



Student/ Family Policies Submission

Discipline Policy

Safety, order, and student discipline are fundamental to learning at Chavez Schools. In addition to a challenging curriculum, dedicated teachers, and proper materials, a secure learning environment is also vital to students' academic success.

Chavez Schools does not tolerate the following behaviors: bullying, harassment, fighting; classroom distractions; possessing, using, or threatening to use weapons; and, unlawful possession, use or distribution of drugs whether such conduct occurs:

- on school property, [SEP]
- at any school-sponsored or supervised activity (including school sponsored transportation and field trips), [SEP]
- in transit to and from school (including on the bus or train, by foot or car) and during Safe Passage, or [SEP]
- off school property and outside of school hours if such conduct is detrimental to Chavez Schools' best interests, adversely [SEP] affects overall school discipline and/or results in a criminal charge or conviction. [SEP]

Disciplinary action may include, but is not limited to suspension, expulsion, and/or exclusion from school and all school-sponsored activities. Chavez Schools will also notify our School Resource Officers (SROs) and/or MPD for any action that violates local or federal laws. [SEP]

CODE OF CONDUCT [SEP]

CATEGORY I VIOLATIONS [SEP]

Category I violations include, but are not limited to, violations of Cesar Chavez's values and expectations. Category I violations may include: [SEP]

1. Using profanity [SEP]
2. Eating or drinking outside of the cafeteria [SEP]
3. Possession of electronic items during the school day [SEP]
4. Disruptive behavior [SEP]
5. Horseplay [SEP]
6. Grooming outside the bathroom [SEP]
7. Disrespect to staff or other students [SEP]
8. Failure to follow directions the first time [SEP]
9. Uniform violations [SEP]
10. Excessive noise in the classroom, hall, or building [SEP]
11. Running in the classroom, hall, or building [SEP]

12. Offensive gestures (non-sexual or threatening) [L] [SEP]
13. Writing or tagging that is not permanent or etched/engraved into school property. [L] [SEP]
14. Any minor behavior disruptive to the school environment [L] [SEP]
15. First-time Level One violations of the Honor Code [L] [SEP]

If a student is found to have committed a Category I violation of Cesar Chavez's Code of Conduct, the following disciplinary measures may be taken: [L] [SEP]

- Teacher or staff member/student conference [L] [SEP]
- Detention [L] [SEP]
- Parent/guardian notification and conference [L] [SEP]
- Counseling/intervention [L] [SEP]
- Loss of school privileges and a violation of good standing [L] [SEP]
- School/community work tasks [L] [SEP]
- Debit [L] [SEP]

CATEGORY II VIOLATIONS [L] [SEP]

Category II violations include, but are not limited to: [L] [SEP]

1. Destruction of school or personal property valued at less than \$500 [L] [SEP]
2. Gross disrespect to staff or other students [L] [SEP]
3. Failure to attend detention or class during the regular school day [L] [SEP]
4. First-time Level Two violations of the Honor Code [L] [SEP]
5. Forgery [L] [SEP]
6. Forging passes (including but not limited to bathroom, library, nurse, etc.) [L] [SEP]
7. Gambling (including but not limited to rolling dice, card games, placing wagers or bets or any similar activities) [L] [SEP]
8. Lying or giving misleading information to school staff [L] [SEP]
9. Non-threatening verbal altercations including "joning" or other offensive language [L] [SEP]
10. Offensive gestures that are sexual or threatening [L] [SEP]
11. Repeated disruptive behavior [L] [SEP]
12. Repeated refusal to follow instructions given by staff [L] [SEP]
13. Repeated uniform violations or refusal to fix a minor uniform issue in a timely manner [L] [SEP]
14. Skipping class and/or leaving class without permission. [L] [SEP]
15. Truancy and/or leaving the building without permission. [L] [SEP]
16. Insubordination [L] [SEP]
17. Possession, sale, distribution or use of flammable products such as matches, lighters, lighter fluid, torches, etc. [L] [SEP]
18. Use of school electronic devices (phones, laptops, e-readers, tablets, etc.) without permission or to access inappropriate content [L] [SEP]

If a student is found to have committed a Category II violation of the Cesar Chavez Code of Conduct, the following disciplinary measures may be taken:

- Parent/guardian conference [L] [SEP]
- In-School Suspension (one to three days) [L] [SEP]
- Out-of-School Suspension (one to ten days) [L] [SEP]
- Individual behavior modification plan [L] [SEP]

- Disciplinary probation and/or a behavioral contract [SEP]
- Restorative mediation and/or community service [SEP]
- Any other consequence listed in Level I [SEP]

CATEGORY III VIOLATIONS

Category III violations include, but are not limited to:

1. Fighting or other violent behavior [SEP]
2. Threatening behavior Verbal, physical, or written threats to students or staff [SEP]
3. Promotion of fighting or other violent behavior [SEP]
4. Bullying or harassment of students or staff (physical, verbal or electronic) [SEP]
5. Communicating slurs based on actual or perceived race, color, religion, national origin, sex, age marital status, family [SEP] responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of a [SEP] interfamily offense, or place of residence or business, including derogatory sexual language [SEP]
6. Extortion [SEP]
7. Posting or distributing material or literature that is disrespectful, demeaning, humiliating, threatening, or damaging to students or staff. This includes posting material on the internet or sending material electronically (via email or cell phone) [SEP]
8. Participation in activities or association with groups that threaten the safety of students or staff (gang affiliation or conduct in neighborhood “crews” or other similar groups) [SEP]
9. Hazing [SEP]
10. Tampering with or pulling fire alarm and using extinguishers in non-emergency situations [SEP]
11. Activating a false alarm [SEP]
12. Engaging in sexual acts on school premises or school related functions [SEP]
13. Engaging in behavior that causes physical harm, intentionally or unintentionally (i.e. throwing objects that may cause harm) [SEP]
14. Destruction of school or personal property valued at greater than \$500 [SEP]
15. Theft on/off school grounds [SEP]
16. Trespassing [SEP]
17. Unauthorized possession, use, selling or distribution of over the counter or prescription medication, drugs (including but not limited marijuana, cocaine, heroin PCP and other banned substances and synthetic drugs), alcohol, cigarettes, e-cigarettes or other items that classify as drugs, drug paraphernalia such as: pipes, rolling papers, clips, etc., any substance as a drug (may include, but not limited to: inhalants, prescription medications, cough syrup, etc.), tobacco products including e-cigarettes [SEP]
18. Violation of drug policy [SEP]
19. Possession of mace, pepper spray, or tasers or similar products [SEP]
20. Possession of any item that can be used as a weapon (e.g. knife, dagger, box-cutter, screwdriver, etc.) whether or not the item [SEP] was used as a weapon or intended as a weapon or any firearm (e.g. gun, BBgun, rifle) or item that meets the criteria of “Other [SEP] firearm” (see below) [SEP]
21. Sexual misconduct, sexual harassment, lewd or indecent public behavior [SEP]
22. Arson, biohazard or bomb threats [SEP]
23. Repeated Category I and II violations of the Code of Conduct [SEP]
24. Level Three violations of the honor code [SEP]
25. Criminal act on/off school grounds [SEP]
26. Failure to follow school visitor policy, including facilitating inappropriate and/or violent behavior by visitors. [SEP]

