



## University Preparatory Academy Charter School

# COMPREHENSIVE SCHOOL HEALTH AND SAFETY PLAN 2023-2024

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*at University Preparatory Academy Charter School*

*Reviewed by Law Enforcement on:* TBD

*Board Approval:* 9/28/23



# Comprehensive School Health and Safety Plan

Governing Board Resolution

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# Comprehensive School Health and Safety Plan



## Certification

### Local Law Enforcement

Reviewed and certified by:

**Name** **Agency** **Badge#**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

### University Preparatory Academy

Reviewed and certified by:

Date	Name	Title
	David Porter	Executive Director
	Lucas Kelleher	Director of Student Services

# Comprehensive School Health and Safety Plan

Table 1: UPA reviews and certifications

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## Glossary

Term	Definition
18 USC 930	US Code that defines firearms and dangerous weapons. <a href="https://www.law.cornell.edu/uscode/text/18/930">https://www.law.cornell.edu/uscode/text/18/930</a>
20 USC 1415(k)(7)(D [1])	This section of US Code states that "The term "serious bodily injury" has the meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of section 1365 of title 18."
504 Plan	Rehabilitation Act of 1973 ("Section 504") A 504 plan is intended for children with disabilities who do not need or qualify for special education but could benefit from accommodations and/or specialized help in school.
Board Sex Harass Policy Inf Sheet	A Sexual Harassment Policy Information Sheet as well as a copy of the Board Sexual Harassment Policy shall be provided to all School students and employees at the beginning of the first semester of each school year with the disbursement of the Student/Family Handbook, and Employee Handbook, noting whether any amendments have been made.
Ca.Labor Code 1102.5 LC	<a href="https://codes.findlaw.com/ca/labor-code/">https://codes.findlaw.com/ca/labor-code/</a> The so-called Whistle-blower laws that prevent an employer from retaliating against an employee for exercising their rights to make a report to a governmental or law enforcement agency.
California Ed. Code	This refers to the entirety of the laws pertaining to education in the State of California. <a href="https://california.public.law/codes/ca_educ_code">https://california.public.law/codes/ca_educ_code</a>
California Penal Code Sec. 11165.7	The definition of Mandated Reporter is spelled out to include a teacher, instructional aide, teacher's aide, school employee in addition to many persons not connected with schools. <a href="https://california.public.law/codes/ca_penal_code_section_11165.7">https://california.public.law/codes/ca_penal_code_section_11165.7</a>
DFCS	Santa Clara County Department of Family and Children's Services
Document Tag	Citation/Description
Education Code Section 212.5	This section of the Education Code concerns sexual harassment as defined as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions
Education Code section 44877	Outlines the qualifications for professional nurse in educational settings.



Term	Definition
Education Code Section 48900	<p>California Education Code that delineates the conditions that suspension and expulsion of a student may take place.</p> <p>This is a small summary of the rules under which a student may be suspended or recommended for expulsion for acts that may include: physical injury to another person; used force or violence except in self-defense; possess/sold/furnished a firearm, knife or other dangerous object; unlawfully possessed/sold or been under the influence of a controlled substance or alcoholic beverage, or intoxicant; Disrupted school activities; Committed or attempted to commit a sexual assault; Engaged in, or attempted to engage in, hazing, bullying. Please refer to the actual law for complete information.</p> <p><a href="https://california.public.law/codes/ca_educ_code_section_48900">https://california.public.law/codes/ca_educ_code_section_48900</a></p>
Federal Gun Free Schools Act of 1994	<p>This act requires the Education Code of each state to include a policy requiring expulsion of a year of any student who carries a gun, knife, or other weapon into a school.</p>
Health & Safety Code section 124040	<p>California Code: Health and Safety Code - HSC § 124040.</p> <p>The governing body of each county or counties shall establish a community child health and disability prevention program for the purpose of providing early and periodic assessments of the health status of children</p> <p>California Code requires counties to assess and evaluate all children for disabilities and conditions. This Code has been amended since original passage in 1974 to include dental and vision health.</p>
Health and Safety Code 11014.5	<p>Code 11014.5 defines drug paraphernalia and lists the various types.</p>
Health and Safety Code 11053-11058	<p>This California Health and Safety Code names controlled substances.</p>
IDEIA	<p>Individuals with Disabilities Education Improvement Act</p>
IEP	<p>Individualized Education Program</p>
Incident Command System (ICS).	<p>The ICS provides guidance for how to organize assets to respond to an incident (system description) and processes to manage the response through its successive stages (concept of operations).</p> <p><a href="https://www.phe.gov/Preparedness/planning/mscc/handbook/chapter1/Pages/emergencymanagement.aspx">https://www.phe.gov/Preparedness/planning/mscc/handbook/chapter1/Pages/emergencymanagement.aspx</a></p>
LCAP	<p>Local Control and Accountability Plan (LCAP)</p> <p>The LCAP is a tool for local educational agencies to set goals, plan actions, and leverage resources to meet those goals to improve student outcomes.</p> <p><a href="https://www.cde.ca.gov/re/lc/">https://www.cde.ca.gov/re/lc/</a></p>

Term	Definition
LEA	local educational agencies
Mandated Reporter	<p>California Penal Code Section 11165.7</p> <p>As used in this article, "mandated reporter" is defined as any of the following: (1) A teacher. (2) An instructional aide. (3) A teacher's aide or teacher's assistant employed by a public or private school. (4) A classified employee of a public school. Three-year plan that describes the goals, actions, services, and expenditures to support positive student outcomes that address state and local priorities</p>
Megan's Law Check	<p>California's Megan's Law was enacted in 1996 Penal Code § 290.46. It mandates the California Department of Justice (CA DOJ) to notify the public about specified registered sex offenders.</p> <p><a href="https://www.meganslaw.ca.gov/">https://www.meganslaw.ca.gov/</a></p>
O'Toole (2000)	<p>The school shooter: A threat assessment perspective. Quantico, VA: Critical Incident Response Group, FBI Academy, National Center for the Analysis of Violent Crime.</p>
Penal Code 243.4	California Penal Code that concerns sexual battery and assault
Penal code 261, 266c, 286, 288, 288a or 289	California Education Code includes sections of the Penal Code that pertain to reasons for discipline, suspension, and/or expulsion of a student.
RUN, HIDE, DEFEND Response	Once known as 'Code Red', the drill's name now reflects the procedure on how students should attempt to protect themselves in an active-shooter situation.
SCC	Santa Clara County
SCCOE	Santa Clara County Office of Education
Section 921 of Title 18 of the United States Code	US Title 18 Section 921 defines 'firearm' and 'destructive device.'
SEMS	<p>Standardized Emergency Management System (SEMS)</p> <p>SEMS is the cornerstone of California's emergency response system and the fundamental structure for the response phase of emergency management.</p> <p><a href="https://www.caloes.ca.gov/cal-oes-divisions/planning-preparedness/standardized-emergency-management-system">https://www.caloes.ca.gov/cal-oes-divisions/planning-preparedness/standardized-emergency-management-system</a></p>
Sexual Harassment Policy Information Sheet	<p>A Sexual Harassment Policy Information Sheet as well as a copy of the Board Sexual Harassment Policy shall be provided to all School students and employees at the beginning of the first semester of each school year with the disbursement of the Student/Family Handbook, and Employee Handbook, noting whether any amendments have been made.</p>

Term	Definition
Subdivision (e) of Section 233 of the Education Code	This section underscores that a person who uses an “hate violence” act is punishable under Section 422.6, 422.7, or 422.75 of the Penal Code.
Subdivision (e) of Section 233 of the Education Code	This section underscores that a person who uses an “hate violence” act is punishable under Section 422.6, 422.7, or 422.75 of the Penal Code.
Subdivisions (f) and (g) of Section 32261 of the Education Code	This section of the Code underscores the definitions of 'bullying' and 'electronic act' in this section is the same as that in California Code, Education Code - EDC § 48900
The Child Neglect and Abuse Reporting Act, pursuant to penal codes 11164 – 11174.3[1]	The Child Abuse and Neglect Reporting Act (CANRA) pursuant to Penal Codes 11164 through 11174.3 is a body of California laws designed to protect children from suffering harm. Under this law, all individuals are required to report any suspected child abuse.
Title IX	Title IX was enacted to ensure: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” Latest version: 5/219/2020 <a href="https://sites.ed.gov/titleix/">https://sites.ed.gov/titleix/</a>
UPA	University Preparatory Academy

Table 1: Glossary of Terms and Citations

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## Purpose

This Safety plan is for the benefit of all persons on the UPA campus and for the explicit purpose of directing staff, faculty, and administrators in the day to day implementation of these policies.

## School Board Policy

The University Preparatory Academy (“UPA” or “the School”) is committed to providing and maintaining a healthy and safe environment for all students, employees, visitors, and guests. Accordingly, UPA has instituted a Comprehensive School Safety Plan designed to protect the health and safety of all students and personnel. Employees are required to know and comply with the School’s general safety rules and to follow safe and healthy work practices at all times. Employees are required to immediately report to the UPA Executive Director or designee any potential health or safety hazards and all injuries or accidents.

## School Crime Assessment

UPA provides compiled school crime information for the California Safe School Assessment as mandated by the state of California. This information is forwarded to the Santa Clara County Office of Education, which collects such information from all school sites. This information is analyzed at each school site to determine what steps may be taken to reduce incidents of crime.

Data sources reviewed:

- Local law enforcement crime data
- Suspension/Expulsion data found in the California Longitudinal Pupil Achievement Data System
- Attendance rates
- Local Control and Accountability Plan (LCAP)
- Local Educational Agency (LEA) Plan

## Strategies and Programs to Maintain School Safety

In analyzing local law enforcement crime data, as well as on-campus suspension, expulsion, and attendance reports, we identified the following strategies and programs to maintain a high level of school safety:

1. To ensure our campus is secure from outside criminal activity we will continue to have gated entrances that require outside visitors to contact our front office for access.
2. To ensure a low suspension/expulsion rate we will continue our positive behavior support system and also maintain proactive and strong supervision during all transition times.
3. To ensure a high daily attendance rate, we will call home on the day of school that is missed by the student. After three (3) unexcused absences, the school and family will meet to discuss attendance concerns and support will be provided. Ongoing support and meetings will take place thereafter to help families find solutions to cut down on absenteeism. Meetings with the family are documented by the Executive Director.

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## Workplace Safety and Violence Prevention

### Safe-Haven

UPA takes the safety and security of its employees seriously. The school does not tolerate acts or threats of physical violence, including but not limited to intimidation, harassment and/or coercion, that involve or affect UPA or that occur, or are likely to occur, on School property or School-related social media. Any act or threat of violence should be immediately reported to the School's Executive Director or designee.

### Situational Awareness

Be aware of unknown persons loitering in parking areas, walkways, entrances, exits, and service areas. Report any suspicious persons or activities to security personnel or the School's Executive Director or designee. Desks and offices should be secured at the end of each day. When called away from your work area for an extended length of time, do not leave valuable or personal articles around your workstation that may be accessible. You should immediately notify your supervisor when keys are missing or if security access codes, identification materials, or passes have been breached. The security of the facilities, as well as the welfare of our employees, depends upon the alertness and sensitivity of every individual.

## School Violence Threat Assessment and Response

### Administrator Quick Reference

The following steps will guide you in responding to and assessing a threat of violence at your school.

### Legality of a threat assessment procedure in a school setting

A School Violence Threat Assessment Response should not go forward unless you have at least the existence of reasonable suspicion that a student, campus visitor, or trespasser has committed, is threatening to commit, or is attempting to commit an act that places one or more lives in danger. For example:

1. School Violence
2. Threats
3. Bullying
4. Harm to themselves and/or others
5. Hate Violence.

### School Violence Threat Glossary

#### Threat

A threat is an expression of intent to do harm or act violently against someone or something. It can be spoken, written, or emailed and symbolic or expressed in some other way such as through gestures. It can be direct, indirect, veiled, or conditional. Threats could be made directly to the intended victim, communicated to third parties, or expressed in private writings. Possession of a weapon such as a firearm or knife on school grounds would be presumed to indicate a threat unless subsequent investigation found

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otherwise. How a student used or threatened to use a weapon is important (O'Toole, 2000<sup>1</sup>).

### Direct Threat

Identifies a specific act against a specific target and is delivered in a straightforward, clear, and explicit manner: "I am going to place a bomb in the school's gym."

### Indirect Threat

Tends to be vague, unclear, and ambiguous. The plan, the intended victim, the motivation, and other aspects of the threat are masked or equivocal: "If I wanted to, I could kill everyone at this school!" While the violence is implied, the threat is phrased tentatively. "If I wanted to" suggests that a violent act COULD occur, not that it WILL occur.

### Veiled Threat

Strongly implies but does not explicitly threaten violence. "We would be better off without you around anymore" clearly hints at a possible violent act but leaves it to the potential victim to interpret the message and give a definite meaning to the threat.

### Conditional Threat

The type of threat often seen in extortion cases. It warns that a violent act will happen unless certain demands or terms are met: "If you don't pay me one million dollars, I will place a bomb in the school."

## Response Stages

There are three response stages:

1. Pre-Incident
2. During an Active Incident
3. Post-Incident

### Pre-Incident

Before a Threat of Violence is reported:

1. Be familiar with the process
2. Employ situational awareness
3. Establish clear guidelines for student behavior and an inclusive environment
4. Establish a Conflict Resolution process
5. Train Staff on Response Procedures

### During an Active Incident

1. Administrator is to identify Threat Level and Type of Threat:

**Threat Level:** (Refer to Estimated Levels of Risk (O'Toole, 2000))

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<sup>1</sup> O'Toole M. E. (2000). The school shooter: A threat assessment perspective. Quantico, VA: Critical Incident Response Group, FBI Academy, National Center for the Analysis of Violent Crime.

