



2025-2026

# Student Family Handbook

University Preparatory Academy



## Letter from the Executive Director

Welcome to the 2025-2026 school year. UPA is beginning its 19<sup>th</sup> year, and just like the students in our graduating class of 2026, the future seems full of possibilities, and we anticipate continued growth and success. This academic year extends our success from last year. UPA was ranked as having the highest possible rating for a charter school by the California Department of Education. UPA was the only high school in the Bay Area with that ranking and is one of only 31 schools celebrating that distinction. UPA was also ranked as one of the top schools in California by the US News and World Report. The accolades do not measure up to the outcomes of our students. The students from the graduating class of 2025 have been accepted to Harvard, Georgia Tech, New York University, Penn State University, every UC in California, CSU San Louis Obispo, USC, and many, many more.

The students, staff, and community have worked hard to create opportunities that could not have happened if we were not all united by our common Mission. Every student entering UPA believes that they, through hard work and dedication, will make the dream of college success a reality. To attain this lofty goal, students taking rigorous classes are willing to challenge themselves every day. Our students do not take on this journey alone – we have one of the best counseling-to-student ratios in California and a full team of mental health workers. If students need academic or social-emotional support, they will find willing teachers, counselors, and social workers ready to help.

This year, I will be challenging our students to live up to our common values and schoolwide expectations. It is incumbent on all of us to create a healthy, safe, and caring school united by a common goal – everyone's drive for college success. The staff will be helping students develop values that are both internally motivating and supportive of a unique campus that supports everyone.

- Responsibility: Contribute to personal and whole school success.
- Growth Mindset: Foster personal resiliency, perseverance, and inquiry.
- Community: Cultivate a safe, respectful, and supportive environment for the entire community.
- Learning: Commit to being a lifelong learner.
- Integrity: Demonstrate ethical and honest behavior in all academic and social environments.
- Collaboration: Work together toward common outcomes.

New this year are three important schoolwide expectations that are designed to help students improve their focus in the classroom, create a hate-free campus, and the development of academic integrity that focuses on students developing their voice:

- Students will not use profanity, hate speech, or shaming towards another student or staff member.
- Students will demonstrate appropriate use of technology, such as no cell phone or earbud use in the classroom, and will use only task-oriented websites.
- Students will demonstrate academic integrity by refusing to copy from another student, plagiarizing from the internet or text, and will not use AI to complete assignments.

Every student who graduates from UPA has a bright future and untapped potential. They graduate with hope and a willingness to embrace the unknown. UPA is now reaching that same age and, once again, we look forward to another successful year full of students with promise and an eagerness to begin.

Sincerely,

David Porter

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### **Commonly Used Acronyms**

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| <ul style="list-style-type: none"> <li>● ASB – Associated Student Body</li> <li>● CCS – Central Coast Section (Athletics)</li> <li>● CDC – Centers for Disease Control</li> <li>● CDE – California Department of Education</li> <li>● CDPH – California Department of Health</li> <li>● CoF – Cathedral of Faith (leasing agent)</li> <li>● DL – Distance Learning</li> <li>● FLC – Family Learning Center</li> <li>● HYC – Horton Youth Center</li> <li>● LCAP – Local Control and Accountability Plans</li> <li>● LMS – Learning Management System</li> <li>● LC – Learning Center</li> </ul> | <ul style="list-style-type: none"> <li>● MTSS – Multi-Tiered System of Support</li> <li>● OSHA – Occupational Safety and Health Administration</li> <li>● PSAL – Pacific Sports Athletic League</li> <li>● PPE – Personal Protection Equipment</li> <li>● PTSO – Parent Teacher Student Organization</li> <li>● SCCDH – Santa Clara County Department of Health</li> <li>● SCCOE – Santa Clara County Office of Education</li> <li>● UPA – University Preparatory Academy</li> <li>● WINK - Link Crew and WEB (Orientation Program)</li> </ul> |
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## **I. Welcome to University Preparatory Academy (UPA)**

We welcome you and your family to a community of learners in pursuit of an excellent education for all students. We are a school based on the belief that strength in education is in the partnership of parents, students, staff, and community. We deeply value the commitment you have made to send your student to University Preparatory Academy (referred to as “UPA,” the “School,” or the “Charter School”) and to become an active participant in our teaching and learning community.

Please take time to review the information and policies included and/or referenced in this Handbook with your student. Although it is not intended to be an official policy manual, we hope it will serve as a useful reference to you while your child is enrolled in UPA. For your information, UPA Board Policies can be located at the School’s website at [www.upasv.org](http://www.upasv.org).

We encourage you to ask questions so that you fully understand UPA's expectations for student academic performance and positive behavior. We expect that each individual will be treated with dignity and respect and that there will be an appreciation for the diversity among our students, parents, and staff. We welcome your involvement in UPA as we work together to prepare our students to enter and excel in the best colleges and universities in the nation.

### **Vision and History of UPA**

The vision of UPA was borne out of the belief that every child has the right to an excellent education. Starting with three (3) retired educators with over 100 years of cumulative public school experience in teaching and administration at the school and district level, and a financial manager, we dedicated 2 1/2 years to planning the design and implementation of UPA with an opening date of August 2007. The Santa Clara County Office of Education approved UPA in December 2006. Our founding team's development efforts have been praised by state officials, school district leaders, educators, students, parents, and community members of San Jose.

### **Equity and Inclusion Statement**

University Preparatory Academy's strength is derived from a plurality of voices, experiences, and backgrounds. The University Preparatory Academy Board and Staff commit to raising our voices against racism, unconscious bias, intolerance, injustice, and discrimination, starting by reflecting on our policies and actions. University Preparatory Academy will continue to build an environment that celebrates an individual's race, gender, orientation, belief system, and culture by giving voice to each other's experiences and recognizing our diversity, knowing that we are stronger together.

## **II. Overview of the Educational Program at UPA**

### **Mission**

UPA's mission is to prepare a diverse population of 7th - 12th-grade students in Santa Clara County to enter and excel in the best colleges and universities in the nation.

### **The Mission in Practice**

UPA seeks those students who may be under-supported, overlooked, or under-challenged in a large school environment, and would thrive in a highly intensive, supportive, and interpersonal environment. UPA's overall vision is to provide a rigorous curriculum that allows students to achieve their highest potential. High student academic achievement is an utmost priority in UPA's mission. To that aim, UPA offers an intensive college preparatory curriculum in a small school environment, integrating academics, performing

arts, and technology throughout the curriculum as tools to actualize the unique skills and talents of each student. UPA is a high-quality, dynamic school that provides students with a new version of the Three R's: (1) "r"igorous academic coursework; (2) meaningful "r"elationships with teachers who can help students meet high standards; and (3) "r"elevant learning opportunities that inspire inside and outside the classroom.

### Values

- *Responsibility*: Contribute to personal and whole-school success.
- *Growth Mindset*: Foster personal resiliency, perseverance, and inquiry.
- *Community*: Cultivate a safe, respectful, and supportive environment for the entire community.
- *Learning*: Commit to being a lifelong learner.
- *Integrity*: Demonstrate ethical and honest behavior in all academic and social environments.
- *Collaboration*: Work together toward common outcomes.

### Student Learning Outcomes

UPA students will:

- Demonstrate strong written and verbal communication skills.
- Develop strong collaborative and leadership skills.
- Demonstrate personal social responsibility to the community.
- Participate in the visual and performing arts.
- Demonstrate digital literacy and responsibility.
- Develop strong analytical and creative abilities.
- Develop an understanding and respect for diversity.

### Educational Philosophy

UPA gives students an academically demanding "hands-on" educational program in which they can pursue a college preparatory education, develop unique interests, uncover hidden talents, experience satisfaction in accomplishments, and gain a sense of responsibility. UPA also works to prepare each student with the life skills necessary for personal success in a world that needs each person to care enough to make a positive difference. Technology is integrated into the curriculum, and UPA offers a substantial arts program to help students build a frame of reference and knowledge base for future learning. Real-world assignments focus on joining the rigors of the classroom with the professional world.

### Learning Environment

We believe that learning best occurs in a small-school environment where students have access to a rigorous, standards-based curriculum taught by a highly-qualified teaching faculty, along with strong administrative leadership with continuous relevant professional growth. UPA provides the necessary additional support students need to master the curriculum and gain the life skills necessary for success. The small-school setting allows students, teachers, staff, and parents to develop common bonds and positive, productive relationships that are conducive to a highly effective teaching and learning environment.

### Curriculum and Instructional Design

The fundamental components of UPA's instructional program are described below:

*RIGOROUS, STANDARDS-BASED CURRICULUM*: UPA meets the California academic standards and ensures that core high school courses meet the University of California's "a-g" requirements. All students must fulfill the "a-g" requirements with grades of C- or higher with mastery of the course state

standards. Students must complete two Advanced Placement (“AP”) courses to graduate successfully. Students will have approximately two and a half hours of homework nightly.

*PERSONALIZED LEARNING APPROACH:* UPA focuses on identifying and meeting the individualized needs of each student through a small-school setting, guidance and counseling, grade-level testing, and supplemental support. UPA will help each student develop his/her mission, set goals, and know what it takes to achieve those goals and work towards realizing them.

*SMALL-SCHOOL ENVIRONMENT:* UPA is designed on the premise that students thrive in a small-school environment, allowing students and teachers to develop supportive, long-term relationships that foster better conditions for teaching and learning.

*SEMINAR:* Students meet with their Seminar Teacher in a college-style environment that focuses on learning academic and personal strategies needed to be successful at gaining admission to the leading colleges and universities in the nation. The class also focuses on leadership techniques and practices that will contribute to students becoming responsible leaders in their communities.

*EDUCATIONAL SUPPORT:* UPA's school day is approximately seven (7) hours, and the school year includes a total of 186 instructional days. In addition to a longer school day and a longer school year, supplemental instruction is provided through support classes, extended-day tutoring, online academic support, peer tutoring, at-risk programming, computer-based reinforcement, summer school, and academic mentoring.

*VISUAL AND PERFORMING ARTS:* Visual and performing arts are the foundation of our elective program. Studying in the arts is a condition of graduation. Our program includes art, instrumental music, dance, theater arts, technology, journalism, and multimedia courses. UPA believes in the importance of the arts not only as a means to enrich a student's understanding of the past and present but also as an advanced form of communication and expression, and an academic tool to broaden a student's ability to approach a problem or situation. In learning the arts, a student is required to observe, analyze, synthesize, create, and evaluate utilizing higher-level thinking skills.

*PARENT INVOLVEMENT:* Parents/guardians are critical to the success of our school by being active partners with UPA in the education of their students. Parents/guardians oversee their student's daily homework, attendance, and his/her adherence to the expectations that UPA forwards. Parents are involved in the school community by supporting their own students' academic success, parent organizations, governance committees, fundraising efforts, and participation in school activities, meetings, programs, and showcases, as well as communication with staff and teachers.

*DEDICATED PROFESSIONAL STAFF:* UPA has effective academic and organizational leaders, including teachers, administrators, and support staff, who understand that great schools require great leadership. Our teachers are credentialed, highly qualified, and have expertise in their subject areas. They are passionate, scholarly, and committed to the mission of UPA. The teachers are dedicated to providing a differentiated classroom that meets the needs of the individual student. All instructional staff actively participate in continuous growth through relevant professional development.

### Plan for Academically Low and High-Achieving Students

Utilizing Northwest Evaluation Association Measures of Academic Progress assessments, new students entering UPA are assessed in the areas of English/Language Arts and math. An individual evaluation is completed for each student to determine academic strengths and weaknesses. This initial student assessment allows UPA staff to identify students who may have special education needs, evaluate the



learning needs of each student, and determine appropriate course placement.

Struggling students are encouraged to attend the teacher's office hours, after-school tutoring services, and support courses (Math, English support) to further their learning. UPA offers comprehensive social, emotional, and academic counseling services to those who need them.

All students can access our many AP courses starting in 10th grade with AP World History. Math Acceleration is an option under the following guidelines:

- A 7th grader may take Math 8 if the student takes a challenge test and passes with 87%.
- Due to the content overlap between Math 8 and Int Math 1, students may accelerate from Math 7 to Int Math 1, or from Math 8 to Int Math 2, by meeting all of the following guidelines:
  - Earn 87% for both semesters of Math 7 (or Math 8).
- Earn a score of 4 on at least 3 out of 5 MAC test tasks (given in Spring). The MAC test measures a student's ability to express in-depth reasoning with rigorous Math content.
- A score above the 80th percentile on the NWEA (given in Spring).
- If a student wishes to accelerate past any other Integrated Math course, he/she must take a non-UPA-accredited UC a-g course.
- Students may enter Int Math 3+ if they earn 87% in both Semesters of Int Math 2.
- AP Calculus AB is recommended only for students earning 80% for both Semesters of Int Math 3+.

### English Language Learners

UPA ensures that English Learners ("EL") have access to the full range of educational opportunities that UPA has to offer. UPA employs an ELD case manager who both assesses student language proficiency and provides language acquisition-level appropriate strategies and accommodations to each ELD student's teachers. The ELD case manager is trained in English Language Proficiency assessment and provides initial data and feedback for a student's reclassification to fluent English proficiency.

UPA complies with all applicable legal requirements for EL as they pertain to annual notification to parents, student identification, placement, program options, EL and core content instruction, teacher qualifications and training, reclassification to fluent English proficient status, monitoring and evaluating program effectiveness, and standardized testing requirements. UPA implements policies to ensure proper placement, evaluation, and communication regarding EL and the rights of students and parents.