27. Leaving the school premises or a school-sanctioned activity without permission [L][SEP]
28. Any behavior or other conduct not specifically enumerated in any other Category in this chapter that causes disruption to the [L][SEP] academic environment, disruption to the school operation, destroys school property, or causes significant harm to self or others [L][SEP]
29. Violation of Disciplinary Probation or a Final Probation Contract [L][SEP]
30. Possession of any item that is considered another **firearm**. This includes incidents in which one or more students possessed or [L][SEP] brought another type of firearm not named above, including zip guns, starter guns, and flare guns to school. As defined by the Gun Free Schools Act, other firearms include: [L][SEP]
 - (1) 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 any [L][SEP] explosive; [L][SEP]
 - (2) the frame or receiver of any weapon described above; [L][SEP]
 - (3) any firearm muffler or firearm silencer; [L][SEP]
 - (4) any destructive device, which includes: [L][SEP]
 - (a) any explosive, incendiary, or poison gas (such as: bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one quarter ounce, mine, or similar device; [L][SEP]
 - (b) any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; [L][SEP]
 - (c) any combination or parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled. [L][SEP]

If a student is found to violate a Category III violation of the Cesar Chavez Code of Conduct, the following disciplinary measures may be taken:

- Out-of-School Suspension and parent/guardian conference [L][SEP]
- Out-of-School Suspension and discipline class [L][SEP]
- Expulsion [L][SEP]
- Final Disciplinary Probation Contract [L][SEP]
- Additional consequences outlined in Category II offenses [L][L][SEP]

Disciplinary Probation

A student who has committed repeated violations of the Code of Conduct or a major violation (Category II or III) of the Code of Conduct may be placed on disciplinary probation. Repeated violations include: two or more Level II violation or two or more Level III violations. Students may also be placed on disciplinary probation for single severe violations of the Code of Conduct. If placed on disciplinary probation, the student and his/her parent/guardian will be notified in writing that the student has violated school policy and that future violations will incur more stringent disciplinary action, up to and including expulsion from Chavez Schools.

If, while on Disciplinary Probation or a Final Probation contract, a student violates another major school policy, s/he may be expelled. Each violation is treated on a case-by-case basis.

The length of disciplinary probation and its conditions will be determined individually for each student by the school administration. Probation is a serious status with severe consequences. Students can be expelled for violations of disciplinary probation and behavior contracts.

A school administrator will make reasonable attempts (three phone calls or written communications or email or any other form of contact) to contact a parent/guardian regarding a student's Disciplinary Probation status. If a parent fails to communicate and/or refuses to sign a contract, the contract shall be enacted. A final copy of the contract will be provided to the parent/guardian.

STEPS IN DISCIPLINARY PROBATION:

- **Step 1:** After a student is placed on disciplinary probation, s/he will be required to attend a conference with a member of the Administrative team and his/her parent/guardian. During this conference a Disciplinary Probation contract will be signed stating behavioral goals and/or a timeline for meeting behavioral goals.
 - If a student ***meets*** the stated expectations of the Disciplinary Probation s/he will be reviewed by an administrator at which point s/he will be removed from Disciplinary Probation.
 - If a student ***fails to meet*** the state goals of the Disciplinary Probation contract by this will result in further action, which may include a Final Probation contract or expulsion from Chavez Schools.
- **Step 2:** If the student violates Disciplinary Probation, s/he may be placed on a Final Probation Contract, if the violation does not warrant expulsion. This contract is a serious document that makes clear that repeated minor or major violations of the Code of Conduct could result in expulsion from Chavez Schools. Students who commit a Level III violation of the Code of Conduct may be placed on Final Probation Contract without Disciplinary Probation (Step 1).
 - If a student ***meets*** the stated expectations of the Final Probation contract, s/he will be reviewed by an administrator at which point s/he will no longer be on Disciplinary Probation.
 - If a student ***fails to meet*** the stated goals of the Final Probation contract s/he will have violated a Level III infraction. The student will have a Disciplinary Hearing which will review the student's behavior to date and make necessary recommendations which could result in involuntary transfer or expulsion.

DETENTIONS

After school detention will be held daily. All students are expected to attend detention on the day it is earned. Failure to do so may result in additional consequences.

Students who do not comply with the rules of detention may be asked to leave. Students who are asked to leave will serve an In-School-Suspension or Out-of-School Suspension as warranted by the behavior the following school day. Additional interventions and consequences for earning multiple detentions within a day or week may be assigned by the school.

SUSPENSIONS

IN-SCHOOL SUSPENSIONS

An In-School Suspension (ISS) is when a student disregards school expectations. Parents/guardians will be notified when students are assigned an ISS. During an In-School Suspension (ISS), the student remains in school but is not permitted contact with other students, in order to provide the opportunity for individual behavior modification. Students who have ISS are placed in the Alternative Learning Center (ALC). ISS is assigned by a school administrator and may last from one

class period to three days. While in ISS, students will not be allowed to participate in any school activities but will be expected to complete their missed work for the day as well as any ISS work packet. Failure to complete ISS work or to follow ISS rules will result in additional ISS days, accumulating additional debit points and/or Out-of-School Suspension.