- Low
- Medium
- High

**Threat Type:** (Refer to School Violence Threat Glossary)

- Direct
- Indirect
- Veiled
- Conditional

2. Administrator is to Secure Campus by a **CODE BLUE, RUN, HIDE, DEFEND RESPONSE**, or by simply making staff aware that an assessment is currently underway.
3. Inform the Executive Director and the Board Members.
4. Next SELECT ONE: **Option A** or **Option B**

Option	Actions
 <b>Option A</b>	<ul style="list-style-type: none"> <li>• <b>Contact law enforcement and/or dial 911</b></li> <li>• <b>Follow Emergency Communication Protocol</b></li> <li>• <b>Initiate RUN, HIDE, DEFEND RESPONSE</b></li> <li>• <b>Evacuate campus</b></li> <li>• <b>Notify parents or legal guardians as necessary</b></li> <li>• <b>Initiate Parent or Legal Guardian-Student Reunification</b></li> </ul>
<b>Option B</b>	<ul style="list-style-type: none"> <li>• Administrator continues with investigation</li> <li>• Follow Emergency Communication Protocol</li> <li>• Gather necessary evidence/statements</li> <li>• Consultation with executive team</li> <li>• Follow recommended course of action</li> <li>• Notify parents or legal guardians as necessary</li> </ul>

*Table 2: Action options A and B for an active incident*

5. Administrator is to consult a Threat Prevention Assessment & Response Team. This multidisciplinary team may include but is not limited to:
  - a. Administrator
  - b. Clinical counselor
  - c. School psychologist
  - d. Behavior Intervention Support team member
  - e. SPED department
  - f. Inclusion teacher
  - g. General Education teacher
  - h. and/or other mental health professional

6. Review the following information:
  - a. student info
  - b. emergency info
  - c. attendance records
  - d. cumulative records
  - e. review health info
  - f. review school computer/property
  - g. statements from witness(es)
  - h. family situation info
  - i. triggered behaviors
  - j. access to weapons
  - k. other pertinent info (written material, drawings, emails, pictures, and/or social network postings)
7. Administrator makes final risk assessment decisions that may include:
  - a. Temporary School Closure
  - b. Increased security
  - c. Filing of restraining orders
  - d. Filing a Trespassing Warning
  - e. Refer matter to law enforcement
  - f. Plan for Teacher and Parent/ or Legal Guardian informational and/or support sessions

### Post Incident

1. Administrator will Continue/Conclude Investigation
  - a. Interview all witnesses separately
  - b. collect evidence and take pictures of physical evidence
  - c. Administrator will issue Notification and Action Plan
  - d. Document all actions in Student Information Management System
2. Administrator will issue a Compliance Report and/or Additional Actions
  - a. Suspected child abuse
  - b. Criminal threat
  - c. Disciplinary action
  - d. Mental Health Evaluation for possible suicidal or homicidal ideation
  - e. Set up (Individual Education Program) IEP/Section 504 Plan<sup>2</sup> meeting
3. Administrator will create Post-Incident Support Action Plan for student
  - a. Interventions based on the potential risks
  - b. Provide resources for Family Support
4. Student re-entry guidelines:
  - a. Administrator works with the Executive Team and Counseling
  - b. If necessary, set up IEP meeting

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<sup>2</sup> Rehabilitation Act of 1973 ("Section 504") A 504 plan is intended for children with disabilities who do not need or qualify for special education but could benefit from accommodations and/or specialized help in school.



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### Drug, Smoke, and Alcohol-Free Workplace

All School buildings and facilities are non-smoking facilities.

It is the School's policy to maintain a drug and alcohol-free workplace. No employee may use, possess, offer for sale, or be under the influence of any illegal drugs or alcohol during working hours including lunch and break periods, or in the presence of pupils or on School property at any time.

Engaging in any of the activities above shall be considered a violation of School policy and the violator will be subject to discipline, up to and including termination. The School complies with all federal and state laws and regulations regarding drug use while on the job.

### Criminal Background Checks

As a condition of employment, the School requires all applicants for employment to submit (via the Santa Clara County Office of Education (SCCOE)) two sets of fingerprints to the Department of Justice for the purpose of obtaining criminal record summary information from the Department of Justice and Federal Bureau of Investigation. The School will not employ a person who has been convicted of a violent or serious felony or a person who would be prohibited from employment by a public school district because of his or her conviction for any crime unless an applicable exception applies. The School will not employ any applicant until the Department of Justice completes its check of the state criminal history file as provided by law. The School shall also request subsequent arrest notification from the Department of Justice and take all necessary action based upon such further notification.

### Child Abuse Reporting Procedures

Reporting child abuse is mandated by the California Penal Code (The Child Neglect and Abuse Reporting Act, pursuant to penal codes 11164 – 11174.3<sup>3</sup>). This law requires school employees to report any reasonable suspicion of child abuse or neglect to the local police department, sheriff's department, or county welfare office. All University Preparatory Academy staff must report any suspected case of child abuse or child neglect.

Teachers and classified employees are asked to make the report and notify an administrator or ask an administrator to assist in making a report. University Preparatory Academy administration will review the reporting procedures at the beginning of the year. All school employees will receive annual training on the mandated reporting requirements within eight weeks of the first day of each school year or their first day of employment.

Any employee who knows or reasonably suspects a child has been the victim of child abuse shall report the instance to the police or sheriff's department, or to the Santa Clara County Probation Department. Child abuse is broadly defined as "a physical injury that is inflicted by other than accidental means on a child by another person." School employees are required to report instances of child abuse when the employee has a "reasonable suspicion" that child abuse or neglect has occurred. Reasonable suspicion arises when the facts surrounding the incident or suspicion could cause a reasonable person in a like position to suspect child abuse or neglect.

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<sup>3</sup> The Child Abuse and Neglect Reporting Act (CANRA) pursuant to Penal Codes 11164 through 11174.3 is a body of California laws designed to protect children from suffering harm. Under this law, all individuals are required to report any suspected child abuse

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Child abuse should be reported immediately by phone to the police or sheriff's department, or to the Santa Clara County Department of Family and Children's Services (DFCS). The phone call is to be followed by a written report prepared by the employee within thirty-six (36) hours. There is no duty nor is it advisable for the reporter to contact the child's parent or legal guardians.

Reporting the information regarding a case of possible child abuse or neglect to your supervisor, the School principal, a School counselor, coworker, or other person shall not be a substitute for making a mandated report to the police or sheriff's department, or to DFCS.

### Mandated Reporting Protocol

Teachers are the front lines of advising students who come to them with problems, issues, and trauma in their personal and school lives. We need to allow that community of support to thrive at UPA, though we also need to understand and adopt a protocol for these encounters that keeps students safe and respects liability issues.

#### Mandated Reporting

UPA teachers have encountered the following examples of where students have decided on their own, or with the help of their friends, to seek help from teachers. In these cases, our responsibilities as mandated reporters<sup>4</sup> apply to:

- Domestic child abuse, neglect, or abandonment
- Alcohol and drug abuse affecting home environment
- Domestic violence
- Sexual assault

#### Confidentiality

Information given to teachers by students may remain confidential and does not need to be reported to the county child welfare department or to a local law enforcement agency unless the teacher suspects the following:

- Domestic child abuse, neglect, or abandonment
- Alcohol and drug abuse affecting home environment
- Domestic violence
- Sexual assault

#### Mandated Reporting Protocol

1. When you sit with a student and it looks like you might be called on as a mandated reporter given what the student has reported to you, allow the student to speak openly, using clarifying (not investigatory or biased) questions that will help the student tell the whole story and refrain from offering advice - just be a great listener
2. Take notes or, after the discussion, write down as much of the detail of the story you can remember, as

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<sup>4</sup> [https://california.public.law/codes/ca\\_penal\\_code\\_section\\_11165.7](https://california.public.law/codes/ca_penal_code_section_11165.7)

The definition of Mandated Reporter is spelled out to include a teacher, instructional aide, teacher's aide, school employee in addition to many persons not connected with schools.

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these details will be important when speaking with law enforcement or DFCS.

3. Be prepared to answer the potential request of the student to keep what they are telling you confidential. If asked, teachers should let the students know that certain things must be reported to someone who can help. In other cases where mandated reporting might not be required, a student should be encouraged to and told that it will be necessary to contact a parent or legal guardian with what is troubling them (except in the case where the parent or legal guardian is implicated).
4. When the student has finished telling his/her/their story, you may want to secure the student in a safe place as necessary. You should notify the appropriate grade level counselor and the Executive Director, or his designee of the situation and you will need to call law enforcement and DFCS. The Executive Director or designee, or the appropriate counselor, will help you make that phone call and will need to provide demographic data if you do not have access to that data that law enforcement and DFCS requires.
5. Following the phone call to law enforcement/DFCS, you will need to fill out and mail an incident report, as well as provide a copy of that report to the Director of Student Services. Retain a copy for yourself.
6. Depending on the situation, the Director of Student Services will assist in deciding whether a parent or legal guardian will need to be contacted, and what next steps are necessary for the student.
7. When checking back with the student after making a DFCS call, the student should not be asked how the DFCS proceedings went and please refrain from giving advice beyond comforting the student or offering to listen again if the issues persist. School administration or counselors will ensure that the student has the information that he/she/they needs from professional services around how to report additional instances of the abuse and how to seek continued support.
8. Please note that it is unlikely that DFCS will provide school officials or the mandated reporter any information related to the investigation.

### Advising Students

UPA students also report issues and problems that fall outside of mandated reporting guidelines. These include but are not limited to:

- Self-harm (such as cutting)
- Mental health related concerns (such as depression)
- Bullying
- Drug, alcohol, weapons, or other behavioral concerns involving other students' actions
- Social issues
- Academic issues

### Advising Students Protocol

1. Listen to the student's concern and refrain from giving advice that would be more appropriately given by counselors, administrators, law enforcement, or a parent or legal guardian.
2. Again, manage the student's expectations around confidentiality. Please encourage the student to go to the appropriate counselor or administrator, to allow you to report the matter, or offer to bring the student to a counselor or administrator to report the matter with you. The counselor or administrator will ensure the student speaks with their parents or legal guardians as well, as appropriate.

- 
3. Report in a timely manner, the concern to the appropriate counselor and to the Director of Student Services as quickly as possible. One of those individuals will provide feedback to you as to the progress of any investigation and follow-up with the student. Teachers should not contact parents or legal guardians with these issues before speaking with the counselor.

### Counseling Department Guidelines

1. When a student is referred to the counseling staff per the aforementioned protocol, counselors will interview the student in a timely manner and will utilize the Santa Clara County Mental Health TALK (tell, ask, listen, and keep safe) protocol for handling students who present with mental health issues.
2. Counselors will receive training and certification as a Suicide Alert Helper, provided by Santa Clara County Mental Health.
3. Following the interview, the counselor will contact the parent or legal guardian of the student and share the details of the interview and the initial report with the parent or legal guardian. The counselor shall document the meeting or phone call held with the parent or legal guardian.
4. Having notified the parent, the counselor will encourage the parent or legal guardian to utilize existing family health care resources to have the student meet with a primary care physician or specialist.
5. Where the parent or legal guardian is unable to access health care services, or if self-harm or mental health is a concern, the Santa Clara County Mental Health suicide and crisis hotline phone number (1855-278-4204) and resource pamphlet shall be provided to the parent or legal guardian and the recommendation to seek help given.

***Please note: the Santa Clara County (SCC) suicide and crisis hotline phone number and resources may not be provided to a student directly, rather, these resources should be provided to the parent or legal guardian of the affected student.***

6. The counselor should confirm and document with the parent or legal guardian, that action (or the decision not to act) on the counselor's recommendation to seek help was taken.
7. The counselor shall follow-up with the parent or legal guardian, student, and appropriate staff on a regular basis in order to monitor academic progress.
8. The counselor shall report to the Director of Student Services each mental health referral made. Determination of need for a 504 Plan may be considered.

**EMERGENCY MANAGEMENT**  
**DISASTER RESPONSE SECTION**  
**2023-2024**

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## Disaster Response Procedures Overview

These disaster response procedures were created to assist UPA's administration and staff members when a disaster occurs. The first and foremost objective is safety of the site's students and personnel. Teachers are required to inform their students about the safety procedures and practice frequently.

The Standardized Emergency Management System (SEMS)<sup>5</sup> provides a fully integrated and coordinated multiple level response to multi-agency, multi-jurisdictional emergencies. SEMS is based on the Incident Command System (ICS).

ICS has five primary functions:

1. command/management
2. operations
3. planning/intelligence
4. Parent/Student Reunification
5. finance/administration

At the SEMS Field Level, the ICS organization<sup>6</sup> develops around the five major functions that are required on any incident whether it is large or small. For some incidents and in some applications, only a few of the organization's functional elements may require the filling of a specific position. In these cases, where a specific position is not filled, duties remain the responsibility of the next higher position in the chain of command. However, if there is a need to expand the organization, additional positions exist within the standard ICS framework to meet virtually any need. Specific discipline applications may require specialized positions to meet functional needs.

The intent of this plan is to clarify school procedures in the case of an emergency. The objectives of our plan are the following:

1. To provide for action which will minimize injuries and loss of life of students and school and emergency personnel if an emergency occurs during school hours.
2. To provide for maximum use of school personnel and school facilities.
3. To ensure the safety and protection of our students and school personnel immediately after a disaster.
4. To arrange for a calm and efficient plan for parents or legal guardians to retrieve their children from school, should it be necessary, following a disaster.
5. To meet these objectives, in the event a disaster should occur when children are at school, the following action plan would be implemented.

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<sup>5</sup> <https://www.caloes.ca.gov/cal-oes-divisions/planning-preparedness/standardized-emergency-management-system> SEMS is the cornerstone of California's emergency response system and the fundamental structure for the response phase of emergency management.

<sup>6</sup> <https://www.phe.gov/Preparedness/planning/mscc/handbook/chapter1/Pages/emergencymanagement.aspx> The ICS provides guidance for how to organize assets to respond to an incident (system description) and processes to manage the response through its successive stages (concept of operations).