### Special Education

We are dedicated to the belief that all students can learn and must be guaranteed equal opportunity to become contributing members of the academic environment and society. UPA provides special education instruction and related services by Individuals with Disabilities in Education Improvement Act ("IDEA"), Education Code requirements, and applicable policies and procedures of the Santa Clara County Office of Education. These services are available for special education students enrolled at UPA. We offer high-quality educational programs and services for all our students by the assessed needs of each student. UPA collaborates with parents, the student, teachers, and other agencies, as may be indicated, to appropriately serve the educational needs of each student.

Under the IDEA and relevant state law, UPA is responsible for identifying, locating, and evaluating children enrolled at UPA with known or suspected disabilities to determine whether a need for special education and related services exists. This includes children with disabilities who are homeless or foster youth. UPA shall not deny or discourage any student from enrollment solely due to a disability. If you believe your child may be eligible for special education services, please contact Lizzie Wirtz, IEP and 504 coordinator, at 408-723-1839.

### MTSS: Multi-Tiered Systems of Support

Students in danger of not promoting or graduating, or who have earned at least two (2) grades below 70%, are identified early in the semester, and a rigorous program of intervention is developed for them. The interventions may include:

- Following the MTSS Tier to support students according to their needs.
- Use office hours and Seminar Tutorial days to check in and work with students.
- Hold an “At-Risk” status conference that may include the teacher, Seminar teacher, student, parent, and administrators.
- Invite parents to Parent University to brainstorm strategies and work with teachers.
- Written communication to parents for students who continue to earn grades less than 70%.
- Implement academic probation, which includes opportunities during the day and after school for students to focus on academic improvement and communication with teachers.
- Hold an SST. An SST is a problem-solving and coordinating approach that assists students, families, and teachers in seeking positive solutions for maximizing student potential. It provides an opportunity for school staff, parents, and other important people in the life of a student to present their concerns about that student. Additionally, through discussion and study, it provides an opportunity to plan a positive course of action, assign responsibilities, and monitor results. The team oversees the development of plans to meet students' needs, if possible, without referral to assessment for special education needs. The team will monitor students' progress.

### **III. Middle School Promotion and High School Graduation Requirements**

#### Middle School Promotion Requirements

Status	A On track for PROMOTION	B On track for PROMOTION; Recovery Recommended	C Retention Required
Semester 2 grades	Pass all 4 core subjects: 70% (C-) grade or higher in math, science, English, and history	D/F grade in <u>1 or 2</u> core subjects: math, science, English, history AND a D/F in math or English.	D/F grade in <u>3 or more</u> core subjects: math, science, English, history.
8th Grade Promotion Ceremony participation	Yes	Yes	No
Special 8th-grade activities participation	Yes	Yes	No
Summer School (Specific details are sent to families in May.)	No	RECOMMENDED for English, math, or both as needed.	REQUIRED Student repeats 8th Grade

Letter Grade Scale:    A = 90-100%    B = 80-89%    C = 70-79%    D = 60-69%    F = less than 60%

## High School Graduation Requirements

UPA's graduation requirements, subject to annual review and revision by the UPA Board of Directors, meet or exceed the University of California "a-g" course requirements. The requirements are 250 credits, completion of the coursework below, "a-g" requirements with a grade of C- or higher, passing a minimum of two (2) AP college classes, and completing a minimum of ten (10) hours each year of service learning embedded into the Seminar curriculum. Course requirements are shown in the chart below.

Subject	UC Requirement	UPA Requirement
English	Four years	Four years
History/Social Studies	Two years	Three years
Mathematics	Three years	Three years *
Lab Science	Two years	Three years *
Foreign Language	Two years	Three years or LOTE 3**
Visual & Performing Arts	One year	Two years * One year of this requirement may be met by successful completion (grade of C- or higher) of Yearbook or Journalism. Neither of these two courses may be substituted for the UC Fine Arts requirement.
College Preparatory Electives	Two years	6 classes @ 10 credits each. This requirement may be met by taking an additional year of Math, Lab Science, Foreign Language, or the Arts.
Service Learning	None	10 hours per year
Physical Education	None	One year or a waiver

\* An additional year is highly recommended

\* LOTE = Language Other Than English

## State Testing/Assessments

UPA values academic accountability and believes in the importance of federal and state assessment measures to evaluate student performance and monitor school growth. Like other public schools, UPA is subject to the consequences of the state accountability system if growth targets are not met. Growth targets are made clear to students and teachers who, on an annual basis, develop plans for meeting those goals together with school leaders. UPA shall annually administer required state testing to the applicable grades (e.g., the California Assessment of Student Performance and Progress ["CAASPP"]). Notwithstanding any other provision of law, a parent's or guardian's written request to UPA officials to excuse his or her child from any or all parts of the state assessments shall be granted.

## Student Assessment

Assessment and evaluation are important activities undertaken by UPA. Assessment results of UPA students continue to be used to determine individual student academic success and progress. This data, taken collectively, is used to measure the academic success of UPA and informs programmatic and instructional practices. Curriculum design, instructional strategies, and professional development practices are all driven by student needs as determined by these assessments.

Upon admission, students are administered the NWEA Measures of Academic Progress (“MAP”) assessments for math and English (or a similar assessment). These assessments are administered and analyzed to determine student growth and individual student needs. Because these level tests are normed, the results of individual student tests can be aggregated and compared to grade-level norms nationwide to gauge UPA’s progress as a school. This assessment system yields comprehensive information for students, parents, and teachers to guide powerful teaching and learning.

### Grading Policy

UPA’s definition of assignment and course mastery is a grade of C- (70%) or better. Students will continue to have regular examinations, performances, projects, papers, and other assignments that will be graded using a letter-grade system. Teachers routinely implement late work policies. Please check each teacher’s syllabus for more details.

Final grades for all courses will consist of letter grades ranging from an A to F. Grade point averages (“GPA”) will be computed using university formulas. Courses taken at other institutions will appear on the student’s transcripts with letter grades earned and the name of the sponsoring institution. All parents and students will be presented with the grading policies of each course in the teacher’s syllabus within the first week of school. Students’ assignments, homework, and earned grades will be available through Schoology, UPA’s student information system. Please refer to Schoology for updated grades.

### Schoology

University Preparatory Academy utilizes Schoology as the singular Learning Management System.

- Schoology allows for multiple current technology platforms to integrate seamlessly into the teacher’s portal. The result is a one-stop shop for students and families to find and connect to the teacher-created resources, lectures, slide decks, third-party activities, labs, and modules.
- All assignments and directions will be published by the start of each lesson.
- Graded assignments must be entered into Schoology and given to the student within ten business days of the due date (an extension of five business days may be granted, provided notification is sent out to families).

### Accessing Schoology

Parents of returning students will use the same information and steps from the previous year to access their student’s courses. New parents and students will receive an email outlining the steps to access Schoology from the Director of Curriculum and Instruction by the end of the first week of school. This information will also be available on the website after school begins each year.

## **IV. Family and Community Involvement at UPA**

### UPA’s Philosophy for Parent Involvement

UPA seeks to create a school environment that invites family participation and involvement to work as a community united by a common purpose. To create a strong school community where every child can reach his or her fullest potential, each family is strongly encouraged to be involved at the School.

UPA has established the following Advisory Boards and committees:

- Parent-Teacher-Student- Organization (“PTSO”)
- Theater Arts Boosters
- Athletic Boosters
- Band Boosters

Research shows that parents who take time to participate in their child's school have students who are more likely to succeed. Parents can volunteer, attend sporting events, attend plays, music concerts, or academic competitions.

### Parent Commitment

Educational research indicates that parent involvement in their students' education results in higher academic achievement for students. At UPA, we do not require any parent to sign a pledge as a condition of their student's enrollment; however, we urge every parent to make a commitment to be involved with their student's education at UPA. There are many ways that parents may be involved and participate at UPA.

Some suggestions are:

1. Provide home academic support by:
  - Ensuring that your student comes to school ready to learn.
  - Assisting and monitoring your student's homework assignments.
  - Reading with your students every night and/or providing a quiet place for them to work.
  - Following through with school-recommended actions.
  - Review this commitment with your student.
2. Provide school support by:
  - Sending your student to school on time, in his or her required "common dress", and with a nutritious lunch.  
\*Note: As of the 2019–20 school year, a charter school is required to provide each needy pupil, as defined, with one nutritionally adequate free or reduced-price meal during each school day. UPA offers all students a breakfast meal and a lunch meal free of charge.
  - Adhering to UPA's academic, discipline, and behavior policies outlined in this Handbook and within the School's policies.
3. Participate in school activities by:
  - Attending all grade-level academic counseling meetings.
  - Attending school exhibitions of student work.
  - Attending mandatory all-school meetings.
  - Collaborating and communicating with teachers.
  - Believing in and reinforcing the UPA mission.
  - Joining and attending PTSO and/or other parent organization meetings.
  - Attending UPA Board of Directors meetings.

### Back to School Night

Back-to-School Night is held within the first month of school, and all families are encouraged to attend. Special notification of this event, date, time, and location will be provided to parents and students during the first week of school.

## School Calendar



## 2025-2026 Family Calendar

[illegible]

Total: 182

888 + 94

Total: 182

**Campus Closed**

First/Last Days of the Semester

Staff Inservice Days (No School for Students)

### Important Dates for Families

Sched./Book Pick up	Jul 29 - 31	Thanksgiving Break	Nov 24-28	Cesar Chavez (Obs)	Apr 3	Early Release Days	Oct 21
First Day of School	Aug 6	Holiday Break	Dec 19 - Jan 2	Spring Break	Apr 6 - 10		Dec 2
Labor Day	Sep 1	Inservice Day	Jan 5	Memorial Day	May 25	for Students	Jan 27
Inservice Day	Sep 22	Martin Luther King Jr	Jan 19	Graduation	May 29	School ends at 2pm	Feb 24
Fall Friday (Break)	Oct 10	Winter Break	Feb 16-20	Last Day of School	Jun 4		Mar 24
Veteran's Day	Nov 11	Inservice Day	Mar 16	Staff Inservice Day	Jun 5	Aug 26	Apr 21

## Bell Schedule

The bell schedule for the upcoming academic year is also posted on the School's website. [Bell Schedule](#)

### University Preparatory Academy

2025-2026 Bell Schedule

Monday/Wednesday - BLOCK				Tuesday/Thursday - BLOCK				Friday				Professional Development Days			
1*	8:30 AM	-	10:00 AM	2*	8:30 AM	-	10:00 AM	1*	8:30 AM	-	9:20 AM	2*	8:30 AM	-	10:00 AM
BREAK	10:00 AM	-	10:15 AM	BREAK	10:00 AM	-	10:15 AM	2*	9:25 AM	-	10:15 AM	BREAK	10:00 AM	-	10:15 AM
3*	10:15 AM	-	11:45 AM	4*	10:15 AM	-	11:45 AM	BREAK	10:15 AM	-	10:30 AM	4*	10:15 AM	-	11:45 AM
Lunch	11:45 AM	-	12:15 PM	Lunch	11:45 AM	-	12:15 PM	3*	10:30 AM	-	11:20 AM	Lunch	11:45 AM	-	12:15 PM
Break	12:15 PM	-	12:30 PM	Break	12:15 PM	-	12:30 PM	4*	11:25 AM	-	12:15 PM	Break	12:15 PM	-	12:30 PM
5*	12:30 PM	-	2:00 PM	Seminar/Tutorial	12:30 PM	-	1:30 PM	Lunch	12:15 PM	-	12:45 PM	6*	12:30 PM	-	2:00 PM
7*	2:05 PM	-	3:35 PM	6*	1:35 PM	-	3:05 PM	Break	12:45 PM	-	1:00 PM	PD	2:00 PM	-	4:00 PM

  

Rally or Seminar Special Schedule				First Day of Finals				Finals Schedule			
1*	8:30 AM	-	9:15 AM	1*	8:30 AM	-	9:10 AM	6*, 4*, or 2*	8:30 AM	-	10:15 AM
2*	9:20 AM	-	10:00 AM	2*	9:15 AM	-	9:55 AM	BREAK	10:15 AM	-	10:35 AM
BREAK	10:00 AM	-	10:15 AM	BREAK	9:55 AM	-	10:10 PM	5*, 3*, or 1*	10:40 AM	-	12:25 PM
3*	10:15 AM	-	10:55 AM	3*	10:10 AM	-	10:50 AM				
4*	11:00 AM	-	11:40 AM	4*	10:55 AM	-	11:35 AM				
Seminar/Rally	11:45 AM	-	12:45 PM	Lunch	11:35 AM	-	12:10 PM				
Lunch	12:45 PM	-	1:30 PM	5*	12:10 PM	-	12:50 PM				
5*	1:30 PM	-	2:10 PM	6*	12:55 PM	-	1:35 PM				
6*	2:15 PM	-	2:55 PM	7*	1:40 PM	-	3:25 PM				
7*	3:00 PM	-	3:40 PM								

University Preparatory Academy  
2315 Canoas Garden Ave  
San Jose, CA 95125  
(408) 723-1839

## Parent/Teacher Conferences

Parent/Teacher Conferences may be held as needed, requested by parents or staff. Areas covered during the conference may include, but are not limited to: information about the textbooks used, homework expectations, the grading process, and the student's progress. Please contact your student's teachers or counselor by phone at (408) 723-1839 or by email for an appointment.