OUT-OF-SCHOOL SUSPENSION

Short Term Suspension (1 to 5 days)

Out-of-School Suspension (OSS) involves separation from the school and all school activities for a specified period of time, which is determined by a school administrator. The primary intent is to impress upon the student and parent/guardian that a serious behavior problem exists and that steps must be taken to ensure that the behavior is not repeated.

Before a student is suspended, the school will:

1. Notify the student of the infraction^{[L] [SEP]}
2. Conduct a thorough investigation.
3. Accept information from the student(s) and other persons who have knowledge of the incident. The student involved shall have the opportunity to express his/her side of the incident.
4. Determine the accuracy of the infraction(s) based on this information.
5. The Principal/Assistant Principal or his/her designee has sole discretion to implement an out of school suspension based on the information obtained during the investigation.

In the event that an offense threatens the safety of students and/or staff, students will be removed immediately from the building prior to following the above outlined steps.

Once a decision to suspend a student is made, the Principal/Assistant Principal or his/her designee will shall proceed as follows:

- Inform the student of the suspension and the reason(s).^{[L] [SEP]}
- Notify the parent/guardian. School administrator may notify the parent/guardian of the suspension via phone, email or in^[SEP] person in addition to providing written notification. Written notification may be given to the student if he/she is under 18^[SEP] when the parent/guardian is notified by phone/email of the suspension.^{[L] [SEP]}
- Send written notification, by the end of the school day when possible, to the parent/guardian that includes:^{[L] [SEP]}
 - The disciplinary infraction,
 - The length of the suspension,
 - The student's right to return to school at the end of the suspension, and
 - Any conditions for that return.^{[L] [SEP]}

In the event of an emergency removal, statements will be collected by all present staff and be made available to parents/guardians. "Emergency removal" means the immediate out-of-school suspension or disciplinary unenrollment of a student based on the school's reasonable belief that the student's presence poses an immediate and continuing danger to other students or school staff.

A manifestation determination meeting will be held for a student who holds an IEP when an OSS would be exceed 10 days as per IDEA guidelines.

Appealing an Out of School Suspension^{[L] [SEP]}

Students and parents/guardians may make a written request to the Principal/designee to appeal a

short-term suspension within one (1) school day of being notified of the suspension. The Principal/designee will attempt to schedule the Appeal Hearing within seven (7) school days of receiving the written request to appeal. The school's Formal Complaint Form may be used in submitting appeals.

The Principal/designee will conduct the Appeal Hearing, which is closed to the public, and may include the presentation of evidence, testimony, and questioning of those present. Accordingly, parents/guardians and one (1) additional adult may represent the student at the hearing. If the parent/guardian fails to appear for the scheduled Appeal Hearing, the right to appeal is waived, and the original disciplinary decision will stand. The hearing will not be recorded by any means.

The Principal/designee will typically notify the parent/guardian of the appeal decision within two (2) school days after the Appeal Hearing. If the suspension is overturned, the student's cumulative record and any other school-maintained records will reflect that conclusion.

Appealing to the Board Chair

If the short-term suspension is upheld on appeal, and the parent/guardian wants to continue the appeal process, the parent/guardian may make a written request to the Board Chair within two (2) school days of the suspension appeal, stating why the suspension should be reversed/modified. The Board Chair or designee will attempt to schedule the Appeal Hearing within seven (7) school days of receiving the written request to appeal.

The Board Chair, or his/her designee, will conduct the Appeal Hearing, which is closed to the public and may include the presentation of evidence, testimony, and questioning of those present. Accordingly, parents/guardians and one (1) additional adult may represent the student at the hearing. If the parent/guardian fails to appear for the scheduled Appeal Hearing, the right to appeal is waived, and the original disciplinary decision will stand. The hearing will not be recorded by any means.

The Board Chair or designee will typically notify the parent/guardian of the appeal decision within three (3) school days of the Appeal Hearing. If the suspension is overturned, the student's cumulative record and any other school-maintained records will reflect that conclusion.

If the Board Chair or designee upholds the suspension, the suspension shall be imposed, and such decision will be final.

Long-term suspensions (6 or more days)

A long-term suspension is a denial of a student's right to attend school and to take part in any school function for any period of time equal to or exceeding six (6) school days, but not to exceed ten (10) consecutive school days.

When a student commits an offense that is eligible for long-term suspension the school will:

- Notify the student of the infraction(s). ^[L]_[SEP]
- Conduct a thorough investigation. ^[L]_[SEP]
- Accept information from the student(s) and other persons who have knowledge of the incident. The student involved shall have the opportunity to express his/her side of the incident. ^[L]_[SEP]
- Determine the accuracy of the infractions(s) based on the investigation. ^[L]_[SEP]
- Send written notification, within one (1) school day of the conclusion of the investigation to the ^[L]_[SEP] parent/guardian that includes:
 - The disciplinary infraction,

- The date and time for the Disciplinary Hearing,
- The student's status pending the hearing [L] [SEP]
- Appeal process [L] [SEP]

School administrator may notify the parent/guardian of the suspension via phone, email or in person in addition to providing written notification. Written notification may be given to the student if he/she is under 18 when the parent/guardian is notified by phone/email of the long-term suspension.

- If it is not possible to provide written notification within one (1) school day of the infraction, Chavez Schools will email, hand-deliver, or send via certified mail a copy of the notification.