## Incident Command System & Designations

### Command Section

#### *Incident Commanders*

Name	Title	E-mail	Cell Number
David Porter	Executive Director	dporter@upatoday.com	408-460-5912

#### *Public Information Officers (PIO)*

Name	Title	E-mail	Cell Number
David Porter	Executive Director	dporter@upatoday.com	408-460-5912

#### *Safety Officer*

Name	Title	E-mail	Cell Number
Lucas Kelleher	Director of Student Services	<a href="mailto:lkelleher@upatoday.com">lkelleher@upatoday.com</a>	630-362-7112

#### *Liaisons*

Name	Title	E-mail	Cell Number
Elliott Boesch	Campus Supervisor Lead	eboesch@upatoday.com	408-518-9743
Jan Rogers	Operations Manager	jrogers@upatoday.com	408-921-3430

### Operations Section

#### *Operations Section Chiefs*

Name	Title	E-mail	Cell Number
Lucas Kelleher	Director of Student Services	<a href="mailto:lkelleher@upatoday.com">lkelleher@upatoday.com</a>	630-362-7112
David Porter	Executive Director	dporter@upatoday.com	408-460-5912

#### *Site Coordinators*

Name	Title	E-mail	Cell Number
Lucas Kelleher	Director of Student Services	<a href="mailto:lkelleher@upatoday.com">lkelleher@upatoday.com</a>	630-362-7112
Elliott Boesch	Campus Supervisor Lead	eboesch@upatoday.com	408-518-9743

### *First-Aid Coordinators*

Name	Title	E-mail	Cell Number
Tom McMahon	Teacher	tmcmahon@upatoday.com	408-499-6398
Tom Guevara	Director of Technology	tguevara@upatoday.com	408-375-4955

### *Police/Fire/Medical Coordinators*

Name	Title	E-mail	Cell Number
Veronica Rincon	Attendance Clerk	<a href="mailto:vrincon@upatoday.com">vrincon@upatoday.com</a>	408-762-9133
Jan Rogers	Operations Admin Asst	jrogers@upatoday.com	408-921-3430
Elliott Boesch	Campus Supervisor Lead	eboesch@upatoday.com	408-518-9743

### *Site Facility Check/Security*

NAME	Title	E-mail	Cell Number
Elliott Boesch	Campus Supervisor Lead	eboesch@upatoday.com	408-518-9743
Lisa Murphy	Campus Supervisor	<a href="mailto:lmurphy@upatoday.com">lmurphy@upatoday.com</a>	775-303-3309

### *Search Team Coordinators*

NAME	Title	E-mail	Cell Number
Nathalie Tran (Team One)	Executive Assistant	<a href="mailto:Nathalietran@upatoday.com">Nathalietran@upatoday.com</a>	408-835-9665
Katie Gong-Guy (Team One)	Counselor	kgongguy@upatoday.com	408-332-8852
Jean Mastrogiacomo (Team Two)	Director of Special Services	jmastrogiacomo@upatoday.com	408-966-9613
Lucas Kelleher	Director of Student Services	<a href="mailto:lkelleher@upatoday.com">lkelleher@upatoday.com</a>	630-362-7112

### *Parent Coordinators*

NAME	Title	E-mail	Cell Number
Anjelica Frausto	Student Support Specialist	afrausto@upatoday.com	408-334-9858
Jan Rogers	Operations Manager	jrogers@upatoday.com	408-921-3430





# Comprehensive School Health and Safety Plan

## *Student Supervision Team*

### Who

Teachers with each Class

Teachers Utilize Buddy System @ Evacuation Site

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Any Volunteers or Parents/legal guardians on-Site

## *Student Release Team*

NAME	Title	E-mail	Cell Number
Veronica Rincon	Attendance Clerk	<a href="mailto:vrincon@upatoday.com">vrincon@upatoday.com</a>	408-762-9133
Andrew Yau	Director of Alumni Outreach and Support	<a href="mailto:ayau@upatoday.com">ayau@upatoday.com</a>	408-455-0575

## Planning Section

### *Planning Section Chiefs*

NAME	Title	E-mail	Cell Number
David Porter	Executive Director	<a href="mailto:dporter@upatoday.com">dporter@upatoday.com</a>	408-460-5912
Lucas Kelleher	Director of Student Services	<a href="mailto:lkelleher@upatoday.com">lkelleher@upatoday.com</a>	630-362-7112

## Parent/Student Reunification

Location	Address	Contact Name	Contact Info
San Jose Masonic Center (Main)	2500 Masonic Drive San Jose, CA 95125	Brandon Dueñas Center Director	Ph: 408-267-7121 Cell: 408-763-7696
San Jose Scottish Rite Center (Backup)	2455 Masonic Drive San Jose, CA 95125	Gregg Hall General Secretary	Cell: 408-656-2459

## Administration & Finance Section

### *Finance and Administrative Section Chiefs*

NAME	Title	E-mail	Cell Number
Yariela Perez	Business Manager	<a href="mailto:yarielaperez@upatoday.com">yarielaperez@upatoday.com</a>	831-794-0186

## Comprehensive School Health and Safety Plan

NAME	Title	E-mail	Cell Number
David Porter	Executive Director	dporter@upatoday.com	408-460-5912

### *Secretaries*

NAME	Title	E-mail	Cell Number
Jan Rogers	Operations Manager	jrogers@upatoday.com	408-921-3430
Veronica Rincon	Attendance Clerk	<a href="mailto:vrincon@upatoday.com">vrincon@upatoday.com</a>	408-762-9133

### *Recorders*

NAME	Title	E-mail	Cell Number
Arica Clement	Registrar	aricaclement@upatoday.com	408-640-9992

### **Additional Information**

#### *Medication Trained Staff*

NAME	Title	E-mail	Cell Number
Arica Clement	Registrar	aricaclement@upatoday.com	408-640-9992
Veronica Rincon	Attendance Clerk	<a href="mailto:vrincon@upatoday.com">vrincon@upatoday.com</a>	408-762-9133

#### *Staff Trained in First Aid/CPR*

NAME	Title	E-mail	Cell Number
Tom McMahon	Teacher	tmcmahon@upatoday.com	408-499-6398
Tom Guevara	Director of Technology	tguevara@upatoday.com	408-375-4955

#### *Staff Trained in Physical Restraint*

NAME	Title	E-mail	Cell Number
Elliott Boesch	Campus Supervisor	eboesch@upatoday.com	408-518-9743

#### *Individuals who need assistance during a crisis (physical or mental handicap)*

NAME	Title	E-mail	Cell Number
NA			

#### *Chain of Command*

NAME	Title	E-mail	Cell Number
David Porter	Executive Director	dporter@upatoday.com	408-460-5912

## Comprehensive School Health and Safety Plan

NAME	Title	E-mail	Cell Number
Andrew Yau	Director of Alumni Outreach and Support	ayau@upatoday.com	408-455-0575
Jean Mastrogiacomio	Director of Curriculum and Instruction	jmastrogiacomio@upatoday.com	408-966-9613
Lucas Kelleher	Director of Student Services	<a href="mailto:kelleher@upatoday.com">kelleher@upatoday.com</a>	630-362-7112
Alisha Hill	Dean of Student Services	<a href="mailto:ahill@upatoday.com">ahill@upatoday.com</a>	816-529-2022
Yariela Perez	Business Manager	yarielaperez@upatoday.com	831-794-0186

In the event of a serious incident when the Executive Director is not available, the following occurs:

1. The Office Manager contacts the Executive Director (408-460-5912). If the Office Manager is unable to contact the Executive Director, they then call the “Chain of Command” to attend to the emergency.
2. The Office Manager or Director of Curriculum and Instruction will inform at least one of the Board Members – beginning with the first name on the list—as soon as time permits

# Comprehensive School Health and Safety Plan

## Staff Training Schedule

Date	Drill Type
August	<ul style="list-style-type: none"> <li>Staff Refresher on Fire Drills</li> <li>Mandatory New to UPA staff Training (September 7th)</li> </ul>
September	<ul style="list-style-type: none"> <li>Training in Earthquake Procedures (DROP, COVER, HOLD-ON) The CA Great Shakeout</li> </ul>
October	<ul style="list-style-type: none"> <li>CODE BLUE Training in Lock Down</li> </ul>
November	<ul style="list-style-type: none"> <li>Training in Student-Parent or legal guardian Reunification procedures in an emergency</li> <li>Training in Search and Rescue Procedures</li> </ul>
February	<ul style="list-style-type: none"> <li>Training in Run, Hide, Defend Response procedures</li> </ul>
March	<ul style="list-style-type: none"> <li>Training in Recess/Lunch Emergency Procedures</li> </ul>
April	<ul style="list-style-type: none"> <li>Training in Controlled Evacuation</li> </ul>
May	<ul style="list-style-type: none"> <li>Training in Afterschool Emergency Procedures</li> </ul>

Table 3: Staff training schedule

## Emergency Practice Drill Schedule

Date	Day	Drill Type	Evacuation
9/13/23	Wednesday	Fire	Yes
10/19/23	Thursday	Earthquake (California Great Shakeout)	Yes
11/9/23	Thursday	CODE BLUE	No
12/12/23	Tuesday	Fire	Yes
2/15/24	Thursday	Earthquake	No
3/18/24	Monday	CODE BLUE to Run, Hide, Defend	No
4/16/24	Tuesday	Fire	Yes
5/06/24	Monday	Earthquake	Yes
5/09/24	Thursday	CODE BLUE to Run, Hide, Defend	No

## Disaster / Evacuation Procedures

**Definition of emergency:** An out-of-the-ordinary event deemed beyond the experience level of the Office Manager

## Comprehensive School Health and Safety Plan

and the teachers on site. The Office Manager is entitled to make this decision on the authority of the Executive Director (Examples: severe student injury; bus accident; any event gathering media attention).

Prior to any disaster drills or actual evacuations, each teacher will appoint two students who will lead the class to the assembly location and notify another staff member or administrator if their teacher is injured, requires assistance or is unable to evacuate the building.

**ALL STAFF MEMBERS' FIRST PRIORITY IS THE SAFETY OF ALL THE STUDENTS.** It may become necessary for a teacher or staff member to evacuate the building leaving trapped or seriously injured children in the classroom.

### UPA Student Population Information Sheet

Grade	Males	Females	Total
7 <sup>th</sup>	TBD	TBD	TBD
8 <sup>th</sup>	53	72	125
9 <sup>th</sup>	66	56	122
10 <sup>th</sup>	63	60	123
11 <sup>th</sup>	56	59	115
12 <sup>th</sup>	57	64	121
<b>TOTAL SCHOOL</b>	<b>TBD</b>	<b>TBD</b>	<b>TBD</b>

Table 5: UPA Student Population Metrics

### UPA Emergency Evacuation Locations

Classroom Name	Classroom Number	Evacuation Checkpoint
Johns Hopkins	FLC 109	East Parking Lot-B
Penn	FLC 110	East Parking Lot-B
San Francisco State (Media Center)	FLC 111	East Parking Lot-B
Counseling Office	FLC 130	South Parking Lot
Dartmouth	FLC 131	South Parking Lot
UCLA	FLC 132	South Parking Lot
Julliard	FLC 213	East Parking Lot-B
Cornell	FLC 215	South Parking Lot

Classroom Name	Classroom Number	Evacuation Checkpoint
Howard	FLC 216	South Parking Lot
Notre Dame	FLC Gym	East Parking Lot-B
Princeton	HYC 111	West Parking Lot
Pratt	HYC 112	West Parking Lot
William Jessup	HYC 201	South Parking Lot
Mental Health Counseling	HYC204	West Parking Lot
Oberlin	HYC 208	West Parking Lot
Carnegie Mellon	HYC 209	West Parking Lot
Eastman	HYC210	West Parking Lot
Horton Auditorium	HYC AUD	South Parking Lot
UC Davis	LC109	East Parking Lot-A
Georgia Tech	LC 110	East Parking Lot-A
NYU	LC111	East Parking Lot-A
Oxford	LC229	East Parking Lot-A
Harvard	LC230	East Parking Lot-A
Yale	LC231	East Parking Lot-A
Cal Poly	LC232	East Parking Lot-A
MIT	LC233	East Parking Lot-A
Cal	LC234	East Parking Lot-A
San Jose State	LC235	East Parking Lot-A
Santa Clara	LC236	East Parking Lot-A
Stanford	LC237	East Parking Lot-A

Table 6: UPA Emergency Evacuation Locations



## Local Emergency Contact Information Sheet

### **Cathedral of Faith (Landlord)**

Aaron Scott – Operations Manager  
For all building and maintenance issues 408-267-4691, x3020 (office) 408-315-9579 (mobile)  
[ascott@cathedraloffaith.org](mailto:ascott@cathedraloffaith.org)

Janitorial hotline (after hours) 408-892-5747

### **University Preparatory Academy**

Jan Rogers  
Operations Department Administrative Assistant  
408-723-1839, x5113 (office) 408-921-3430  
[jrogers@upatoday.com](mailto:jrogers@upatoday.com)

Veronica Rincon – Front Desk Receptionist,  
Attendance Coordinator 408-723-1839, or "0"  
[afrausto@upatoday.com](mailto:afrausto@upatoday.com)

Elliott Boesch – Campus Supervisor/Safety  
Coordinator  
408-518-9743 [eboesch@upatoday.com](mailto:eboesch@upatoday.com)

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David Porter – Executive Director 408-723-1839,  
x5115 (office) 408-460-5912 (mobile)  
[dporter@upatoday.com](mailto:dporter@upatoday.com)

Andrew Yau – Director of Student Services 408-723-1839, x5145 (office) 408-455-0575 (mobile)  
[ayau@upatoday.com](mailto:ayau@upatoday.com)

Jan Rogers – Operations Manager 408-723-1839,  
x5113 (office) 408-921-3430 (mobile)  
[jrogers@upatoday.com](mailto:jrogers@upatoday.com)

### **San Jose Police Department**

911 – EMERGENCIES 408-277-8911 – non-emergency

### **San Jose Fire Department**

911 – EMERGENCIES 408-794-7000 – non-emergency

### **Santa Clara County Social Services**

Child Abuse and Neglect Center 408-299-2071

### **Parent or legal Guardian Reunification Location**

San Jose Masonic Center  
408-267-7121  
408-763-7696

# Comprehensive School Health and Safety Plan

## Earthquake Response Procedure



### Directions for DROP, COVER and HOLD-ON

#### *Indoors:*

1. Drop to knees with back to the windows.
2. Get under solid furniture (desk, table, chair, etc.)
3. Grasp leg of furniture with one hand while covering the back of the neck with the other. Be certain head and necks are covered by furniture.
4. Wait for further instructions.

#### *Outdoors:*

1. Move away from any buildings, light poles, utilities, and playground equipment.
2. Drop to ground
3. Wait for instructions

#### *At the first sign of a tremor, Teacher will issue the Earthquake Signal*

1. Students and teachers **DROP, COVER** and **HOLD** until the shaking stops.
2. Do not evacuate the classroom until the Incident Commander issues the evacuation signal
3. Teacher assesses the condition of all children and checks the safety of an evacuation route.
4. Upon receiving the evacuation order, students and staff walk to the assembly area. Be aware of hazards along the way.
5. Teachers take attendance and complete Emergency Attendance Report. Runners deliver the report to Incident Command Center.
6. Teachers pass their class to the buddy teacher and report to predetermined Emergency Response Team assignment.
7. Wait for instructions.

## Fire Response Procedure

This procedure is to be followed as soon as smoke or flames are detected, or when Building Fire/Life Systems are activated.

1. Activate the Fire Alarm and inform the incident commander/front office if you see, smell, or feel a fire.
2. Students and teachers immediately exit the classroom and proceed to the predetermined Assembly Area in orderly fashion. Don't talk. Don't push. Don't run. Don't turn back.





