



CLARKSBURG

CLASSICAL ACADEMY

Parent - Student Handbook
2026-2027

Clarksburg Classical Academy
<https://clarksburgclassical.org>

The **mission** of Clarksburg Classical Academy is to transform the lives of students, families, and educators while positively impacting the greater Harrison County area. We strive to ensure that every student is empowered with the skills, direction, and character to pursue excellence in their lives and careers and play effective roles in their families and communities.

Non-Discrimination Policy

Enrollment will not be denied to any eligible applicant based on gender, age, race, religion, color, national origin, ancestry, pregnancy, marital or parental status, economic status, sexual orientation, or physical, homelessness, mental, emotional or learning disability. The school will also not discriminate in its pupil admissions policies or practices whether based on intellectual or athletic ability, measures of achievement or aptitude, or any other basis that would be illegal if used by any public school. The school does not discriminate on the basis of religion, race, color, ethnicity, national origin, gender, sexual orientation, economic status, homelessness, or disability in its programs and activities.

All employees shall report to the Title IX coordinator at any time the employee has notice of sexual harassment, including allegations of sexual harassment.

Note: The Clarksburg Classical Academy Parent-Student Handbook is developed in partnership with the CCA staff and is approved by the school's Board. This Handbook does not constitute a contract between the school and the student or parent, and the school reserves the right at its discretion to change or amend the handbook at any time in the future. This Parent-Student Handbook is based in significant part on policies adopted by the Board of Directors. Those Board Policies are incorporated by reference into the provisions of this Handbook. The Policies are periodically updated in response to changes in the law and other circumstances. Therefore, there may have been changes to the policies provided in this Handbook since it was printed and disseminated in August 2025. If anything in this Parent-Student Handbook conflicts with a Board Policy, the Board Policy shall supersede the Parent-Student Handbook. If you have questions or would like more information about a specific policy or document, contact the Head of School

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****NOTICE****

The school is established under W. Va. Code §18-5G, *et seq.* and Title 126 CSR 79 Charter Public Schools as promulgated by the West Virginia Department of Education. The school is a public charter school and students enrolled in and attending the school are required to take summative assessments and other examinations prescribed by law. In addition, there may be other requirements for students at the school that is prescribed by law. See, W. Va. Code §18-5G-3(a)(1), §18-5G-3(c)(6), and W. Va. Code §18-5G-3(c)(9). For more information about this matter contact the school administration or the West Virginia Department of Education.

Introduction

This Handbook was developed to answer many of the commonly asked questions that students and parents may have during the school year. Become familiar with the following information and keep the Handbook available for reference. The term “parent,” when used herein, means an official caregiver of a minor child, including, but not limited to, mother, father, stepparent, grandparent, foster parent, or court-appointed guardian. If you have any questions about this Handbook, please contact the Head of School. This Handbook does not constitute a contract between the school and the student or parent, and the school reserves the right at its discretion to change or amend the handbook at any time in the future. Please consult the school website to view the most up-to-date version of this handbook.

Cooperation, respect for others, and a sense of wonder are essential to learning. For this reason, the following regulations and guidelines have been outlined in this manual to assist in maintaining a positive learning environment.

Definitions

“Parent” refers to any parent, guardian, foster caregiver, or caretaker.

“Board,” “Board of Directors,” and “Governing Board” refer to the Governing Board of the School.

“ESP” refers to the School’s Educational Service Provider.

I. ADMISSION INFORMATION

Participation in a public charter school is based on parent choice. All students are welcome. For additional information, please see the School’s Admissions, Enrollment and Lottery Policy.

Kindergarten Entrance and Screening

Children entering the kindergarten program must be five years of age on or before July 1st or qualify for entrance under the school’s policy. All children enrolling for the first time must be screened for vision, hearing, or speech and language disabilities. If the screening reveals the possibility of potential learning needs, the school must provide a further assessment. A child’s screening and assessment data cannot be used to determine eligibility to enter kindergarten. Furthermore, the screenings are not intended to diagnose an educational disability or to be used for placement procedures. Screening results help identify areas of individual development that require

further assessment for educational programming, particularly for students who might benefit from early intervention, prevention, acceleration, and enrichment programs.

Re-Enrollment

For those students presently attending the school, re-enrollment starts at the end of March or during the first week of April. **Students are not automatically re-enrolled from school year to school year. All parents must state their intention to have their child re-enrolled each school year.**

Health Certification and State of West Virginia Immunization Requirements

All new students are required to submit a copy of their Immunization Records prior to enrollment. No student shall be permitted to remain in school if the student has not met the minimum immunization requirements established by the West Virginia Department of Health (WV Code §16-3-4 and 64CSR95) which may be accessed at https://oepls.wv.gov/immunizations/Documents/school/New_School_Entry.pdf

Medical authorities and school educators urge that every child have a complete medical examination before entering school so that the child may be physically ready to accept all the advantages which education has to offer.

Change of Address / Phone Number / Custody

It is the parent's responsibility to inform the school office of any change of address, phone number or custody. For changes of address, a new proof of residence will be required. For a change of custody, parents will be required to provide a copy of the custody order to the school.

II. STUDENT AND PARENT RESPONSIBILITIES

Behavior Guidelines

Clarksburg Classical Academy expects positive behavior from all students, teachers, staff, and parents. Effective learning occurs with an approach to student behavior that stresses self-discipline, consistent with the maturity level of the students. Discipline, which reflects the school's policy of non-violence, exists to promote an atmosphere favorable to concentration, attention, and creativity. In addition, discipline is a positive attempt to help all students realize that they are important, worthwhile, and capable of learning. In classroom management, teachers shall be fair, firm, consistent, and impartial, displaying sensitivity to the needs of the individual child.

The following are the main ideas basic to the school's system of discipline. Students will be successful by:

- Knowing and obeying the rules,
- Accepting responsibility for their behavior, and

- Engaging in their learning daily.

Corporal punishment is not permitted. No employee shall threaten, inflict, or cause to inflict unreasonable, irrational, or inappropriate force upon a student.

Code of Conduct

The Governing Board has adopted a Student Code of Conduct. The Code of Conduct adopted by the Board is attached hereto in Appendix 3.

Violation of the Code of Conduct may subject the student to discipline, including, but not limited to, detentions and in-school suspensions and out-of-school suspension, expulsion, or permanent exclusion, as outlined in the Student Code of Conduct.

Dress Code

The student dress code is an important part of the school program and philosophy. Making a choice to attend the school, the student (with parent support) agrees to follow all dress code requirements. **The dress code is not an option for the student or parent.** Not choosing to follow the dress code may lead to disciplinary action.

The Clarksburg Classical Academy Administration is the prime enforcer of this policy.

Uniforms are to be worn daily unless otherwise notified (i.e. spirit week, special events, etc).

- School shirt with crest (long or short sleeve).
- Khaki slacks, shorts (knee length), skirts, skorts, or jumpers, which must be knee length. NO COLORED DENIM may be worn.
- No jeans, cargo pockets, overalls, sweatpants, leggings or jeggings.
- Shoes must be closed-toed shoes.
- Baseball caps are not allowed in the building.
- All grades: Tennis shoes must be worn on scheduled physical education day.
- **Outer garments are to be stored during the school day. No hats or hoods may be kept on during the school day unless students are outside in inclement weather.**

School administration may make changes to the dress code during the school year if there is an article of clothing that is being worn that is a disruption to the learning environment. The school administration will first notify parents in writing that the changes are to be made. Students are expected to comply with changes that have been appropriately communicated.

Attendance

Regular attendance and punctuality are essential for success in school and necessary for success later in life. Each student at the school has the responsibility to attend all classes regularly and to be on time.

The required attendance of students shall conform to the minimum standards prescribed by W. Va. Code §18-8-1. Therefore, absences from school should be only for illness or an emergency.

In case of an absence from school:

- The parent must notify the school before the beginning of the school day from which their child will be absent. Calls are to be made to the school office. The school shall make at least one attempt to contact the parent for any student absent without a legitimate excuse.

Parents or a designated adult will be required to sign the child out when they leave and then sign in if they return. A sign-in/sign-out sheet is in the school office and a photo ID will be required.

- While permission will be given to keep a dental/doctor appointment during school hours, parents are encouraged to make these appointments for times other than class hours, if possible. Every tardy or absence (excused or unexcused) slows the progress of a child's development.
- Both "excused" and "unexcused" absences are counted toward the maximum allowable absences. The distinction is made between "excused" and "unexcused" absences for determining whether a student may have the opportunity to make up classwork and whether disciplinary action is in order.
- All documentation relating to absences must be provided to the school no later than three instructional days after the first day the student returns to school.
- Students who are habitually or excessively absent or tardy may be referred for interventions pursuant to the school's Attendance, Truancy, and Withdrawal Policy.

The term "excused" means any absence from a class based on the following:

- Medical appointment
- Pursuant to medical advice
- Death of an immediate family member
- Personal illness
- Court appearance
- Religious observance
- Other as deemed by the school administrator.

The School reserves the right, at its discretion, to require appropriate documentation to support the "excused" absence request.

The term "unexcused" means any absence from a class based on the following:

- Leaving school early without proper authorization
- Other unexcused absences as defined by the school administrator.

NOTE: Failure to attend any school function outside the regular school day will not be considered an absence.

Make-Up Work

When an excused absence occurs, students are responsible for making up the assignments that are missed. The teacher will assign make-up work and set a date for completion, which shall be the same number of days as the corresponding absence. Assignments not completed will result in failing grades.

In the event of a planned excused absence, the school must be provided with three or more days of advanced notice for teachers to provide class assignments. Students must return completed assignments within two days of returning to school.

It is strongly suggested that absences not occur during state testing week(s).

Truancy

Generally

Attendance at school is key to achievement. Students are expected to attend school regularly and on time. Parents are encouraged to partner with the school to ensure attendance and timeliness. Parents are encouraged to make any doctor, dentist, etc., appointments for times other than school hours. No student shall be suspended or expelled based solely on the number of absences.

Habitually Truant

When a student is habitually truant:

1. In the case of three (3) total unexcused absences of a student during a school year, the attendance clerk or Head of School designee will make meaningful contact with the parent, guardian, or custodian of the student to ascertain the reasons for the unexcused absences and what measures the school may employ to assist the student in attending and not incurring any additional unexcused absences.
2. In the case of five (5) total unexcused absences, the attendance clerk or Head of School designee will again make meaningful contact with the parent, guardian, or custodian of the student to ascertain the reasons for the unexcused absences and what measures the school may employ to assist the student in attending School and not incurring any additional unexcused absences.
3. In the case of ten (10) total unexcused absences of a student during a school year, the attendance clerk or Head of School may make a complaint against the parent, guardian, or custodian before a magistrate of the county.
4. When any doubt exists as to the age of a student absent from school, the attendance clerk has the authority to require a properly attested birth certificate or an affidavit from the parent, guardian, or custodian of the student, stating the age of the student.
5. A student whose educational services are provided in conjunction with an SAT Plan, IEP, or Section 504 Plan may warrant special consideration when a pattern of single, multiple, or chronic absences exist. The student's status should be reviewed by the SAT, IEP, or Section 504 Plan team as deemed appropriate and in accordance with state and federal laws.

Reporting

The school shall report absences, as may be required under West Virginia law, to the appropriate authorities. The school will report all dropout data to the West Virginia Department of Education.

Tardy Policy

All students reporting to school after the school day begins will be considered tardy. Tardy arrivals are added to hours absent.