In the event of an emergency removal, statements will be collected by all present staff and be made available to parents/guardians. "Emergency removal" means the immediate out-of-school suspension or disciplinary unenrollment of a student based on the school's reasonable belief that the student's presence poses an immediate and continuing danger to other students or school staff

EXPULSION [L] [SEP]

An expulsion is the permanent removal of a student from Chavez Schools. An expulsion is a denial of a student's right to attend school and to take part in any school function permanently. [L] [SEP]

Students may be expelled for: [L] [SEP]

- Extreme violations of the Code of Conduct that significantly and demonstrably harm the [L] [SEP] educational environment of Chavez Schools or harm the safety or security of Chavez Schools' [L] [SEP] students, staff, faculty, or others associated with the community [L] [SEP]
- Any Level III violation [L] [SEP]
- Repeated violations of the Code of Conduct after appropriate remediation have been attempted.
- Violation of Disciplinary Probation or a Final Probation Contract. [L] [SEP]
- Any student violating the Gun Free School Act will be permanently expelled. [L] [SEP]

When a student commits an offense that is eligible for expulsion, the school will: [L] [SEP]

- Notify the student of the infraction(s). [L] [SEP]
- Conduct a thorough investigation. [L] [SEP]
- Accept information from the student(s) and other persons who have knowledge of the incident. The [L] [SEP] student involved shall have the opportunity to express his/her side of the incident. [L] [SEP]
- Determine the accuracy of the infractions(s) based on the investigation.
- Send written notification, within one (1) school day of the conclusion of the investigation to the parent/guardian that includes: [L] [SEP]
 - The disciplinary infraction,
 - The date and time for the Disciplinary Hearing,
 - The student's status pending the hearing [L] [SEP]
 - Appeal process [L] [SEP]

School administrator may notify the parent/guardian of the suspension via phone, email or in person in addition to providing written notification. Written notification may be given to the student if he/she is under 18 when the parent/guardian is notified by phone/email of the long-term suspension. [L] [SEP]

- If it is not possible to provide written notification within one (1) school day of the conclusion of the investigation. Chavez Schools will email, hand-deliver, or send via certified mail a copy of the notification. [L] [SEP]

Any student who is pending a Disciplinary Hearing will not be able to attend or participate in school programming or activities. [L] [SEP]

DISCIPLINARY HEARINGS [L] [SEP]

A Discipline Hearing will be held for any student recommended for a long-term suspension (11+ days) or expulsion; or for a student who has violated the Final Probation Contract. The Discipline Hearing will be heard by a panel of three school staff with no prior connection to the student or incident being reviewed designated by the Principal or his/her designee. A student's age will be taken into consideration during the Hearing process. [L] [SEP]

The Principal /designee will attempt to schedule the Disciplinary Hearing within ten (10) school days of the conclusion of the investigation identifying a disciplinary infraction. If the school is unable to contact a parent/guardian within the ten (10) day window, a hearing notice will be mailed home on day ten (10). The Principal/designee will conduct the Disciplinary Hearing, which shall be closed to the public and will include

1. [L] [SEP] A statement of the Code of Conduct violation and summary of the Discipline Hearing procedures. [L] [SEP]
2. An explanation and review of the evidence or facts for which Disciplinary Hearing is being held. If video footage is available of the incident, the video may be shown. [L] [SEP]
3. The student may be represented by his/her parent/guardian and one additional adult. [L] [SEP]
4. The student may present any information that he/she wants to the Disciplinary Panel to consider. The Disciplinary Panel may ask questions regarding the matter to anyone present at the hearing. An advocate may speak on the student's behalf. The student has the right not to speak on his/her own behalf. Neither the school's representative at the hearing nor the student nor his/her representative(s) will be given the opportunity for cross-examination during the hearing. [L] [SEP]
5. Within 24 business hours of the conclusion of the hearing, the Disciplinary Panel will make a recommendation regarding the consequence. The Disciplinary Panel recommendation will be effective immediately. [L] [SEP]
6. The student/family will be informed of the decision via phone within two (2) school days of the conclusion of the hearing and written notification will be mailed within three (3) school days of the decision. This notice will contain information regarding appeal procedures [L] [SEP]
7. If a parent/guardian does not request a hearing, or fails to attend the hearing at the scheduled date, time, and place, the right to a hearing will be waived. Therefore, the school will proceed with its determination regarding the proposed infraction and the ruling of the Disciplinary Panel. The findings from the hearing will be approved and take effect immediately. Appeals will not be accepted by students/parents/guardians who do not appear at the initial hearing. [L] [SEP]
8. In making its decision, the Disciplinary Panel will review evidence presented at the hearing, any statements heard on behalf of the school or student, the Chavez Schools' Code of Conduct, and prior conduct and/or academic performance, if applicable. The Disciplinary Panel decision shall be made by a majority vote. [L] [SEP]

The Disciplinary Panel has sole discretion to recommend long-term out of school suspension or expulsion based on the Discipline Hearing.

After the Disciplinary Panel conducts the Disciplinary Hearing and determines that a long-term

suspension or expulsion is warranted, the Principal or his/her designee shall proceed as follows:

- Inform the student and parent/guardian of the Disciplinary Hearing outcome—long-term suspension or expulsion—and the reason(s).
 - Send written notification (mail, email, hand deliver), within two (2) school days of the Disciplinary Hearing decision when possible, to the parent/guardian that includes:
 - The Disciplinary Hearing outcome and the reason(s),
 - The length of the suspension, where applicable,
 - The student's right to return to school at the end of the suspension (if applicable), and^[L]_[SEP]
 - Any conditions for that return.

DISCIPLINE PANEL HEARING APPEAL

Any student who receives a long-term suspension or is expelled has the right to appeal the decision in writing to the Board Chair within five (5) school days of the written notice of Discipline Hearing decision being issued. Appeal Hearings will not be granted for students/parents/guardians who failed to be present for the initial Disciplinary Hearing. The following process shall be implemented for all appeals.