## Parent Visitations and Volunteering

Parent Visitations and Volunteering Parents 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.** 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 obtain a visitor's pass. When registering, the visitor is required to provide his/her name, address, age (if under 21), his/her 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 guardians before permitting a student to be interviewed or searched, consistent with the law and/or any court order, warrant, or instructions from the officer/official. A copy of the documentation provided by the officer and notes from the encounter may be maintained by 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 timely informed regarding any attempt by a law-enforcement officer to access a school site or a student for immigration-enforcement purposes, as recommended by the Attorney General.

Unauthorized persons are prohibited from entering or remaining on school grounds. If a court restraining order exists that limits a parent's access to visiting his/her child or receiving information about the child's school progress, it is the responsibility of the custodial parent 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 guardians who are interested in volunteering in the classroom must also adhere to certain guidelines. Individuals who will help outside of the direct supervision of a credentialed employee shall be (1) fingerprinted, (2) subject to a Megan's Law Check, (3) submit proof of a negative TB test, and (4) receive background clearance before volunteering. 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.

### Guests, Visitors, and Volunteers

Guests and volunteers must follow the following rules:

- Check in at the front office promptly.
- Do not demonstrate or have any cold-, flu-, or COVID-19-like symptoms.

Definition:

**Guests** – an invited person from outside the staff to come work with our students. This includes speakers, college presenters, or entertainment service providers (DJs).

**Visitors** – an unplanned but welcome community member. Typically includes family members of staff or students, alumni, or outside vendors.

**Volunteers** – approved persons who are providing a service to the school and have passed all county background checks to be on campus and working with students. This includes tutors, proctors, PTSO members, and club leaders/parents.

### Physical Education Requirement

Students in grades 7, 8, and 9 will take physical education ("PE") unless he/she is legally exempt for health/medical reasons. Opportunities to take PE in other school years will be provided, given there is space in the student's schedule and that the student will be able to meet all other requirements for graduation.



### Academic Counseling Services

Each student will have an academic counselor who will guide them throughout the school year. School counselors are certified/licensed educators who improve student success for ALL students by implementing a comprehensive school counseling program. Under the direction of the site administrator(s), counselors provide counseling services to UPA students for early identification and intervention for barriers to academic achievement of students and promote and encourage a healthy learning environment. Counselors help all students apply academic achievement strategies, manage emotions and apply interpersonal skills, and plan for postsecondary options (higher education, military, workforce). Counselors are also involved in supporting students in class selection, parent workshops, and the MTSS process.

### Socio-Emotional Wellness Counseling Services

UPA recognizes that unidentified and unaddressed mental health challenges can lead to poor academic performance, an increased likelihood of suspension and expulsion, chronic absenteeism, student attrition, homelessness, incarceration, and violence can occur. Access to mental health services at UPA and in our community is not only critical to improving the physical and emotional safety of students, but it also helps address barriers to learning and provides support so that all students can learn problem-solving skills and succeed in school and, ultimately, in life. UPA provides mental wellness counseling on campus through the Student Wellness team. This team currently consists of an Associate Marriage and Family Therapist (AMFT), an Associate Social Worker (ASW), and 1-2 mental health interns. The members of the team are supervised by licensed clinicians as they work to meet the licensure requirements through the Board of Behavioral Sciences. Services are available five days a week during elective courses, lunch, seminars, open tutorials, and after school. Your child is encouraged to directly contact a UPA counselor by coming into the counseling office, front desk, or student wellness office during school hours. If you are interested in community mental health resources, our school social worker is here to help with that process. To learn more about the program or get connected, please call 408-723-1839.

### Students' Safety Before and After School

For the safety of students, parents are not allowed to drop students at school before **8:00 AM**, thirty minutes before the start of school, unless the student is involved in a regular school activity or community program that requires before-school attendance. Similarly, parents are to arrange to have their student picked up right after school, but no later than **4:00 PM**, unless the student is involved in a regular school activity or community program or is staying at the request of school personnel. It is the school's responsibility to contact the parent when the school wishes to have the student remain after school. The School is not responsible for student supervision before **8:00 AM** and after **4:00 PM**.

If a student must be dropped off early or must stay late in case of an emergency, the student is encouraged to go directly to the school office to inform a staff member.

### Restitution for Lost or Destroyed Property

UPA students are responsible for the proper use and care of all school equipment and property, including books and other instructional materials. Any willful destruction of school property compromises the safety and security of the school community and violates the student behavior policies outlined in this Handbook. Per Ed Code section 48904(a)(1), students who destroy school property in any manner will be responsible (as well as their parents) for replacing or paying for the willfully damaged or lost property, including willfully damaged or lost books. A student who loses or misplaces a textbook or other instructional material assigned to them is responsible for paying the replacement cost of that material.

Student grades, diplomas, and transcripts may be withheld from students and parents when a student has damaged, destroyed, or not returned loaned property of the school, and restitution has not been made. The records are withheld from the student and parent, but cannot be withheld from a requesting school.

### Emergency and Safety Procedures

During school hours, if the Executive Director or designee declares an emergency, all students and staff will be required to remain at school or an alternate safe site under the supervision of School personnel until:

- Regular dismissal time and released only if it is considered safe, OR
- Released to an adult authorized by the parent or legal guardian whose name appears on school records.

### Emergency Drills

The safety and security of all students and staff at UPA is a top priority. Students and staff will be trained, and the school will practice the drills below throughout the school year. Safety drills practiced include:

- Fire Drill
- Earthquake Drill
- Code Blue (Shelter in place)
- Code Red (Run, Hide, Defend)

### Daily Cleaning Protocols

Daily cleaning of all surfaces will be completed voluntarily by students and teachers during the day, and thorough cleaning by custodial staff every night.

### Site Emergency Plan

The school has a Site Emergency Plan. The Site Emergency Plan is reviewed and revised annually, and appropriate drills and training are provided to help all persons become familiar with their responsibilities. For UPA's complete Site Emergency Plan, please request a copy of this at UPA, Office of the Director of Student Services, and/or at [www.upasv.org](http://www.upasv.org).

### Child Abuse

All School personnel are legally required to immediately report cases of suspected or actual child abuse to Child Protective Services ("CPS"). California law defines child abuse as any of the following:

- A child is physically injured by another person, staff, or other than by accidental means;
- A child or child's health is subjected to willful harm or endangerment, any inhumane corporal punishment, or any injury resulting in a traumatic condition;
- A child is sexually abused, assaulted, or exploited; or
- A child is neglected by a parent or caretaker who fails to provide adequate food, clothing, shelter, medical care, or supervision. This is whether the harm or threatened harm is from acts or omissions on the part of the responsible person.

### Education of Homeless Children and Youth: McKinney-Vento

The McKinney-Vento Homeless Assistance Act (McKinney-Vento Act) (42 U.S.C. § 11431-11435) is federal legislation that ensures the educational rights and protections of children and youths experiencing homelessness. It requires all local educational agencies (LEAs) to ensure that homeless students have access to the same free, appropriate public education, including public preschools, as provided to other children and youths. The McKinney-Vento Act defines LEAs as public school districts, direct-funded and locally funded charter schools, and county offices of education. The McKinney-Vento Act also authorizes funding for the federal Education for Homeless Children and Youths Program.

The McKinney-Vento Act defines homeless children and youths as individuals who lack a fixed, regular, and

adequate nighttime residence. This definition also includes:

- Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason.
- Children and youths who may be living in motels, hotels, trailer parks, or shelters.
- Children and youths who have a primary nighttime residence that is a public or private place not designed or ordinarily used as a regular sleeping accommodation for human beings.
- Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
- Migratory children qualify as homeless because they are children who are living in similar circumstances as listed above.

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

McKinney Vento School Liaison:

The Executive Director or designee designates the following staff person as the School Liaison for homeless students (42 § U.S.C. 11432(g)(1)(J)(ii) & (e)(3)(C)(i)(IV)):

Director of Student Services  
University Preparatory Academy  
2315 Canoas Garden Ave, San Jose, CA 95125  
408.723.1839

The School Liaison shall ensure that (42 § U.S.C. 11432(g)(6)):

1. Homeless students are identified by school personnel and through outreach and coordination activities with other entities and agencies.
2. Homeless students enroll in and have a full and equal opportunity to succeed at the Charter School.
3. Homeless students and families receive educational services for which they are eligible, including services through Head Start programs (including Early Head Start programs) under the Head Start Act, early intervention services under part C of the Individuals with Disabilities Education Act, any other preschool programs administered by the Charter School, if any, and referrals to health care services, dental services, mental health services and substance abuse services, housing services, and other appropriate services.
4. Parents/guardians are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children.
5. Public notice of the educational rights of homeless children is disseminated at places frequented by parents or guardians of such youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, and in a manner and form understandable to the parents and guardians of homeless youth and unaccompanied youth.
6. Enrollment/admissions disputes are mediated by law, the Charter School's charter, and Board policy.
7. Parents/guardians and any unaccompanied youth are fully informed of all transportation services, as applicable.
8. Charter School personnel providing services receive professional development and other support.
9. The School Liaison collaborates with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths.
10. Unaccompanied youth are enrolled in school; have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth; and are informed of their status as independent students under section 480 of the Higher Education Act of 1965 and that the youths may obtain assistance from the School Liaison to receive verification of such status for the Free Application for Federal Student Aid described in section 483 of the Act.

Please contact the Executive Director for further information. For any homeless student who enrolls at the Charter School, a copy of the Charter School's complete policy shall be provided at the time of enrollment. A copy of the complete Policy is available upon request from the main office.

### Tobacco, Alcohol, and Illicit Drugs

Because the use of alcohol and other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences, it is UPA's policy to keep the School free of tobacco, alcohol, and other drugs. Smoking and the use of tobacco products by all persons are prohibited on school property. This shall include School buildings, grounds, school-owned vehicles, and school-sponsored events off campus.

The police may issue a citation for smoking, alcohol, or drug use/possession that could result in heavy fines, community service, or completion of a tobacco cessation class or alcohol/drug rehabilitation.

### Classroom Materials Policy

UPA provides approved textbooks for all students. Classroom teachers and other staff members may select other required supplementary materials for class use. These supplementary materials may require approval by the UPA Board of Directors.

When parents have a concern regarding supplemental classroom materials, they may:

- Discuss their concern with the teacher.
- Discuss their concern with the Director of Instruction and Curriculum.
- Discuss their concern with the Executive Director.
- Present the matter to the Board of Directors at a regularly scheduled Board meeting by completing a UPA universal complaint form.

### Emergency Data

Every family needs to complete and submit a new Emergency Contact Form every school year before classes begin. These updated forms must be submitted to the administrative office. In addition, please be sure to complete a new Emergency Contact Form immediately if any of the following information changes:

- Home Address
- Home Telephone Number
- Work Phone Number
- Primary Care Giver
- Doctor's Phone Number
- People whom we are authorized to contact in case of an emergency.
- Telephone numbers of people to be contacted in case of an emergency.
- Adults (over the age of 18) who are authorized to pick up their child from school.

### Emergency Release from School

In the case of an emergency, your child will only be released into the custody of those people (over the age of 18) who you have previously identified on the Emergency Contact Form. Proof of identification is required. Those NOT identified on the Emergency Contact Form can only pick up a child if the parent or guardian has sent a handwritten and signed note to the school notifying the School of this person's identity with their permission that this person pick up their child; proof of identification is required. The School reserves the right to call the parents/guardians of the student to confirm the identity of anyone who comes to pick up their child.

### Leaving School During the Day

Because instructional time is valuable and we do not want to disturb classroom instruction, we request that you make appointments and schedule family business outside of school hours. In very special cases, if you must pick up your child early for an appointment during the school day, please send a note or call the main office. Your student is required to go to the main office in the morning of the early dismissal day to get a pass so that the student may leave class early and not disrupt the classroom. All families must adhere to this procedure.

### In-Person Pick Up

When in-person pick-up is needed, only a single parent or caregiver should enter the facility to pick up the child.

### Item Drop Off

All deliveries for students should be dropped off at the front office. This includes student projects, homework, supplies, lunches, etc. Students should not meet at a vehicle to receive a delivery; students must pick up their delivered items from the front office. All deliveries should be clearly labeled with the recipient's name.

### Food Delivery Services

Food Delivery services may not be used during school hours. If a student is staying after school to participate in an extracurricular activity, they must receive permission from the staff member overseeing the activity.

### Field Trips and Field Trip Safety

Field trips are enriching educational opportunities and will be approved based on any current health protocols and regulations, which are subject to change.

### Student Health

In the event of an injury or emergency health condition, school staff will render first aid, call first response providers, and/or the parent. Parents will be notified to pick up their students for further medical assistance when necessary.

#### *TREATMENT OF SCHOOL-RELATED INJURIES*

It is the policy of the school to treat minor injuries (scrapes, cuts, bruises, etc.) with basic first aid. Parents will be notified of minor injuries at the discretion of the school administrator. When confronted with a more serious illness or injury, school staff will contact parents, and if required, will call 911.

#### *COMMUNICABLE DISEASES*

Communicable diseases can spread quickly through a school and dramatically affect the attendance and learning of children. Examples of common communicable diseases are conjunctivitis (pink eye), lice, strep throat, chicken pox, or ringworm. A student suspected of having a communicable disease may be excluded from school until guidelines for readmission are met.

### Section 504

The Charter School recognizes its legal responsibility to ensure that no qualified person with a disability shall, based on disability, be excluded from participation, be denied the benefits of, or otherwise subjected to discrimination under any program of the Charter School. Any student who has an objectively identified disability that substantially limits a major life activity, including, but not limited to learning, is eligible for accommodations by the Charter School. The parent of any student suspected of needing or qualifying for

accommodations under Section 504 may make a referral for an evaluation to the Executive Director or Director of Curriculum and Instruction. Parents are encouraged to notify the school office and administrators if a student with a medical or health condition requires accommodations at school to participate in the educational program. The school administrator will follow the School's Section 504 Policy to develop an accommodation plan for the student's medical or health condition. A copy of the Charter School's Section 504 policies and procedures is available upon request at the main office.