3. Students walk silently and listen for instructions.
4. Teacher takes emergency response folder with class list (rosters) to designated area.
5. Teacher exits the classroom last and checks the classroom for remaining children.
6. Teacher shuts the classroom door and places a red **"HELP"** or a green **"ALL CLEAR"** door hanger on the door notifying the Search and Rescue Team of the status of their students in the room.
7. Teacher and Students proceed to Evacuation Assembly Area
8. Students are to line up facing the school buildings in the designated parking lot location:
  - a. Learning Center (East Parking Lot)
  - b. Horton Youth Center (West & South Parking Lots, based on classroom location)
  - c. Family Life Center (East & South Parking Lots based on classroom location)
9. Teacher takes roll call of students. Students remain quiet to hear further instruction if necessary.
10. Teacher will hold a **"Green"** sign to show the administrator in charge that all students are present or a **"Red"** sign to inform the administration of missing/injured students or that they have a child from another class. (Red/Green Signs are in emergency response folder)
11. Missing student names and absent student names will be written on "Emergency Drill Attendance Form" found in folder.
12. Incident Commander and team collect the Emergency Drill Attendance Forms and account for every student and staff member.
13. Office Manager and team informs the Incident Commander of missing Students and/or Staff. They will also inform the Incident Commander of any Students/Staff that require additional support in evacuating.
14. The Incident Commander will coordinate with the Search and Rescue Team in order to locate any missing individuals.
15. Staff will check restrooms for missing children-Children found will be brought to the command post
16. All faculty regardless of assignment will list students in custody and will retain the students in their charge until requested to release them to the classroom teacher by an administrator.
17. A full sweep of the entire campus is completed and every person on campus is accounted for. This will include visitors and ad hoc staff.
  - a. Incident Commander will announce the "All-Clear" signal when it is safe for the students and staff to re-enter the building.

---

### **RUN, HIDE, DEFEND Response**

When you are notified that the school is in a RUN, HIDE, DEFEND Response, this means that there is a lifethreatening situation, or intruder ON CAMPUS and drastic measures must take place in order to keep our students safe.

First, observe the situation:

---

**LOOK:** Immediately scan your surroundings.  
If the threat is visible, RUN!  
Seek cover and concealment.  
Hide if possible.  
RUN again when it is safe.

---

**LISTEN:** Listen for sounds.  
If you hear the threat, RUN! Seek cover and concealment. Hide if possible.  
RUN again when it is safe.

---

**ACT:** Don't Freeze! Take action right away.

### **Options-Based RUN, HIDE, DEFEND Response for Students and Teachers:**

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**RUN:** As fast as you can to get away from the threat.  
Run towards cover.  
Get as far away as you can.

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**HIDE:** **If you're indoors, secure the room.**  
Lock doors.  
Cover door window and exterior ground floor windows.  
Build door barricade.  
Build interior barricade.  
Turn off lights.  
Shelter in place.  
Monitor email.

---

**DEFEND** If you're too close to RUN or HIDE or as an absolute last resort, defend yourself and resist the threat.  
Use anything to assist you.

Teachers, students, and school administration are not being asked nor should they ever put themselves in harm's way unnecessarily, but law enforcement is asking that we reflect on these worst-case scenarios and what we can do to defend ourselves and our students.

---

### CODE BLUE – Campus Lock-Down Procedure

1. This procedure is utilized to immediately secure everyone present on campus within classrooms, and other interior spaces. This can be in response to police activity in the neighboring vicinity off-campus and/or to isolate a location while an incident is managed.
2. Incident Commander issues the “CODE BLUE” alert signal. All Staff respond immediately to secure campus. Emergency Communication Protocol is initiated.
  - Lunch:** Upon hearing the CODE BLUE signal, students immediately go to their next period classrooms. If the door is locked, or the teacher is unavailable, the neighboring teacher will let students into their classroom. The teacher meets students at the classroom. Teacher and students secure all doors leading to the outside.
  - Class time:** Upon hearing the CODE BLUE Signal, Teacher immediately locks the classroom door. The teacher takes attendance. The teacher or staff member will proceed to secure their classroom and follow the Emergency Communication Protocol to obtain updates. The classroom door is not to be opened by anyone inside the room until the emergency is over. Teacher will continue teaching class.
3. Incident Commander directs Security/Campus Aides to lock any and all outside doors not already locked by a teacher (i.e., classroom).
4. The office will contact each teacher by phone to verify the room is safe and secure. When answering the phone, the teacher is to respond, with the approved call sign (Code 10). ANY OTHER RESPONSE SIGNIFIES A PROBLEM IN THE CLASSROOM.
5. Wait for instructions.
6. Incident Commander sends updates at regular intervals in order to keep Teachers and Staff informed as often as possible.
7. Incident Commander Issues “All-Clear” signal to deactivate CODE BLUE.

### UPA Administration Procedures

1. Use phone speaker to announce CODE BLUE, call 911 as needed.
2. Use radios to communicate who will remain in contact with law enforcement.
3. Go to assigned locations and inspect classroom doors.
4. Use phone speaker to announce RUN, HIDE, DEFEND RESPONSE, shelter in place, remain vigilant, and remain in communication with whoever is in contact with law enforcement (call 911).
5. Lift RUN, HIDE, DEFEND RESPONSE after confirmation with law enforcement, with code, and allow students to evacuate upon orders of law enforcement.
6. Coordinate with law enforcement and administration to triage emergency situation, site unification, and release of students to parent or legal guardian (as needed).
7. Refer all communications with press to administration or police.
8. Let police know of potential witnesses as soon as you become aware of them.

## Campus Administrator/Supervisor Responsibility Location

Name	Location
Lucas Kelleher	Lead Horton
Tom Guevara	Horton
Jean Mastrogiacomo	Lead FLC
Alisha Hill	FLC
Jaz Dhillon	Lead Learning Center
Elliott Boesch	Learning Center
David Porter	Parking lots
Andrew Yau	Parking lots

Table 7: Campus administrators and supervisors responsibility locations

## UPA Office Staff Procedures

1. A CODE BLUE is called over the phone speaker system.
2. Secure any students or visitors inside main office; allow no movement to any location.
3. Lock outside entrance (which is the only door on campus that is left unlocked throughout the day). Do not open any doors via Aiphone system unless student is in emergency situation and surroundings are verified via Aiphone door camera.
4. Close and lock main office door. Close office blinds
5. Monitor outside phone calls with great caution, anticipating the possibility that you could be contacted either by the intruder, police, classroom teachers, or any UPA staff member.
6. Forward phone calls and messages to the Administration via radio communication, until administration arrives at Main Office.
7. Remain behind closed and locked main office door until released by administration.
8. Prepare for possibility of RUN, HIDE, DEFEND RESPONSE (see below).
9. A RUN, HIDE, DEFEND RESPONSE is called. Barricade main office door. Turn off lights.
10. Remain out of view behind office desk inside interior office. Monitor email and phone (cautiously), and whisper messages and communications.
11. Secure the grab and go emergency binder with updated student contacts. Remain sheltered in space.
12. Follow same evacuation procedures as students and teachers when released from office to nearest staging area (outside main office).
13. Coordinate with law enforcement and administration to triage emergency situation, site unification, and release of students to parents or legal guardians (as needed). Refer all communications with press to administration or police.
14. Let police know of potential witnesses as soon as you become aware of them.

### Bomb Threat and Discovery of Explosives

The person receiving the bomb threat will:

1. Attempt to gain as much information as possible when the threat is received. Do not hang up on the caller.
2. Keep the caller on the phone as long as possible. If the threat is received by phone, attempt to gain more information.
3. The most important information is: When will the bomb explode and where is the bomb located?
4. Immediately after receiving the bomb threat, verbally notify the Incident Commander of the threat received.
5. Turn off cellular phones and/or walkie-talkie radios, and public address systems (radio waves could trigger a bomb).

**Incident Commander**, with support from staff, will (or assign someone to):

1. Call 9-1-1 and give the following information:
  - a. Your name
  - b. Call-back phone number
  - c. Exact street location with the nearest cross street
  - d. Nature of incident and number and location of people involved and/or injured
  - e. Identify that UPA is a public school
2. Notify Executive Director and Board Member.
3. Evacuate involved buildings using controlled evacuation procedures. Executive Director must issue permission to evacuate the entire site.
4. Implement a systematic inspection of the facilities to determine if everyone is out. Secure all exits to prevent re-entry to buildings during the search period.
5. Be certain people stay clear of all buildings; a bomb(s) may be planted against an outside wall. The blast will be directed in large part away from the building.
6. Re-occupy buildings only when proper authorities give clearance.

Fire department or police officers shall organize a search team to check for suspicious objects; a bomb can be disguised to look like any common object. Site employees should be ready to assist as needed.

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## Environmental Hazards

An environmental hazard is any condition, process, or state adversely affecting the environment. Environmental hazards manifest as physical or chemical pollution in air, water, and soils. Environmental hazards can cause widespread harm to humans and the physical environment. Below are procedures to be followed in different hazardous events.

### Biological, Radiological, Chemical, and other activities

Hazardous material spills may occur inside a building, such as a spill in a chemistry lab. Incidents of disaster magnitude may occur outside, such as a tank truck accident involving large quantities of toxic material.

#### Procedures:

If a spill is minor and inside, notify buildings and grounds personnel immediately for clean-up. Open windows for ventilation.

If a more serious spill occurs inside or outside:

1. Call 911. Notify Fire Department, Emergency Response Unit, and/ or Public Health Department.
2. Provide the following:
  - a. School name.
  - b. Building address, including nearest cross street(s). Your name and phone number.
  - c. Identify UPA as a public school.
  - d. Location of the spill and/or materials released. Characteristics of spill (colors, smells, visible gases). Name of substance, if known.
  - e. Injuries, if any
3. Notify buildings and grounds personnel.
4. Close all windows and doors if the spill is outside.
5. Request that buildings personnel shut off mechanical ventilating systems if it might spread toxic material.
6. Remain inside building unless ordered to evacuate by the Fire Department. Fire Department will advise of further actions to be taken.
7. Do not eat or drink anything or apply cosmetics.
8. If there appears to be imminent danger, a fire drill may be called while approval for student release or site evacuation is sought.
9. The Executive Director or his/her/their designee, if necessary, will give approval for student release or site evacuation.

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### Medical Emergencies:

Typically, medical emergencies should be handled by calling 911 and following the directions given by the 911 operator. In the event that 911 cannot be reached or because of disaster conditions medical help will be delayed it may become necessary for staff to assist victims.

In the event of an emergency involving injuries or immediate severe illness when medical services are not available, calmly, and carefully, assess the medical emergency you are faced with. Take only those measures you are qualified to perform.

### Field Trips and Off-Campus School-Sponsored Activities:

Field trips and other off-campus school-sponsored activities are a great way to complement a child's learning. They offer an opportunity to experience something that may be new and exciting. But the health and safety of all students is of paramount concern to the school even when students are off-campus, so the following procedures apply to all field trips and other off-campus school-sponsored activities.

In order to participate in a field trip, all students must have a completed permission slip with a parent or legal guardian signature in two (2) spaces. This permission form allows families to provide critical contact information and medication needs (if any). Trip slips will be sent home before the trip and must be filled out by a parent or legal guardian. Volunteer chaperones must be approved by the School before the trip, be 21 years of age or older, and are not allowed to bring other children on the trip. Volunteer chaperones may be required to complete a TB test and criminal background check prior to the field trip depending on the volunteer's role.

Some trips may be organized with parent or legal guardian drivers. Parent or legal guardian drivers must have proof of insurance and a current California State driver's license. State law mandates the use of car seats or booster seats for all children under the age of eight. If your child is required to be in a car seat or booster seat, you must provide that car seat or booster seat upon request for field trips.

Field trip volunteers, including parent or legal guardian drivers, must sign a waiver of all claims against UPA, the governing board of UPA, its members and employees, other volunteers and chaperones, and others for injury, accident, illness, or death occurring during or by reason, arising out of, in connection with, or resulting from the school field trip.

During all field trips and other off-campus school-sponsored activities, school staff and volunteer chaperones should be aware of the location of the nearest emergency services, including fire department, police department, hospital, etc. Each staff member and volunteer chaperone should have a cell phone, walkie-talkie, or other communication device on them at all times. Breakfast, lunch, snack, or other food arrangements, if any, should be made in consideration of students with food allergies. If a student has special medication needs (e.g., asthma, diabetes, allergies, etc.), arrangements should be made so the student will have access to required medication.

### Procedures for Public Agency Use of School Buildings

During an emergency, UPA buildings, grounds, and equipment may be designated to be used for mass care, or welfare shelters that affect public health or welfare. UPA, or its landlord, shall grant the use of school buildings, grounds, and equipment to public agencies, including the American Red Cross upon official notice to the Executive Director by a verified agent. UPA shall cooperate with such agencies in furnishing and maintaining

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whatever services they deem necessary to meet the community's needs.

### Disaster Service Worker Designation

School employees are considered disaster service workers and are subject to disaster service activities assigned to them. All school personnel have pre-designated duties and responsibilities to assume in the event of a major disaster; earthquake, fire, lock down or other determined emergency. All University Preparatory Academy employees automatically become Disaster Service Workers upon declaration of a disaster or state of emergency.

### Priority Release During Emergencies

In the event of a disaster or emergency, certificated staff members become Civil Defense Workers who are required to give assistance until the emergency is concluded or all children have been released to a parent or legal guardian. The Executive Director shall make the determination when the opportunity to release staff members arrives. The following 5-point priority listing shall be used:

- Priority One:** Instructional Aides/Part-time Classified Staff
- Priority Two:** Certificated staff members and office staff with small children.
- Priority Three:** Remaining certificated staff members
- Priority Four:** Certificated staff members who volunteer to stay on campus for an extended time
- Priority Five:** Administration and custodial staff. All staff members volunteering to stay until all children are released.



**SCHOOL CLIMATE AND DISCIPLINE**  
**SECTION**  
**2023-2024**

## School Discipline and Student Supervision Procedure

University Preparatory Academy has created a school wide discipline plan in order to communicate high standards and expectations and hold students accountable for their behavior at school and school-sponsored events, including off-campus events and field trips. This plan, part of the School's overall Student-Family Handbook, was created by a committee of teachers, and administrators, and is reviewed and updated each year. The discipline plan is provided to every student and reviewed in a mandatory assembly presented by the Executive Director. Parents and Legal Guardians are required to review the discipline plan with their child, and both parent or legal guardian and student sign a signature card attesting that they have read the plan. Staff members consistently enforce the school-wide standards.

### Student Supervision Schedule 2021/2022

Supervisor	Monday Block	Tuesday Block	Wednesday Block	Thursday Block	Friday
Elliott Boesch	7:30am-4:00pm	7:30am-4:00pm	7:30am-4:00pm	7:30am-4:00pm	7:30am-4:00pm
Lisa Murphy	11:00am-4:30pm	11:00am-4:30pm	11:00am-4:30pm	11:00am-4:30pm	11:00am-4:30pm

Table 9: Student Supervision Schedule 2021/2022

### Pupil Suspension and Expulsion Policy

The following Pupil Suspension and Expulsion Policy has been established in order to promote learning and protect the safety and well-being of all students at UPA. When the policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. This policy shall serve as UPA's policy and procedures for student suspension and expulsion, and it may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements.

Staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This policy and its procedures will clearly describe discipline expectations, and it will be printed and distributed as part of the Student-Family Handbook that is sent to each student at the beginning of the school year. The school administration shall ensure that students and their parents or legal guardians are notified in writing upon enrollment of all discipline policies and procedures.

Discipline includes but is not limited to advising and counseling students, conferring with parents or legal guardians, detention during and after school hours, use of alternative educational environments, suspension, and expulsion.

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

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 school has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act of 2004 ("IDEIA") or who is

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

### **Grounds for Suspension and Expulsion of Students**

A student may be suspended or expelled for prohibited misconduct if the act is

1. related to school activity
2. during school attendance occurring at UPA or at any other school, or
3. at a UPA sponsored event.

A pupil may be suspended or expelled for acts that are enumerated below and related to school activity or attendance that occur at any time, including, but not limited to, and of the following:

1. while on school grounds.
2. while going to or coming from school.
3. during the lunch period, whether on or off the school campus; or
4. during, going to, or coming from a school-sponsored activity.

### **Suspension Offenses**

#### ***Discretionary Suspension Offenses***

Students may be suspended for any of the following acts when it is determined the pupil:

1. Caused, attempted to cause, or threatened to cause physical injury to another person.
2. Willfully used force of violence upon the person of another, except self-defense.
3. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code 11053-11058<sup>7</sup>, alcoholic beverage, or intoxicant of any kind.
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 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.
5. Committed or attempted to commit robbery or extortion.
6. Caused or attempted to cause damage to school property or private property.
7. Stole or attempted to steal school property or private property.
8. Possessed or used tobacco or tobacco products containing tobacco or nicotine products, including but not limited to cigars, e-cigarettes, vape devices, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel.

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<sup>7</sup> This California Health and Safety Code names controlled substances.

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9. Committed an obscene act or engaged in the use of habitual profanity or vulgarity.
  10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5<sup>8</sup>.
  11. 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.
  12. Knowingly received stolen school property or private property.
  13. 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.
  14. Committed or attempted to commit a sexual assault as defined in Penal code 261, 266c, 286, 288, 288a or 289<sup>9</sup>, or committed a sexual battery as defined in Penal Code 243.4<sup>10</sup>.
  15. 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.
  16. Unlawfully offered, arranged to sell, negotiated to sell, or sold a prescription drug.
  17. Engaged in or attempted to engage in hazing. For the purposes of this subdivision, "hazing" means a method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution. Which are actions 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.
  18. Made terrorist 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.
  19. Committed sexual harassment, as defined in Education Code Section 212.5<sup>11</sup>. For the purposes of

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<sup>8</sup> Code 11014.5 defines drug paraphernalia and lists the various types.

<sup>9</sup> California Education Code includes sections of the Penal Code that pertain to reasons for discipline, suspension, and/or expulsion of a student.

<sup>10</sup> California Penal Code that concerns sexual battery and assault

<sup>11</sup> This section of the Education Code concerns sexual harassment as defined as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions

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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.

20. Caused, attempted to cause, threaten to cause, or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code<sup>12</sup>. This section shall apply to pupils in any of grades 4 to 12, inclusive.
21. 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.
22. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261 of the Education Code<sup>13</sup>, directed specifically toward pupil or school personnel.
23. A pupil who aids or abets, as defined in Section 31 of the Penal Code<sup>14</sup>, 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).

### ***Non-Discretionary Suspension Offenses***

Students shall be suspended and recommended for expulsion for any of the following acts when it is determined the pupil:

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

### **Suspension Procedure**

*Suspensions shall be initiated according to the following procedures:*

#### **1. Conference**

- a. Suspension shall be preceded, if possible, by a conference conducted by the Executive Director or the designee with the student and his or her parent or legal guardian and, whenever practical, the teacher, supervisor or school employee who referred the student to the Executive Director. The conference may be omitted if the Executive Director or designee

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<sup>12</sup> This section underscores that a person who uses an "hate violence" act is punishable under Section 422.6, 422.7, or 422.75 of the Penal Code.

<sup>13</sup> This section of the Code underscores the definitions of 'bullying' and 'electronic act' in this section is the same as that in California Code, Education Code - EDC § 48900

<sup>14</sup> California statute that defines aiding and abetting. This prohibits a person from encouraging, facilitating or aiding in the commission of a criminal act. A person who aids and abets a crime faces the same punishment as the one who directly commits the crime.

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determines that an emergency situation exists. An “emergency situation” involves a clear and present danger to the lives, safety or health of students or school personnel. If a student is suspended without this conference, both the parent or legal guardian and student shall be notified of the student’s right to return to school for the purpose of a conference.

- b. 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.
- c. This conference shall be held within two school days, unless the pupil waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization.
- d. No penalties may be imposed on a pupil for failure of the pupil’s parent or legal guardian to attend a conference with school officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil’s parent or legal guardian at the conference

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

- a. At the time of suspension, the Executive Director or designee shall make a reasonable effort to contact the parent or legal guardian by telephone or in person.
- b. Whenever a student is suspended, the parent or legal 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 school officials wish to ask the parent or legal guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent or legal guardian respond to such requests without delay.

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

- a. 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 Executive Director or designee, the pupil and the pupil’s guardian or representative will be invited to a conference to determine if the suspension for the pupil should be extended pending an expulsion hearing. This determination will be made by the Executive Director or designee upon either of the following determinations:

1. The pupil’s presence will be disruptive to the education process
2. The pupil poses a threat or danger to others.
3. Upon either determination, the pupil’s suspension will be extended pending the results of an expulsion hearing.

### **Expellable Offenses:**

#### ***Discretionary Expellable Offenses***

Students may be expelled for any of the following acts when it is determined the pupil:

1. Caused, attempted to cause, or threatened to cause physical injury to another person.

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2. Willfully used force of violence upon the person of another, except self- defense.
  3. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind.
  4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 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.
  5. Committed or attempted to commit robbery or extortion.
  6. Caused or attempted to cause damage to school property or private property.
  7. Stole or attempted to steal school property or private property.
  8. Possessed or used tobacco or tobacco products containing tobacco or nicotine products, including but not limited to cigars, e-cigarettes, vape devices, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel.
  9. Committed an obscene act or engaged in habitual use of profanity or vulgarity.
  10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5.
  11. 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.
  12. Knowingly received stolen school property or private property.
  13. Possessed an imitation firearm, i.e., a replica of a firearm that is as substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
  14. Committed or attempted to commit a sexual assault as defined in Penal code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4.
  15. 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.
  16. Unlawfully offered, arranged to sell, negotiated to sell, or sold a prescription drug.
  17. Engaged in or attempted to engage in hazing. For the purposes of this subdivision, "hazing" means a method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, "hazing" does not include athletic events or school-sanctioned events.
  18. Made terrorist 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



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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.

19. 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.
20. Caused, attempted to cause, threaten 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.
21. 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.
22. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261 of the Education Code, directed specifically toward pupil or school personnel.
23. 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).

### ***Non-Discretionary Expellable Offenses***

Students must be expelled for any of the following acts when it is determined pursuant to the procedures below that the pupil:

1. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Executive Director or designee's concurrence.
2. If it is determined by the Governing Board that a student has brought a firearm or destructive device, as defined in Section 921 of Title 18 of the United States Code<sup>15</sup>, onto campus or to have possessed a firearm or dangerous device on campus, the student shall be expelled for one year,

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<sup>15</sup> US Title 18 Section 921 defines 'firearm' and 'destructive device.'



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pursuant to the Federal Gun Free Schools Act of 1994<sup>16</sup>.

- a. 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.
- b. The term "destructive device" means any explosive, incendiary, or poison gas, including but not limited to: (1) bomb, (2) grenade, (3) rocket having a propellant charge of more than four ounces, (4) missile having an explosive or incendiary charge of more than one-quarter ounce, (5) mine, or (6) device similar to any of the devices described in the preceding clauses.

### Authority to Expel

A student may be expelled either by the Board following a hearing before it or by the 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 Board member of the UPA's governing board. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense.

### Expulsion Procedures

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 Executive Director 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 unless the pupil makes a written request for a public hearing three (3) days prior to the hearing.

Written notice of the hearing shall be forwarded to the student and the student's parent or legal 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 School's disciplinary rules which relate to the alleged violation.
4. Notification of the student's or parent or legal guardian's obligation to provide information about the student's status at the school to any other school district or school to which the student seeks enrollment.
5. The opportunity for the student or the student's parent or legal 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.

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<sup>16</sup> This act requires the Education Code of each state to include a policy requiring expulsion of a year of any student who carries a gun, knife, or other weapon into a school.

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7. The opportunity to confront and question all witnesses who testify at the hearing.
  8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses.

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

1. The 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 School, Panel Chair, or the hearing officer in the expulsion. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the pupil.
2. 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/their right to (a) receive five day notice of his/her/their scheduled testimony, (b) have up to two (2) adult support persons of his/her/their choosing present in the hearing at the time he/she/they testifies, which may include a parent, legal guardian, or legal counsel, and (c) elect to have the hearing closed while testifying.
3. The 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.
4. At the discretion of the person or panel conducting the hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which he/she/they may leave the hearing room.
5. The person conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.
6. The person conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours he/she/they is normally in school, if there is no good cause to take the testimony during other hours.
7. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the person presiding over the hearing from removing a support person whom the presiding person finds is disrupting the hearing. The person conducting the hearing may permit any one of the support persons for the complaining witness to accompany him or her to the witness stand.
8. If one or both of the support persons is also a witness, the School must present evidence that the witness' presence is both desired by the witness and will be helpful to the School. The person presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the support person would influence the testimony of the complaining witness, 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/she/they believes is prompting, swaying, or influencing the witness.
9. The testimony of the support person shall be presented before the testimony of the complaining

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witness and the complaining witness shall be excluded from the courtroom during that testimony.

10. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in the public at the request of the pupil being expelled, the complaining witness shall have the right to have his/her/their testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.
11. Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the person conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstances can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent or legal guardian, legal counsel, or other support person.
12. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

### **Students with Disabilities**

A pupil identified as an individual with disabilities or for whom the school has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act ("IDEIA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") 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. The School will follow the IDEIA, 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 School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according to 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.

### **Notification Of District**

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

### **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 IEP; and receive, as appropriate, a functional behavioral assessment or functional analysis, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur. These services

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may be provided in an interim alternative educational setting.

### **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 School, the parent or legal guardian, and relevant members of the IEP Team shall review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parent or legal guardian to determine:

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

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

1. Conduct a functional behavioral assessment or a functional analysis assessment, and implement a behavioral intervention plan for such child, provided that the School had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement.
2. 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
3. Return the child to the placement from which the child was removed unless the parent or legal guardian and the School agree to a change of placement as part of the modification of the behavioral intervention plan.

If the School, the parent or legal guardian, and relevant members of the IEP 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 IEP, then the 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.

### **Due Process Appeals**

If the parent/legal guardian of a child with a disability disagrees with any decision regarding placement, the manifestation determination process, or the belief that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, the parent/legal guardian may request an expedited administrative hearing through the Special Education Unit of the Office of Administrative Hearings of the State of California.

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent/legal guardian or the school, the student shall remain in the interim

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alternative educational setting pending the decision of the hearing officer or until the expiration of the forty- five (45) daytime period provided for in an interim alternative educational setting, whichever occurs first, unless the parent/legal guardian and the School agree otherwise.

### Special Circumstances

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 Executive Director 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:

1. Carries or possesses a weapon, as defined in 18 USC 930<sup>17</sup>, to or at school, on school premises, or to or at a school function.
2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or
3. Has inflicted serious bodily injury, as defined by 20 USC 1415(k)(7)(D) <sup>18</sup>, upon a person while at school, on school premises, or at a school function.

### Interim Alternative Educational Setting

The student's IEP team shall determine the student's interim alternative educational setting.

#### *Procedures for Students Not Yet Eligible For Special Education Services*

1. A student who has not been identified as an individual with disabilities pursuant to IDEIA and who has violated the district's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the School had knowledge that the student was disabled before the behavior occurred.
2. The School shall be deemed to have knowledge that the student had a disability if one of the following conditions exists:
  - a. The parent or legal guardian has expressed concern in writing, or orally if the parent or legal guardian does not know how to write or has a disability that prevents a written statement, to School supervisory or administrative personnel, or to one of the child's teachers, that the student needs special education or related services.
  - b. The parent or legal guardian has requested an evaluation of the child.
  - c. The child's teacher, or other School personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education or to other School supervisory personnel.

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<sup>17</sup><https://www.law.cornell.edu/uscode/text/18/930>

Possession of firearms and dangerous weapons in Federal facilities. US Code that defines firearms and dangerous weapons.

<sup>18</sup> This section of US Code states that "The term "serious bodily injury" has the meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of section 1365 of title 18."

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3. If the 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 IDEIA- eligible children with disabilities, including the right to stay
  4. If the School had no basis for knowledge of the student's disability, it shall proceed with the proposed discipline. The School shall conduct an expedited evaluation if requested by the parents or legal guardians; however, the student shall remain in the education placement determined by the School pending the results of the evaluation.
  5. The School shall not be deemed to have knowledge that the student had a disability if the parent or legal guardian has not allowed an evaluation, refused services, or if the student has been evaluated and determined not eligible.

### Record of Hearing

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

### Presentation of Evidence

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

Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay. Sworn declarations may be admitted as testimony from witnesses of whom the Board, Panel or designee 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<sup>19</sup>, 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 expulsion-hearing panel decides not to recommend expulsion, the pupil shall immediately be returned to his/her/their educational program.

### Written Notice to Expel

The Executive Director 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 or legal guardian.

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<sup>19</sup> [https://california.public.law/codes/ca\\_educ\\_code\\_section\\_48900](https://california.public.law/codes/ca_educ_code_section_48900)

California Education Code that delineates the conditions that suspension and expulsion of a student may take place.

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This notice shall also include the following:

1. Notice of the specific offense committed by the student
2. Notice of the student's or parent or legal guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the School.

The Executive Director or designee shall send a copy of the written notice of the decision to expel to the SCCOE.

This notice shall include the following:

1. The student's name
2. The specific expellable offense committed by the student

The Board's decision to expel shall be final. The parent or legal guardian does have the right to appeal the Board's decision to the Board of the Santa Clara County Office of Education. The County Office of Education Board may uphold the local Board's decision to expel or may overturn the expulsion. In such a case, the County Board's decision is final.

### **Disciplinary Records**

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

### **Expelled Pupils/Alternative Education**

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.