1. An appeal hearing date will be set within seven (7) school days of receipt of the Appeal request.^[L]_[SEP]
2. The appeal hearing date will occur within twenty (20) calendar days from the date of the hearing being set.^[L]_[SEP]
3. Appeal hearings will be heard by the Board Chair or his/her designee.^[L]_[SEP]
4. The school Principal or his/her designee shall present the facts of the case.^[L]_[SEP]
5. The student may be represented by his/her parent/guardian and one additional advocate.^[L]_[SEP]
6. The student has the right to speak on his/her behalf at the Appeal Hearing. The student may^[L]_[SEP] choose not to speak at the Appeal Hearing.^[L]_[SEP]
7. The student may not return to Chavez Schools and participate in school activities while an appeal^[L]_[SEP] is pending.^[L]_[SEP]
8. Appeal hearings are closed to the public.^[L]_[SEP]
9. If a parent/guardian fails to appear at the Appeal Hearing the right to appeal is waived, and the^[L]_[SEP] original disciplinary decision will stand.^[L]_[SEP]

In making its decision, the Board Chair or his/her designee will:

1. Review all evidence and documentation from the Discipline Hearing and any supporting^[L]_[SEP] documentation;^[L]_[SEP]
2. Review any statements heard at the Discipline Hearing on behalf of the school or student;^[L]_[SEP]
3. Review the Chavez Schools' Code of Conduct;^[L]_[SEP]
4. Review the student's prior conduct and/or academic performance. Age of the student shall be^[L]_[SEP] considered;^[L]_[SEP]
5. The Board Chair or his/her designee may ask questions regarding the matter to anyone present at the^[L]_[SEP] hearing. One advocate may speak on the student's behalf. The student has the right not to speak on his/her own behalf. Neither the school's representative at the hearing nor the student nor his/her representative(s) will be given the opportunity for cross-examination during the hearing.^[L]_[SEP]

The Board Chair or his/her designee will typically notify the parent/guardian of the appeal decision within three (3) school days of the Appeal Hearing. The Board Chair or his/her designee may determine to:

- Uphold the suspension/expulsion. [1] [SEP]
- Uphold a suspension/expulsion but clear the student's record of the suspension/expulsion at the end of the semester or school year per specific guidelines determined by the Board Chair.
- Determine that the suspension/expulsion was not within school guidelines, overturn the suspension/expulsion and order that all records and documents regarding the disciplinary proceeding be destroyed. No information regarding the suspension/expulsion will be placed in the student's permanent record nor shared with anyone not directly involved in the proceedings.

If the suspension or expulsion is overturned, the cumulative record of the student and any other school- maintained records will reflect that conclusion. If the Board Chair upholds the expulsion or long-term suspension, the long-term suspension or expulsion shall be imposed, and such decision will be final and reflected in the student's school records. *Decisions made by the Board Chair will be final.*

DUE PROCESS PROCEDURES FOR STUDENTS WITH DISABILITIES

All disciplinary removals for students with disabilities shall be conducted in accordance with the most current federal and district laws. Students with disabilities are subject to the same code of conduct as all students provided that the following procedures are also followed when applicable. When a special education student's removal amounts to a change in placement, a manifestation determination review meeting will be held as outlined below.

A **change of placement** because of a disciplinary removal occurs if a child with a disability is removed from his/her current educational placement for more than 10 consecutive school days, or the child is subjected to a series of removals that constitutes a pattern because:

- (1) The removals total more than 10 school days in a school year [1] [SEP]
- (2) The child's behavior is substantially similar to previous incidents that resulted in the series of removals [1] [SEP]

AND

(3) Additional factors such as length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another constitute a pattern.

Removal for 10 or fewer school days in a school year. Students in special education can be suspended for up to 10 consecutive or cumulative school days in a year to the same extent that suspension is used for all students. A plan for continuing the student's education during suspension will be implemented in the same way that it is implemented for all students who are suspended. This plan will ensure that the student

- Continues his/her studies and receives all assignments during the suspension [1] [SEP]
- Can communicate with school staff about the assignments and [1] [SEP]
- Has the opportunity to make up any work missed during the suspension if the student cannot [1] [SEP] complete it during the suspension [1] [SEP]

Removal for more than ten (10) cumulative school days when the student's behavior does NOT represent a pattern. A manifestation determination is not required when a student is suspended for more than ten (10)^[1]_{SEP} school days in a school year and the series of suspensions does not constitute a pattern. However, students who are suspended for more than ten (10)^[1]_{SEP} school days in a school year must continue to receive educational services while on suspension so as to enable them to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting their IEP goals. Students who are suspended for more than ten (10)^[1]_{SEP} days in a school year must also receive, as appropriate, a functional behavior assessment and behavior intervention services and modifications to address the behavior violation so that it does not recur.

Removal for more than ten (10) consecutive school days or more than ten (10) cumulative school days when the behavior DOES represent a pattern. Disciplinary action that results in a student being suspended for more than ten (10)^[1]_{SEP} consecutive school days or ten (10)^[1]_{SEP} cumulative school days in a year where the series of suspensions constitute a pattern may result in a disciplinary change in placement. A disciplinary change in placement requires a manifestation determination to be made by the Special Education Team.

When this occurs, the following documentation and action steps must occur:

- *Parent Notification.* The parent/guardian must be notified of the disciplinary action to be taken and informed of the procedural safeguards on the day the decision to take disciplinary action was made.^[1]_{SEP}
- *Manifestation Determination.* A Special Education Team meeting must be convened within ten (10)^[1]_{SEP} school days to determine whether the student's behavior was a manifestation of his or her disability.^[1]_{SEP}

Students who are suspended for more than ten (10)^[1]_{SEP} school days in a school year must continue to receive educational services while on suspension so as to enable them to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting their IEP goals.^[1]_{SEP}

A manifestation determination meeting (MDR) reviews the relationship between the student's disability and the student's behavior that is subject to the disciplinary action. The determination is made by the student's IEP team, after review of all relevant information in the student's file including the IEP, teacher observations, and relevant information provided by parents. The team must determine whether:^[1]_{SEP}

(1) The conduct in question was caused by or had a direct and substantial relationship to the child's disability

OR

(2) The conduct in question was the direct result of the school's failure to implement the student's IEP .

If it is determined that the **student's behavior(s) was a manifestation of his or her disability**, then the IEP team must conduct a functional behavior assessment, unless one has already been conducted, and develop a behavior intervention plan for the student or review the student's current behavior intervention plan and modify it as necessary. The student must also return the placement from which he/she was removed unless the parent/guardian and school agree otherwise as part of

a modification to the behavior intervention plan. If the parent/guardian and school agree to continue the student's removal to an interim alternative educational setting as a behavior intervention, that agreement will be discussed at an IEP meeting and detailed in a prior written notice. In such cases, the IEP team will determine what services are needed in the interim alternative educational setting.