### Administration of Medication

Students may not carry or use medication at school without written consent. Any student who is required to take medication prescribed by a physician during the school day may do so under the supervision of the school's Attendance administrator. For a student to be assisted by a designated school personnel in administering medication other than emergency epinephrine auto-injectors or inhaled asthma medications, UPA shall obtain both a written statement from the physician and surgeon or physician assistant detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken. A written statement from the parent, foster parent, or guardian of the student indicating the desire that UPA assist the student in the matters outlined in the statement of the physician and surgeon or physician assistant is required. Medication must be supplied by the parent in the original prescription container, clearly labeled with the student's name, medication, dosage, and directions.

Upon written parent and physician authorization, a student may be allowed to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication. For a student to carry and self-administer prescription auto-injectable epinephrine or inhaled asthma medication, UPA must obtain both a written statement from the physician and surgeon or physician assistant detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken. A written statement from the parent, foster parent, or guardian of the student consenting to the self-administration is required and must provide a release for designated school personnel to consult with the health care provider of the student regarding any questions that may arise about the medication. The written statement must release UPA and school personnel from civil liability if the self-administering student suffers an adverse reaction as a result of self-administering medication.

Newly written statements by the parent/guardian and the authorized health care provider are required annually and whenever there is a change in the student's authorized health care provider, or a change in the medication, dosage, or 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 no current written statement by the student's parent or guardian and authorized health care provider, the School may not administer or assist in the administration of medication.

Additionally, the trained personnel who have volunteered may use epinephrine auto-injectors to provide emergency medical aid to persons suffering, or reasonably believed to be suffering from an anaphylactic reaction. UPA will ensure it has the appropriate type of epinephrine auto-injector on site (i.e., regular or junior) to meet the needs of its students. UPA will ensure that staff properly store, maintain, and restock the epinephrine auto-injectors as needed.

UPA will ensure that any school personnel who volunteer are appropriately trained regarding the storage and emergency use of epinephrine auto-injectors based on the standards developed by the Superintendent of Public Instruction. UPA will distribute an annual notice to all staff describing the request for volunteers who will be trained to administer an epinephrine auto-injector to a person if that person is suffering, or reasonably believed to be suffering from anaphylaxis. The annual notice shall also describe the training the volunteer will receive.

All medication will be stored in the office of the Executive Director or designee in a locked cabinet. No medication, including aspirin or other over-the-counter drugs, will be stored or dispensed without written authorization from the physician and parent. The over-the-counter drugs must be in their original container. Parents of a student on continuing medication for a non-episodic condition must inform designated school personnel of the medication being taken, its dosage, and the name of the prescribing physician. For our complete policy on the Administration of Medications, please see the UPA Charter located at [www.upasv.org](http://www.upasv.org).

### Confidential Medical Services

Students in grades 7 through 12 may be excused from school to obtain confidential medical services without the consent of the pupil's parent or guardian. It is the practice of UPA to keep parents informed about their student(s) as much as possible; therefore, UPA will determine, on a case-by-case basis, whether or not to release a student to obtain confidential medical services without the consent of the pupil's parent or guardian.

### Illness

For the safety and protection of all students and staff, we ask that you not send your student to school with any of the following symptoms:

- COVID-19 symptoms
- Common cold
- Fever
- Eyes that are red, swollen, crusting, or draining
- Untreated, draining ears or earache
- Diarrhea
- Childhood communicable disease (notify the school)
- Nausea or vomiting
- Severe sore throat
- Head lice/nits

If a student is at school with any of the above, the parent will be called to pick up the student. Under certain circumstances, you may be asked to consult a physician and to provide a written note from your doctor indicating that the student may return to school.

#### *Returning to School after an Illness or Prolonged Absence*

A student returning to school following a serious or prolonged illness, injury, surgery, or other hospitalization must have written permission from a healthcare provider to attend school, including any recommendations regarding physical activity and exertion.

A student returning to school with sutures, casts, crutches, a wheelchair, or orthopedic brace(s) must have a physician's written permission to attend school and must comply with any safety procedures required by the physician and school administration.

An excuse from physical education may be granted if a student is unable to participate in a regular or modified curriculum for a temporary period due to illness or injury. A parent's written request for an excuse will be accepted for up to five days; thereafter, a written request is needed from the student's health provider.

### Immunizations

Under the California Health and Safety Code and the California Code of Regulations, children must have a minimum number of immunizations (shots) before they can attend school. Immunization records will be required for all incoming students. Verification of immunizations will be completed with written medical

records from the child’s doctor or immunization clinic. To ensure a safe learning environment for all students, the Charter School follows and abides by the health standards set forth by the state of California. Students will not attend school until all required records have been received. The immunization status of all students will be reviewed periodically. Those students who do not meet the State guidelines may be excluded from school until the requirements are met. Students who have been exposed to a communicable disease for which they have not been immunized may be excluded from school at the discretion of the Charter School.

The required immunizations are below.

Child’s Grade	List of shots required to attend school
Entering Kindergarten	<ul style="list-style-type: none"> <li>• Diphtheria, Pertussis, and Tetanus (DTaP) - Five (5) doses</li> <li>• Polio - Four (4) doses</li> <li>• Measles, Mumps, and Rubella (MMR) - Two (2) doses</li> <li>• Hepatitis B (Hep B) - Three (3) doses</li> <li>• Varicella (chickenpox) – Two (2) doses</li> </ul> <p><b>NOTE:</b> Four doses of DTaP are allowed if one was given on or after the fourth birthday. Three doses of Polio are allowed if one was given on or after the fourth birthday. MMR doses must be given on or after the first birthday.</p>
Entering 7 <sup>th</sup> Grade	<ul style="list-style-type: none"> <li>• Tetanus, reduced Diphtheria, and acellular Pertussis (Tdap) - One (1) dose</li> <li>• Varicella - Two (2) doses</li> </ul> <p><b>NOTE:</b> To begin 7th grade, students who had a valid personal belief exemption on file with a public or private elementary or secondary school in California before January 1, 2016, must meet all requirements for children 7-17 years old (i.e., polio, MMR, chickenpox and primary series for diphtheria, tetanus, and pertussis), <b>in addition to</b> the 7th-grade requirements for Tdap and two (2) doses of Varicella.</p>

UPA student confidentiality rights are strictly observed by law. No school employee shall release medical information, including knowledge of a blood-borne pathogen infection, without written consent from the parent. Such information shall be shared only with those persons specifically named in the written permission.

## VI. Family, School, and Student Procedures

The goals of the Family, School, and Student Procedures at UPA are to ensure the safety of the school environment and to optimize each student's learning. Therefore, UPA has developed procedures that have clear consequences for students and families. The procedures within this section cover the following categories:

- Dress Code
- Homework
- Absences from School
- Tardiness to School
- Safety of Self and Others
- Respect of Property



## Common Dress

UPA is a community focused on a shared outcome. Our professional dress policy is the physical embodiment of our shared goal and community. Professional dress will allow the students and staff at UPA to focus on internal growth and expression. UPA's common dress is also intended to assist in the creation of a positive learning environment.

Common Dress UPA students abide by what is known as "professional dress." Dressing for success fits with UPA's high academic expectations for its students. UPA's common dress is also intended to assist in creating a positive learning environment. We expect parents and guardians to actively support the following common dress guidelines:

### *GENERAL EXPECTATIONS*

- All clothing must fit properly and appropriately (as defined by the UPA administration).
- Any clothing, jewelry, accessories, hairstyle, footwear, or body adornment which are or includes pictures, writing, or insignia that 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 based on gender, cultural, religious or ethnic values are not allowed.



### *TOPS*

- Any official UPA emblem, Polo or Dress Shirt (from [Sublime Silk Screen](#)).
- Any official UPA athletic gear via [BSN Sports](#).
- Any official UPA club T-shirt, sweatshirt, or long-sleeved shirt.
- Any plain shirt in blue, black, white, gray, or orange.
- School-sponsored organization and event polo shirts, Oxford shirts, T-shirts, jackets, and sweaters/sweatshirts must be purchased from UPA-approved vendors, and the design must be approved by the Director of Student Services.
- Official academic college jacket, sweater, sweatshirt, T-shirt, in any color - must have the college name on the apparel.
- Plain sweatshirts (pullover or zipper), worn for warmth, must be a solid color in blue, black, white, grey, or orange and have no logos.
- Jackets worn for warmth should be a solid color and have no major logos.



### *BOTTOMS*

- Khakis/Jeans/Shorts/Skirts/Skorts/Slacks - Blue, Black, Tan. Pants should fit, be worn appropriately, and **cannot** be ripped or have holes.
- UPA Sweatpants (from [Sublime Silk Screen](#)) are allowed. No other sweatpants or pajama bottoms are allowed.
- Leggings, yoga pants, and athleisure attire are **not allowed**.

### *FOOTWEAR*

- Dress shoes/boots and sneakers that are appropriate for a professional environment.
- The following are **not** permitted: Crocs, flip-flops, slippers, slides, and open-toe or open-heel

- shoes may not be worn.
- All footwear must fully cover toes and heels for safety reasons.
- Shoe/boot soles (including heels) must be 2 inches or less.
- No steel-toed shoes allowed.

#### *ADDITIONAL COMMON-DRESS GUIDES*

- Sunglasses, hats, beanies, visors, or hoods can be worn outdoors only.
- Religious coverings are allowed.
- Clothes should fit appropriately.
- Students are restricted from “showing colors or gang affiliation” as part of their dress code or on free dress days.
- 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.
- Undergarments must be covered at all times.
- Shorts and skirts must be worn at fingertip length.

#### ENFORCEMENT OF COMMON DRESS

1st Offense	2nd Offense	3rd Offense
Students will be required to wear a UPA button or top loaded from UPA, and the non-common dress top or button will be held for the parents. Parents will be notified.	Parents will be notified and given the option to purchase a UPA top or bottom, or drop off a top or bottom for the student to wear.	Parents will be notified and given the option to purchase a UPA top or bottom, or drop off a top or bottom for the student to wear. The student must remain in the office until the student is in common dress.

#### Homework

Teachers provide daily in-class and at-home lessons and provide regular feedback and grade updates. For late work policies, please check the syllabus.

#### *Consequences for Not Completing Homework Assignments*

Each teacher will determine specific consequences for students not completing assignments, including:

- Parent notification.
- A student is completing homework after school.
- Students will miss elective time until the work is complete.
- Students will attend support classes before and after school.
- Parents/Students must attend a conference with the teacher.
- Parent/Student/Teacher must attend a conference with the Director of Curriculum and Instruction.
- Students may have limited access to school extracurricular activities.

## Attendance: Excused and Unexcused Absences

### *Attendance Philosophy*

At UPA, we view every day as an essential learning opportunity. Therefore, we expect excellent attendance from all of our students. Student attendance becomes a pattern, and missing school regularly is not only detrimental to a child's learning but also can create poor learning habits. A student is considered absent when he/she is not in school; however, when a child is sick and cannot function at school or has a communicable illness, it may also be best for the child to stay at home to rest and recover.

Students are required to make up any work missed during their absence. Students are responsible for contacting teachers to make up work missed during any absence, regardless of the reason. In order to participate in any extra-curricular after-school or evening activity, students must be present at school the entire day, and may not leave school before the regular dismissal time without the prior approval of an administrator.

### *Excused Absences*

Absence from school shall be excused only for health reasons, family emergencies, and justifiable personal reasons, as permitted by law or this Attendance Policy.

A student's absence shall be excused for the following reasons:

1. Personal illness.
2. Quarantine under the direction of a county or city health officer.
3. Medical, dental, optometric, or chiropractic appointments.
  - a. Students in grades 7-12, inclusive, may be excused from school to obtain confidential medical services without the consent of the student's parent or guardian.
4. Attendance at funeral services for a member of the immediate family:
  - a. Excused absence in this instance shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state.
  - b. "Immediate family" shall be defined as mother, father, grandmother, grandfather, spouse, son/son-in-law, daughter/daughter-in-law, brother, sister, or any relative living in the student's household.
5. Participation in religious instruction or exercises is as follows:
  - a. The student shall be excused for this purpose on no more than four school days per month.
6. For jury duty in the manner provided for by law.
7. Due to an illness or medical appointment during school hours of a child for whom the pupil is the custodial parent, including absences to care for a sick child. (The school does not require a note from the doctor for this excuse.)
8. To permit the pupil to spend time with an immediate family who is an active duty member of the uniformed services, as defined in Education Code Section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted under this paragraph shall be granted for a period to be determined at the discretion of the Charter School.
9. To serve as a member of the student poll worker program, to Election Code Section 12302.
10. Attend the student's naturalization ceremony to become a United States citizen.
11. Authorized parental leave for a pregnant or parenting pupil for up to eight (8) weeks.

12. Authorized at the discretion of a school administrator, based on the facts of the pupil's circumstances, are deemed to constitute a valid excuse. A pupil who holds a work permit to work for not more than five consecutive days in the entertainment or allied industries shall be excused from school during the period that the pupil is working in the entertainment or allied industry for a maximum of up to five absences per school year subject to the requirements of Education Code Section 48225.5.
13. To participate with a not-for-profit performing arts organization in a performance for a public-school pupil audience for a maximum of up to five days per school year, provided the pupil's parent or guardian provides a written note to the school authorities explaining the reason for the pupil's absence.