Students must be in their assigned classroom by the start of the school day and ready to learn. Just being “inschool” or “hanging around” in the restrooms, gym, or the halls is not considered ready for school and in the classroom. Students using such an excuse will be marked tardy.

Tardiness is only excused for the same reasons as absences (see above).

Suspension and Expulsion Procedures

The school recognizes that exclusion from the educational program is a serious sanction, and that suspension and expulsion must follow due process mandates. Additionally, the school will comply with all state and federal laws pertaining to students with disabilities. Please see Appendix 3 – Code of Conduct/ Suspension, Expulsion – for the procedures for suspension and expulsion.

A student may be disciplined for any violation of the student code of conduct, even if the violation occurs on property not owned or controlled by the school if the violation took place during activities connected with the school or if the behavior is directed at a school official.

Any student suspended or expelled under this policy will not be permitted to participate in any extracurricular activities.

Discipline for Students with Disabilities

Clarksburg Classical Academy Code of Conduct/ Suspension, Expulsion Policy (Appendix 3) shall apply to all children unless a child's individualized education program (IEP) specifically provides otherwise. Clarksburg Classical Academy will ensure that the parents and the child with a disability receive notice of the rules and regulations applicable to children with disabilities with respect to child management, discipline, and suspension/expulsion upon the child's entry into a special education program or at the annual IEP review. Procedures for discipline of students with disabilities and with 504 Plans are outlined in the Code of Conduct/ Suspension, Expulsion.

Withdrawal Policies and Procedures

Voluntary Withdrawal

Parents withdrawing students from School are asked to give the school at least one week's notice. The school requests that parents use the Withdrawal Form available from the School Office to

provide notification of the new school the student will be attending. This signed form gives official notice of the child's withdrawal. Records will not be released until a Release of Information form is completed by the legal parent or a request for records is received from a subsequent school. In addition, all outstanding fees, academic records, or obligations must be met, including the return of all textbooks/electronics.

III. ACADEMICS

Curriculum

The school provides a high-quality standards-based curriculum using a classical model to enable the students to meet individualized goals and prepare for their lives after elementary school. The school shares the student's progress with parents and provides an explanation of the results to parents during the school year.

Report Cards

Report cards are sent to the home through the mail, email, given directly to the parent, or sent home with the student for each grading period (four times a year). See the school calendar for these dates. Please check with the administrator to learn what distribution method is used at the school.

Copies of all report cards are placed into the student's cumulative file.

The grading scale is as follows:

90%-100%	A
80%-89%	B
70%-79%	C
65%-69%	D
64% and below	F

Parent / Teacher Conferences

Formal parent-teacher conferences are conducted at least once a year. Conference dates are specified in the school calendar. Conference schedules will be issued through the school office but arranged by each student's teacher. Once a conference date and time have been arranged, parents should contact the student's teacher if a change is necessary. Parents may request conferences throughout the year.

Parent-teacher conferences are a focal point in student evaluation and reporting to the parents. This is a two-way avenue for both parents and teachers and may be initiated by either party as needed.

IV. SCHOOL OPERATIONS

School Day, Arrival, and Dismissal

School days and vacations are provided in the school year calendar.

The school reserves the right to contact the appropriate authority if a student is not picked up from school.

Illness

Parents are encouraged to examine their child each morning before leaving for school to see if any signs or symptoms of illness are present.

If a student is ill, please keep the student at home and notify the school of the absence. Should a condition persist, the student's physician should be consulted. Parents are urged to establish children with a physician so that one can be promptly called when the need arises. Students should not return to school until a 24-hour period of a normal temperature has elapsed.

Lice/Nits

Any student found to have head lice will be temporarily excluded from the School learning environment until an appropriate treatment has been completed. Families may be provided with information on treatment options available. Most students can be treated and return to the classroom the next day. The excluded student will be rechecked for head lice by the School medical staff or designee prior to being allowed to return to class. As a precaution, the student may be rechecked within 10 days after returning to class for possible re-infestation.

Bed Bugs

Students that have informed the school about a bed bug issue do not need to be excluded from the learning environment. School staff should work with the student and their family to ensure that items transferred between home and school are minimized until the bed bug issue has been resolved. Additionally, student belongings like backpacks or coats should be sealed in a tightly closed container during the school day to prevent bed bugs transferring to other students or the classroom.

The U.S. EPA has a primer for School Staff on bed bugs that can be found here: [Managing Pests Schools: Bed Bug Guidance for School Administrators, Teachers, and Staff](#)

Emergency Phone Calls

Parents should not call the school for the delivery of messages to children, except in cases of emergency.

Students may give the school's phone number to relatives for emergency purposes only. The main office will take a message and forward it to a student as soon as possible.

Students are not permitted to use school phones without approval from school personnel.

Early School Dismissal

Occasionally, weather conditions or other building emergencies may arise that necessitate sending students home earlier than the regular dismissal time. Every possible effort will be made not to make such a closing. Primary contacts receive automated phone calls, texts, and emails to alert them of the school closing. In case of closing, every effort will be made to contact the parents under these conditions. It will be necessary for the parent to arrange procedures (such as staying with a neighbor, friend, relative, etc.) for their child to follow in case there is no one home to meet them. Parents should make these arrangements beforehand and instruct the child on what they are to do. The school cannot make any such decisions.

Emergency School Closings

Should it be necessary to close the school for inclement weather or other unforeseen emergencies, parents will be notified via phone, text, and email. Primary contacts receive automated phone calls, texts, and emails to alert them of the school closing.

Cars / Parking

For the sake of order and safety, parents coming to drop off or pick up their children are to park in designated areas only, which is in the shopping center parking lot next to Pizza Hut. The school will give updated traffic and parking instructions as needed.

Breakfast / Lunch

Families needing financial assistance may apply for free or reduced breakfast/lunch fees through the school office. Information for the free and reduced breakfast/lunch program is sent home early in the school year and the forms are available throughout the year in the school office. Note: it is the responsibility of the parent to see to it that their child is provided lunch or to notify the school of qualification for free or reduced lunch. Parents are required to settle all lunch invoices timely.

Recess

When scheduled, students are expected to participate in outdoor recess activities during the school day – weather permitting. If a student is too sick to go outside for recess, the student should not be in school. Parents must ensure that the student has the appropriate clothing for outdoor activities. Coats, hats, and gloves should be worn as recess will be outside unless the temperature is 32 degrees (F) or less (actual or wind chill).

Textbooks/Chromebooks

Students are expected to take care of and are responsible for the textbooks and computer equipment (such as Chromebooks) assigned during the school year. Parents will be responsible for paying a replacement fee for lost or damaged textbooks or computers.

Lost and Found

Any personal items that have been left at the school will be taken to the main office. If students find personal items that belong to others, they should turn the items into the main office as soon as possible. The school is not responsible for lost money, jewelry, phones, or other personal items.

Many clothing items find their way into the lost and found containers. Parents are encouraged to have their children request permission to look for missing items. Many good clothing items are never claimed and are given to various charitable organizations as space permits.

Visitors

The Board has adopted a School Visitor Policy. Visitors are required (for the safety and security of everyone) to report to the school office before their visit to a classroom or other parts of the facility. All visitors must sign in upon arrival, sign out before leaving the facility, and wear a visitor's identification badge while on the premises. Visitors are not to approach students and should always be escorted by a staff member while on the premises.

All visitors must pre-arrange, through the office, any meetings or visits with the teacher or classroom. The length and repetition of visits shall be determined by the school administrator to be in the student's and the school's best interest.

Visitors are asked not to attempt an impromptu parent-teacher conference, particularly while students are in the classroom.

The school reserves the right to deny access to anyone, including parents, to the school facility and grounds.

Volunteer Program

Parents and members of the community may be asked or wish to give of their time in the form of volunteering. Information regarding these opportunities will be forwarded to the parents as

appropriate. This is a wonderful opportunity to become more involved with the school.

Volunteers will be required to obtain a criminal background check without qualifying offenses. The application for a criminal background check will be provided by the school.

Field Trips

Field trips may be conducted throughout the school year and are correlated with students' educational experiences within the classroom. Parental permission slips are required for a student to participate. Without a signed permission slip, the student will not be able to participate in the field trip. In addition, an Emergency Medical Authorization Form must be on file at the school before a student may participate. Teachers may request parents to assist in organizing and chaperoning field trips.

Please note: To be considered as a chaperone, it is required that you obtain a criminal background check with no qualifying offenses prior to participating in any school activity. (See Volunteer Program above.)

Classroom Parties

Parties may be scheduled for special holidays and/or special occasions. The classroom teacher will coordinate and communicate dates, times, and procedures for such events. Each classroom teacher will establish a party policy for his/her individual classroom. Parental requests for parties will be approved or denied by the classroom teacher. Any request for a child not to participate in any/all such parties or activities should be in writing and forwarded to the teacher ahead of time.

If the county chooses to allow outside foods to be made available for the general student population, they will communicate with parents/guardians acceptable foods and beverages that meet nutrition and safety standards for classroom snacks and celebrations. Students with special dietary needs and food allergies must be considered at all times when outside foods are provided in a general setting. Schools should operate with the utmost care and caution when allowing outside foods to be provided to students. Counties must use their local wellness policies to identify their plan to accommodate students with special dietary needs and food allergies when choosing to allow outside snacks to be provided.

Personal Items Brought to the School

Students are not allowed to bring personal items to school. To avoid disruption of the educational process, items such as trading cards, electronic games, and action figures are to be left at home. Such articles will be taken and returned only to the parent or the law authorities if deemed prudent to do so by the building administrator. Except for approved fundraisers, students are not permitted to sell or trade anything among themselves at school, on the school grounds, or on the school transportation. This includes food from lunches. Pets should never be brought to school without prior permission from the administrator. For service animals, please see the Administrator for the school policy.

Further, items should not be brought in glass jars because of the danger of breakage (e.g., lunch items).

Lost/Stolen Items

The school **is not responsible** for lost or stolen personal items, including cell phones, even if turned over to school personnel.

Backpacks, Desks, Lockers, and Other Personal Storage Areas

All lockers, desks and other storage areas provided to the student for use remain the property of the school. The student has no expectation of privacy in any storage area assigned to them. No student shall lock or otherwise impede access to any locker or storage area, except with a lock (if any) approved and provided by the school. Unapproved locks will be removed and destroyed with no compensation. Upon authorization of the building administrator, personal storage areas may be searched at any time for any reason.

Upon authorization of the search team, including the administrator or designee, backpacks, desks, and other personal storage areas may be searched at any time for any reason. The search team may at any time, with reasonable suspicion, call upon the assistance of the local police authorities to conduct a search of backpacks, desks, and other personal storage areas, and the contents contained therein.

V. HEALTH AND SAFETY

The school provides a safe and clean environment and takes precautions to protect students and staff.

The building doors are locked during the school day. Entrance to the building is by office permission. Closed-circuit cameras cover all entrances and are placed at strategic locations throughout the building.

Reporting Injuries

If a student is injured at the school, they must immediately report the injury to school personnel. The main office will complete an injury report and will provide a copy of the report to the parents as notice of the incident.

Health Clinic

When available, the school nurse or health aide handles all first aid; otherwise, first aid issues will be handled by other school personnel. All students are required to have an updated Emergency Authorization Form on file at the school, including a telephone number at which the parent may be reached. These forms will be used in case there is a medical emergency or illness.