There are **special circumstances** where a student with a disability can be removed from his/her last placement to an interim alternative educational setting for up to 45 school days without regard to whether the student's behavior was determined to be a manifestation of his or her disability and regardless of whether the parent agrees. Special circumstances exist if the student:

(1) Carries a weapon (a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2.5 inches in length) to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of a local educational agency (LEA) ^[1]_{SEP}

(2) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a local educational agency (LEA) ^[1]_{SEP}

(3) Inflicts serious bodily injury (a bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty) upon another person while at school, on school premises, or at a school function under the jurisdiction of a local educational agency (LEA). ^[1]_{SEP}

At any time the Special Education Team, with parent consent, may change the student's placement in accordance with the least restrictive environment requirements of IDEA.

If it is determined that the **student's behavior was not a manifestation of the student's disability**, the same disciplinary procedures applicable to a student without a disability, including long term suspension or expulsion may be applied to the student with a disability. Again, students who are suspended for more than ten (10)^[1]_{SEP} school days in a school year must continue to receive educational services while on suspension so as to enable them to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting their IEP goals.

Interim Alternative Educational Setting

As discussed above, any student with a disability who is removed for more than 10 days in a school year must continue to receive a free appropriate public education (FAPE) in an interim alternative educational setting (IAES). The IAES must provide the services necessary to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting their IEP goals. When a student will receive services in the IAES for 10 school days or less and the removal does not constitute a change in placement, school personnel, in consultation with at least one of the child's teachers, determine what services are needed in the IAES. If the removal constitutes a change in placement (more than 10 school days consecutive or a pattern of removals that exceed 10 school days cumulatively), the IEP team determines what services are needed in the IAES.

If maintaining a student with a disability in his or her current placement is substantially likely to result in injury to the student or others the student or others, the school can request a hearing officer to order placement in an IAES for up to 45 days. After the hearing request has been made but before the hearing officer's decision is rendered, the school can remove the student to the IAES unless the parent and school agree otherwise. In this case, the IEP team still determines what services are appropriate. A parent may, but is not required to, consent by written agreement to a 45-day interim alternative educational setting as an alternative to a hearing. Such an agreement will also be detailed in a prior written notice.

Interim alternative educational settings will be designed based on the individual needs of each student. When interim services will be provided off site, any providers of offsite services will be closely monitored to ensure that the providers meet all requirements of applicable local and federal law. This includes requirements to ensure the health and safety of the children being provided services, including, for example, assurances that all staff undergo routine background checks and are trained to identify and report suspected child abuse and neglect, and requiring certificates of occupancy and other compliance with facility safety.

Curriculum, instructional materials, and assignments for the IAES will be provided by PCS or approved by the PCS in the event the IAES is able to make these materials available. The LEA Representative for PCS will check in at least bi-weekly with IAES providers to discuss progress and ensure implementation of all necessary services. IAES providers will be required to provide weekly attendance reports and bi-weekly progress reports. IAES providers will be required to provide service trackers on a bi-weekly basis as well. PCS will continue to be responsible for tracking IEP goal progress and grades for all students removed to the IAES.

Chavez Schools' policies as noted in the Chavez Schools' Student and Family Handbook apply to any student in an IAES unless specifically noted as a part of the student's placement.

Attendance Policy

ATTENDANCE POLICIES

All students who are five (5) years or older on or before September 30th of the current school year are legally required to attend school each day until they meet high school graduation requirements or turn 18 years old. Students must be present for 80% of the school day to be considered present.

Chavez Schools recognizes there are certain days throughout the school year (i.e. upon the completion of commencement) when students are not expected to attend. On such days students will be considered "present" for reporting purposes.

Students who are absent from school are not permitted to:

- Be on school property ^[1-]_{SEP}
- Participate in school activities ^[1-]_{SEP}
- Attend school activities and/or after school activities ^[1-]_{SEP}

ABSENCES

EXCUSED ABSENCES

An absence is excused when a student (a) has a valid excuse, and (b) provides a written note from a parent/guardian (or doctor) within five (5) days of the absence. All excused absence notes are subject to monitoring and verification. Here are some examples of excused absences:

- Student illness. Students must provide a doctor's note for absences over three (3) days
- Medical appointments. Students are expected to attend school before/after the appointment
- Religious holidays
- Death in the family
- Family emergency, such as house fire, flood, or violence in the home
- Mandatory court appearance
- College visit
- High school visit
- Failure of DC to provide legally mandated student transportation in cases where there is a legal responsibility for DC to provide transportation for the student to and from school
- An emergency or other circumstance approved by the Principal.

If a valid excuse note is not provided within **five (5) days** of the absence, the absence may be considered unexcused.

UNEXCUSED ABSENCES

An absence is unexcused when a student fails to attend school without a valid excuse (whether or not they have parent/guardian approval). Some examples of unexcused absences include:

- Lengthy vacations
- Sports camps or outings
- Oversleeping
- Babysitting
- Skipping class
- Employment

DOCUMENTATION OF EXCUSED ABSENCES

When a student returns to school after an absence, s/he should bring a note to the Registrar. The note should include the date(s) of the absence, the reason for the absence, and any required documentation. ***An original doctor's certificate should be provided for medical appointments scheduled during the school day or absences due to illness totaling three or more days.***

Any student who is absent 10 or more days, unexcused, is defined as a truant. Cesar Chavez Schools follows the District of Columbia policy for reporting truant students to court services or the Child and Family Services Agency (CFSA).

ATTENDANCE POLICIES AND DISABLED STUDENTS

Chavez Schools attendance policies apply to disabled and non-disabled students alike; the only exception is when a student's absences are directly related to his/her disability. Parents/guardians should contact the Director of Student Services to an individualized determination regarding the appropriate documentation to excuse an absence.