In addition, a student's absence shall be excused for justifiable personal reasons. An advanced written request by the parent/guardian and approved by the Executive Director or designee shall be required. Such absences may include:

1. Appearance in court.
2. Attend a funeral.
3. Observation of a holiday or ceremony of his/her religion.
4. Attend religious retreats for no more than four hours during a semester.
5. Attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization upon written request by the parent and approval by the Executive Designee or designee under uniform standards established by the Board.

### *Method of Verification*

When students who have been absent return to school, they must present a satisfactory explanation verifying the reason for the absence. The following methods may be used to verify student absences:

1. A signed, written note from a parent/guardian or parent representative.
2. Conversation, in person or by telephone, between UPA's Administrative Assistant staff (admin) and the student's parent/guardian or parent representative. School admin staff shall subsequently record the following:
  - a. Name of student;
  - b. Name of parent/guardian or parent representative;
  - c. Name of verifying employee;
  - d. Date or dates of absence; and
  - e. Reason for absence.
3. Visit to the student's home by the verifying employee, or any other reasonable method, which establishes the fact that the student was absent for the reasons stated. A written recording shall be made, including the information outlined above.
4. Physician's verification:
  - a. When excusing students for confidential medical services or verifying such appointments, School staff shall not ask the purpose of such appointments but may contact a medical office to confirm the time of the appointment.
  - b. When a student has had 14 absences in the school year for illness verified by methods listed in #1-#3 above, any further absences for illness must be verified by a physician.

If appropriate documentation is not provided, the absence will be considered unexcused. If the School is not notified and the student does not report to school the next day with a note, the absence will be

considered unexcused. If a student exceeds ten (10) absences, the school will require a conference between the parent, the student, and the administration to devise an action plan for ensuring the child does not fall behind in schoolwork. The School office should be informed promptly if your child has a communicable disease so that we can notify other parents, if necessary.

### *Unexcused Absences*

Unexcused absences may result in:

- Intervention conference with student/parent/Executive Director or designee.
- Loss of opportunity to make up missed classwork due to absence.

### Tardy Policy

School begins at 8:30 am each day. All students are expected to be in their classrooms by this time, or else they are considered tardy. Upon arriving at school late, a student must report to the office for a tardy slip. Tardiness is only excused for the reasons listed above under the excused absences section. All excused tardies require appropriate documentation as listed above under the excused absences section.

There will be a limit to the number of unexcused tardies allowed. Students are considered truant if absent from 10% of the academic days of the year. Students who are habitually truant will go through the UPA School Attendance Review Board Process (SARB), which could result in involuntary removal by the UPA Board. These students shall be reported to the Executive Director or designee for appropriate action. The parent/guardian of a student classified as a truant shall be notified of the following:

- The student is truant.
- The parent/guardian is obligated to compel the student to attend school.
- The parent/guardian who fails to meet this obligation may be guilty of an infraction of the law and subject to prosecution.
- The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy.
- The student may be subject to arrest by a probation officer, a peace officer, or a school administrator, under Education Code 48264, if found away from home and absent from school without a valid excuse.
- The student may be subject to suspension, restriction, or delay of his/her driving privilege.
- It is recommended that the parent/guardian accompany the student to school and attend classes with the student for one day.

Upon accruing 6 unexcused absences, the student will be entered into the SARB process. The full SARB Process can be found at [www.upasv.org](http://www.upasv.org) under the Parent/Families tab. Students who have been marked truant are not permitted to make up work missed during their absence.

### Involuntary Removal Process

No student shall be involuntarily removed by UPA for any reason unless the parent or guardian of the student has been provided written notice of intent to remove the student no less than five (5) school days before the effective date of the action ("Involuntary Removal Notice"). The written notice shall be in the native language of the student or the student's parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder. The Involuntary Removal Notice shall include the charges against the pupil and an explanation of the pupil's basic rights, including the right to request a hearing before the effective date of the action. The hearing shall be consistent with UPA's expulsion procedures. If the student's parent, guardian, or educational rights holder requests a hearing, the student shall remain enrolled and shall not be removed until UPA issues a final decision. As used herein, "involuntarily removed" includes disenrolled, dismissed, transferred, or

terminated, but does not include suspensions or expulsions under UPA's suspension and expulsion policy.

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

If the parent/guardian is non-responsive to the Involuntary Removal Notice, the Student will be disenrolled as of the effective date outlined in the Involuntary Removal Notice. If a parent/guardian requests a hearing and does not attend on the date scheduled for the hearing, the Student will be disenrolled effective the date of the hearing.

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

### Safety of Self and Others

To ensure that UPA is a place where learning is a priority, the School must be safe at all times. Any student action or intention that can be deemed as violating the safety of oneself or others can result in serious consequences. Examples of safety violations include:

- Verbal abuse of others (using profanity, etc.).
- Intentionally hurting another person.
- Roughhousing during school activities.
- Threatening others' physical or emotional safety.

### Respect of Property

Building upon the need to have a safe and nurturing school, students must respect the property of the school and others at all times. Any student action or intention that can be deemed as damaging the property of the school or others can result in serious consequences. Examples of property violations include:

- Stealing.
- Defacing school property or the property of others.
- Unauthorized use of equipment.
- Inappropriate use of the Internet.

### Internet Use at UPA

The Internet is a place for the exchange of ideas and information. Accordingly, the Internet is an excellent educational tool that allows students to access a wide variety of information to supplement academic study and research. UPA provides students with Internet access to further their education and research.

UPA believes that the value of the educational information available on the Internet far outweighs the risk that students may access information that is not consistent with educational goals and purposes. UPA lessens the risk of access to inappropriate material by installing Firewalls. While UPA can exercise reasonable control over content created and purchased by UPA, it has limited control over content accessed via the internet, and no filtering system is 100% effective.

UPA has adopted a Student Internet Use Policy and Agreement to ensure that student access to and use of the Internet is consistent with the educational goals and purposes of UPA. This policy sets forth student responsibilities and duties when accessing and using the Internet through UPA equipment, networks, and email accounts. UPA has deemed certain uses of the Internet inappropriate for an educational setting and, therefore, not appropriate for use with UPA equipment and networks. UPA stresses that an inappropriate use does not always mean that the use is in itself "bad" or illegal, but only that the use does not further the educational goals and purposes of UPA.

### UPA Digital Citizenship Expectations

Technology Policies: **UPA believes that a distraction-free learning environment is important for student learning.**

### Mobile and Electronic Devices

The academic use of mobile devices, including cell phones, laptops, and tablets, is allowed before or after school. Classroom policies are posted on the syllabus. Please see [Attachment #1](#), Cell Phones, Pagers, and Other Electronic Signaling Devices Policy at the end of the handbook for more information. **Cell Phones and headphones/earbuds are not allowed to be used in the classroom.**

In the Classroom	Outside the Classroom
Students are not allowed to use a cellphone, tablet, or other personal device (besides a laptop) without teacher approval.	Students may use their cell phone, tablet, or other personal devices, including earbuds or headphones, before school, at break, at lunch, and after school.
Students are not allowed to use any earbuds or headphones in class.	

### Technology Enforcement

1st Offense	2nd Offense	3rd Offense
The teacher will ask the student to put the device in the classroom holder or in their backpack. Earbuds or headphones will be placed in the backpack.	The teacher will call for a campus supervisor or the Director to come and collect the device. The student can pick up the device at the end of the 7th period (even if the student does not have a 7th period).	The teacher will call for a campus supervisor or the Director to come and collect the device. The Director will ask for a parent/student meeting to review UPA's technology policies.

The following expectations regarding digital citizenship are:

- **Students are NOT allowed to use personal technology (other than a laptop), including headphones, WITHOUT the explicit and direct approval of the teacher.**
- Students may use personal technology during breaks, lunch, before, or after school.
- Students may not send, save, view, forward, or create harassing or offensive content/messages about another student via email, Zoom meeting, or other digital platforms. Offensive material



includes but is not limited to profanity, racist, sexist, discriminatory remarks, pornographic, sexually explicit material, sexual comments, jokes, or images that would violate school policies.

- Students will refrain from sending spam or messages that contain viruses or other malicious content.
- Students will not use or access another student's account.
- Students will not maliciously harm or destroy school devices or the data of another student.
- Students should not download files (other than for school use), programs, or software updates onto school-issued laptops.
- Students agree to immediately notify a teacher of any unauthorized use of their password or account or any other breach of security.
- Students will not take and/or post on social media sites photos or videos of another student or staff member without their consent. This is illegal and considered an invasion of privacy and possibly defamation. Invasion of Privacy occurs when a person takes a photo or video of another person without their consent (not in a public setting).
- Defamation - Any photo or video that is posted by someone on a social media site that harms another person's reputation, portrays them in a false or offensive manner, or creates a false impression of them is considered defamation.

UPA takes any violation of the Digital Citizenship Expectations seriously and will investigate all claims thoroughly. Should a student commit any violation, consequences may include, but are not limited to:

- Parent contact by the administration;
- Loss of school-issued electronic device(s)
- Suspension, and/or
- Expulsion

### Office Referrals

If a student violates any of the UPA policies discussed or referenced within this Handbook, they may be referred to the office at the discretion of the teacher or adult working with the student. Depending on the specific circumstances surrounding the student's behavior, a student may be required to remain in the office for a period of time, and an appropriate consequence will be assigned.

Depending on the violation, a student's parent may be called to immediately pick up the student, and the student will remain in the office until he/she is picked up. When a student is referred to the office, the following steps will be taken:

- The parent will be called and informed of the student's violation(s).
- Within one week, the parent may be required to attend a conference at the school and may be asked to observe the child in his/her classroom(s) for at least one hour.
- A plan of action may be devised with the student, teacher(s), administrator, and parent to improve the child's behavior.
- Depending upon the nature of the incident, a student may be suspended or expelled for an offense that violates the state education code and that requires such action.

## **VII. Student and Parent Rights and Responsibilities**

### Annual Notices

UPA is required to notify parents and guardians annually of their rights and responsibilities regarding the following areas.

### Nondiscrimination Statement

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

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

UPA is committed to providing a work and educational atmosphere that is free of unlawful harassment under Title IX of the Education Amendments of 1972 (sex); Titles IV, VI, and VII of the Civil Rights Act of 1964 (race, color, or national origin); The Age Discrimination in Employment Act of 1967; The Age Discrimination Act of 1975; the IDEA; and Section 504 and Title II of the ADA (mental or physical disability). UPA also prohibits sexual harassment, including cybersexual bullying, and harassment based upon pregnancy, childbirth, or related medical conditions, race, religion, religious affiliation, creed, color, immigration status, gender, gender identity, gender expression, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal, state, local law, ordinance or regulation. UPA does not condone or tolerate harassment of any type, including discrimination, intimidation, or bullying, including cybersexual bullying, by any employee, independent contractor, or another person with whom UPA does business, or any other individual, student, or volunteer. This applies to all employees, students, or volunteers and relationships, regardless of position or gender. UPA will promptly and thoroughly investigate any complaint of harassment and take appropriate corrective action if warranted. Inquiries, complaints, or grievances regarding harassment as described in this section, above, should be directed to the UPA Uniform Complaint Procedures ("UCP") Compliance Officer:

Executive Director, David Porter  
University Preparatory Academy  
2315 Canoas Garden Ave, San Jose, CA 95125  
408.723.1839

### Instructional Use of Animals

Students at the Charter School may perform animal dissections as part of the science curriculum. Students have the right to refrain from the harmful or destructive use of animals in their classes. A pupil's objection to participating in an educational project shall be substantiated by a note from his or her parent or guardian. The teacher of such a student may work with the pupil to develop and agree upon an alternative education project. The alternative education project shall require a comparable time and effort investment by the pupil. It shall not, as a means of penalizing the pupil, be more arduous than the original education project. The student shall not be discriminated against based on his or her right to refrain.

### Insurance/Student Injuries

UPA does not carry medical or accident insurance for individual students. Parents are responsible for emergency medical costs beyond first aid provided at the school site.

However, children, regardless of immigration status (foster youth, pregnant women, and legally present individuals, including those with deferred action for childhood arrivals ["DACA"] status) may be eligible for no- or low-cost Medi-Cal insurance. Medi-Cal covers immunizations, checkups, specialists, vision and dental services, and more for children and youth at no or low cost. Medi-Cal enrollment is available year-round. Covered California is where legal residents of California can compare quality health plans and choose the one that works best for them. Based on income and family size, many Californians may qualify for financial assistance. You can enroll during Open Enrollment or any time you experience a life-changing event, like losing your job or having a baby. You have sixty (60) days from the event to complete enrollment. Information regarding the availability of insurance is provided with enrollment forms and is available at: [http://hbex.coveredca.com/toolkit/PDFs/ALL\\_IN\\_Flyer\\_EnrollGetCareRenew\\_CC.pdf](http://hbex.coveredca.com/toolkit/PDFs/ALL_IN_Flyer_EnrollGetCareRenew_CC.pdf)

UPA shall not discriminate against a pupil who does not have health care coverage or use any information relating to a pupil's health care coverage or interest in learning about health care coverage in any manner that would bring harm to the pupil or the pupil's family.

Student accident insurance is available for purchase from a variety of insurance agencies. If emergency medical or dental treatment is needed and the parent or listed emergency contacts cannot be reached, 911 will be called. The school is not responsible for charges incurred as a result of 911 calls or ambulance transfers.

### Police Officers Interviewing Students While on Campus

Peace officers have the right to question students at school who they feel may be suspects or witnesses to a crime. The child/student has the right to have a school support person, of his or her own choice, present during the interview and must be advised of that right by the CPS worker or peace officer before the interview. The School is required to notify the parent if the child is released to an officer, except when the child is placed into custody as a victim of child abuse or neglect.