Emergency Medical Authorizations

Each parent is asked to complete and return to the school an Emergency Medical Authorization Form, which will be included in the student's cumulative record folder. Parents are responsible for ensuring that this authorization form includes the necessary information the school must have should an emergency arise. It is extremely important that this authorization form is fully completed and updated as medical needs or contact information changes.

Medication Administration

The administration of medication to students during the school day is the responsibility of the parents per West Virginia Rule §126CSR27. West Virginia Rule §126CSR27-6.5. b. promotes student individual responsibility and education. Self-administered, prescribed emergency or acute medications, such as but not limited to epinephrine, insulin, asthma inhaler, or ibuprofen, when the prescription indicates that said student may maintain possession of the medication. The student must be able to bring the medication to school, carry the medication in a safe and responsible manner, and use the medication only as prescribed. At the discretion of the Board, high school students (not below grade 9) may be allowed to carry and self-administer non-prescribed over-the-counter (OTC) medication with parent authorization, unless restricted by the administrator or Head of School.

Per W. Va. Code §18-5-22, students are permitted to possess and use a metered-dose or dry powder asthma inhaler to alleviate or prevent asthmatic symptoms at the school.

Per W. Va. Code §18-5-22, students are permitted to carry and use an epinephrine auto-injector to treat anaphylaxis (an intense allergic reaction). For a student to properly possess or use an epinephrine auto-injector at the school, written approval from the student's physician and parent must be signed and received by the school.

For asthma inhalers and epinephrine auto-injectors, written approval by the student's physician must include all information as detailed in the School's Form for Approval to Use Inhalers or Auto-Injectors (herein "Written Approval Form") or as indicated on the Food Allergy Action Plan, if applicable. If a student has a serious food allergy, the parent must complete a Food Allergy Action Plan.

Should any information regarding the medication change, the parent must submit a revised Written Approval Form.

All medications must be in the prescribed container.

The school shall acquire and retain copies of each request and accompanying Written Approval Form. The Written Approval Form shall be given to the employee authorized to administer the drug by the next school day after receipt.

The school shall store the medication in a locked location in the school office or other location

as determined by School personnel that meets legal requirements for storage. Any drugs that require refrigeration shall be stored in a refrigerator located in a place not commonly used by students.

Properly trained school staff may administer epinephrine in an emergency, in accordance with the Written Approval Form and/or the student's Food Allergy Action Plan when emergency medical service providers are not immediately available and the exigency of the circumstance requires immediate action. School staff will immediately request assistance from an emergency medical service provider whenever a student is administered epinephrine at the school or at an activity, event, or program sponsored by the school. This request for medical assistance applies whether the student self-administers the medication or a school staff member administers it to the student.

Students with Diabetes

All students enrolled in the school will receive appropriate and needed diabetes care in accordance with an order signed by the treating physician. The care includes any of the following:

1. Checking and recording blood glucose levels and ketone levels, or assisting the student with the check
2. Responding to blood glucose levels outside of the student's target range
3. Administering glucagon or other prescribed emergency treatment during a case of severe hypoglycemia
4. Administering or assisting in the administration of insulin
5. Providing oral diabetes medication
6. Understanding schedules and food intake for meals and snacks to calculate medication dosages pursuant to the physician's order
7. Following the physician's instructions regarding meals, snacks, and physical activity
8. Administering diabetes medication as long as the following conditions are met:
 - a. Administered by a school nurse, or in the absence of a school nurse, an employee trained in diabetes care.
 - i. Any training shall be coordinated by a school nurse or licensed health care professional with expertise in diabetes;
 - ii. Each year the training shall take place prior to the beginning of the school year, or as needed, not later than fourteen days after receipt of a physician's order;
 - iii. Any individual who completes the required training shall be considered by the Board as qualified to administer diabetes care.
 - iv. The school nurse or licensed health care professional shall provide follow-up training and supervision.
 - b. The school receives a written request with the following information:
 - i. The name and address of the student
 - ii. The school and class in which the student is enrolled
 - iii. The name of the drug and the dosage to be administered
 - iv. The times or intervals at which each dosage of the drug is to be administered
 - v. The date the administration of the drug is to begin
 - vi. The date the administration of the drug is to cease

- vii. Any severe adverse reactions that should be reported to the prescriber and one or more phone numbers at which the prescriber can be reached in an emergency
- viii. Special instructions for administration of the drug, including sterile conditions and storage
- c. The parent agrees to submit a revised written request upon any changes to any of the items listed in paragraph 8.b. above.
- d. The person administering the drug has a copy of the written request.
- e. The medication is in the prescribed container.

Within fourteen days of receipt of a physician's order regarding a student with diabetes, the Board shall inform the student's parent that the student may be entitled to a 504 plan.

Upon written request of a parent, a student with diabetes shall be permitted to attend to their own care in accordance with the physician's order if the student's treating physician determines the student capable of performing the tasks. The student shall be permitted to perform the care tasks in any area and to possess all necessary supplies and equipment. If the student uses the medical equipment for a purpose other than the student's own care, the Board may revoke the student's permission to attend to their own care.

The school, members of the Board, and employees of the school are not liable for damages in a civil action for injury, death, or loss to a person or property allegedly arising from providing care or performing duties associated with diabetes care unless the act or omission constitutes willful or wanton misconduct.

Food Allergy Action Plan

If a student has a serious food allergy, the student and his/her parent must complete a Food Allergy Action Plan.

Vision, Hearing, and Scoliosis Screening

Screening for the students will be conducted in accordance with state guidelines. The school nurse will notify the parent of the results. Any conditions discovered that might impede the student's health or school progress will be brought to the parent's attention by the school nurse.

Eye Protective Devices

Staff and Students shall wear eye protection that complies with Federal and State standards when working in areas involving:

- flying particles
- molten materials
- acids, caustic, or explosive materials
- chemical oases or vapors

- potentially injurious light radiation
- welding, milling, sawing, drilling, turning, shaping, cutting, grinding, buffing.

Wellness Program

In light of the Child Nutrition and Women, Infants, and Children (WIC) Reauthorization Act of 2004 by Congress, the school recognizes the role it can play in building nutrition knowledge and skills in students to promote healthy eating and physical activity choices. This law requires local education agencies participating in a program authorized by the National School Lunch Act or the Child Nutrition Act of 1966 to develop a local wellness policy. The passing of the Healthy, Hunger-Free Kids Act of 2010 added provisions to expand upon the previous local wellness policy requirement of the 2004 Act. The school supports student health and wellness. For additional information, refer to the Board adopted Wellness Policy which may be obtained from the School website or Head of School.

Reporting Child Abuse / Neglect

When any staff member suspects abuse or neglect, they will first notify the building administrator. The staff member will then call the local reporting agency in the presence of the administrator. The staff member will document the notification. All reports are to be confidential. For further information regarding reporting of child abuse or neglect, including the Board's policy, see the Head of School.

Technology and Internet Safety

As more fully outlined in the school's Technology and Internet Safety Policy attached as **Appendix 2** to this handbook, the use of technology is a privilege and an important part of the school's overall curriculum. The school will, from time to time, make determinations on whether specific uses of technology are consistent with school policies for students and employees of the school but does not warrant that the technology resources will meet any specific requirements of the student or other users, or that it will be error-free or uninterrupted. The school always reserves the right to monitor and log technology use, to monitor files server space utilization by users, and examine specific network usage (as may be deemed necessary) for maintenance, safety, or security of the technology resources or the safety of the user.

Harassment, Intimidation, Bullying

As more fully set forth in the school's Policy on Harassment, Intimidation, and Bullying, including by an electronic act, and attached as **Appendix 1** to this handbook, harassment, intimidation, or bullying behavior is strictly prohibited, and students who are determined to have engaged in such behavior are subject to disciplinary action, which may include counseling, suspension, or expulsion from school.

Tobacco Free School

The governing board has adopted an 100% Tobacco-Free School Policy to endorse a healthy lifestyle and prevent tobacco use. For further information, please reference the Tobacco Free Campus Policy which may be obtained from the school office.

Drug-Free School

In accordance with applicable law, the school prohibits the use, possession, concealment, or distribution of drugs by students on the school grounds, in the school building, on school buses, or at any school related event. Drugs include any alcoholic beverage, an anabolic steroid, and any dangerous controlled substance as defined by state or federal statute, or any substance that could be considered a “look alike” controlled substance. Any student who violates this policy will be subject to disciplinary action as specified in the Code of Conduct (Appendix 1), up to and including expulsion from the school. When required by state law, the school will also notify law enforcement officials.

Weapon-Free School

No student at any time, for any reason shall possess, handle, transmit, or use any object, which can be reasonably considered a weapon or considered a “look-alike” weapon in or on the property of the school, school bus, or any school-sponsored activity held away from the school property. Possession of a weapon may result in immediate expulsion and involvement of local law enforcement, as provided in the Code of Conduct (Appendix 1).

Police and Child Protective Services

Allegations of criminal misconduct will be reported to law enforcement, and suspected child abuse must be reported to Child Protective Services (CPS). The school must also investigate for the purpose of determining whether there has been a violation of the School Policy or Procedure, even if law enforcement or CPS is also investigating. All school personnel must cooperate with investigations by outside agencies.

School Crisis Response Plan

Clarksburg Classical Academy shall create a comprehensive crisis response plan, with necessary safeguards to protect information contained in each response plan that may be considered protected critical infrastructure information, law enforcement sensitive information or for official use only. The crisis response plan will conform with the West Virginia School Safety Act.

VI. SCHOOL RECORDS

The school takes student records and their confidentiality very seriously and has a policy of not disclosing any student records to anyone outside of the school except in strict accordance with state and federal law. Records of students are only released to another school upon properly

authorized request from that school or from a signed release by the parent or as otherwise required by law.

Current Information

To ensure student records are up-to-date, parents must inform the school of address, telephone (home/work), and legal custody changes as they occur during the school year.

Request for Student Records

The school office will request student records from the enrolling student's previous school(s) upon completion of enrollment. Pursuant to the West Virginia code, the requested records must be received within fourteen (14) days. If the records are not received within fourteen (14) days or if the previous school indicates there are no records, the local law enforcement agency will be notified regarding the possibility that the student may be a missing child.

Student Directory Information

Family Educational Rights and Privacy Act of 1974 (FERPA) permits schools to adopt a policy allowing the release of directory information under which "directory information" concerning students may be released to the public under certain circumstance. Schools are not required to do so, however, the School has adopted a FERPA policy which may be requested from the Head of School. Parents have the right to submit a written request to the school, preferably within two weeks after the first day the student is enrolled in a school year, directing the school not to release directory information (as defined in the policy) concerning their child to third parties.

Audio-Visual Information

The school recognizes the value of audio-visual and other types of electronic communication in providing students with an effective education. In communicating school-related activities, opportunities exist to photograph and videotape students and their work in a variety of activities. However, individual student records (academic, behavioral) will not be disclosed. Communications may include school newsletters, local newspapers, community access cable channel, school-sponsored web pages, marketing materials, and other publications. Highlighting the achievements and celebrating student successes in school is an integral part of the reporting responsibility to the community. The school will, however, respect parents' wish for privacy in this area. Parents should call the school with any questions or concerns. Parents may also notify the school in writing if they prefer that the school not use their student's name, picture, or work product for presentations or other uses.