ATTENDANCE MONITORING AND CONSEQUENCES OF NON-ATTENDANCE

Chavez Schools will make every effort to identify students with chronic attendance issues, and to work with families to create attendance plans to address those issues. Our goal is that each student successfully completes his or her school year with Chavez Schools, however, as permitted by D.C. law, we reserve the right to unenroll a student who reaches 20 consecutive, unexcused absences. Chavez Schools will not unenroll a student without first (a) making a good faith attempt to hold at least two (2) attendance meetings, and (b) sending home two (2) attendance letters. Students unenrolled due to attendance will be unenrolled as of the last date present at school. In most cases, Chavez Schools will implement attendance interventions when students reach the following unexcused absence thresholds:

TRUANCY PROCEDURES

The intervention process for scholars identified as a “truancy risk” is as follows:

| Unexcused Chavez Schools Interventions and Family Support Absence Threshold | |
|--|---|
| 3,5,10, 15 | Parent/guardian notification via phone or electronic communication |
| 5 | Notice of Concern issued Initiate attendance intervention plan |
| 10 | Attendance Warning Letter issued Initiate attendance intervention plan Referral to <i>Child and Family Services Agency</i> (for students ages 5-13), legally mandated |
| 15 | Attendance Warning Letter issued Initiate attendance intervention plan Submit Referral to <i>Court Social Services and Office of Attorney General - Juvenile Division</i> (for students ages 14-17) |
| 20 consecutive | Student un-enrolled Earning an incomplete for the quarter |

*Scholars under fourteen (14) years of age shall be referred by Chavez Schools to the Child and Family Services Agency (CFSA) and to the Court Social Services no later than two (2) school days after the accrual of ten (10) unexcused absences within the course of one (1) school year.

**Scholars age fourteen (14) and over shall be referred by Chavez Schools to the Court Social Services and to the Office of Attorney General-Juvenile Section no later than two (2) school days after the accrual of ten (10) unexcused absences at any time within one (1) school year.

Grievance Procedures

Chavez Schools values the input of students, parents and guardians, and encourages parents to offer feedback on any aspect of the school program. A quality educational program for students can be achieved best by all individuals working together harmoniously. There will be times, however, when an individual may feel the need to file a complaint. When complaints or concerns occur, they should be resolved at the school or at the lowest possible administrative level through an informal process of cooperative agreement among the affected individuals.

Anyone, including students, parents, guardian, or other third parties can make a complaint.

INFORMAL COMPLAINT PROCESS

Chavez Schools encourages any party to make an informal complaint prior to filing a formal complaint to bring any concern to the attention of school-based staff. Informal complaints should be directed to any of the individuals listed below:

- Teacher
- Assistant Principal
- Principal
- Dean

These individuals will seek to address the concern through a process of cooperative agreement among the affected individuals.

FORMAL COMPLAINT PROCESS

However, when the informal process fails to provide resolution, an individual is entitled to file a formal complaint and seek a review of any administrative decisions made by school system staff members.

When a concern or complaint is not resolved through the informal process, you may initiate the formal complaint process outlined below.

The first step in the formal process is to obtain a Formal Complaint Form from the school's website or school main office. You may attach descriptive or supportive information to the form. Formal Complaint forms, along with any relevant documents, should be provided by mailing, emailing, or handing it to the Principal. You should submit this form within 90 days of (a) the alleged issue, or (b) receiving an unsatisfactory resolution of an informal complaint. We recommended that you keep a copy of these documents for your records.

Steps in the Formal Complaint Process

1. When your complaint form is received at the school, the Principal or designee should contact you within three (3) school days to establish the date, time and place of a meeting to discuss your concern, if such a meeting is warranted. Usually, this meeting will take place within ten (10) school days.
2. Chavez Schools will conduct a thorough and impartial investigation of the issues raised in the Formal Complaint.
3. Chavez Schools will provide you with a written summary of findings based on this investigation, including a determination of whether the complaint was substantiated, and if so, a proposed resolution. Chavez Schools will strive to provide this summary within 30 school days after the receipt of the Formal Complaint.

If you are not satisfied with the written decision, or if you do not receive a reply to your formal complaint within the specified time, you may request that your complaint be considered by the Board Chair or his/her designee. You must file your request for review within 15 calendar days of the written response or the date when a decision was made.

If you wish to request a review you must do so in writing and include:

1. The Formal Complaint Form
2. Any relevant evidence

3. An explanation of the reason you are seeking an appeal

The Board Chair or his/her designee shall contact you to schedule a telephone or in-person meeting. The meeting will usually occur within ten (10) school days from when the written appeal was received.

The Board Chair or his/her designee will provide a final written response explaining the outcome of the appeal. This final written response will typically be provided within thirty (30) school days after receiving the written request for appeal.

All formal grievances must abide by the school's grievance policy available on the school's website.

Prohibition against Retaliation

Chavez Schools prohibits retaliation against any individual who has made a complaint pursuant to this policy in good faith, assisted in an investigation, or otherwise exercised rights protected by law. Chavez Schools also prohibits taking any adverse action against an individual based on an unsubstantiated allegation or rumor of harassment.

If you have a concern or grievance that you wish to share with Chavez Schools Board of Trustees, please contact the Chair of the Board. Please see the section Board of Trustees for contact information.

Modification

Chavez Schools may approve modification of the foregoing procedures in a particular case if the modification (a) is for good cause, and (b) does not violate due process rights or policies of Chavez Schools.

Contact Information

Dr. Kourtney Miller, Principal
Cesar Chavez Public Charter School – Parkside
3701 Hayes Street, NE
Washington, DC 20019
kourtney.miller@chavezschools.org; 202-398-2230

Board Member Contact Information

chaveztrustees@chavezschools.org.

Equal Opportunity and Non-Discrimination in Education Policy

NON-DISCRIMINATION

In accordance with Title VI of the Civil Rights Act of 1964 ("Title VI"), Title IX of the Education Amendments of 1972 ("Title IX"), Section 504 of the Rehabilitation Act of 1973 ("Section 504"), Title II of the Americans with Disabilities Act of 1990 ("ADA"), and the Age Discrimination Act of 1975 ("The Age Act"), and the District of Columbia Human Rights Act of 1977, applicants for admission and employment, students, parents, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with Cesar Chavez PCS are hereby notified that Cesar

Chavez PCS does not discriminate on the basis of race, color, national origin, sex, age, disability, marital status, personal appearance, sexual orientation, gender identity or expression, family status, family responsibilities, matriculation, political affiliation, genetic information, source of income, status as a victim of interfamily offense, or place of residence or business in admission or access to, or treatment or employment in, its programs and activities.