### Student Records, including Records Challenges and Directory Information

#### *Parent Rights*

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

These rights are:

1. The right to review their own or their child's student records. Student records are available for review during regular school hours. Access requests should be directed to the Executive Director or designee and must be granted within five (5) days from the date of the request. The

Charter School official will make access arrangements and notify the parent or eligible student of the time and place where the records may be inspected. In the case of separated or divorced parents, both parents shall have equal access to school records, unless there is a current restraining order specifically preventing records access. A restraining order preventing access to the pupil does not prevent access to records.

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

Parents or eligible students who wish to ask the Charter School to amend a record should write the Charter School's Executive Director or designee, clearly identify the part of the record they want changed, and specify why it should be changed. If the Charter School decides not to amend the record as requested by the parent or eligible student, the Charter School will notify the parent or eligible student of the decision and their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing. If the Charter School decides to amend the record as requested by the parent or eligible student, the Executive Director must order the correction or the removal and destruction of the information and inform the parent or eligible student of the amendment in writing.

3. The right to provide written consent before the Charter School discloses Personally Identifiable Information ("PII") from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to Charter School officials with legitimate educational interests. A Charter School official is a person employed by the Charter School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the Charter School's Board of Directors. A Charter School official also may include a volunteer or contractor outside of the Charter School who performs an institutional service or function for which the Charter School would otherwise use its employees and who is under the direct control of the school concerning the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another Charter School official in performing his or her tasks. A Charter School official has a legitimate educational interest if the official needs to review an education record to fulfill his or her professional responsibility.

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

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

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

Family Policy Compliance Office

5. The Charter School will not release student names, addresses, and telephone numbers to military recruiters or institutions of higher education without prior written parental consent.

#### *DISCLOSURE OF INFORMATION*

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

1. Charter School officials who have a legitimate educational interest as defined by 34 C.F.R. Part 99;
2. Other schools to which a student seeks or intends to enroll, so long as the disclosure is for purposes related to the student's enrollment or transfer. When a student transfers schools, the Charter School will mail the original or a copy of a student's cumulative file to the receiving district or private school within ten (10) school days following the date the request is received from the public school or private school where the pupil intends to enroll. The Charter School will make a reasonable attempt to notify the parent or eligible student of the request for records at his/her last known address unless the disclosure is initiated by the parent or eligible student. Additionally, the Charter School will give the parent or eligible student, upon request, a copy of the record that was disclosed and give the parent or eligible student, upon request, an opportunity for a hearing under Section (IV)(3) above;
3. Certain government officials listed in 20 U.S.C. § 1232g(b)(1) in order to carry out lawful functions;
4. Appropriate parties in connection with a student's application for, or receipt of, financial aid if it is necessary to determine eligibility, amount of aid, conditions for aid, or enforcing the terms and conditions of the aid;
5. Organizations conducting certain studies for the Charter School by 20 U.S.C. § 1232g(b)(1)(F);
6. Accrediting organizations to carry out their accrediting functions;
7. Parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1986;
8. Individuals or entities, in compliance with a judicial order or lawfully issued subpoena. Subject to the exceptions found in 34 C.F.R. § 99.31(a)(9)(i), reasonable effort must be made to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek a protective order;
9. Persons who need to know in cases of health and safety emergencies;

10. State and local authorities, within a juvenile justice system, under specific State law;
11. A foster family agency with jurisdiction over a currently enrolled or former student, a short-term residential treatment program staff responsible for the education or case management of a student, and a caregiver (regardless of whether the caregiver has been appointed as the pupil's educational rights holder) who has direct responsibility for the care of the student, including a certified or licensed foster parent, an approved relative or non-related extended family member, or a resource family, may access the current or most recent records of grades, transcripts, attendance, discipline, and online communication on platforms established by Charter School for student and parents, and any individualized education program ("IEP") or Section 504 plan that may have been developed or maintained by the Charter School; and/or
12. A victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceedings conducted by the Charter School concerning the alleged crime or offense. The Charter School will disclose the final results of the disciplinary proceeding, regardless of whether the Charter School concluded a violation was committed.

#### ***DIRECTORY INFORMATION***

"Directory information" is information that is generally not considered harmful or an invasion of privacy if released. The Charter School may disclose the personally identifiable information that it has designated as directory information without a parent's prior written consent. The Charter School has designated the following information as directory information: Student's name, address, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous public or private school attended by the student.

If you do not want the Charter School to disclose directory information from your child's education records without your prior written consent, you must notify the Charter School in writing at the time of enrollment or re-enrollment. Please notify the Executive Director at (408) 723-1839. A copy of the complete Policy is available upon request at the main office.

#### ***MAINTENANCE OF RECORDS***

A log shall be maintained for each student's record, which lists all persons or organizations requesting or receiving information from that record. Requests to access the log should be directed to the Executive Director.

#### ***RELEASE OF RECORDS***

UPA may permit access to student records to a specific person if the parent has filed written authorization specifying the records to be released and identifying the person to whom the records may be released. The recipient must be notified that further transmission of records is prohibited. The consent notice shall be permanently kept with the student's record file.

#### ***RELEASE OF STATISTICAL DATA***

UPA may release statistical data when this is in the best interests of students, provided that no student is identified.

#### ***TRANSFER OF RECORDS***

Any school requesting transfer of a student's records for enrollment shall notify the parent of his/her right to receive a copy of the record or to challenge the content of the request.

Under state law, schools are required to transfer specific data on individual students to the California Department of Education ("CDE"). This data is used by the CDE for state reporting. This data is also used by districts and/or public post-secondary institutions to obtain information about students who are transferring from another district or are applying for admission. All data maintained by the CALPADS Program complies with federal and state privacy and confidentiality requirements.

For UPA's complete student records policy, please request a copy of this Policy at 2315 Canoas Garden Ave, Office of the Director of Curriculum and Instruction, and/or [www.upasv.org](http://www.upasv.org).

### Education of Foster Children and Youth

UPA has adopted a policy governing the education of foster youth, consistent with state and federal law. A copy of the complete Policy is available upon request at the main office.

### Uniform Complaint Procedure ("UCP")

UPA has the primary responsibility to ensure compliance with applicable state and federal laws and regulations. UPA is the local agency primarily responsible for compliance with federal and state laws and regulations governing educational programs. UPA shall investigate and seek to resolve complaints using policies and procedures known as the Uniform Complaint Procedure ("UCP") adopted by our Governing Board for the following types of complaints:

1. Unlawful discrimination, harassment, intimidation, or bullying against any protected group, including actual or perceived discrimination, based on the actual or perceived characteristics of age, ancestry, color, mental disability, physical disability, ethnic group identification, immigration status/citizenship, gender expression, gender identity, gender, genetic information, nationality, national origin, race or ethnicity, religion, medical condition, marital status, sex, or sexual orientation, or based on a person's association with a person or group with one or more of these actual or perceived characteristics in any UPA program or activity.
2. Violations of state or federal law and regulations governing the following programs including but not limited to: Adult Education Programs, After School Education and Safety Programs, Agricultural Vocational Education Programs, American Indian Education Centers and Early Child Education Program Assessments, California Peer Assistance and Review Programs for Teacher, Consolidated Categorical Aid Programs, Career Technical and Technical Education and Career Technical and Technical Training Programs, Child Care and Development Programs, Child Nutrition Programs, Compensatory Education, Course Periods without Educational Content, Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils, and Pupils from Military Families, Local Control and Accountability Plans (LCAP), Migrant Education Programs, Every Student Succeeds Act/No Child Left Behind Act (2001) Programs (Titles I-VII), including improving academic achievement, compensatory education, limited English proficiency, and migrant education, Regional Occupational Centers and Programs, Special Education Programs, Reasonable Accommodations to a Lactating Pupil, State Preschool, Bilingual Education, Economic Impact Aid, Comprehensive School Safety Plans, State Preschool Health and Safety Issues in LEAs Exempt from Licensing and Tobacco-Use Prevention Education.
3. Noncompliance with laws relating to pupil fees. A student enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity. A pupil fee includes, but is not limited to, all of the following:

- a. A fee is charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or a schoolwide extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
- b. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
- c. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

A pupil fee complaint shall not be filed later than one (1) year from the date the alleged violation occurred. Complaints of noncompliance with laws relating to pupil fees are filed with the Executive Director of UPA. A complaint regarding pupil fees may be filed anonymously if the complaint provides evidence or information to support an allegation of noncompliance with laws relating to pupil fees.

Complaints other than complaints relating to pupil fees must be filed in writing with the following Compliance Officer:

Executive Director, David Porter  
University Preparatory Academy  
2315 Canoas Garden Ave, San Jose, CA 95125  
408.723.1839

Complaints alleging discrimination, harassment, intimidation, or bullying must be filed within six (6) months from the date the alleged discrimination, harassment, intimidation, or bullying occurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. The Compliance Officer responsible for investigating the complaint shall conduct and complete the investigation by California regulations and UPA's procedures. The final written Decision or report will be sent to the complainant within sixty (60) days from the receipt of the complaint. This sixty (60) day time period may be extended by written agreement of the complainant.

The complainant has a right to appeal UPA's Decision to the California Department of Education ("CDE") by filing a written appeal within fifteen (15) days of receiving the final written Decision. The appeal must include a copy of the complaint filed with UPA, a copy of UPA's Decision, and the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied.

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

A copy of the UCP shall be available below or upon request, free of charge, in the main office or school website, [www.upasv.org](http://www.upasv.org). For further information on any part of the complaint procedures, including filing a complaint or requesting a copy of the UCP, please contact the Executive Director.



**UNIVERSITY PREPARATORY ACADEMY**

2315 Canoas Garden Ave  
San Jose, CA 95125

**UNIVERSAL COMPLAINT FORM**

TO: \_\_\_\_\_ DATE: \_\_\_\_\_  
UPA Director

FROM: \_\_\_\_\_  
NAME

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
PHONE NUMBER

**Program Addressed in this Complaint:**

*Please describe the issue of your complaint in detail, including all names, dates, and specific locations necessary for a complete understanding of your concerns. You may attach additional pages if necessary to fully describe the situation.*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Surveys About Personal Belief

Unless you give written permission, your child will not be given any test, questionnaire, survey, or examination containing any questions about your child's, or his/her parents' or guardians' personal beliefs or practices in sex, family life, morality, or religion.

## Sexual Health Education

UPA offers comprehensive sexual health education to its students in grades 7-12. A parent or guardian of a student has the right to excuse their child from all or part of comprehensive sexual health education, HIV prevention education, and assessments related to that education through a passive consent ("opt-out") process. UPA does not require active parental consent ("opt-in") for comprehensive sexual health education and HIV prevention education. Parents and guardians may:

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

The California Healthy Youth Act (CA Education Code Sections 51930-51939), which took effect in January 2016, requires school districts to provide students with integrated, comprehensive, accurate, and unbiased sexual health and HIV prevention education at least once in middle school and once in high school. The law is intended to ensure that students develop the knowledge and skills necessary to 1) protect their sexual and reproductive health from HIV, other sexually transmitted infections, and unintended pregnancy; 2) develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family; and 3) have healthy, positive, and safe relationships and behaviors. It promotes understanding of sexuality as a normal part of human development.

Anonymous, voluntary, and confidential research and evaluation tools to measure students' health behaviors and risks (including tests, questionnaires, and surveys containing age-appropriate questions about the students' attitudes concerning or practices relating to sex) may be administered to students in grades 7-12. A parent or guardian has the right to excuse their child from the test, questionnaire, or survey through a passive consent ("opt-out") process. Parents or guardians shall be notified in writing that this test, questionnaire, or survey is to be administered, given the opportunity to review the test, questionnaire, or survey if they wish, notified of their right to excuse their child from the test, questionnaire, or survey, and informed to excuse their child they must state their request in writing to UPA.

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

### Cal Grant Program Notice

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

### Physical Examinations and Right to Refuse

All students are to have completed a health screening examination on or before the 90th day after the student's entrance into first grade, or students must have obtained a waiver under Health and Safety Code Sections 124040 and 124085. This examination can be obtained from your family physician or possibly through the services provided by your County Health Department. Information and forms are distributed to students enrolled in kindergarten. If your child's medical status changes, please provide the office with a physician's written verification of the medical issue, especially if it impacts your child's ability to perform schoolwork.

A parent/guardian having control or charge of any child enrolled in UPA may file a written and signed statement that he or she will not consent to a physical examination of the student. This statement may be filed annually with the Executive Director. Once the statement is filed, the student shall be exempt from any physical examination, but whenever there is a good reason to believe that the child is suffering from a recognized contagious or infectious disease, the child shall be sent home and not be permitted to return until the school authorities are satisfied that any contagious or infectious disease does not exist.

### Employee Interactions with Students

The Child Abuse and Neglect Reporting Act (CANRA) under Penal Codes 11164 through 11174.3 is a body of California laws designed to protect children from suffering harm. California law requires people in positions of authority over children to report known or suspected abuse or neglect. School staff must report any instances of actual or suspected child abuse or neglect. California mandatory reporting laws require some people to report known or suspected child abuse or neglect.

### California Healthy Kids Survey

UPA will administer the California Healthy Kids Survey ("CHKS") to 7th, 9th, and 11th-grade students whose parents or guardians provide written permission. The CHKS is an anonymous, confidential survey of school climate and safety, student wellness, and youth resiliency that enables UPA to collect and analyze data regarding local youth health risks and behaviors, school connectedness, school climate, protective factors, and school violence.