Release of Student Records

Access to records will be in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974 as pertaining to the release of records. In compliance with FERPA, parents have the right to inspect and request corrections to student records. Parents are required to submit their request to inspect student records in writing to the administrator to allow them to schedule a reasonable and appropriate time and date for the parent to present their case. Records will be provided for parental inspection only under the direct supervision of the administrator or their designee. The school must comply with the parent's request for inspection within forty-five (45) days.

Parents have the right to request corrections to student records. Requests for corrections must be submitted in writing to the administrator in a letter that includes the basis for such correction. Parents have the right to a response to reasonable requests for explanations and interpretations of the records. Parents also have a right to obtain copies of the records or make other arrangements where circumstances would effectively prevent the parent or student from exercising the right to inspect.

Release or inspection of student records will be handled in accordance with the Board of Directors' FERPA Policy.

Parents have the right to file a complaint with the West Virginia Department of Education if they think that the school or the school district their student previously attended is not complying with the federal laws or regulations regarding student records.

Non-Custodial Parent Record Request

The school will only give access to or release records to parents who have a legal right to the records of their child. If a parent has ever been to court for custody, those court documents must be on file with the school. Both custodial and non-custodial parents have equal access to the following, unless there is a court order to the contrary:

- Cumulative file (including the enrollment file, academic file, vocational file, Title One file, and graduation file);
- Health records;
- Psychological records;
- Parent conferences and lab observations.

Only the custodial parent can have access to Due Process when the child is classified as being handicapped, and only the custodial parent can make decisions about the child.

The stepparent does not have access to the stepchild's records unless the stepparent has adopted the child, the natural parent has given power of attorney, or the natural parent shows the record to the stepparent.

Protection of Pupil Rights Amendment (PPRA) Notification

The Protection of Pupil Rights Amendment (PPRA) is a federal law that provides certain rights for parents of students regarding, among other things, student participation in surveys; the inspection of instructional material; certain physical exams; and the collection, disclosure, and use

of personal information for marketing purposes. For further information on rights afforded by the PPRA, notification procedures, and reporting of potential violations, see the Board Adopted PPRA Notification (Appendix 4).

VII. Child Find Policy

The school is participating in an effort to assist the State of West Virginia in identifying, locating, and evaluating all children who may have disabilities that may be hindering their ability to receive Free and Appropriate Public Education (FAPE). The school is committed to affording all children their right to FAPE, regardless of any disability a child may have. However, to accomplish this, the school must know that a need is present.

Parents, guardians, relatives, public and private agency employees, and concerned citizens are used to help schools find any child, birth through age 21, who may have a disability and need special education and related services. **If you are aware of a child who may have special needs, please notify the school's administrator.** For more information, please see the school's Child Find Policy which may be obtained from the school office.

a. Screening

School staff will be identified for participation in the Multi-Tiered Systems of Support/Response to Intervention and Instruction (MTSS/RtII) Team, including a special education staff member. The special education staff member will provide guidance to the team on specific instructional and behavioral interventions for students. The team will ensure that students who are not responding adequately to the established interventions are referred for a special education evaluation in a timely manner, engaging the parent/guardian in the process. The team will verify that the struggling student has received appropriate instruction and those the student's difficulties are not related to Limited English Proficiency or, if they are, identify appropriate support. Data related to academic achievement, behavior concerns, intervention results, and academic progress will also be reviewed by the team.

b. Pre-Referral/Referral/Initial Evaluation/Eligibility

Students may be referred for special education evaluation by their parent/guardian, teacher, or the Student Support Team (SST). The team, consisting of general education teachers, special education staff, and school administrators will regularly review data on students that are not progressing as expected. The SST will consult with the parent/guardians and address struggling students' needs through the MTSS/RtII process. The teacher will implement and document interventions and the student's response to interventions. If a student is referred for an evaluation, the student's response to MTSS/RtII efforts is used as one data metric in the determination of special education eligibility. These interventions will not be used to delay or deny a parent/guardian-requested special education evaluation. A student's eligibility for special education and related services will be determined through assessments administered by a school psychologist, classroom data, review of records, and parent and teacher input.

c. Allowing for Differences in English Language Skills and Ethnic Background

Evaluations will consider the child's English language skills and ethnic background to ensure that the testing and evaluation will be equitable for children of any race or culture. Tests will be given

in the native language or mode of communication that is most likely to give accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible. Upon enrollment in Clarksburg Classical Academy, the parent/guardian will complete a Language Preference Form to ensure communication and assessments are delivered in the student/family's native language.

d. Instructional Programming

Students enrolled in Clarksburg Classical Academy will receive a Free and Appropriate Public Education in the Least Restrictive Environment to the maximum extent possible.

Students determined in need of itinerant or supplemental level of support will access the general education curriculum with adaptations and modifications as outlined in their IEP in the general education classroom with their typical peers. Special education and general education teachers will collaborate to make necessary adaptations and modifications. Students may receive more intense instruction in small groups (with or without general education peers) or one-on-one sessions, depending on the specific needs of the student and as described in the student's IEP. Students that qualify for the alternative state assessment, West Virginia Alternative Summative Assessment (WVASA), will utilize a comprehensive program using an alternative curriculum which will include core content, social skills instruction, and daily living skills based on individual needs. Instruction will follow the West Virginia Alternate Academic Achievement Standards.

Alternative placements are considered when the current educational environment no longer meets the needs of the student and the IEP team determines that a student needs more intensive support and programming. Alternative placements may include center-based programs, approved private placements and/or home and hospital instruction.

e. Progress Monitoring

Student progress on annual goals and objectives will be monitored regularly using a variety of assessments and reports. The data will be summarized and provided to the parent/guardian quarterly throughout the school year unless the case conference committee agrees upon more frequent updates. Data collection tools may include rubric scores, curriculum-based assessments, tests, portfolios, or fluency probes. Data may also be accumulated during small group or one on one instruction. Teachers will collect and analyze the data bi-weekly to ensure the student is on track to meet the goal by the annual IEP due date. If the student is not making expected progress on the annual goals or objectives, instructional adjustments will be made accordingly to increase progress, such as increased repetition opportunities or the re-teaching of critical skills. Related service goals will also be regularly monitored, and a summary included in the quarterly report provided to the parent guardian.

f. Disproportionality

Clarksburg Classical Academy will collect and examine data regularly to ensure disproportionality is not evident in the areas of identification, academic settings and placements, and disciplinary measures. In addition to cultural sensitivity and awareness training, the following practices will be implemented to ensure students are found eligible for special education services without unjust

bias:

- Evaluations will be administered by trained and licensed personnel
- More than one single measure or assessment will be used to determine a disability
- Evaluations will not be discriminatory or racially/culturally biased
- Evaluations will take into consideration the child's English language skills, including ethnic background Evaluations will be administered in the child's native language, or mode of communication If there is any evidence of disproportionality, the school will review, and revise if needed, all procedures and policies that may be contributing.

VIII. PARENTS' RIGHT TO KNOW TEACHER QUALIFICATIONS

A parent or guardian may request information on the professional qualifications of each classroom teacher who provides instruction to the parent's or guardian's child. The information that may be requested includes:

- Licensure and certification information
- Educational background
- Qualifications of instructional aides (if applicable)

IX. PARENT INVOLVEMENT POLICY

The school recognizes that the involvement of parents and families in their children's education are critical to students' success and strongly encourages such involvement.

X. COMPLAINT PROCEDURE

The Board of Directors ("Board") believes that Complaints from parents or other members of the community regarding school personnel should be addressed thoroughly and completely. The people involved should treat one another with the highest level of respect and dignity.

Initially, Complaints shall be addressed formally or informally with the staff member. Complaints must be made in a civil/respectful manner to be considered by school personnel. Where appropriate, the Complaint should be in writing on a form developed by the Administration and should contain a statement of the facts and the specific outcome desired by the parent or other person making the Complaint ("Complainant"). The Complainant may sign the Complaint and should be given a copy. The staff member should work with the Complainant to resolve the issue in a timely, professional, and courteous manner. The efforts used to resolve the Complaint and the outcome should be noted on the form. Allegations involving illegalities should be reported immediately to the Administration.

Complaints unresolved through a parent-staff member communication or Complaints involving teachers or staff members should be in writing as noted above and directed to the Administration. The Administration shall investigate and attempt to resolve the issue in a fair and timely manner. The outcome should be noted on the form and further documented by letter or email as appropriate under the circumstances. If the Administration cannot resolve the issue with consultation with school advisors or consultants, the Complaint (with documented history or preceding steps) is forwarded in written form to the Board of Directors and a copy to the school's legal counsel.

XI. NON-DISCRIMINATION AND TITLE IX/SECTION 504 NOTICE

The school does not discriminate on the basis of religion, race, color, ethnicity, national origin, gender, sexual orientation, economic status, homelessness, or disability in its programs and activities. All employees shall report to the Title IX coordinator at any time the employee has notice of sexual harassment, including allegations of sexual harassment.

The following have been designated to handle inquiries regarding non-discrimination policies and can advise parents on the specific civil rights grievance procedure.

Title IX Coordinator

Melissa Nelson CCA Head of School

mneslon@classicalacademy.org

1636 W Pike St

Clarksburg, WV 26301

Telephone: [\(304\) 850-1022](tel:(304)850-1022)

Section 504 Coordinator

Melissa Nelson CCA Head of School

mneslon@classicalacademy.org

1636 W Pike St

Clarksburg, WV 26301

Telephone: [\(304\) 850-1022](tel:(304)850-1022)

XII. HOMELESS POLICY

The school provides an educational environment that treats all students equally. Every homeless student shall have access to the same free and appropriate educational opportunities as students who are not homeless. Accordingly, the School will enroll each homeless student in the school determined to be in the student's best interest. This commitment to the educational rights of homeless or unaccompanied youth applies to all services, programs, and activities provided or made available. The school shall fully comply with McKinney-Vento Homeless Assistance Act. For more information, the Board Homeless Policy is available from the Head of School.

APPENDIX 1

HARASSMENT, INTIMIDATION, BULLYING, AND TITLE IX POLICY CLARKSBURG CLASSICAL ACADEMY

The Harassment, Intimidation, Bullying, and Title IX Policy of Clarksburg Classical Academy (the “School”), a West Virginia non-profit corporation and tax-exempt organization, has been established to set forth requirements established by the United States Department of Education and the West Virginia Code, with respect to school policies prohibiting harassment, intimidation, or bullying.

Article I: Harassment, Intimidation, and Bullying

Section I: Policy

1. It is the policy of the School that any form of bullying behavior, whether in the classroom, on school property, to and from school in school buses or other School conveyances, at a bus-stop, or at school-sponsored events, is expressly forbidden.
2. The disciplinary procedure for any student guilty of harassment, intimidation, or bullying shall not infringe on any student’s rights under the first amendment to the Constitution of the United States.
3. The School’s policy on harassment, intimidating, and bullying shall appear in any student handbooks, and in any of the publications that set forth the comprehensive rules, procedures, and standards of conduct for schools and students. Information regarding the policy shall be incorporated into employee training materials.
4. Any School employee, student, or volunteer shall be individually immune from liability in a cause of action for damages arising from reporting an incident in accordance with a policy adopted pursuant to this policy if that person reports an incident of harassment, intimidation, or bullying promptly in good faith and in compliance with the procedures as specified in this policy, including reporting to the appropriate school official as designated herein.
5. Except as provided in paragraph four (4) above, nothing in this section prohibits a victim from seeking redress under any other provision of the West Virginia Code or common law that may apply.
6. Students who have been determined to have engaged in prohibited behaviors are subject to disciplinary action, which may include suspension or expulsion from school. The School’s commitment to addressing such prohibited behaviors, however, involves a multifaceted approach, which includes education and the promotion of a school atmosphere in which harassment, intimidation, or bullying will not be tolerated by students, faculty, or school personnel.
7. It is imperative that harassment, intimidation, or bullying be identified only when the specific elements of the definition are met because the designation of such prohibited incidents carry special statutory obligations. However, misconduct by one student against another student, whether appropriately defined or not, will result in appropriate disciplinary consequences for the perpetrator.

