upon request. The Chief Executive Officer or designee must be notified immediately if the employee or volunteer no longer has a valid driver's license or insurance certificate.

2. The Chief Executive Officer or designee will review with the employee the MVR of any employee or volunteer whose record reveals the following:

- Two (2) or more moving violations;
- One (1) at-fault accident and (1) moving violation;
- Three (3) or more seat belt violations.

Employees or volunteers meeting any of the above criteria, may be subject to a written warning.

3. The Chief Executive Officer or designee will review with the employee or volunteer any MVR which reveals the following:

- Three (3) or more moving violations and/or accidents (i.e. includes 2 moving violations and 1 at-fault accident or combination thereof);

Those employees or volunteers meeting any of the above criteria may be placed on probationary status (see human resources for document). All employees are subject to the Department of Motor Vehicles Employer Pull Notice Program which informs the School immediately of violations or accidents which have occurred. If notification of a moving violation and/or at-fault accident occurs while on probationary status, the employee may be placed in a non-driving position or prohibited from transporting students or driving on school business.

4. Employees or volunteers that accumulate 2 or more at-fault driving accidents during the course of 12 months may have their School driving privileges revoked. Employees in driving positions may be placed in a non-driving position pending availability.
5. Employees or volunteers convicted of Major Violations\* may not be permitted to transport students or operate any vehicle for school business. For employees in driving positions, after review by the Chief Executive Officer or designee, if it is determined that a non-driving position is not available, termination may result.
6. Seatbelts are an essential element of our driver safety procedures (see Automobile Safety in Employee Handbook for more information). To emphasize seatbelt awareness, two (2) seatbelt violations while on School business will equate to one (1) moving violation.

7. If the semi-annual review of Motor Vehicle Record reveals Major Violations\* in other than School vehicles, citations for failure to appear for one or more Major Violations, or at-fault accident, the Chief Executive Officer or designee shall review and determine if the employee or volunteer should be permitted to continue to transport students or operate vehicles on School business.
8. Driving non-employee passengers in School vehicles either during or after normal business hours can be a major liability to NOVA Academy. Therefore, no NOVA Academy employees or volunteers are allowed to transport non-employees in any NOVA Academy vehicle unless prior approval by the Chief Executive Officer or designee is granted.
9. Only authorized employees or volunteers are allowed to operate School vehicles and these vehicles are for NOVA Academy business only unless prior approval has been granted by the Chief Executive Officer or designee.
10. For employees or volunteers who drive their personal vehicles for student transportation or school business purposes, NOVA Academy requires that the employee or volunteer carry the following insurance amounts and coverage:

Automobile Liability - \$100,000 per person; \$300,000 per occurrence  
 Property Damage - \$50,000 per occurrence  
 Medical Payments - \$5,000 per person

In the event of an accident, the employee's or volunteer's insurance coverage acts as the primary insurance coverage for damages. Evidence of this insurance as well as a copy of the employee's or volunteer's current MVR must be kept on file and updated upon insurance and license renewals. It is the responsibility of the employee or volunteer to notify the Chief Executive Officer or designee whenever an insurance certificate or coverage is updated, changed, expired, or cancelled.

\* For the purpose of this Student Transportation policy, the term "Major Violation" includes but is not limited to:

- Driving Under the Influence of Drugs or Alcohol
- Failure to Stop for an Accident
- Homicide, manslaughter or assault arising out of the operation of a motor vehicle
- Driving with a Revoked or Suspended License
- Possession of an Opened Container of Alcohol in a Vehicle
- Speed Contest
- Drag or Highway Racing
- Attempting to Elude a Police Officer
- Hit and Run
- Reckless Driving

## II. Potential Employees or Volunteers in Driving Positions

1. The applicant shall have valid, current California Drivers License for the type of vehicle driven to be eligible for an employment or volunteer driving position.

2. Every applicants for employment or a volunteer in a driving position must be at least twenty-one (21) years of age to drive a school vehicle and required to undergo a screening process that includes a background check to determine whether the employee or volunteer is an appropriate fit for a driving position.
3. Every applicant must provide a current original DMV Motor Vehicle Record (MVR) as part of the employment application or volunteer screening process. NOVA Academy may request an applicant's MVR from a business insurance carrier as part of the employment or volunteer screening process.
4. An applicant whose MVR has two (2) or more at-fault accidents or moving violations (or combination thereof) within a twelve (12) month period of time may not be eligible for employment or volunteer driving positions. Additionally, an applicant with three (3) or more at-fault accidents or moving violations (or combination thereof) appearing on his or her MVR may not be eligible for an employment or volunteer driving position.