### Pregnant and Parenting Students

UPA recognizes that pregnant and parenting students are entitled to accommodations that provide them with the opportunity to succeed academically while protecting their health and the health of their children. A pregnant or parenting student is entitled to eight (8) weeks of parental leave, or more if deemed medically necessary by the student's physician. The student may take parental leave before the birth of the infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction, to protect the health of the student who gives or expects to give birth and the infant, and to allow the pregnant or parenting student to care for and bond with the infant. UPA will ensure that absences from the student's regular school program are excused until the student can return to the regular school program.

## Suicide Prevention Protocol

To ensure the safety of all students, UPA takes every warning sign or threat of self-harm seriously. Thus, for their protection and that of their peers, any student who is reported to be at risk of self-harm or suicide prompts the following course of action.

### Protocol:

1. Concern for students is reported by teachers, staff, students, parents, or the Deledao program flags, which leads to a notification sent to the Executive Director, Technology Director, Director of Student Services, and the Student Wellness Team.
2. An available member of the student wellness team notifies the crisis response team of the identified student's potential risk.
3. A mental health therapist meets with the identified student as soon as possible. This is done to ensure the student's safety before going home.
4. The therapist assesses the student for risk level and notifies the MH coordinator and counselor (and any administrators as needed) of risk and next steps.
5. Assess No Risk, Low-Moderate Risk, and High Risk, and take appropriate actions based on protocol.
  - a. No risk indicates that the student is not at any risk of suicidal ideation or intent.
  - b. Low risk indicates that the student commented because they were upset at the moment. Parents will be notified, and referral to community mental health organizations can be offered.
  - c. Moderate risk indicates that the student has some level of suicidal ideation, but not the means to carry out a plan, and a history of ideation or self-harm. Parents will be notified, a safety plan will be developed, and students will be encouraged to participate in therapy, in school, or in the community.
  - d. High risk indicates that the student is an active danger to themselves, and has suicidal ideation, a plan, and the means to carry out the plan. The therapist will consult with the Clinical Supervisor and notify the crisis response team. The therapist will call the Uplift crisis team to come to the school to assess the student, and parents will immediately be notified by a member of the team.
6. If a student is at moderate-high risk, a safety plan meeting will be held before re-entry.

Students "need considerable support and monitoring, especially during the first several months they are back at school, during any school crisis, or near the anniversary of their attempt or mental health crisis" (SAMHSA Toolkit). It is critical to create or review the Safety Plan at the first 'return to school meeting' with the student and parents. A student is at increased risk of attempting suicide in the days and weeks immediately following discharge from the ER, hospital, or care facility.

## Human Trafficking Prevention

UPA will inform parents/guardians regarding human trafficking prevention through the following mechanisms:

- Parent weekly newsletter.
- Parent meetings at back-to-school night.
- Special email messages through "Parent Square."

## Concussion/Head Injuries

A concussion is a brain injury that can be caused by a bump, blow, or jolt to the head, or by a blow to another part of the body with the force transmitted to the head. Even though most concussions are mild, all concussions are potentially serious and may result in complications, including prolonged brain damage and death if not recognized and managed properly. Because UPA has elected to offer an athletic program, we must immediately remove an athlete who is suspected of sustaining a concussion or head injury during any school-sponsored activity for the remainder of the day. The athlete may not return to that activity until he or

she is evaluated by, and receives written clearance from, a licensed healthcare provider. If the licensed health care provider determines the athlete has a concussion or head injury, the athlete shall also complete a graduated return-to-play protocol of no less than 7 days in duration under the supervision of a licensed health care provider. Every year, a concussion and head injury information sheet must be signed and returned by the athlete and the athlete's parent or guardian before the athlete initiates practice or competition. This requirement does not apply to an athlete engaging in an athletic activity during the regular school day or as part of a physical education course.

### **Sudden Cardiac Arrest Prevention and Automated External Defibrillators**

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

[https://jtbfoundation.org/wp-content/uploads/2019/10/SCA-Infographic-Flyer-Web\\_Oct2019.pdf](https://jtbfoundation.org/wp-content/uploads/2019/10/SCA-Infographic-Flyer-Web_Oct2019.pdf)

## **VIII. Student Behavior Guidelines**

### **Compliance**

All students shall comply with the regulations, pursue the required course of study, and submit to the authority of the UPA staff. Willful defiance of the valid authority of supervisors, teachers, or administrators constitutes good cause for suspension. Teachers and staff shall hold students accountable for good conduct to and from school, and at all times on school grounds.

### **Academic Integrity Policy**

A teacher's professional judgment, with the concurrence of the school administration, will determine whether cheating has occurred. Consequences will be assigned at the level determined by the severity and number of the offense. Consequences may be removal of school privileges, and/or loss of grade or credit. In all cases, parents will be notified of the incident and will be asked to meet with the teacher and student to be sure the offense is not repeated.

A breach of academic integrity includes, but is not limited to: cheating on tests, exams, or any assessment activity; plagiarism; deliberate deception; stealing or any unauthorized use of assessment tools, answer keys, or school records; lying to gain academic credit; etc.

#### ***PLAGIARISM AND CHEATING***

- Plagiarism is defined as the practice of taking someone else's work or ideas and passing them off as one's own. Students caught plagiarizing will receive a 0 for the assignment and will not be allowed to make up the assignment. Repeated plagiarism could result in a failure of the course for the semester.
- Cheating is defined as the unauthorized use of information, materials, devices, sources, or practices in completing academic activities (assignments, quizzes, or exams). Students caught cheating on work will receive a 0 for the assignment and will not be allowed to make up the assignment unless agreed upon by the teacher.

### **Free Dress**

Free Dress is awarded to students on an announced basis and on special occasion days to allow students a "break" from the common dress code. Free dress days will be announced in newsletters. All aspects of the general common dress expectations as published in this Handbook remain in effect for Free Dress, except for the following:

- All clothing must fit properly and appropriately (as defined by UPA administration).

- 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 based on gender, cultural, religious or ethnic values is not allowed.
- The following are **not** permitted: Crocs, flip-flops, slippers, and open-toe or open-heel shoes may not be worn.
- All other questions regarding clothing choices should be directed to the Director of Student Services before a student decides to wear something that might be considered inappropriate.

### Freedom of Speech

UPA students shall have the right to exercise freedom of speech and press, provided that there are no expressions that are forms of harassment, vulgarity, racial slurs, are obscene, libelous, or slanderous. Any form of expression that will create a disturbance in the educational environment of students at UPA is strictly prohibited.

### Vehicle Control

Vehicle operators must obey regular traffic laws as well as posted regulations or verbal directions given by school personnel whenever driving on or about school premises. Non-licensed drivers run the risk of having their cars impounded. Students must display a UPA parking permit and only park in the designated spaces for student parking (in front of the main building).

Bicycles must be ridden in safe places and walked while on campus. State law requires that all students wear bike helmets when riding their bicycles. Skateboards, in-line skates, or roller skates may not be ridden on campus.

### Student Driver/Vehicle Rules and Expectations

A UPA student who is of age and has earned a qualifying license that allows him or her to drive to and from school alone must complete a "student driver application" form (see [Attachment 3](#)) before driving to school. They are also required to adhere to the UPA Student Driver/Student Vehicle Rules and Expectations attached to this Handbook as [Attachment 2](#).

### Detention

Detention is an imposed condition that limits, for disciplinary purposes, the free time allotted to a student, whether from breaks, lunch, or after school. Students shall not be restricted from eating lunch or from taking care of personal hygiene needs. State law states that a student may be detained after school for up to one (1) hour after the close of classes for disciplinary action.

### Expulsion

In the event a student is recommended for expulsion from UPA, he or she is entitled to a hearing and advanced written notice of the rights and responsibilities enumerated in UPA's Suspension/Expulsion Policies and Procedures found below. Written notice of these due process rights shall be provided at least ten (10) calendar days in advance of the date set for the hearing.

### Corporal Punishment

Corporal Punishment, defined as the deliberate infliction of physical pain as a disciplinary measure, is prohibited by state law. An amount of force that is reasonable and necessary for a person employed by the school to quell a disturbance threatening physical injury to persons or property damage, for purposes of self-defense, or to obtain possession of weapons or other dangerous objects within the control of the pupil, is not and shall not be construed to be corporal punishment.

### Title IX, Harassment, Intimidation, Discrimination, and Bullying Policy

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 that 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 or on our website.

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 promptly. UPA staff who witness acts of misconduct prohibited by this Policy will take immediate steps to intervene when safe to do so.

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.

Title IX, Harassment, Intimidation, Discrimination, and Bullying Coordinator:  
Executive Director: David Porter  
University Preparator Academy  
2315 Canoas Garden Ave, San Jose, CA 95125  
408.723.1839

## **IX. SUSPENSION AND EXPULSION POLICIES AND PROCEDURES**

### **Hazing**

It is a crime to engage in hazing activities. In addition, any student who participates in hazing or any act that causes or is likely to cause personal humiliation or disgrace will be referred for suspension and/or expulsion. (Ed. Code 32050-32052)

### **Bullying (Intentional Harassment)**

Definition: UPA defines bullying as repeated and systematic abuse and harassment of another or others. Bullying and ridiculing-type behavior includes name-calling, mimicking, indifference and exclusion, invasions of personal space, inappropriate touching, physical violence, hitting, biting, kicking, and pushing, shoving, gender discrimination due to sexual orientation, sex-biased bullying, and extortion.

Cyberbullying: The use of electronic communication to bully a person, typically by sending messages of an intimidating or threatening nature.

Specific observable bullying behavior:

- Deliberate hurtful teasing, taunting, name-calling, ridicule, intimidation, belittling, degradation, threats, and demands;
- Domination and subduing are used repeatedly against the victim;
- Derisive and unfriendly mockery and laughter directed at the victim;
- Isolation and exclusion of the victim is common among females who bully;
- Internet chat rooms, email, text messaging to telephones or pagers, and postings to "web blogs" are common forums for bullying;
- Physical aggressive moves are common and frequently used against the victim who is unable to defend her/himself;
- Fighting occurs between the victim and the bully in which the victim is unable to protect her/himself and tries to withdraw.

### **Searches**

A student's attire, personal property, vehicle, or school property, including books and desks, may be searched by the Director of Student Services or designee when there is reasonable suspicion that a student possesses illegal items or illegally obtained items. These may include illegal substances, drug paraphernalia, weapons, or other objects or substances that may cause injury to students or others. The school may conduct a group search with reasonable cause. Illegally possessed items shall be confiscated and turned over to the police.

### **Vandalism/Malicious Mischief**

Any student who defaces, damages, or destroys any school property may be suspended or expelled. Students and their parents shall be responsible for all damage to equipment or school property. This responsibility applies in the matter of books and supplies of all kinds, as well as equipment, buildings, and grounds. Parents may be held financially liable for damages up to \$10,000 and shall also be liable for the amount of any reward not exceeding \$10,000. Any offers of rewards shall be cleared through the UPA Board of Directors.

### **Progressive Discipline/Restorative Justice**

UPA strives to provide every student with a safe learning environment that will foster academic success. UPA uses progressive discipline strategies that allow students who fail to follow rules and are given opportunities to correct their behavior. By increasing the severity of the consequences through



stages, it allows students to correct their behavior. Using the Progressive Discipline plan helps ensure that all students are treated fairly and equally.

The Progressive Discipline steps are as follows:

*Step 1: Warning*

- The teacher gives a verbal warning to stop disruptive activity or behavior.
- The teacher will implement a classroom consequence for warnings given.

*Step 2: Parent Notification*

- The teacher will make initial Parent contact either by phone or mail.
- The teacher may issue a referral.

*Step 3: Parent Conference*

- The teacher will try to schedule a parent conference to talk about student behavior. This meeting can be held with any necessary adults deemed appropriate.
- The teacher will issue a referral.

*Step 4: Meeting with Director of Student Services*

- The Director of Student Services may issue
  - Detention
  - Saturday School
  - Other consequences deemed appropriate.

*Step 5: Creating a Behavior Intervention Plan (BIP) with a Student Support Team (SST)*

- The student support team will meet and create a behavior intervention plan that is signed by both the student and the parent.
- Depending on the infraction, the Director of Student Services may issue
  - Detention
  - Saturday School
  - At School Suspension
  - At Home Suspension
  - Other consequences deemed appropriate

*Step 6: At School Suspension*

- Parent conference with the Director of Student Services and the Executive Director.

*Step 7: At-Home Suspension*

- Parent conference with the Director of Student Services and the Executive Director.

*Step 8: Recommended Expulsion*

- Meeting with the UPA Board of Trustees, which may result in
  - Expulsion
  - Suspended Expulsion with Student Contract.
  - Any other consequences deemed appropriate.

## Suspension and Expulsion Policy

The following Pupil Suspension and Expulsion Policy has been established to promote learning and protect the safety and well-being of all students at UPA (the "Charter School"). 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 as needed without the need to amend the charter so long as the amendments comply 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 Handbook that is sent to each student at the beginning of the school year. The Charter School administration shall ensure that students and their parents/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/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 upon during the period of suspension or expulsion.

A student identified as an individual with disabilities or for whom Charter School has a basis of knowledge of a suspected disability under the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to regular education students except when federal and state law mandates additional or different procedures. The Charter 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 Charter School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students.