Section II: Definitions

1. Harassment, intimidation, or bullying means any intentional gesture, or any intentional electronic, written, verbal or physical act, communication, transmission or threat that:
 - a. A reasonable person under the circumstances should know will have the effect of any one or more of the following:
 - i. Physically harming a student;
 - ii. Damaging a student's property;

- iii. Placing a student in reasonable fear of harm to their person; or
- iv. Placing a student in reasonable fear of damage to their property.
- b. Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or emotionally abusive educational environment for a student; or
- c. Disrupts or interferes with the orderly operation of the school.

An electronic act, communication, transmission, or threat includes but is not limited to one which is administered via telephone, wireless phone, computer, pager or any electronic or wireless device whatsoever, that now exists or may hereafter be devised, and includes but is not limited to transmission of any image or voice, email or text message using any such device.

- 2. In evaluating whether conduct constitutes harassment, intimidation, or bullying, special attention should be paid to the words chosen or the actions taken, whether such conduct occurred in front of others or was communicated to others, how the perpetrator interacted with the victim, and the motivation, either admitted or appropriately inferred.
- 3. A school-sponsored activity shall mean any activity conducted on or off school property (including school buses and other school-related vehicles) that is sponsored, recognized, or authorized by The School.

Section III: Types of Conduct

- 1. Harassment, intimidation, or bullying can include many different behaviors including overt intent to ridicule, humiliate or intimidate another student or school personnel. Examples of conduct that could constitute prohibited behaviors include:
 - a. Physical violence and/or attacks;
 - b. threats, taunts and intimidation through words and/or gestures;
 - c. extortion, damage or stealing of money and/or possessions;
 - d. exclusion from the peer group or spreading rumors; and
 - e. repetitive and hostile behavior with the intent to harm others through the use of information and communication technologies and other web-based/online sites (also known as “cyber bullying”), such as the following:
 - i. Posting slurs on websites where students congregate or on web-logs (personal online journals or diaries);
 - ii. sending abusive or threatening instant messages;
 - iii. using camera phones to take embarrassing photographs of students and posting them online;
 - iv. using websites to circulate gossip and rumors to other students; and
 - v. excluding others from an online group by falsely reporting them for inappropriate language to Internet service providers.

Section IV: Complaint Process

- 1. Publication of the prohibition against harassment, intimidation, and bullying and related procedures.
 - a. The prohibition against harassment, intimidation, or bullying shall be publicized in any student handbooks and in any of the publications that set forth the comprehensive rules, procedures and standards of conduct for students at the School. In addition, information regarding the policy shall be incorporated into employee training materials. The following statement shall be included:

- i. Harassment, intimidation, or bullying behavior by any student/school personnel at the School is strictly prohibited, and such conduct may result in disciplinary action, including suspension and/or expulsion from school. Harassment, intimidation, or bullying means any intentional written, verbal, graphic or physical acts including electronically transmitted acts *i.e.*, Internet, cell phone, personal digital assistant (PDA), or wireless hand-held device (including any such similar devices that may now exist or hereafter be devised), either overt or covert, by a student or group of students toward other students/school personnel with the intent to harass, intimidate, injure, threaten, ridicule, or humiliate. Such behaviors are prohibited on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation or at any school bus stop that a reasonable person under the circumstances should know will have the effect of:
 1. Causing mental or physical harm to the other student/school personnel including placing an individual in reasonable fear of physical harm and/or damaging of students'/personal property; and
 2. is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student/school personnel.

Section V: Complaints

1. Formal complaints

- a. Students, parents, or guardians may file reports regarding suspected harassment, intimidation, or bullying. Such written reports shall be reasonably specific including person(s) involved, number of times and places of the alleged conduct, the target of suspected harassment, intimidation and/or bullying, and the names of any potential student or staff witnesses. Such reports may be filed with any school staff member or administrator, and they shall be promptly forwarded to the principal for review and action in accordance with the School Code of Conduct and this policy. See, Appendix A.

2. Informal complaints

- a. Students, parents, or guardians and school personnel may make informal complaints of conduct that they consider to be harassment, intimidation and/or bullying by verbal report to a teacher, school administrator, or other school personnel. Such informal complaints shall be reasonably specific as to the actions giving rise to the suspicion of harassment, intimidation and/or bullying, including person(s) involved, number of times and places of the alleged conduct, the target of the prohibited behavior(s), and the names of any potential student or staff witness. A school staff member or administrator who receives an informal complaint shall promptly document the complaint in writing, including the above information. This written report by the school staff member and/or administrator shall be promptly forwarded to the principal for review and action in accordance with the School Code of Conduct and this policy.

3. Anonymous complaints

- a. Students who make informal complaints as set forth above may request that their name be maintained in confidence by the school staff member(s) and administrator(s) who receive the complaint. The anonymous complaints shall be reviewed and reasonable action will be taken to address the situation, to the extent such action may be taken that (i) does not disclose the source of the complaint, and (ii) is consistent with the due process rights of the student(s) alleged to have committed acts of harassment, intimidation and/or bullying.

4. False complaints
 - a. Students are prohibited from deliberately making false reports of harassment, intimidation, or bullying. Any complaints made or reports filed alleging harassment, intimidation, or bullying, as provided in this policy, found to be false will be disciplined according to current school disciplinary procedure(s) established and implemented and being consistent with due process rights of all students involved, including the student(s) making such false claims. If it is found that a student made deliberately false claim(s) of harassment, intimidation, or bullying the student is subject to the full range of disciplinary consequences in accordance with the School Code of Conduct and being consistent with due process rights of the student making such false claims.
5. Confidentiality of Complaint
 - a. Any information related to a reported incident is confidential and exempt from disclosure under the West Virginia Freedom of Information Act (29B-1).

Section VI: School Personnel Responsibilities and Intervention Strategies

1. Teachers and other school staff
 - a. Teachers and other school staff who witness acts of harassment, intimidation, or bullying, as defined above, shall promptly notify the building principal and/or their designee of the event observed, and shall promptly file a written incident report concerning the events witnessed. Teachers and other school staff who receive student or parent reports of suspected harassment, intimidation, and bullying shall promptly notify the building principal and/or their designee of such report(s). If the report is a formal, written complaint, such complaint shall be forwarded promptly (no later than the next school day) to the building principal and/or their designee. If the report is an informal complaint by a student that is received by a teacher or other professional employee, he or she shall prepare a written report of the informal complaint which shall be promptly forwarded (no later than the next school day) to the building principal and/or their designee.
 - b. In addition to addressing both informal and formal complaints, school personnel are encouraged to address the issue of harassment, intimidation, or bullying in other interactions with students. School personnel may find opportunities to educate students about harassment, intimidation, and bullying and help eliminate such prohibited behaviors through class discussions, counseling, and reinforcement of socially appropriate behavior. School personnel should intervene promptly whenever they observe student conduct that has the purpose or effect of ridiculing, humiliating, or intimidating another student/school personnel, even if such conduct does not meet the formal definition of “harassment, intimidation or bullying.”
2. Administrator responsibilities
 - a. Investigation
 - i. The principal and/or their designee shall be promptly notified of any formal or informal complaint of suspected harassment, intimidation, or bullying. Under the direction of the building principal and/or their designee, all such complaints shall be investigated promptly. A written report of the investigation shall be prepared when the investigation is complete. Such report shall include findings of fact, a determination of whether acts of harassment, intimidation or bullying were verified, and, when prohibited acts are verified, a recommendation for intervention, including disciplinary action shall be included in the report. Where appropriate, written witness statements shall be attached to the report.
 - ii. Notwithstanding the foregoing, when a student making an informal complaint has requested anonymity, the investigation of such complaint shall be limited as is appropriate in view of the anonymity of the complaint. Such limitation of investigation may include restricting action to a simple review of the complaint (with or without

discussing it with the alleged perpetrator), subject to receipt of further information and/or the withdrawal by the complaining student of the condition that his/her report be anonymous.

b. Remedial actions

- i. Verified acts of harassment, intimidation, or bullying shall result in an intervention by the building principal and/or their designee that is intended to ensure that the prohibition against harassment, intimidation, or bullying behavior is enforced, with the goal that any such prohibited behavior will cease.
- ii. Harassment, intimidation, and bullying behavior can take many forms and can vary dramatically in seriousness and impact on the targeted individual and other students. Accordingly, there is no one prescribed response to verified acts of harassment, intimidation, and bullying. While conduct that rises to the level of “harassment, intimidation or bullying,” as defined above, will generally warrant disciplinary action against the perpetrator of such prohibited behaviors, whether and to what extent to impose disciplinary action (such as, detention, in and out-of-school suspension, or expulsion) is a matter for the professional discretion of the building principal. The following sets forth possible interventions for building principals to enforce the board of directors’ prohibition against “harassment, intimidation or bullying.”

c. Non-disciplinary interventions

- i. When verified acts of harassment, intimidation, or bullying are identified early and/or when such verified acts do not reasonably require a disciplinary response, students may be counseled as to the definition of harassment, intimidation, or bullying, its prohibition, and their duty to avoid any conduct that could be considered harassing, intimidating, or bullying.
- ii. If a complaint arises out of conflict between students or groups of students, peer mediation may be considered. Special care, however, is warranted in referring such cases to peer mediation. A power imbalance may make the process intimidating for the victim and therefore inappropriate. The victim’s communication and assertiveness skills may be low and could be further eroded by fear resulting from past intimidation and fear of future intimidation. In such cases, the victim should be given additional support. Alternatively, peer mediation may be deemed inappropriate to address the concern.

d. Disciplinary interventions

- i. When acts of harassment, intimidation, and bullying are verified, or a false claim alleging the same is substantiated, and a disciplinary response is warranted, students and staff are subject to the full range of disciplinary consequences. Anonymous complaints that are not otherwise verified, however, shall not be the basis for disciplinary action.
- ii. In and out-of-school suspension may be imposed only after informing the accused perpetrator of the reasons for the proposed suspension and giving him/her an opportunity to explain the situation.
- iii. Expulsion may be imposed only after a hearing before the board of directors, or an impartial hearing officer designated by the board of directors, in accordance with board policy. This consequence shall be reserved for serious incidents of harassment, intimidation or bullying and/or when past interventions have not been successful in eliminating prohibited behaviors.