### **Rehabilitation Plans**

Students who are expelled from the 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 School for readmission.

### **Re-admission**

The decision to re-admit 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 Executive Director and the pupil and 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 Executive Director shall make a recommendation to the Board following the meeting regarding his or her determination. The pupil's re-admission is also contingent upon the School's capacity at that time



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## Procedures to Notify Teachers of Dangerous Pupils

If a dangerous pupil is in attendance, the UPA Executive Director will personally notify the teachers immediately about that student. The administrator will identify the dangerous behavior and instruct teachers on how to proceed if dangerous behavior occurs. For students who are suspended from school, teachers will be notified of the suspension and will have access to the suspension letters for details of the incident. Any student who causes, attempts to cause, or threatens to cause harm may be recommended for expulsion if the severity of the action warrants.

## Classroom Management and School Discipline Procedures

The behavior a child demonstrates is serving a purpose for him or her, reinforced by a negative environment. If we can get at the problem, and if the school environment is supportive, we should be able to extinguish acting out. Our students need help developing communication skills, social skills, and self-management in order for students to make better choices. We employ these and other best practices when it comes to student behavior:

- When students make poor choices, we look to restorative justice practices.
- We consider the response to intervention when applying academic treatments.
- Teachers and administrators building relationships with students in this small school.
- Teachers and administrators building and focusing upon a college-going culture.
- Teachers engaging students in the classroom with excellent teaching.
- Administrators supervising the common times and spaces effectively.
- Strict expectations up-front and sustained throughout the school day and school year.
- Preventative discipline.
- Positive behavior support.
- Handbook scenarios lesson in Seminar.
- Documentation is not just important; it is absolutely necessary.

## Attendance Recording Procedures

Regular and punctual attendance is vital to our students' learning objectives and contributes to school safety. As one of the strategies that UPA is adopting via this plan, the following procedures are to be followed by all staff in support of successful and accurate attendance reporting:

1. Students are to be seated in classrooms at the official start of the period.
2. Teachers take attendance every period using Power School within the first 5 minutes of class (don't forget to hit "submit").
3. Attendance report is run each period by office staff to determine if attendance is taken and to confirm school daily attendance. Office will call or send a supervisor to the classroom if attendance has not been taken, or an administrator or technology lead will be sent to the classroom if there is a technology related problem with taking attendance.
4. The attendance clerk will call a parents or legal guardians of students who are marked absent periods one and two, for whom we have not received notification from the parent or legal guardian.
5. Students who are tardy for first (1<sup>st</sup>) period will check in at the front office.
6. Students who arrive more than 5 minutes late to periods 2-7 without a pass must be sent to the front office.



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7. Students are required to have a pass if they arrive late to periods 1-7
  8. After school detention will be applied to any student receiving three (3) or more “tardies” in one week. Repeat offenders will be referred for parent or legal guardian conference and intervention.
  9. Attendance taking along these lines is never optional; it is a requirement of our work, and ultimately protects students, our teachers, and our school.

### Special Circumstances

1. If attendance is unable to be taken due to technology outage, attendance is to be taken on emergency rosters and made available for pick-up by staff as needed. Once technology comes back on-line, please log all absences and “tardies” into PowerSchool after the fact OR see specific instructions over email notification.
2. If a student arrives to your class, but is not present on your PowerSchool roster, that student is to be sent to the front office for administrative or counselor attention (this is particularly likely week one of the school year).
3. Teaching Assistants are not allowed to take or enter attendance for teachers.
4. Substitute teachers will be provided credentials with which to report attendance.

### Use of Mobile Digital Devices

The use of mobile digital devices to assist students and teachers in improving learning and make the learning process more enjoyable for students is encouraged. The procedures below are intended to ensure appropriate use of the school’s Wi-Fi network and use of mobile devices by students and staff while on any part of the UPA campus and grounds at 2315 Canoas Garden Ave, San Jose CA 95125

1. **Mobile Device:** A generic term used to refer to a variety of devices that allow students and staff to access data and information (through Wi-Fi) from wherever they are on campus. These devices include but are not limited to video game consoles, cell phones, smart phones, electronic tablets, digital audio players and laptops.
2. **Wi-Fi:** A technology that allows an electronic device to exchange data wirelessly using radio waves over a computer network including high-speed internet connections
3. **Instructional purposes:** As defined at UPA, “instructional purposes” includes any Wi-Fi activity connected to classroom instruction, usually assigned, or permitted by the teacher to facilitate learning, complete assignments, and conduct research.

### Use of Mobile Devices Regulations

The academic use of mobile devices, including cell phones, laptops, tablets, and other devices as outlined in the definitions above is permitted provided the following procedures are met:

1. Students bring mobile devices to school at their own risk. UPA does not assume responsibility for the safe keeping of those devices.
2. Student use of mobile devices for academic purposes within the classroom falls under the direct jurisdiction of the classroom teacher. The teacher at his/her/their discretion may allow/disallow the use of any mobile device(s) in their classroom.

3. Student use of school-owned laptops, tablets, and smart phones for classroom/instructional use only is permitted on the campus and grounds of the School.
4. Student use of cell phones to make phone calls or text messaging is not permitted during school time from the start of period 1 through the end of period 7 for all students regardless of their last period of the day. Cell phones must remain off and in the student's backpack throughout the day with the exception of break, lunch, passing periods. Students may utilize phones with staff permission to contact parents/legal guardians in the case of an emergency. Staff will supervise all technology usage if permitted by teacher/staff during the times outside of break, lunch, and passing periods.
5. All UPA students must agree to and abide by this regulation and other rules published in the Student/Family Handbook.

### **Infractions on the Use of Mobile Devices:**

Infractions of the regulations outlined above will lead to action ranging from a warning, confiscation of the mobile device, to severe disciplinary action deemed appropriate to the infraction(s).

## **Policy prohibiting discrimination, harassment, intimidation, and bullying**

*[see the Student/Family Handbook]*

UPA believes all students have the right to a safe and civil learning environment. Discrimination, sexual harassment, harassment, intimidation, and bullying are all disruptive behaviors which interfere with students' ability to learn, negatively affect student engagement, diminish school safety, and contribute to a hostile school environment. As such, UPA prohibits any acts of discrimination, sexual harassment, harassment, intimidation, and bullying altogether. This is inclusive of instances that occur on any area of the school campus, at school- sponsored events and activities, regardless of location, through school-owned technology, and through other electronic means. A copy of the complete Policy is available upon request at the main office.

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

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

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

# Comprehensive School Health and Safety Plan



## Sexual Harassment Policy

University Preparatory Academy is committed to a learning and working environment that is free of discriminatory intimidation. Therefore, the school adheres to a policy that prohibits sexual harassment at school and school-sponsored events, including off-campus events and field trips. Board Policies provide a comprehensive guide to sexual harassment, including purpose of the policies, definition of sexual harassment, and complaint, investigation, and resolution procedures. Staff members are also notified of their obligations and rights regarding sexual harassment on an annual basis.

Sexual harassment of or by any student or member of the UPA staff shall not be tolerated. The Governing Board considers sexual harassment to be a major offense, which may result in disciplinary action, including dismissal or expulsion of the offending student or staff member, or other appropriate sanction.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when it interferes with an individual's performance at school and/or creates an intimidating, hostile or offensive educational environment. The conduct described above is also sexual harassment when submission to it is made either explicitly or implicitly a term or condition of an individual's access to education.

Sexual harassment regulated by this policy pertains to behavior of a sexual nature while students are under the jurisdiction of the School.

Students may receive age-appropriate training and/or instruction on the prohibition of sexual harassment at the School. Copies of this policy, implementing administrative regulations containing rules and procedures for reporting charges of sexual harassment and for pursuing available remedies shall be available upon request.

Any student who believes that he/she/they has been harassed or has witnessed sexual harassment is encouraged to immediately report such incident to his or her teacher or to the School's Executive Director or designee. The Investigator will promptly investigate all such incidents in a confidential manner.

## Statement Against Sexual Harassment

### No tolerance policy

Sexual harassment of or by any faculty, staff or student is illegal and will not be tolerated. The Governing Board prohibits sexual harassment, and harassment based on pregnancy, childbirth or related medical conditions, race, religious creed, color, national origin, or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal, state, or local law or ordinance or regulation.

### To whom the policy applies

This policy applies to all faculty, staff, and students of the School and prohibits unlawful harassment by faculty, staff, and students.

### Discipline

The Governing Board considers sexual harassment to be a major offense and any individuals who violate this policy are subject to discipline up to and including dismissal, expulsion, or other appropriate sanction.

### Prompt and Thorough Investigation

All claims of harassment will be taken seriously and will be investigated promptly and thoroughly.

### Confidentiality

Human resources and school administrators responsible for implementing this policy will respect the confidentiality and privacy of individuals reporting or accused of sexual harassment to the extent appropriate.

### No Retaliation

Retaliation against any employee or student who in good faith reports or provides information related to harassment in violation of this policy is against the law<sup>20</sup> and will not be tolerated. Intentionally providing false information, however, is grounds for discipline.

### Sexual Harassment Defined

Unwelcome sexual advances, requests for sexual favors, and other visual, verbal, or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made implicitly or explicitly a term or condition of employment or educational development.
- Submission or rejection of such conduct is used as a basis for employment or education decisions affecting individuals; or
- Such conduct has a purpose or effect of unreasonably interfering in an individual's work or educational performance, or creating an intimidating, hostile or offensive working or educational environment.
- Sexual harassment in California also includes verbal harassment, such as epithets, derogatory comments, or slurs; physical harassment such as assault or physical interference with movement or work; visual harassment, such as derogatory cartoons, drawings or posters; unwelcome sexual advances of an employer towards an employee or student of the same sex; and harassment on the basis of pregnancy disability. Employees and students in California are protected from discrimination based on their actual or perceived sexual orientation. Sexual orientation is defined in the California Code of Regulations<sup>21</sup>.

Specifically, sexual harassment may occur as a pattern of degrading sexual speech or actions and may include, but is not limited to the following examples:

- Vulgar remarks
- Sexually derogatory comments regarding a person's appearance
- Physical touching, pinching, patting, or blocking free movement

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<sup>20</sup> <https://codes.findlaw.com/ca/labor-code/>

The so-called Whistle-blower laws that prevent an employer from retaliating against an employee for exercising their rights to make a report to a governmental or law enforcement agency.

<sup>21</sup> <https://workplacelaw.com/library/discrimination/gender-discrimination-laws-california/> and <https://legal.thomsonreuters.com/en/insights/articles/prepared-californias-new-gender-identity-sexual-orientation-anti-harassment-training-requirement-sb-396> and § 11030. Definitions. 2 CA ADC § 11030

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

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- Sexual propositions or advances (with or without threats to a person's job or promotion if that person does not submit)
  - Sexually suggestive or degrading posters, cartoons, pictures, or drawings; Offensive sexual jokes, slurs, insults, innuendos, or comments, or
  - Physical assault.

A Sexual Harassment Policy Information Sheet as well as a copy of the Board Sexual Harassment Policy shall be provided to all School students and employees at the beginning of the first semester of each school year with the disbursement of the Student/Family Handbook, and Employee Handbook, noting whether any amendments have been made.

Employees or students who have questions concerning this Board Policy are encouraged to contact the Executive Director or designee. The Sexual Harassment Policy will be displayed in a prominent location at the School.

### Complaint Filing Procedure

#### Informal Resolution

The Board encourages communication among its employees and students. If a student feels that he/she/they are being harassed by another student, if reasonably possible, we suggest informing the party directly that his or her conduct is unwelcome or offensive and it must stop. If this is not possible, or if the alleged harasser is an employee of the School, or if the behavior continues, follow the complaint filing procedure.

#### Written Complaint

Complaints should be submitted within six (6) months of the alleged incident to ensure a prompt, thorough investigation.

Any student who believes he/she/they has been harassed or believes he/she/they has witnessed harassment by a peer, or agent of the School should promptly report in writing the incident(s) to his or her supervisor and/or the Executive Director or designee. It is important to provide as much information as accurately as possible.

The Executive Director or designee will investigate all reported incidents within 10 days of receiving a written complaint, unless the Executive Director or designee is the subject of the investigation, in which case the Governing Board shall appoint an investigator. The individual responsible for the investigation will hereinafter be referred to as the "Investigator." If the Investigator deems it necessary, he/she/they will convene a team of trained investigators to proceed in the investigation.

Complaints will be treated seriously and investigated immediately.

Complaints will be handled confidentially. Complainants will be promptly and fully informed of their rights pursuant to this policy.

All witnesses and the accused will be properly and fully informed of their rights and remedies pursuant to this policy.

All interviews of the accused, witnesses and the complainant shall be conducted in a private area.

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The Investigator(s) will be properly trained to listen to the allegations, make complete notes, attempt to identify all persons involved, as well as all possible witnesses, and interview the accused.

No complainant, witness, or party who assists in the investigation will be retaliated against.

The School will take steps to prevent the recurrence of any harassment and will correct any discriminatory effects on the complainant and others.

The Investigator(s) will initiate an investigation to determine whether there is reasonable cause to believe that a violation of the School's sexual harassment policy has occurred. "Reasonable cause" is shown if a person of ordinary caution or prudence would be led to believe and conscientiously entertain a strong suspicion of a violation of the sexual harassment policy.

All individuals involved in the investigation including the complainant, witnesses and the accused shall be fully informed of their rights under this policy.

The accused shall be provided with a copy of the complaint and an opportunity to respond to the allegations within seven (7) days of receipt of the request for a formal inquiry. The investigation will include interviews with the complainant and other witnesses as determined by the circumstances.

The Investigator shall fully and effectively conduct an investigation that includes interviewing:

1. The complainant
2. The accused
3. Any witnesses to the conduct, and
4. Any other person who may be mentioned during the course of the investigation as possibly having relevant information.

When appropriate, interim protections or remedies for the complainant, such as limitations on contact, alternative course schedules, and the like, may be recommended at any time during the process. The complainant will be kept informed of the status of the complaint, consistent with the Board's policy and regulation and applicable law.

The formal investigation shall typically be completed within sixty (60) days of the date of the filing of the request.

The final determination of the Investigator's investigation shall result in a report which shall contain, at the minimum:

1. A statement of the allegations and issues.
2. The positions of the parties.
3. A summary of the evidence received from the parties and the witnesses.
4. Any response the accused wishes to add to the report; and
5. All findings of fact.

The final determination report shall state a conclusion that the Investigator(s):

1. Found reasonable cause that the accused violated the sexual harassment policy; or
2. Did not find sufficient evidence to find reasonable cause that the accused violated the sexual harassment policy. Where the Investigator did not find reasonable cause but believes the behavior complained of may constitute misconduct, the Investigator may state such a conclusion and refer the matter to the appropriate School administrator.