An applicant whose MVR includes any Major Violation(s)\* may not be eligible for an employment or volunteer driving position.

#### **UNIFORM COMPLAINT POLICY (REVISED)**

NOVA Academy policy is to comply with applicable federal and state laws and regulations. NOVA Academy is the local agency primarily responsible for compliance with federal and state laws and regulations governing educational programs. Pursuant to this policy, persons responsible for conducting investigations shall be knowledgeable about the laws and programs which they are assigned to investigate. This complaint procedure is adopted to provide a uniform system of complaint processing for the following types of complaints:

- (1) Complaints of unlawful discrimination, harassment, intimidation or bullying against any protected group, including actual or perceived discrimination, on the basis of the actual or perceived characteristics of age, ancestry, color, physical disability, mental disability, ethnic group identification, immigration status, gender expression, gender identity, gender, genetic information, nationality, national origin, race or ethnicity, religion, medical condition, marital status, sex, or sexual orientation, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any NOVA Academy program or activity; and
- (2) Complaints of violations of state or federal law and regulations governing the following programs including but not limited to: Adult Education Programs, Career Technical and Technical Education and Career Technical and Technical Training Programs, Child Care and Development Programs, Child Nutrition Programs, Consolidated Categorical Aid Programs, Foster and Homeless Youth Services, Migrant Education Programs, No Child Left Behind Act (2001) Programs (Titles I-VII; including improving academic achievement, compensatory education limited English proficiency, and migrant education, Every Student Succeeds Act, and Special Education Programs.
- (3) A complaint may also be filed alleging that a pupil enrolled in a public school was required to pay a pupil fee for participation in an educational activity as those terms are defined below.
  - a. "Educational activity" means an activity offered by a school, school district, charter school or county office of education that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities.

- b. “Pupil fee” means a fee, deposit or other charge imposed on pupils, or a pupil’s parents or guardians, in violation of Section 49011 of the Education Code and Section 5 of Article IX of the California Constitution, which require educational activities to be provided free of charge to all pupils without regard to their families’ ability or willingness to pay fees or request special waivers, as provided for in *Hartzell v. Connell* (1984) 35 Cal.3d 899. A pupil fee includes, but is not limited to, all of the following:
  - i. A fee charged to a pupil 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.
  - ii. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, uniform or other materials or equipment.
  - iii. A purchase that a pupil is required to make to obtain materials, supplies, equipment or uniforms associated with an educational activity.
- c. A pupil fees complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to pupil fees.
- d. If NOVA Academy finds merit in a pupil fees complaint, NOVA Academy shall provide a remedy to all affected pupils, parents and guardians that, where applicable, includes reasonable efforts by NOVA Academy to ensure full reimbursement to all affected pupils, parents and guardians, subject to procedures established through regulations adopted by the state board.
- e. Nothing in this section shall be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or school districts, school, and other entities from providing pupils prizes or other recognition for voluntarily participating in fundraising activities.

- (4) Complaints of noncompliance with the requirements governing the Local Control Funding Formula, Local Control and Accountability Plans or Sections 47606.5 and 47607.3 of the Education Code, as applicable.
- (5) Complaints of noncompliance with the requirements of Education Code Section 222 regarding the rights of lactating pupils on a school campus. If NOVA Academy finds merit in a complaint, or if the Chief Executive Officer finds merit in an appeal, NOVA Academy shall provide a remedy to the affected pupil.
- (6) Complaints of noncompliance with the requirements of Education Code Section 48645.7 regarding the rights of juvenile court school pupils when they become entitled to a diploma. If the Charter School finds merit in a complaint, or if the Superintendent finds merit in an appeal, the Charter School shall provide a remedy to the affected pupil.

NOVA Academy acknowledges and respects every individual’s rights to privacy. Unlawful discrimination, harassment, intimidation or bullying complaints shall be investigated in a manner that protects [to the greatest extent reasonably possible] the confidentiality of the parties and the integrity of the process. NOVA Academy



cannot guarantee anonymity of the complainant. This includes keeping the identity of the complainant confidential. However, NOVA Academy will attempt to do so as appropriate. NOVA Academy may find it necessary to disclose information regarding the complaint/complainant to the extent necessary to carry out the investigation or proceedings, as determined by the Chief Executive Officer or designee on a case-by-case basis.

NOVA Academy prohibits any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of unlawful discrimination, harassment, intimidation or bullying. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

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

Renee Lancaster  
Chief Executive Officer, NOVA Academy  
500 W. Santa Ana Blvd  
Santa Ana, CA 92701

The Chief Executive Officer or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Chief Executive Officer or designee.

Should a complaint be filed against the Chief Executive Officer, the compliance officer for that case shall be the President of NOVA Academy Board of Directors.