3. Intervention strategies

a. General

- i. In addition to the prompt investigation of complaints of harassment, intimidation, or bullying and direct intervention when such prohibited acts are verified, other board actions may ameliorate any potential problem with harassment, intimidation, or bullying in school or at school-sponsored activities. While no specific action is required and school needs for such interventions may vary from time to time, the following list of potential intervention strategies shall serve as a resource for administrators and school personnel:
 1. respectful responses to harassment, intimidation or bullying concerns raised by students, parents or school personnel;
 2. planned professional development programs addressing targeted individuals' problems, including what is safe and acceptable Internet use;
 3. data collection to document victim problems to determine the nature and scope of the problem;
 4. use of peers to help ameliorate the plight of victims and include them in group activities;
 5. avoidance of sex-role stereotyping (*e.g.*, males need to be strong and tough);
 6. awareness and involvement on the part of all school personnel and parents with regard to victim problems;
 7. an attitude that promotes communication, friendship, assertiveness skills and character education;
 8. modeling by school personnel of positive, respectful and supportive behavior toward students;
 9. creating a school atmosphere of team spirit and collaboration that promotes appropriate social behavior by students in support of other;
 10. employing classroom strategies that instruct students how to work together in a collaborative and supportive atmosphere; and
 11. form harassment, intimidation and bullying task forces, programs and other initiatives involving volunteers, parents, law enforcement and community members.

b. Intervention strategies for protecting victims:

- i. supervise and discipline offending students fairly and consistently;
- ii. provide adult supervision during recess, lunch time, bathroom breaks, and in the hallways during times of transition;
- iii. maintain contact with parents and guardians of all involved parties;
- iv. provide counseling for the victim if assessed that it is needed;
- v. inform school personnel of the incident and instruct them to monitor the victim and the offending party for indications of harassing, intimidating and bullying behavior. Personnel are to intervene when prohibited behaviors are witnessed; and
- vi. check with the victim daily to ensure that there has been no incidents of harassment/intimidation/bullying or retaliation from the offender or other parties.

Section VII: Reporting Obligations

1. Parents/guardians of any student involved in an incident prohibited under this policy shall be notified.
2. Reports to the parent or guardian of the perpetrator.

- a. If after investigation, acts of harassment, intimidation and bullying by a specific student are verified, the building principal and/or their designee shall notify in writing the parent or guardian of the perpetrator of that finding. If disciplinary consequences are imposed against such student, a description of such discipline shall be included in such notification.
3. Reports to the victim's parent or guardian.
 - a. If after investigation, acts of bullying against a specific student are verified, the building principal and/or their designee shall notify the parent or guardian of the victim of such finding. In providing such notification, care must be taken to respect the statutory privacy rights of the perpetrator of such harassment, intimidation, and bullying.
4. List of verified acts of harassment, intimidation, or bullying
 - a. This policy shall not be interpreted to prohibit a reasonable and civil exchange of opinions or debate that is protected by state or federal law such as the nondiscrimination, suspension/expulsion, due process, violent and aggressive behavior, hazing, discipline/punishment, sexual harassment, peer sexual harassment and equal educational opportunity acts.

Section VIII: Police and Child Protective Services

1. Allegations of criminal misconduct will be reported to law enforcement, and suspected child abuse must be reported as required under the School's Child Abuse Reporting Policy. The School must also investigate for the purpose of determining whether there has been a violation of the School's Policy or Procedure, even if law enforcement or another government entity is also investigating. All School personnel must cooperate with investigations by outside agencies.
2. In addition to, or instead of filing a harassment, intimidation or bullying complaint through this policy, a complainant may choose to exercise other options, including, but not limited to, filing a complaint with outside agencies or filing a private lawsuit. Nothing prohibits a complainant from seeking redress under any other provision of the West Virginia Code or common law that may apply.

Section IX: Training

1. Orientation sessions for students shall introduce the elements of this policy and procedure. Students will be provided with age-appropriate information on the recognition and prevention of harassment, intimidation, or bullying, and their rights and responsibilities under this and other school policies, procedures and rules at student orientation sessions and on other appropriate occasions. Parents will be provided with information about this policy and procedure, as well as information about other school rules and disciplinary policies. This policy and procedure shall be reproduced in any student, staff, volunteer, or parent handbooks.
2. Information regarding the policy on harassment, intimidation, and bullying behavior shall be incorporated into employee and volunteer training materials.
3. School personnel members are encouraged to address the issue of harassment, intimidation, and bullying in other interaction with students. School personnel may find opportunities to educate students about bullying and help eliminate bullying behavior through class discussions, counseling, and reinforcement of socially appropriate behavior. School personnel should intervene promptly whenever they observe student conduct that has the purpose or effect of ridiculing, humiliating, or intimidating another student or school personnel, even if such conduct does not meet the formal definition of "harassment, intimidation or bullying."

Article II: Title IX Compliance

Section I: General Notice of Non-Discrimination

The School provides an equal opportunity for all students to learn regardless of race, color, creed, disability, religion, sex, ancestry, national origin, social or economic background, or other legally protected category. It is the intention of the School to comply with Title IX of the Education Amendments Act of 1972.

Section II: Title IX Coordinator

The Principal shall designate a Compliance Officer/Title IX Coordinator (the “Title IX Coordinator”). This position is responsible for leading investigations into any complaint alleging noncompliance with Title IX. The Title IX Coordinator’s contact information must be made available to all students, employees, parents or legal guardians, and applicants for admission and employment. The Title IX Coordinator’s contact information must also be displayed in a conspicuous location on the School’s website.

The Coordinator should be involved with the drafting a revision of all policies and procedures to ensure that they comply with the requirements of Title IX.

Section III: Postings

The School shall publish a notice in a conspicuous location on the School’s website which shall contain the following information:

- The General Notice of Non-Discrimination and Board adopted grievance process and policy;
- A statement that any person may make a report at any time to a School employee;
- A statement stating that any questions regarding Title IX and the School’s policy may be referred to the Title IX Coordinator;
- Contact information for the Title IX Coordinator, including name and title, office address, telephone number, and email; and
- All Title IX materials used to train the Coordinator and School personnel must be published to the School’s website.

Section IV: Title IX Grievance Procedure

The Title IX Grievance Procedure below is meant to provide for timely and equitable resolution of complaints. The School shall respond promptly to Title IX sexual harassment in a manner that is not deliberately indifferent. This means that the School’s response will not be considered unreasonable in light of the known circumstances.

Any individual may report allegations of sex discrimination, including sexual harassment (victim or third-party), by any means that results in the Title IX Coordinator receiving the person’s verbal or written report. Such a report may be made at any time by using the contact information listed for the Title IX Coordinator.

A School employee or School official receives notice of sexual harassment or allegations of sexual harassment, they shall immediately report it to the Title IX Coordinator.

Subsection A: Grievance Process for Complaints Not Alleging Sexual Harassment

Level I

If a student or employee (the “grievant”) believes there is a Title IX grievance, they may present the grievance to the Coordinator. The alleged grievance shall be investigated by the Title IX Coordinator and they shall meet with the grievant and attempt to resolve the matter informally. The decision on the grievance shall be delivered orally to the grievant.

Level II

If the grievant believes that the grievance has not been resolved appropriately, they may make a statement in writing of the alleged grievance to the Governing Board of the School. This statement must be filed within ten (10) days of the date of the Title IX Coordinator’s decision. The statement shall state the nature of the alleged grievance and the relief sought. If the grievant is a student, the Coordinator shall assist in the preparation of the statement and submission to the Governing Board within the appropriate time frame.

The Board or its designee (1-3 members of the Board) shall make a decision on the grievance and shall give that decision in writing to the Title IX Coordinator and the grievant.

Level III

If the grievant is not satisfied with the decision of the Governing Board, they may appeal it to the Office of Civil Rights. A complaint should be filed in writing and sent to Philadelphia Office, Office for Civil Rights, U.S. Department of Education, The Wannamaker Building, 100 Penn Square East, Ste. 515, Philadelphia, PA 19107-3323. Any such written complaint must be filed within one hundred eighty (180) days from the date of the alleged discrimination.

Subsection B : Grievance Process for Complaints Alleging Sexual Harassment

Definitions

For purposes of this grievance process under this Subsection B:

“*Complainant*” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“*Formal complaint*” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the School investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the School with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator.

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

“*Sexual harassment*” means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the School conditioning the provision of an aid, benefit, or service of the School on an individual’s participation in unwelcome sexual conduct (*quid pro quo* sexual harassment);
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School’s education program or activity; or
- (3) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C.

12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

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

Training

Any individual designated as a Title IX Coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. In addition, these individuals shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

All Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, shall receive training on the definition of sexual harassment, the scope of the School’s education program or activity, how to conduct an investigation and grievance process (including hearings, appeals, and informal resolution processes, as applicable), and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

The School will also ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, and that decision-makers receive training on any technology to be used at a live hearing, and on issues of relevance of questions and evidence, including when questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant.

Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

Presumption of No Responsibility

Throughout this grievance procedure, there shall be a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. In addition, the School shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

The School must comply with this grievance process before the imposition of any disciplinary sanctions, or other actions that are not supportive measures, against a respondent.

The investigation of the grievance shall include an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and credibility determinations may not be based on a person’s status as a complainant, respondent, or witness. The standard of evidence to be used to determine responsibility will be the clear and convincing evidence standard.

Good Cause Delay

There may be a temporary delay of the grievance process or a limited extension of time-frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

Level I – Response to Report

Upon receiving a report of sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The School will maintain as confidential any supportive measures provided before or after the filing of a formal complaint or where no formal complaint has been filed, to the extent that maintaining such confidentiality would not impair the ability of the School to provide the supportive measures.

Level II – Formal Complaint

Upon receipt of a formal complaint (or later as additional allegations become known), the School will provide the following written notice to the parties who are known:

(A) Notice of the School's grievance process that complies with this section, including any informal resolution process.

(B) Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence. The written notice must also inform the parties of any provision in the School's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the School decides to investigate allegations about the complainant or respondent that are not included in the foregoing notice provided, the School must provide notice of the additional allegations to the parties whose identities are known.

The School may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Investigation:

The Title IX Coordinator or the designated investigator will investigate the allegations in a formal complaint. When investigating a formal complaint and throughout the grievance process, the Title IX Coordinator or the designated investigator must:

(A) Remain neutral and impartial during the investigative process, and must not have a conflict of interest for or against complainant(s) or respondent(s);

(B) Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the School and not on the parties provided that the School cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician,

psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the School obtains that party's voluntary, written consent to do so for a grievance process (if a party is not an "eligible student," as defined in 34 CFR 99.3, then the School must obtain the voluntary, written consent of a "parent," as defined in 34 CFR 99.3);

(C) Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;

(D) Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;

(E) Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the School may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;

(F) Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;

(G) Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the School does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the School must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least ten (10) business days to submit a written response, which the investigator will consider prior to completion of the investigative report;

(H) Keep party and witness identities confidential except as permitted by law or the Family Educational Rights and Privacy Acts (FERPA); and

(I) Create an investigative report within thirty (30) business days of receipt of a formal complaint that fairly summarizes relevant evidence and, at least ten (10) business days prior to a time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

Question and Answer Period

After the School has sent the investigative report to the parties, the Title IX Coordinator or the designated investigator shall submit the investigative report to the School's Educational Service Provider's (ESP) **Regional Vice President** as decision-maker to reach a determination regarding responsibility. The decision-maker cannot be the same person(s) as the Title IX Coordinator or the investigator(s).

Before reaching a determination regarding responsibility, the **Regional Vice President** must afford each party five (5) business days to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. However, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The **Regional Vice President** must explain to the party proposing

the questions any decision to exclude a question as not relevant.

Dismissal

The School must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the School's education program or activity, or did not occur against a person in the United States, then the School must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. However, such a dismissal does not preclude action under another provision of the School's Code of Conduct.