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The report shall be submitted to the appropriate School administrator(s) for action, within thirty (30) days of the completion of the investigation or as soon thereafter as is feasible.

The Investigator will inform the complainant and the accused that the report has been forwarded and to whom. The appropriate administrator(s) will ensure that the complainant and the accused are timely notified in writing of the disciplinary action taken

Within fifteen (15) days of disciplinary action being taken against the accused, or as required by applicable Board procedures, the appropriate administrator(s) shall provide written notification to the complainant indicating: individual remedies available to the complainant; and all sanctions against the accused of which the complainant needs to be aware in order for the sanctions to be fully effective

Within fifteen (15) days of taking disciplinary action against the accused, the appropriate administrator(s) shall provide written notification to the Investigator indicating the results of any disciplinary actions and the initiation of any appeals, and all further individual remedies available to the complainant.

If the final determination is that sexual harassment has occurred, a prompt, relevant and effective remedy shall be provided to the complainant and appropriate disciplinary action taken against the harasser.

### **Rights of the Complainant**

The complainant has the right to:

- Feel safe at school after sexual harassment.
- Be informed about the school's policies on sexual harassment.
- Talk to anyone about the sexual harassment.
- Report the sexual harassment to a school official.
- Have the complaint taken seriously and investigated by the school.

### **Rights of the Accused**

The accused has the right to:

- Due process - Notice of the allegations and an opportunity to respond to them.
- To be free from defamation and invasion of privacy.
- Obtain confidential counseling.
- Information about the investigation and resolution process.

### **Appeal of Sexual Harassment Investigation Finding of No Reasonable Cause**

There are diverse ways to appeal a finding of no reasonable cause depending on whether the complainant is a student, faculty, or staff. In most cases, sending the Executive Director an email or completing the universal complaint form found in the student/family handbook provide a mechanism for such an appeal, and where available, such procedures must be utilized.

### **Notice to the Complainant**

Where the Investigator concludes that there is no reasonable cause to believe that a violation of the Board's sexual harassment policy has occurred and the complaint is to be dismissed, a copy of the report will be sent to the complainant and the accused in accordance with the Board policies/ regulations applying to the disclosure of



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information from School records.

### Written Appeal by Complainant

A written appeal must be directed to the appropriate administrator, as designated by the Executive Director or designee, within thirty (30) days of notification to the complainant of the dismissal of the complaint.

#### Basis for Appeal

The appeal may be based only on one of the following grounds:

- There is newly discovered important evidence not known at the time of the report.
- Bias on the part of an Investigator member; or
- The Investigator failed to follow appropriate procedures.

### Decision

The Executive Director or designee will consider the appeal and will provide a written decision to the complainant and the Investigator within thirty (30) days of receipt of the appeal.

### Extensions of Deadlines

Extensions of all deadlines contained in these procedures may be granted at the discretion of the Investigator for good cause. The Executive Director or designee shall be consulted before a decision is made on requests for extensions involving faculty and staff.

## School Wide Dress Code

University Preparatory Academy students abide by what is known as "common dress". Dressing for success fits with UPA's high academic expectations it has for all UPA students. UPA's common dress is also intended to assist in the creation of a positive learning environment. We expect parents and legal guardians to actively support the following common dress guidelines:

### General Expectations

1. All clothing must fit properly and appropriately.
2. Any clothing, jewelry, accessories, hairstyle, footwear, or body adornment which are or include picture, writing, or insignia which is: (1) gang related; (2) presents a safety hazard to the wearer or others; (3) advertises or symbolizes any type of alcohol, drugs, tobacco, or gambling; (4) includes weapons or acts which are illegal, violent, obscene, or hazardous to one's health; (5) sexually suggestive, crude, vulgar, profane; discriminatory, obscene, contain threats, libelous; or (6) offensive or degrading to students or staff on the basis of gender, cultural, religious or ethnic values is not allowed.

### Approved Tops

1. Polo shirt, oxford shirt, and crewneck sweatshirts
2. Long sleeve or short sleeve
3. White, navy blue, or light blue color



4. Official academic college T-shirts (short or long sleeve)
5. Official academic college sweatshirt in any color (sports teams are not allowed)
6. Official UPA sweatshirt in colors named above
7. Official UPA T-shirts with UPA approved logo on back or front upper left-hand side
8. School sponsored organization and event polo shirts, oxford shirts, and crewneck sweatshirts purchased from UPA approved vendors (designs must be approved by school administration)
9. School sponsored organization and event t-shirts (designs must be approved by school administration)
10. Outer jackets and sweatshirts may be of a solid white, navy or light blue color with no emblems and may be removed and carried upon entering a school building. These do not require a school logo, however, an approved top must be worn under outer jackets and sweatshirts

### Approved Bottoms

1. Pants, shorts, and jeans (cargo pocketed pants and shorts not allowed) skirts and skorts
2. Navy blue, black or khaki color
3. Dress khaki material

### Approved Footwear

1. Shoes, sneakers, and laces that are appropriate for an academic or professional environment
2. Boots with a solid rubber sole, of normal height, and without steel toe or other unsafe features
3. The following are not permitted for safety reasons: flip-flops, slippers, crocs, and open toed shoes.

### Additional Common Dress Guidelines

1. Sunglasses, visors, hats, and hoods may not be worn unless for religious or medical reasons
2. Backpacks or rolling cases must be a solid color with no writing on them except the product logo.
3. Jewelry must be fit to the neckline, wrist, or ears. Spiked or studded jewelry is not permitted for safety reasons.
4. Undershirts must not be longer than the common dress shirt worn over top.
5. Belts must be worn with bottoms that are too big to fit securely around the student's waist.
6. Shirts longer than waist length must be tucked in.
7. Shorts and skirts should not be tight fitting.
8. All bottoms must be no shorter than fingertip length or four (4) inches above the knee or longer without leggings or stockings.
9. Free dress days and spirit days will on occasion be earned by the student body and will specifically designate what reasonable and appropriate clothing is allowed for that day.
10. Students are restricted from "showing colors or gang affiliation" as part of their dress code or on free dress days.
11. Physical Education Uniform outline will be provided in the course syllabus.

### Enforcement of Common Dress

1. The Executive Director or designee will make the final decision on admissibility of clothing. Any grievances concerning the dress code should be submitted in writing to the Executive Director or designee. If there is any doubt, ask first and then wear.
2. Dress code is required while on school property or at school events, unless otherwise specifically designated.
3. Students in violation of the dress code will be asked to “fix” their dress if possible and will be assigned one day of lunchtime detention for that violation.
4. Students who are unable to “fix” their dress will be asked to call home to retrieve replacement clothing for the day.
5. A second violation of the dress code will result in notification to the student’s parents/legal guardians. Repeated violations will result in a mandatory meeting between parent or legal guardian, student and the Executive Director or designee to discuss the common dress violations.

## Procedures to Ensure a Safe and Orderly Environment

### Component One

Item	People and Programs
<b>Goal</b>	<b><i>Create and maintain a caring and connected school climate.</i></b>
<b>Objective 1</b>	<b>Maintain a school wide comprehensive approach to student discipline to promote a positive learning environment.</b>
Related Activities	Train staff on School-Wide positive discipline programs – both certificated and classified staff.
Resources Needed	Maintain School-Wide Program Norms on campus.
Resources needed	Classified Staff Training Teacher Professional Development Materials and Supplies
Person(s) responsible for implementation	UPA Administration
Timeline for implementation	Annually
Budget	See School Budget
Evaluation guidelines	Increase students resolving their problems by 1% yearly
<b>Objective 2</b>	<b>Maintain strong and proactive supervision during all transition periods</b>
Related Activities	Carefully planned supervision schedule, including campus supervisors and administrators actively supervising and interacting with students before and after school, during all breaks, and during special events Campus Supervisor professional development, and teacher professional development on supervision The Local Police department supports the school by having an officer available to the school, when necessary, as a resource
Resources needed	Classified Staff Training Teacher Professional Development Supervision Schedule Relationship with Local Law Enforcement
Person(s) responsible for implementation	UPA Administration

Item	People and Programs
Timeline for implementation	Annually
Budget	See School Budget
Evaluation guidelines	Reduce office behavior referrals by 1% yearly

Table 10: Procedures to Ensure a Safe and Orderly Environment Component One

## Component Two: Implementation Planner

Item	Physical Environment
<b>Goal</b>	<b><i>Create and maintain a learning environment that is safe, drug- free, and conducive to learning.</i></b>
<b>Objective 1</b>	<b>Maintain daily cleaning procedures and address any areas of campus in need of repair.</b>
Related Activities	Janitorial services done each night as well as more in depth cleaning done periodically. Cleaning done throughout the day as needed. Contact landlord when areas are in need of repair.
Resources Needed	Facilities maintenance Janitorial services
Resources needed	Graffiti Remover Quality Checklist
Person(s) responsible for implementation	Director of Operations, or designee
Timeline for implementation	Daily, Weekly
Budget	See School Budget
Evaluation guidelines	A clean and organized campus. All areas of campus in need of repair will be updated as soon as possible.

Item	Physical Environment
<b>Objective 2</b>	<b>To ensure our campus is secure from outside criminal activity, maintain gated entrances that require outside visitors to sign in at front office for access.</b>
Related Activities	Gated entrance is maintained. Continuing clear procedure for front office sign in Training stakeholders (office staff, parents, or legal guardians, etc.) of sign in procedures.
Resources needed	Gated entrances Office staff training Parent or legal Guardian training
Person(s) responsible for implementation	Executive Director
Timeline for implementation	Daily
Budget	See School Budget
Evaluation guidelines	Secure entrance is maintained. All stakeholders know and follow correct sign in procedures as measured by the sign in logs in the front office.

Table 11: Procedures to Ensure a Safe and Orderly Environment Component Two: Implementation Planner

## Access to the School Campus (Visitors)

### Parent or Legal Guardian Visitations and Volunteering

Parents or legal guardians are always welcome at our School; however, classroom visits should be prearranged at least 24 hours in advance. We ask that when you visit the school, you respect the instructional time of teachers and students. Please do not disturb lessons or students and teachers who are working. If you have a matter to address with a teacher, please find a mutually agreeable time to discuss the matter.

**For purposes of safety, state law requires schools to register all visitors, including parents and legal guardians.** Upon entering any school building or grounds during regular school hours, please immediately go to the school office to register your presence on campus and to obtain a visitor's pass. When registering, the visitor is required to provide his/her/their name, address, age (if under 21), his/her/their purpose for entering school grounds, and proof of identity. 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. UPA shall make reasonable efforts to notify parents or legal guardians prior to permitting a student to be interviewed or searched, consistent with the law and/or any court order, warrant

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or instructions from the officer/official. A copy of the documentation provided by the officer and notes from the encounter may be maintained by UPA, consistent with the law. The UPA Board of Directors and Bureau of Children's Justice in the California Department of Justice, at [BCJ@doj.ca.gov](mailto:BCJ@doj.ca.gov), will be informed promptly 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.

Unauthorized persons are prohibited from entering or remaining on school grounds. If court restraining orders exist which limit a parent's or legal guardian's access to visiting his/her/their child or in receiving information about the child's school progress, it is the responsibility of the custodial parent or legal guardian to provide the office and the registrar in particular with a copy of such an order. The order will be placed in the student's file for future reference. Only those persons listed on the student's emergency contact card are permitted to pick up a child without specific further parental permission.

Parents or legal guardians who are interested in volunteering in the classroom must also adhere to the certain guidelines. Volunteers who will volunteer outside of the direct supervision of a credentialed employee shall be 1) fingerprinted, 2) subject to a Megan's Law Check<sup>22</sup>, and 3) receive background clearance prior to volunteering without the direct supervision of a credentialed employee. Registered sex offenders under Penal Code section 290 or other subsequent legislation may not serve as volunteers on campus or anywhere or at any time students are present.

### UPA Student Driver/Student Vehicle Rules and Expectations

#### UPA Student Driver Rules/Expectations

Any UPA student, who has earned a driver's license and is driving to, and from school must complete the attached "student driver permit application", in order to drive to and from school, along with parking in the designated school lots.

- Show proof of valid insurance for vehicle(s) driven to and from school
- Show proof of valid vehicle registration(s) (Copy)
- Show proof of valid driver's license (Copy)
- Both parent or legal guardian and student driver must sign and date application

Signing the student driver application form signifies that both the student and parent/legal guardian have read and acknowledge the following rules and expectations for driving to and from UPA campus.

- Student will display the UPA parking pass at all times on front windshield/mirror
- Parking is only allowed in designated lot areas, near Main school office (Front of Family Life Center (FLC) building)
- Students will operate vehicle in a safe and courteous manner while on school property
- Students with an open period are not permitted to leave campus and return at any point in the day
- Student cars parked in a school parking lot are subject to search when school officials have reasonable suspicion that a student has broken a school rule or law

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<sup>22</sup> <https://www.meganslaw.ca.gov/>

California's Megan's Law was enacted in 1996 Penal Code § 290.46. It mandates the California Department of Justice (CA DOJ) to notify the public about specified registered sex offenders.

- Students must reapply each school year for a new parking permit
- No congregating during break/lunch at a vehicle
- Student drivers who are at-risk academically (1 or more D/F grade), or who are disciplined for breaking school rules will be subject to suspension or revocation of parking privileges

Consequences for breaking rules or expectations listed above may result in:

- Student application and permission to drive and park a car on UPA campus will be revoked for the remainder of a semester, school year, or permanently
- School disciplinary action
- Police citation

**SCHOOL HEALTH AND WELLNESS**  
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## Student Health Examinations

### Health Examination Certificates or Waivers

Upon enrollment, the School will verify that the student's file contains a certificate of the health examinations required under California Health & Safety Code section 124040<sup>23</sup>, or a waiver from those requirements.

### Health Examinations by the School

The Governing Board recognizes that periodic health examinations of students may lead to the detection and treatment of conditions that impact learning. Health examinations also may help in determining whether special adaptations of the School's program are necessary. The School shall conduct health screenings of students as required by the California Ed. Code<sup>24</sup>.

#### Vision and Hearing Tests:

Upon first enrollment in the School and until the child has completed the eighth grade, the School shall evaluate the student's vision and hearing. The vision test shall include tests for visual acuity and color vision, although the test for color blindness shall be appraised once and only on male students, the results of which shall be entered in the health records. Classroom teachers are responsible for continuous observation of the appearance, behavior and complaints of students that might indicate vision problems. Where a student's school performance begins to give evidence that the existence of the problem might be caused by a visual difficulty, a visual evaluation shall be done in consultation with a medical professional, for example, the county school nurse.