Students, parents and/or guardians having inquiries concerning Cesar Chavez PCS compliance with sexual harassment and or bullying policy implementation, Section 504, ADA, Title VI, Title IX, the Age Act, and/or DC Human Rights Act as they apply to **students, employees or third parties** or who wish to file a complaint regarding such compliance should contact: Ashley High ashley.high@chavezschools.org who has been designated by Cesar Chavez PCS to coordinate its efforts to comply with the regulations implementing Section 504, ADA, Title VI, Title IX, the Age Act, and the DC Human Rights Act.

Employees found to have engaged in prohibited discrimination will be subject to disciplinary action.

TITLE IX AND NON-DISCRIMINATION STATEMENT

In compliance with Title IX of the Education Amendments of 1972, Chavez Schools does not discriminate on the basis of sex or age in the employment of, or admission to, any education program or activity.

Chavez Schools does not discriminate against any person on the basis of race, color, gender, national origin, disability, religion, or age.

FERPA Notification of 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 with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day Chavez Schools receives a request for access. ⁽¹⁾_(SEP)

Parents or eligible students who wish to inspect their child's or their education records should submit to the school principal or admissions coordinator a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected. ⁽¹⁾_(SEP)

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. ⁽¹⁾_(SEP)

Parents or eligible students who wish to ask Chavez Schools to amend their child's or their education record should write the school principal Admissions Coordinator, clearly identify the part of the record they want changed, and specify why it should be changed. If the

school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing. [L] [SEP]

3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent. [L] [SEP]

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest must be set forth in the school's or school district's annual notification for FERPA rights. A school official typically includes a person employed by the school or school district 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 school board. A school official also may include a volunteer, contractor, or consultant who, while not employed by the school, performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. [L] [SEP]

Upon request, the school discloses education records without consent to officials of another school or 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. [L] [SEP]

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

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

See the list below of the disclosures that elementary and secondary schools may make without consent.

FERPA permits the disclosure of PII from students' 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 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 school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A school

may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student –

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. (§ 99.31(a)(1)) ^{(b)(7)} _{(b)(7)(C)}
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2)) ^{(b)(7)} _{(b)(7)(C)}
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency (SEA) in the parent or eligible student's State. Disclosures under this provision may be made, subject to the requirements of § 99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, if applicable requirements are met. (§§ 99.31(a)(3) and 99.35) ^{(b)(7)} _{(b)(7)(C)}
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4)) ^{(b)(7)} _{(b)(7)(C)}
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to § 99.38. (§ 99.31(a)(5)) ^{(b)(7)} _{(b)(7)(C)}
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction, if applicable requirements are met. (§ 99.31(a)(6)) ^{(b)(7)} _{(b)(7)(C)}
- To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7)) ^{(b)(7)} _{(b)(7)(C)}
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8)) ^{(b)(7)} _{(b)(7)(C)}
- To comply with a judicial order or lawfully issued subpoena if applicable

requirements are met. (§ 99.31(a)(9)) ^(L) ^(SEP)

- To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10)) ^(L) ^(SEP)
- Information the school has designated as “directory information” if applicable requirements under § 99.37 are met. (§ 99.31(a)(11)) ^(L) ^(SEP)
- To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student’s case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement. (20 U.S.C. § 1232g(b)(1)(L)) ^(L) ^(SEP)
- To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions. (20 U.S.C. § 1232g(b)(1)(K)) ^(L) ^(SEP)

FERPA Notification of 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 with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day Cesar Chávez PCS receives a request for access.

Parents or eligible students who wish to inspect their child's or their education records should submit to the Head of School or admissions coordinator a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

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

Parents or eligible students who wish to ask Cesar Chávez PCS to amend their child's or their education record should write the Head of School or Admissions Coordinator, clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to provide written consent before the 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 school officials with legitimate educational interests. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest must be set forth in the school's or school district's annual notification for FERPA rights. A school official typically includes a person employed by the school or school district 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 school board. A school official also may include a volunteer, contractor, or consultant who, while not employed by the school, performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the school discloses education records without consent to officials of another school or 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.

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

Family Policy Compliance Office

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202

See the list below of the disclosures that elementary and secondary schools may make without consent.

FERPA permits the disclosure of PII from students' 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 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 school to record the disclosure. Directory information is defined here as name, address, telephone listing, participation in officially recognized activities and sports, and dates of attendance. Parents and eligible students have a right to inspect and review the record of disclosures. Parent/guardians may opt out of inclusion in directory information in writing to the Head of School or COO. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student –

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. (§ 99.31(a)(1))
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency (SEA) in the parent or eligible student's State. Disclosures under this provision may be made, subject to the requirements of § 99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, if applicable requirements are met. (§§ 99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to § 99.38. (§ 99.31(a)(5))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction, if applicable requirements are met. (§ 99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena if applicable requirements are met. (§ 99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))
- Information the school has designated as "directory information" if applicable requirements under § 99.37 are met. (§ 99.31(a)(11))

- To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student's case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement. (20 U.S.C. § 1232g(b)(1)(L))
- To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions. (20 U.S.C. § 1232g(b)(1)(K))

Open Meetings Policy

Pursuant to Section § 29-405.01 of the Nonprofit Corporations Act of the District of Columbia and Section 5.2 of the Bylaws of Cesar Chavez Public School (hereinafter, Chavez), the Chavez Board of Trustees shall hold one meeting of members annually in the month of July. Pursuant to Section 5.2 of the Chavez bylaws, the Board of Trustees of Chavez shall hold meetings at least quarterly at a time and place selected by the Board of Trustees.

All meetings of the Chavez Board of Trustees shall be closed to the public unless otherwise noted. In the event that the Board of Trustees determines that it is in the best interest of Chavez for a meeting to be open to the public, the Board of Trustees shall provide notice of the time and location of the meeting through a posting in the Main Office of the Chavez campus and on the Chavez website at least 48 hours in advance of the meeting.