#### ***GROUND 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) school attendance occurring at the Charter School or any other school, or 3) a Charter School-sponsored event. A student 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, the following:

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

#### ***SUSPENSION OFFENSE***

##### **Discretionary Suspension Offense**

Students may be suspended for any of the following acts when it is determined that 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 in 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 products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, vape pens, snuff, chew packets, and betel. This section does not prohibit the use of his or her prescription products by a pupil.
9. Committed an obscene act or engaged in 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.
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, 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 to prevent 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 the prescription drug Soma. FENTNYL
17. Engaged in, or attempted to engage in, hazing. For 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 threatens to commit a crime which will result in death, great bodily injury to another person, or property damage over 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 to be in sustained fear for his or her safety or his or her immediate family's safety, or 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 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 negatively impact 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 an electronic act, as defined in subdivisions (f) and (g) of Section 32261 of the Education Code, directed specifically toward a 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 under subdivision (1).

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

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

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

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 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 determines that an emergency exists. An "emergency" 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/guardian and student shall be notified of the student's right to return to school for a conference.

At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her, and shall be allowed to present his or her version and evidence in his or her defense.

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.

No penalties may be imposed on a pupil for failure of the pupil's parent or 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 guardian at the conference.

2. Notice to Parents/Guardians

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

3. Suspension Time Limits/Recommendation for Expulsion

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

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

- The student's presence will be disruptive to the education process
- The student poses a threat or danger to others.

Upon either determination, the student's suspension will be extended pending the results of an expulsion hearing.

## **EXPELLABLE OFFENSES**

### **Discretionary Expellable Offenses**

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

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 in 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 products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. This section does not prohibit the use of his or her prescription products by a pupil.
9. Committed an obscene act or engaged in 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.
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, 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 to prevent 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 the prescription drug Soma.
17. Engaged in, or attempted to engage in, hazing. For 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 threatens to commit a crime which will result in death, great bodily injury to another person, or property damage over 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 safety or his or her immediate family's safety, or 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 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 hurt 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 using an electronic act, as defined in subdivisions (f) and (g) of Section 32261 of the Education Code, directed specifically toward a 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 under subdivision (1)

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

Students must be expelled for any of the following acts when it is determined, under the procedures below, that 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.

If it is determined by the Governing Board that a student has brought a fire arm or destructive device, as defined in Section 921 of Title 18 of the United States Code, on to campus or to have possessed a firearm or dangerous device on campus, the student shall be expelled for one year, pursuant to the Federal Gun Free Schools Act of 1994.

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

The term "destructive device" means (A) any explosive, incendiary, or poison gas, including but not limited to: (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 nor 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 on 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 before the hearing.

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

1. The date and place of the expulsion hearing;
2. A statement of the specific facts, charges, and offenses upon which the proposed expulsion is based;
3. A copy of the School's disciplinary rules, which relate to the alleged violation;
4. Notification of the student's or parent/guardian's obligation to provide information about the student's status at the 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/guardian to appear in person or to employ

- and be represented by counsel or a non-attorney advisor;
- 6. The right to inspect and obtain copies of all documents to be used at the hearing;
- 7. The opportunity to confront and question all witnesses who testify at the hearing; and
- 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

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.

1. The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of his/her right to (a) receive five days notice of his/her scheduled testimony, (b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she testifies, which may include a parent, guardian, or legal counsel, and (c) elect to have the hearing closed while testifying.
2. The School must also provide the victim a room separate from the hearing room for the complaining witness's use before and during breaks in testimony.
3. 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 or she may leave the hearing room.
4. 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.
5. The person conducting the expulsion hearing may also limit the time for taking the testimony of the complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
6. Prior to a complaining witness testifying, the support persons must be notified 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.
7. If one or both of the support persons is also a witness, the School must present evidence that the witness's 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 testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising his or her discretion to remove a person from the hearing whom he or she believes is prompting, swaying, or influencing the witness.
8. The testimony of the support person shall be presented before the testimony of the complaining witness, and the complaining witness shall be excluded from the courtroom during that testimony.
9. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in the public at the request of the pupil being expelled, the complaining witness shall have the right to have



his/her testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are 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 using closed-circuit television.

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

### *STUDENTS WITH DISABILITIES*

A pupil identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability under 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 Charter 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 Charter School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such pupils. The following procedures shall be followed when a student with a disability is considered for suspension or expulsion. These procedures will be updated if there is a change in the law.

1. *NOTIFICATION OF DISTRICT*

The Charter 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 Charter School or District would be deemed to know that the student had a disability.

2. *SERVICES DURING SUSPENSION*

Students suspended for more than ten (10) school days in a school year shall continue to receive services 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 may be provided in an interim alternative educational setting.

3. *PROCEDURAL SAFEGUARDS/MANIFESTATION DETERMINATION*

Within ten (10) school days of a recommendation for expulsion or any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the Charter School, the parent, and relevant members of the IEP 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 parents to determine:

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

implement the IEP.

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

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

If the Charter School, the parent, and relevant members of the IEP 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 Charter School may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.

#### 1. *DUE PROCESS APPEALS*

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

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

#### 2. *SPECIAL CIRCUMSTANCES*

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

The 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:

- Carries or possesses a weapon, as defined in 18 USC 930, to or at school, on school premises, or to or at a school function;

- 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
- Has inflicted serious bodily injury, as defined by 20 USC 1415(k)(7)(D), upon a person while at school, on school premises, or at a school function.

### 3. *INTERIM ALTERNATIVE EDUCATIONAL SETTING*

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

### 4. *PROCEDURES FOR STUDENTS NOT YET ELIGIBLE FOR SPECIAL EDUCATION SERVICES*

A student who has not been identified as an individual with disabilities under IDEIA and who has violated the district's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the Charter School knew that the student was disabled before the behavior occurred.

The Charter School shall be deemed to know that the student had a disability if one of the following conditions exists:

- The parent/guardian has expressed concern in writing, or orally if the parent/guardian does not know how to write or has a disability that prevents a written statement, to Charter School supervisory or administrative personnel, or one of the child's teachers, that the student needs special education or related services.
- The parent has requested an evaluation of the child.
- The child's teacher, or other Charter School personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the Director of Special Programs or to other Charter School supervisory personnel.

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

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

The Charter School shall not be deemed to know that the student had a disability if the parent has not allowed an evaluation, refused services, or if the student has been evaluated and determined not to be 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 student, the hearing is held at a public meeting, and the charge is committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900, a complaining witness shall have the right to have 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, which 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 student shall immediately be returned to his/her 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/guardian. 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/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 County. 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 has 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 County 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 student may reapply to the School for readmission.

## **READMISSION**

The decision to readmit a student or to admit a previously expelled student 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 student and guardian or representative to determine whether the student has completed the rehabilitation plan and to determine whether the student 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 student's readmission is also contingent upon the School's capacity at the time the student seeks readmission.

## **X. Communication at UPA**

### **The Importance of Home/School Communication**

UPA strongly believes that effective communication between the family and the school will enhance the education of each child. In the UPA Parent agreement, both parents and school administration pledge to openly communicate about the issues, challenges, and successes of their child and the school. Please be sure to stay abreast of school activities and events and monitor your student's academic progress.

### **Formal Grievance/Complaint Procedure**

For complaints regarding harassment, discrimination, unlawful tuition, or other specific perceived violations of state or federal laws, please refer to the Charter School's (1) Title IX, Harassment, Intimidation, Discrimination, and Bullying Policy and/or (2) the Charter School's Uniform Complaint Procedures. For all other complaints, this Policy, the Universal Complaint Form, and accompanying procedures will be appropriate.

#### ***Expressing Concerns Involving a School Employee***

If you have a concern regarding the performance of an employee at the School, please speak to that person directly to see if you can come to a mutually agreeable solution to the problem. If you cannot do that or do not feel that it would help the situation, please speak with or write to the Executive Director. If the situation is not addressed satisfactorily, you may file a formal grievance with the UPA Board of Directors.

#### ***Expressing Concerns Involving a Family or Student***

UPA encourages all families and students to make a good-faith effort to resolve the concern with the person or people involved. The good faith effort may include: problem identification, possible solutions, selection of a resolution, timeline for implementation, and follow-up. A written summary of the good-faith effort may be included in the student's file per parent/guardian request.

### **Grievance Filing Process**

- a. The parent or student may submit his/her grievance in writing to the Executive Director or designee using the Universal Public Complaint form in Attachment 4 at the end of this Handbook. UPA requests that families and students first attempt to resolve through the "good faith effort" process and wait five (5) calendar days before filing a formal written complaint.
- b. The Executive Director or designee shall schedule a meeting at a mutually convenient time and place for discussion of the complaint with all parties involved, no later than twenty (20) business days after receipt of the written complaint and after notification to the parent and/or student.
- c. A decision shall be rendered within five (5) business days of the completion of the meeting.
- d. A request for an appeal may be submitted to the Chairperson of the Board within five (5) business days of the decision of the Executive Director. After receiving an appeal request, the Chairperson shall schedule a meeting to consider such an appeal as soon as practical. Board members, who are

interested parties, as defined in the Bylaws, shall excuse themselves from reviews of the Executive Director's decision to the extent permitted under law. Any such proceedings shall be conducted in closed session. A decision shall be rendered within twenty-five (25) business days of receipt of this appeal. The decision of the Chairperson of the Board is final.

#### Universal Complaint Form Submission Procedures

You may submit a Universal Complaint Form (attached to this document as [ATTACHMENT 4](#)) in person to the Executive Director or by mail to the school address:

University Preparatory Academy, 2315 Canoas Garden Avenue, San Jose, CA 95125

Please retain a copy for your files.

## ATTACHMENT 1: CELL PHONES, PAGERS, AND OTHER ELECTRONIC SIGNALING DEVICE POLICY

Student Board Policy #: 5; Administrative Regulation 5 Adopted/Ratified: 10/15/12

Revision Date:

### Use of Mobile Digital Devices

#### Philosophy

The use of mobile digital devices to assist students and teachers in improving learning and making the learning process more enjoyable for students is encouraged. The processes and 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 (grounds of the Landlord).

#### Definitions

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 video game consoles, cell phones, smartphones, electronic tablets, digital audio players and laptops.

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

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 discretion may allow/disallow the use of any mobile device(s) in their classroom.**
3. Student use of laptops, tablets, and smart phones for classroom/instructional uses only is permitted on the campus and grounds of the Landlord.
4. Student use of cell phones to make phone calls or text messaging is not permitted during school time from the first period of their day through the last period of their day. Cell phones must remain off and placed in the cellphone holder in the classroom or the student's backpack throughout the day, before school, break, and during lunch.
5. All UPA students must agree to and abide by this regulation and other rules published in the Student Handbook on pages 27-28.

#### 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).

## ATTACHMENT 2: STUDENT DRIVER/VEHICLE RULES and EXPECTATIONS

### University Preparatory Academy

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

A UPA student, who is of age and has earned a qualifying driver license that allows him or her to drive to and from school alone, must receive UPA approval of a completed **"Student Driver Permit Application"** (see attached) before driving to school. The student driver application requires a student to:

- Identify themselves and their vehicle and provide contact information
- Provide copy of proof of current insurance for the vehicle which is in good operating condition
- Provide copy of vehicle registration
- Provide copy of provisional driver licensure
- Sign and date the application (parent and student)

Signing the student driver application signifies that both student and parent have read, understand and agree to the following rules and expectations for driving on and around the UPA campus:

- Display authorized parking decal at all times on front windshield
- Vehicle must remain in good operating condition.
- Park only in the west parking lot, and never alongside the school building
- Abide by all traffic laws and rules of the road, and abide by all license restrictions
- Enter and exit the parking area following the directional cones
- Operate their vehicles in a safe and courteous manner while on school property and while using public roads to and from school or face the possible suspension or revocation of driving privileges
- Students may not visit their car during the day without administrative permission.
- Students may not leave campus with their car, or leave and return at any point in the day
- Students may not leave car on premises more than 30 minutes after the end of the school day or school activity.
- 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.
- University Preparatory Academy and/or Cathedral of Faith does not guard or assume care, custody, or control of your vehicle or its contents, and in no way is responsible for fire, theft, damage, or loss.
- Students must reapply each school year for permission to drive to school.
- Student drivers who are included on the weekly tardy report, 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.

The consequences for breaking any of the aforementioned rules and expectations may result in:

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



### ATTACHMENT 3: STUDENT DRIVER/VEHICLE PERMIT APPLICATION

University Preparatory Academy

UPA Student Driver/Student Vehicle Permit Application  
(Permit must be renewed each academic school year)

Student Information:

_____	_____
Student Name	Grade Level

Vehicle Information:

_____	_____	_____	_____
Make	Model Year	Color	License Plate Number

Documentation:

Please attach to this permit application the following documents:

1. Copy of current Insurance for the vehicle which is in good operating condition
2. Copy of Vehicle Registration
3. Copy of Provisional Driver Licensure

**Signatures:**

Student and parent signatures below ensure that both parent and student have read the attached student driver/student vehicle rules and expectations, and that the information provided with this permit application is true and accurate.

_____	_____
Student Signature	Date

_____	_____
Parent Signature	Date

_____	_____
UPA Director Approval	Date

**ATTACHMENT 4: UNIVERSAL COMPLAINT FORM**

**UNIVERSITY PREPARATORY ACADEMY**  
2315 Canoas Garden Ave  
San Jose, CA 95125

**UNIVERSAL COMPLAINT FORM**

TO: \_\_\_\_\_ DATE: \_\_\_\_\_  
UPA Director

FROM: \_\_\_\_\_  
NAME

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
PHONE NUMBER

**Program Addressed in this Complaint:**

*Please describe the issue of your complaint in detail, including all names, dates, and specific locations necessary for a complete understanding of your concerns. You may attach additional pages if necessary to fully describe the situation.*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_