The parents/legal guardians may waive the vision evaluation if they present a certificate from a physician and surgeon or an optometrist setting out the results of a determination of the child's vision, including visual acuity and color vision. Parents/legal guardians may also avoid the testing and observation if they file with the School's Executive Director or designee a statement in writing that they adhere to the faith or teachings of any well-recognized religious sect, denomination, or organization and in accordance with its creed, tenets or principles depend for healing upon prayer in the practice of their religion.

A parent or legal guardian may file annually with the School's Executive Director or designee a statement in writing, signed by the parent or legal guardian, stating that he/she/they will not consent to a physical examination of his/her/their child. The student will thereafter be exempt from physical examinations, but if there is good reason to believe that the student is suffering from a recognized contagious or infectious disease, the student will be sent home and not be permitted to return to school until the School's Executive Director or designee is satisfied that any contagious or infectious disease does not exist.

#### Scoliosis Screening

Every female student in grade 7 and every male student in grade 8 shall be screened for the condition

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<sup>23</sup> California Code, Health and Safety Code - HSC § 124040. The governing body of each county or counties shall establish a community child health and disability prevention program for the purpose of providing early and periodic assessments of the health status of children. California Code requires counties to assess and evaluate all children for disabilities and conditions. This Code has been amended since original passage in 1974 to include dental and vision health.

<sup>24</sup> [https://california.public.law/codes/ca\\_educ\\_code](https://california.public.law/codes/ca_educ_code)

known as scoliosis. The screening shall be in accordance with standards established by the State Department of Education. The screening shall take place during the regular school day and any staff time devoted to these activities shall be redirected from other ongoing activities not related to the student's health care. If a student is suspected of having scoliosis, the School will notify the parents or legal guardians. The notice will include an explanation of scoliosis, the significance of treating it at an early age, and the public services available, after diagnosis, for treatment.

The Executive Director or designee shall ensure that staff employed to examine students are fully qualified to do so and exercise proper care of each student and that examination results are kept confidential. Records related to these examinations shall be available only in accordance with law.

The School's Executive Director or designee may make reports to the Governing Board from time to time regarding the number of students found to have physical problems and the effort made to correct them. The reports shall in no way reveal the identity of students.

### Immunizations

To protect the health of all students and staff and to curtail the spread of infectious diseases, the Governing Board desires to cooperate with state and local health agencies to encourage immunization of all district students against preventable diseases.

#### Admission

Students may be conditionally admitted in accordance with the regulations promulgated by the Department of Health Services. If a student conditionally admitted fails to fulfill the conditions of admission, the School will prohibit from further attendance until that student has been fully immunized as required by law. Before being unconditionally admitted to the school, an immunization record that shows the month and year of each immunization must be submitted to the registrar. Immunization records shall be part of the mandatory permanent pupil record and shall be kept in accordance with the School's record-keeping policy.

If the School discovers that an admitted student has not received all required immunizations, the School will notify his/her/their parent or legal guardian. If, within 10 school days of the notice, the child does not provide documentation of having received all required immunizations, the School shall exclude the student from attendance.

#### Exemptions from Requirements

Students will be exempted from immunization requirements if his/her/their parent or legal guardian files with the School a letter or affidavit stating that the immunization is contrary to his or her beliefs. Additionally, a student will be exempted from the immunization requirements to the extent indicated in the written statement, if his/her/their parent or legal guardian files with the School a written statement by a licensed physician to the effect that the physical condition of the student is such, or medical circumstances relating to the student are such, that the immunization is not considered safe. However, whenever there is good cause to believe that the person has been exposed to a communicable disease for which immunization is required, that student may be temporarily excluded from the School until the local health officer is satisfied that the person is no longer at risk of developing the disease. The School will file a written report on the immunization status of new entrants to the School with the Department of Health Services as required by law.

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The Executive Director or designee may arrange for qualified medical personnel to administer immunizations at School to any Student whose parent or legal guardian has consented in writing.

## Administration of Medications, Emergencies, and Head Lice

### Administration of Medications

The following policy regarding the administration of medications is applicable when the UPA staff is responsible for the administration of, or assisting in the administration of, medication to students attending school during regular school hours, including before- or after-school programs, field trips, extracurricular and co-curricular activities, and camps or other activities that typically involve at least one overnight stay away from home, because administration of the medication is absolutely necessary during school hours and the student cannot self-administer or another family member cannot administer the medication at school.

#### Requirements for Administration or Assistance

Before UPA will allow a student to carry and self-administer prescription auto-injectable epinephrine, or inhaled asthma medication, or have authorized School personnel administer medications or otherwise assist a student in administering his or her medication, the School must receive a copy of the following:

1. A written statement executed by the student's authorized health care provider specifying the medication the student is to take, the dosage, and the period of time during which the medication is to be taken and a statement that the medication must be taken during regular school hours, as well as detailing the method, amount, and time schedule by which the medication is to be taken.
2. A written statement by the student's parent or legal guardian initiating a request to have the medication administered to the student or to have the student otherwise assisted in the administration of the medication, in accordance with the authorized health care provider's written statement. The written statement shall also provide express permission for the School to communicate directly with the authorized health care provider, as may be necessary, regarding the authorized health care provider's written statement.
3. In the cases of self-administration of asthma medication or prescription auto-injectable epinephrine, the School must also receive a confirmation from the authorized health care provider that the student is able to self-administer the medication and a written statement from the parent or legal guardian consenting to the student's self-administration and releasing the School and its personnel from civil liability if the self-administering student suffers an adverse reaction by self-administering his/her/their medication.
4. New statements by the parent or legal guardian and the authorized health care provider shall be required annually and whenever there is a change in the student's authorized health care provider, or a change in the medication, dosage, method by which the medication is required to be taken or date(s), or time(s) the medication is required to be taken. If there is not a current written statement by the student's parent or legal guardian and authorized health care provider, the School may not administer or assist in administration of medication. The School will provide each parent or legal guardian with a reminder at the beginning of each school year that they are required to provide the proper written statements.

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5. Parent(s)/guardian(s) of students requiring administration of medication or assistance with administration of medication shall personally deliver (or, if age appropriate, have the student deliver) the medication for administration to the school's Executive Director or designee.

### **Responses to the Parent or legal Guardian upon Request**

The School shall provide a response to the parent or legal guardian within 10 business days of receiving the request for administration and the physician statement regarding which School employees, if any, will administer medication to the student, and what the employees of the School will do to administer the medication to the student or otherwise assist the student in the administration of the medication.

### **Termination of Consent**

Parent(s)/guardian(s) of students who have previously provided consent for the School to administer medication or assist a student with the administration of medication may terminate consent by providing the School with a signed written withdrawal of consent on a form obtained from the Executive Director or designee.

### **Authorized Personnel**

A nurse who is employed by or under contract with the School and certified in accordance with Education Code section 44877<sup>25</sup> will administer or assist in administering the medication to students. If not available, a designated School employee who is legally able to and has consented to administer or assist in administering the medication to students will administer the medication or otherwise assist the students.

### **Storage of Medication**

Medication for administration to students shall be maintained in the front office in a locked cabinet. It shall be clearly marked for easy identification. If the medication requires refrigeration, the medication shall be stored in a refrigerator in a locked office, which may only be accessed by authorized personnel. If stored medication is unused, discontinued or outdated, the medication shall be returned to the student's parent or legal guardian where possible. If not possible, the School shall dispose of the medication by the end of the school year in accordance with applicable law.

### **Confidentiality**

School personnel with knowledge of the medical needs of students shall maintain the students' confidentiality. Any discussions with parents/legal guardians and/or authorized health care providers shall take place in an area that ensures student confidentiality. All medication records or other documentation relating to a student's medication needs shall be maintained in a location where access is restricted to the School's Executive Director or designee or other designated School employees.

### **Medication Record:**

The School shall maintain a medication record for each student that is allowed to carry and self-administer medication and for each student to whom medication is administered or other assistance is provided in the administration of medication.

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<sup>25</sup> Outlines the qualifications for professional nurse in educational settings.

The medication record shall contain the following:

1. The authorized health care provider's written statement
2. The written statement of the parent or legal guardian
3. Any other written documentation related to the administration of the medication to the student or otherwise assisting the pupil in the administration of the medication.

### **Deviation from Authorized Health Care Provider's Written Statement:**

If a material or significant deviation from the authorized health care provider's written statement is discovered, notification as quickly as possible shall be made as follows:

1. If discovery is made by a licensed health care professional, notification of the deviation shall be in accordance with applicable standards of professional practice
2. If discovery is made by an individual other than a licensed health care professional, notification shall be given to the School's Executive Director or designee, the student's parent or legal guardian, any School employees that are licensed health care professionals and the student's authorized health care provider.

## **Emergencies**

### **First Aid and CPR**

Teachers are certified in first aid and CPR and are recertified every year in either first aid or CPR. Every classroom has a First Aid Kit containing appropriate supplies. First aid will be administered whenever necessary by trained staff members. When necessary, the appropriate emergency personnel will be called to assist.

### **Resuscitation Orders**

School employees are trained and expected to respond to emergency situations without discrimination. If any student needs resuscitation, trained staff shall make every effort to resuscitate him/her. The School does not accept or follow any parental or medical "do not resuscitate" orders. School staff should not be placed in the position of determining whether such orders should be followed. The School's Executive Director or designee, or his/her/their designee, shall ensure that all parents/legal guardians are informed of this policy.

### **Emergency Contact Information**

For the protection of a student's health and welfare, the School shall require the parent or legal guardian(s) of all students to keep current with the School emergency information including the home address and telephone number, business address and telephone number of the parent or legal guardian(s), and the name, address, and telephone number of a relative or friend who is authorized to care for the student in any emergency situation if the parent or legal guardian cannot be reached.

### **Emergency Aid to Students with Anaphylactic Reaction**

The School will provide emergency epinephrine auto-injectors to trained School personnel and those trained personnel may use those epinephrine auto-injectors to provide emergency medical aid to persons suffering

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from an anaphylactic reaction. The training provided to School personnel shall be in compliance with the requirements of Education Code section 49414.

Trained School personnel shall immediately administer an epinephrine auto-injector to a person exhibiting potentially life-threatening symptoms of anaphylaxis at School or a School related activity when a physician is not immediately available.

The School's Executive Director or designee shall create a plan addressing the following issues:

1. Designation of the individual(s) who will provide the training for administration of emergency epinephrine auto-injectors.
2. Designation of a licensed health care provider or local emergency medical services for the Executive Director or designee to call for consultation for the prescription of epinephrine auto-injectors.
3. Documentation as to which School personnel will obtain the prescription from the individual identified under subparagraph (2) and the medication from a pharmacist.
4. Documentation as to where the medication is stored and how the medication will be made readily available in case of an emergency.

### Head Lice

To prevent the spread of head lice infestations, School personnel shall report all suspected cases of head lice to the Executive Director, or designee, as soon as possible. A School staff member shall examine the student and any siblings of affected students or members of the same household in accordance with the School's health examination policy. If nits or lice are found, the student(s) shall be excluded from attendance and parents/legal guardians informed about recommended treatment procedures and sources of further information.

In the event of one or more persons infested with lice, an exposure notice with information about head lice shall be sent home to all parents/legal guardians of the students that have been exposed to the head lice.

School personnel shall maintain the privacy of students identified as having head lice and excluded from attendance.

Excluded students may return to School when reexamination by a nurse, physician, or other authorized health care representative shows that all nits and lice have been removed. After returning, the student may be reexamined as appropriate to ensure that re-infestation has not occurred.

### Tuberculosis Testing

Except for employees transferring from other schools, no person shall be employed by the School unless the employee has submitted proof of an examination within the past 60 days that the employee is free of active tuberculosis. Employees transferring from other public or private schools within the State of California must either provide proof of an examination within the previous 60 days or a certification showing that he/she/they was examined within the past four years and was found to be free of communicable tuberculosis. It is also acceptable practice for the employee's previous school employer to verify that it has a certificate on file that contains the showing that the employee was examined within the past four years and was found to be free of communicable tuberculosis.

The tuberculosis test shall consist of an approved intradermal tuberculin test, which if positive shall be followed

by an X-ray of the lungs.

All employees shall be required to undergo the foregoing examination at least once every four (4) years, excepting "food handlers" who shall be examined annually. After such examination, each employee shall cause to be on file with the School a certificate from the examining physician showing the employee was examined and found free from active tuberculosis.

The examination for applicants for employment is a condition of initial employment. Therefore, the expense incident thereto shall be borne by the applicant. The cost of the examination required of existing employees shall also be borne by the applicant or their respective insurance carrier.

The County Health Department may provide skin testing to employees at regular intervals at no cost to the employee. The availability of this testing may be announced by the School.



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### Mandated Reporting Action Plan

If a student on their own, or with the help of friends informs you of the following, you are **required by law** to submit a report to child welfare services.

- Domestic child abuse, neglect, or abandonment
- Alcohol and drug abuse affecting home environment
- Domestic violence
- Sexual assault

**When having a conversation with a student and it looks like you might be called on as a mandated reporter given what the student has reported to you, please follow the action plan below.**

1. Allow the student to speak openly, using clarifying (not investigatory or biased) questions that will help the student tell the whole story.
2. Refrain from offering advice. Your job is to just be a great listener.
3. Take notes. It is important to take notes during or after the discussion. Be as specific as possible and include as many details as you can remember. These details will be important when speaking with law enforcement or DFCS.
4. Be prepared to answer the potential request of the student to keep what they are telling you confidential.
  - a. If asked, teachers should let the students know that certain things **must** be reported to someone who can help.
  - b. In other cases where mandated reporting might not be required, a student should be encouraged to and told that it will be necessary to contact a parent or legal guardian with what is troubling them (except in the case where the parent or legal guardian is implicated).
5. When the student has finished telling his/her/their story, you may want to secure the student in a safe place if necessary.
  - a. You should notify the appropriate grade level counselor and the Executive Director, or his designee of the situation and you will need to call law enforcement and DFCS.
  - b. The Executive Director or designee, or the appropriate counselor, will help you make that phone call and will need to provide demographic data if you do not have access to that data that law enforcement and DFCS requires.
6. Following the phone call to law enforcement/DFCS, you will need to fill out and mail an incident report, as well as provide a copy of that report to the Director of Student Services. Retain a copy for yourself.
  - a. Depending on the situation, the Director of Student Services will assist in deciding whether a parent or legal guardian will need to be contacted, and what next steps are necessary for the student.
7. When checking back with the student after making a DFCS call, the student should not be asked how the DFCS proceedings went.
  - a. Please refrain from giving advice beyond comforting the student or offering to listen again if the issues persist. School administration or mental wellness counselors will ensure that the student has the information that he/she/they needs from professional services around how to report additional instances of the abuse and how to seek continued support.

Please note that it is unlikely that DFCS will provide school officials or the mandated reporter any information related to the investigation.