### Notifications

The Chief Executive Officer or designee shall annually provide written notification of NOVA Academy's uniform complaint procedures to employees, students, parents and/or guardians, advisory committees, private school officials and other interested parties (e.g., Adult Education).

The annual notice shall be in English, and when necessary, in the primary language, pursuant to section 48985 of the Education Code if fifteen (15) percent or more of the pupils enrolled in NOVA Academy speak a single primary language other than English.

The Chief Executive Officer or designee shall make available copies of NOVA Academy's uniform complaint procedures free of charge.

The annual notice shall include the following:

- (a) A statement that NOVA Academy is primarily responsible for compliance with federal and state laws and regulations.
- (b) A statement that a pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.
- (c) A statement identifying the responsible staff member, position, or unit designated to receive complaints.

- (d) A statement that the complainant has a right to appeal NOVA Academy's decision to the California Department of Education by filing a written appeal within 15 days of receiving NOVA Academy's decision.
- (e) A statement advising the complainant of any civil law remedies that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable, and of the appeal pursuant to Education Code § 262.3.
- (f) A statement that copies of the local educational agency complaint procedures shall be available free of charge.

### Procedures

The following procedures shall be used to address all complaints which allege that NOVA Academy has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related actions.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

#### Step 1: Filing of Complaint

Any individual, public agency, or organization may file a written complaint of alleged noncompliance by NOVA Academy.

A complaint alleging unlawful discrimination, harassment, intimidation or bullying shall be initiated no later than six (6) months from the date when the alleged unlawful discrimination, harassment, intimidation or bullying occurred, or six (6) months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination, harassment, intimidation or bullying. A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination, harassment, intimidation or bullying or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination, harassment, intimidation or bullying.

Pupil fee complaints shall be filed not later than one (1) year from the date the alleged violation occurred.

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

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, NOVA Academy staff shall assist him/her in the filing of the complaint.

#### Step 2: Mediation

Within three (3) days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make arrangements for this process.

Before initiating the mediation of an unlawful discrimination, harassment, intimidation or bullying complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

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

The use of mediation shall not extend NOVA Academy's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

### Step 3: Investigation of Complaint

The compliance officer is encouraged to hold an investigative meeting within five (5) days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint.

A complainant's refusal to provide NOVA Academy's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation.

NOVA Academy's refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

### Step 4: Response

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report of NOVA Academy's investigation and decision, as described in Step #5 below, within sixty (60) days of NOVA Academy's receipt of the complaint.

### Step 5: Final Written Decision

NOVA Academy's decision shall be in writing and sent to the complainant. NOVA Academy's decision shall be written in English and in the language of the complainant whenever feasible or as required by law.

The decision shall include:

1. The findings of fact based on evidence gathered.
2. The conclusion(s) of law.
3. Disposition of the complaint.

4. Rationale for such disposition.
5. Corrective actions, if any are warranted.
6. Notice of the complainant's right to appeal NOVA Academy's decision within fifteen (15) days to the California Department of Education and procedures to be followed for initiating such an appeal.
7. For unlawful discrimination, harassment, intimidation or bullying complaints arising under state law, notice that the complainant must wait until sixty (60) days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies.
8. For unlawful discrimination, harassment, intimidation or bullying complaints arising under federal law such complaint may be made at any time to the U.S. Department of Education, Office for Civil Rights.

If an employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the employee was informed of NOVA Academy's expectations. The report shall not give any further information as to the nature of the disciplinary action.

#### Appeals to the California Department of Education ("CDE")

If dissatisfied with NOVA Academy's decision, the complainant may appeal in writing to the CDE within fifteen (15) days of receiving NOVA Academy's decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of NOVA Academy's decision.

Upon notification by the CDE that the complainant has appealed NOVA Academy's decision, the Chief Executive Officer or designee shall forward the following documents to the CDE:

1. A copy of the original complaint.
2. A copy of the decision.
3. A summary of the nature and extent of the investigation conducted by NOVA Academy, if not covered by the decision.
4. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by all parties and gathered by the investigator.
5. A report of any action taken to resolve the complaint.
6. A copy of NOVA Academy's complaint procedures.
7. Other relevant information requested by the CDE.

The CDE may directly intervene in the complaint without waiting for action by NOVA Academy when one of the conditions listed in Title 5, California Code of Regulations, Section 4650 exists, including cases in which NOVA Academy has not taken action within sixty (60) days of the date the complaint was filed with NOVA Academy.

### Civil Law Remedies

A complainant may pursue available civil law remedies outside of NOVA Academy'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) 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 NOVA Academy has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR § 4622.