The School may also dismiss the formal complaint or any allegations therein, if at any time during the investigation: a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the School; or specific circumstances prevent the School from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal, the School will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

Determination Regarding Responsibility

The **Regional Vice President** as decision-maker must issue a written determination regarding responsibility within fifteen (15) business days of the conclusion of the question and answer period.

The written determination must include:

- (A) Identification of the allegations potentially constituting sexual harassment;
- (B) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
- (C) Findings of fact supporting the determination;
- (D) Conclusions regarding the application of the School's code of conduct to the facts;
- (E) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the School imposes on the respondent, and whether remedies designed to restore or preserve equal access to the School's education program or activity will be provided by the School to the complainant; and
- (F) The School's procedures and permissible bases for the complainant and respondent to appeal.

The School must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the School provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

If a determination of responsibility for sexual harassment has been made against a respondent, the School will provide remedies to a complainant. The Title IX Coordinator is responsible for effective implementation of any remedies. Possible remedies to the complainant that the School may implement include: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures or individualized services offered as may be appropriate and reasonably available, without fee or charge to the complainant, that are designed to restore or preserve equal access to the School's education program or activity, to protect the

safety of the complainant or the School's educational environment, or to deter sexual harassment.

Possible disciplinary sanctions the School may implement following any determination of responsibility by the respondent may include: suspension, expulsion, reprimand, documenting the occurrence in the personnel file, referral to counseling, withholding of a promotion, demotion, reassignment, temporary suspension without pay, termination of employment, or any other disciplinary measures outlined in the School's Code of Conduct or Staff Handbook.

Level III – Appeal to ESP's Executive Vice President

Either the complainant or respondent, or their parent or guardian, may appeal from a determination regarding responsibility or from a dismissal of a formal complaint, or any allegations therein. Any such appeal shall be in the form of a written statement challenging the outcome, and be received by the Title IX Coordinator within ten (10) business days of the determination.

The appeal may be on one or more of the following bases:

- (A) Procedural irregularity that affected the outcome of the matter;
- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- (C) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The Title IX Coordinator shall give the written appeal to the ESP's **Regional Vice President** for decision.

Within three (3) business days of receipt, the Title IX Coordinator shall also provide notice to the other party in writing that the appeal was filed. The other party shall then be provided five (5) business days to submit a written statement in support of, or challenging, the outcome.

Within fifteen (15) business days after the time for the other party to submit a written statement has passed, the **Regional Vice President** shall issue a written decision describing the result of the appeal and the rationale for the result, and provide the written decision simultaneously to both parties.

For all appeals, the School must ensure that the decision-maker(s) for the appeal: (i) not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent; (ii) receive training on the definition of sexual harassment, the scope of the School's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; (iii) receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant; and (iv) receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Office for Civil Rights

If the student (or their parent or guardian) or employee is not satisfied with the grievance process determination, he or she may appeal it to the Office for Civil Rights.

A student (or their parent or guardian) or employee who believes there is a basis for a grievance related to Title IX may file a written complaint with the Philadelphia Office, Office for Civil Rights, U.S. Department of Education, The Wannamaker Building, 100 Penn Square East, Ste. 515, Philadelphia, PA 19107-3323. Any such written complaint must be filed within one hundred eighty (180) days from the date of the alleged discrimination, or, if this grievance procedure is utilized, within sixty (60) days after the last act of the

grievance process.

Informal Resolution Process

The School may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment.

Similarly, the School may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility, the School may facilitate an informal resolution process that does not involve a full investigation and adjudication, provided that the School:

- (A) Provides to the parties a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- (B) Obtains the parties' voluntary, written consent to the informal resolution process; and
- (C) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Any such informal resolution process should not exceed ten (10) business days.

Emergency Removal

Nothing in this grievance procedure precludes the School from removing a respondent from the School's education program or activity on an emergency basis, provided that the School undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. However, this provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Administrative Leave

Nothing in this grievance procedure precludes the School from placing a non-student employee respondent on administrative leave during the pendency of a grievance process. However, this provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

Recordkeeping

The School must maintain for a period of seven years records of:

- (A) Each sexual harassment investigation, including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the School's education program or activity;
- (B) Any appeal and the result therefrom;
- (C) Any informal resolution and the result therefrom; and

(D) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The School must make these training materials publicly available on its website, or if the School does not maintain a website the School must make these materials available upon request for inspection by the public.

For each response to a report or formal complaint of sexual harassment in an education program or activity, the School must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the School must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the School's education program or activity. If the School does not provide a complainant alleging sexual harassment with supportive measures, then the School must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the School in the future from providing additional explanations or detailing additional measures taken.

Retaliation Prohibited

Neither the School nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this grievance procedure, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or proceeding in this grievance procedure. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this grievance procedure, constitutes retaliation.

The School must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination complaints not alleging sexual harassment. The exercise of rights protected under the First Amendment does not constitute prohibited retaliation under this grievance procedure. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of this grievance procedure does not constitute prohibited retaliation under this grievance procedure, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Legal References: Title IX of the Education Amendments Act of 1972; Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, (FERPA), 34 CFR part 99, 34 CFR part 106, 34 CFR part 99.3; Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act.

Appendix A
Formal Complaint of Sexual Harassment

Name: _____ (Printed Name of Complainant)

Date: _____

Name of the Individuals Involved in the Incident:

Date and Location of the Alleged Incident: _____

Description of Conduct Constituting Sexual Harassment (additional pages may be used):

I acknowledge that the information I have provided is not false. Further, I acknowledge that if I knowingly make a false statement or submit false information, it will be in violation of the School's Bullying, Harassment, and Intimidation Policy.

Signature: _____ Date _____

APPENDIX 2

INTERNET SAFETY POLICY

ARTICLE I PURPOSE

It is the policy of Clarksburg Classical Academy (“School”) to:

1. prevent users from accessing or transmitting inappropriate material over its computer resources via the Internet, electronic text/mail, or other forms of direct electronic communications;
2. prevent unauthorized access and other unlawful online activity;
3. prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and
4. comply with the Children’s Internet Protection Act [Pub. L. No. 106-554 and 47 USC 254(h)].

ARTICLE II ACCESS TO INAPPROPRIATE MATERIAL

To the extent practical, technology protection measures including Internet filters shall be used on School provided computers to block or filter the Internet or other forms of electronic communications and access to inappropriate information.

Specifically, as required by the Children’s Internet Protection Act (CIPA), blocking shall be applied to visual depictions of material deemed obscene or to child pornography or to any material deemed harmful to minors.

Subject to staff supervision, technology protection measures may be disabled or, in the case of minors, minimized only for bona fide research or other lawful purposes.

ARTICLE III INAPPROPRIATE TECHNOLOGY RESOURCE USAGE

To the extent practical, steps shall be taken to promote the safety and security of users of School’s online computer systems when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications.

Specifically, as required by the CIPA prevention of inappropriate network usage includes:

1. unauthorized access, including “hacking,” and other unlawful activities; and
2. unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

ARTICLE IV

TRAINING: STUDENT SAFETY AND DIGITAL CITIZENSHIP

To help ensure student safety and citizenship in online activities, students will be educated about appropriate behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyber-bullying awareness and response.

ARTICLE V

SUPERVISION AND MONITORING

School and network administrators and their authorized employees monitor the use of information technology resources to help ensure that uses are secure and in conformity with this policy. Administrators reserve the right to examine, use, and disclose any data found on the school's information networks in order to further the health, safety, discipline, or security of any student or other person, or to protect property. They may also use this information in disciplinary actions, and will furnish evidence of crime to law enforcement.

As noted above, every school-issued computer is preinstalled with an Internet content filter pursuant to federal regulations. The filter is not to be removed because it blocks access to sites deemed inappropriate as well as sites that have no educational value. Social networking sites, pornography, gambling, and proxy sites are blocked through the filter. Uses of instant messenger applications are not permitted on the school computers and are also blocked.

When students are working outside of school facilities, or the direct supervision of school staff, parents must monitor their children's compliance with these standards. Students who violate these standards may face a loss of Internet access, the loss of school-owned computer equipment, other disciplinary measures, and/or legal action. Procedures for the disabling or otherwise modifying any technology protection measures shall be the responsibility of the School's Educational Service Provider's Regional Vice President.

References:

Children's Internet Protection Act (2000), [Pub. L. No. 106-554 and 47 USC 254(h)]
<http://www.fcc.gov/guides/childrens-internet-protection-act>

APPENDIX 3

CODE OF CONDUCT/ SUSPENSION, EXPULSION POLICY

Students are expected to conduct themselves in such a way that they respect and consider the rights of others. Clarksburg Classical Academy (“School”) students must conform with school regulations and accept directions from authorized school personnel. The School will not tolerate violent, disruptive or inappropriate behavior by its students. Such behavior is punishable and will result in disciplinary action which may include suspension, expulsion, or other forms of discipline.

This Code of Conduct applies to any student, whether the student is enrolled at the School, attending or otherwise participating in any curricular or extra-curricular program provided in a school operated by the Board or provided on any other property owned or controlled by the Board. The Code of Conduct also applies while a student is in the custody or control of the School, on School grounds or close thereto, while at a School-sponsored function or activity or on “School provided transportation” (as herein defined). In addition, this Code of Conduct governs a student's conduct at all times, on or off school property, when such student conduct is reasonably related to the health and safety of other students and/or School employees, or such conduct would unreasonably interrupt the educational processes of the School.

Students and parents (throughout this Code, “parent” includes guardians and custodians) shall be provided annually (at the beginning of the school year or upon enrollment in the School) written information on the rules and regulations to which students are subject while in school and while participating in any school-related activity or event. The information provided shall include the types of misconduct for which a student is subject to suspension or expulsion from school or other forms of disciplinary action. The Board directs the administration to make all students aware of this student Code of Conduct and the fact that any violations of the student code of conduct are punishable. This Code of Conduct / Suspension, Expulsion Policy shall be posted in a central location in the School and also made available to students and parents upon request, and shall be appended to the School’s Parent Student Handbook.

If a student violates the Code of Conduct, school personnel, students or parents should report the student to the appropriate Head of School or assistant Head of School. The administration will cooperate in any prosecution pursuant to the criminal laws of the State of West Virginia and local ordinances.

Students’ basic constitutional rights to speak and express opinions, even if they are unpopular, will be respected. When misconduct occurs, each student will have due process rights under the law.

The teacher is the key figure in school discipline. The teacher is expected to make every effort to handle the usual problems in maintaining classroom discipline. When a disciplinary problem becomes acute enough to involve the school administrator, then the teacher should seek the assistance of the behavior intervention specialist, assistant Head of School or Head of School. Under these circumstances, both the teacher and the school leader will give due process rights to the student.

Levels of Offenses

Truancy and chronic absenteeism are addressed separately from these levels of offenses. Acts of misconduct that are not specifically attendance-related are categorized into the following four levels of offenses:

A. Level I: Violation of general classroom, bus or school rules – Level I consists of minor offenses that generally occur in the classroom, on school provided transportation (“school provided transportation” is defined to include school buses and other vehicles supplied by the School for student transportation), or on school premises and can be corrected by the teacher, the driver or school leader.

B. Level II: Conduct requiring administrative intervention – Level II consists of offenses that are more serious in nature or persistent, repeated, or serious Level I misconduct.

C. Level III: Suspension and/or removal from the classroom to an alternative learning environment – Level III consists of offenses that significantly disrupt the educational process, school environment, and/or school-related activities, including school provided transportation, or persistent, repeated, or serious Level I or II misconduct.

D. Level IV: Expulsion and/or removal from the classroom to an alternative learning environment – Level IV consists of serious offenses which include willful or malicious acts that have the effect of materially and substantially disrupting the educational environment in the School, on school provided transportation or at school activities or Level I, II, or III infractions depending on the severity or persistence of the act.

Habitual violations of these rules or school policies may result in suspension or other discipline.

Corporal punishment is prohibited.

Level I Offenses

Rule 1: Dress Code. The Board believes that student dress should enhance a positive image of students and the School. The standards of dress and grooming outlined are necessary to promote discipline, maintain order, secure student safety, and provide a healthy environment that is conducive to learning. These standards are in addition to the School Dress Code contained in the Parent Student Handbook, which must be followed.

- (A) When a student is at school, participating in School activities or at School-sponsored events, their dress and grooming must not:
 - I. Present a health or safety hazard to the student or to others in the School or attending the School-sponsored activity;
 - II. Materially interfere with school work, create disorder, or disrupt the educational environment;
 - III. Cause excessive damage or wear-and-tear to School property; and/or
 - IV. Keep the student from participating safely in their own education.
- (B) To facilitate a consistent pattern of application of the student dress code, the following standards shall be applied:
 - I. Shirts and tops must cover all undergarments and have high enough necklines to cover all cleavage. Strapless, crop, and see-through tops are not acceptable;
 - II. Lower garments should not drag on the floor or allow undergarments to be exposed when the student sits, stands, raises his/her hand, or bends over. Form-fitting lower garments must be worn under a shirt, skirt or dress that extends to the thighs;
 - III. No skin should be visible between a student's top and bottom garment when the student sits, stands, raises his/her hand or bends over;
 - IV. Clothing or accessories that include obscene, violent, gang, tobacco, drug or alcohol related writing or images are not acceptable. Items of clothing that belittle others may not be worn (*i.e.*, race, religion, gender, *etc.*);
 - V. Coats and jackets meant for outdoor wear, book bags and oversized bags must be kept in the school locker or other designated area during the school day;
 - VI. Facial hair must be kept neat and clean;
 - VII. Recreational head coverings and sunglasses should not be worn inside any building; and
 - VIII. Appropriate footwear must be worn to provide for safe and sanitary conditions.
- (C) Building administrators shall judge student dress and grooming in individual buildings. The school leader may exclude (*i.e.*, not admit to class, remove, or suspend) any student, when in their judgment, the student is not following appropriate dress and grooming standards.

- (D) Exceptions to these standards may be considered based on personal circumstance, cultural beliefs, and to promote school spirit. Students who request an exception must have parental permission to do so and obtain permission from the building administrator prior to deviating from the standards of dress. A parent conference may be requested by the building administrator.

Rule 2: Tardiness. A student shall be prompt to school and to class according to its scheduled time. Note: No student will be suspended or expelled solely for tardiness or absenteeism though students may be subject to other disciplinary actions and/or required to participate in one or more absence intervention program(s).

Rule 3: Reserved

Rule 4: Miscellaneous Offenses. Disciplinary problems such as not doing required homework, throwing objects in School, and other such offenses affecting ongoing educational progress or the orderly administration of the School are prohibited and may result in disciplinary actions.

Level I Disciplinary Options

Disciplinary options or responses to Level I offenses will include one or more of the following:

- A. Verbal correction
- B. Teacher-student conference
- C. Student-counselor conference
- D. Teacher-parent conference
- E. Behavioral probation
- F. Detention (maintained by teacher before or after school or during recess)
- G. Parent shadowing
- H. Restriction of transportation privileges by the school leader
- I. Other appropriate disciplinary action
- J. Serious, persistent, or repeated violations may be treated as Level II or III infractions

Level II Offenses

Rule 5. Skipping Detention. A student assigned to detention shall report on the assigned day and at the assigned time.

Rule 6: Forgery. A student shall not change a grade or place the name of a parent, guardian, teacher or other individual as representative of that individual's signature on a school document or on an official document for school purposes.

Rule 7: Use of Tobacco. A student shall not use or possess tobacco or any tobacco products such as cigarettes, cigars, dip, chewing tobacco, *etc.* See, Tobacco Free School Policy.

Rule 8: Gambling. A student shall not participate in gambling.

Rule 9: Stealing. A student shall not steal or attempt to steal school property or private property of other students or School personnel or of visitors to the School.

Rule 10: Insubordination. A student shall not repeatedly violate rules or fail to comply with directions of teachers, student teachers, substitute teachers, teacher aides, drivers of school provided transportation, Head of Schools, or other authorized school personnel.

Rule 11: Violation of Criminal, Traffic, or Juvenile Code. Commission by a student of any act in violation of the West Virginia Criminal Code, Traffic Code, or Juvenile Code on or off the School grounds, regardless if School related or not, that would, in the judgment of School officials, be a detriment to the ongoing educational processes and/or orderly administration of the School if the student were permitted to continue regular school attendance.

Rule 12: Violation of the Network Acceptable Use Policy. Students must have a signed Acceptable Use Agreement before gaining access to the School's computer network. Students shall abide by the School's Network Acceptable Use Policy and any school or classroom rules for network access.

Rule 13: Personal Communication Devices. Students may possess and use personal communication devices (PCDs) on School property, School provided transportation, or at School-sponsored activities only during approved times and for approved purposes. Student use of PCDs on School property is a privilege and not a right. This privilege may be revoked by the School at any time. The School reserves the right, in its sole discretion, to determine which types of PCDs it will allow students to use. Such determinations are subject to change. Notwithstanding the foregoing, Students may possess and use PCDs on School property and at School-sponsored curricular and extra-curricular activities when specifically permitted by staff or administration of the School. Such use shall not create a distraction, disruption, or otherwise interfere with the educational environment.

Please Note: The school is not responsible for the cost, usage, or replacement of lost, damaged, or stolen cell phones that are brought to the school whether confiscated by staff or in possession of a student.

Rule 14: Academic Dishonesty. Students shall not cheat on tests; shall not copy tests, assignments or papers; shall not plagiarize; and shall not violate copyright policy or law.

Level II Disciplinary Options

Disciplinary options or responses to Level II offenses will include any of the previous (Level I) options and/or one or more of the following:

- A. Parental contact by phone and written or oral notification to parent or guardian
- B. Behavioral probation
- C. Administrator/ school leader/ teacher/student conference
- D. Detention
- E. Parent shadowing
- F. Exclusion from extracurricular activity
- G. Mediation
- H. Behavioral contract
- I. Confiscation
- J. Temporary removal of the student from the classroom
- K. In-school suspension
- L. Friday/Saturday school
- M. Suspension of transportation privileges
- N. Monetary restitution for damages
- O. Report to Juvenile Court and/or Division of Motor Vehicles
- P. Another appropriate disciplinary option or logical consequence determined by the school leader
- Q. Serious, persistent, or repeated Level II misbehavior may result in a more serious consequence, including, but not limited to, any disciplinary option for a Level III offense or expulsion.

Level III Offenses

Rule 15: Disruption of School. A student shall not by use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance, or any other conduct intentionally cause the substantial and material disruption or obstruction of any lawful mission, process, or function of the School. Disruption will include, among other things as determined by the school leader, threats to shoot someone or to cause a mass shooting event.

Rule 16: Damaging, Defacing, or Destroying School or Private Property. A student shall not intentionally cause or attempt to cause damage to School or private property, including, but not limited to, that of other students, teachers, administrators, other school employees, and visitors.

Rule 17: Discrimination and Harassment. No student shall harass or discriminate against any student, employee or other person on the basis of race, color, national origin, citizenship status, religion, sex, economic status, marital status, pregnancy, age or disability. No student shall retaliate, coerce or intimidate any person who exercises their right to file a complaint of harassment or discrimination, or who participates in the investigation of such complaint. Any participant in a School activity who believes this rule has been violated should report the matter immediately to his or her teacher or to the School Head of School.

Rule 18: Bullying/Assaults/Hazing/Dating. A student shall not harass, haze, bully, retaliate against, coerce, interfere with, intimidate, inflict injury, cause another to inflict injury, or behave in any way which could cause physical injury or mental anguish to another student, teacher, or other school personnel. These acts are prohibited on school property, on school provided transportation, or at school-sponsored events. A student shall not intentionally direct to another student, teacher or other school employee words, phrases, or gestures which are profane, vulgar, obscene, or degrading. Students shall not willfully disobey teachers or other school personnel. Students are prohibited from using a Personal Communication Device (PCD) to violate this Rule.

Any student or student's parent who believes the student has been or is the victim of behavior prohibited by this Rule should immediately report the situation to the student's teacher or to the School Head of School. The student may also report concerns to other teachers and school staff who will be responsible for notifying the appropriate administrator.

Every student is encouraged, and every staff member is required, to report student behavior prohibited by this Rule. Reports should be made to those identified above.

All complaints about behavior that may violate this Rule shall be promptly investigated pursuant to Board Policy controlling such investigations. For purposes of this rule, "harassment, intimidation or bullying" is defined as any intentional written, verbal, electronic or physical act that a student exhibits toward another particular student more than once and the behavior (1) causes mental or physical harm to the student and (2) is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student; or violence within a dating relationship.

For the purposes of this rule, " violence within a dating relationship " is defined as the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship.

Rule 19: Extortion. A student shall not extort or cause others to extort money or personal property from other students or School personnel.

Rule 20: Narcotics, Alcoholic Beverages, Drugs, Counterfeit or Look-Alike Drugs and Drug Paraphernalia. A student shall not possess and shall not receive, buy, use, transmit, sell, or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, controlled substance, any illegal mind-altering substance, inhalant or intoxicant of any kind.

A student shall not possess and shall not receive, buy, use, transmit, sell, or be under the influence of any counterfeit controlled substance. A counterfeit controlled substance is any substance that is made to look like a controlled substance or is represented to be a controlled substance or that a student believes to be a controlled substance.

Except as provided for in Policy, a student shall not buy, sell, transfer, possess, or use any drug, medication, inhalant or other substance which can be taken internally where the student or students involved cannot show a legitimate health or other reason for the use of such substances.

Drug paraphernalia shall not be worn, carried, or brought to school or school events.

“Controlled substance” shall be defined as a substance governed by the Uniform Controlled Substances Act (W. Va. Code 60-a.).

Students found to be in violation of this rule shall be suspended or expelled; students found selling narcotics at the school, on school transportation, or at a school sponsored event, shall be suspended.

Rule 21: Acts of Immorality. Possession of indecent, obscene or pornographic matter is prohibited. Engaging in sexual acts, displaying excessive affection, or other inappropriate behavior with a person of the same or opposite sex is prohibited.

Rule 22: Fighting. Students shall not engage in intentional efforts to cause physical harm to a student or staff member, nor shall students participate in any physical altercations. Neither shall students intentionally incite another student to engage in willful physical conflict or combat.

Rule 23: Direct Threat. Students shall not intentionally commit or promote any act or expression of a threatening nature directed to any individual or group of teachers, other staff members, students or other groups at school.

Rule 24: Prohibited Gang Activity

Students are prohibited from engaging in gang activities while at school, on school property, to or from school, or at a school-related function or event whether at the school or outside of the school facility and on the Internet. Any student who violates this policy will be subject to disciplinary action, up to and including expulsion from school.

The term “gang” is defined as any non-school sponsored group of students with secret and/or exclusive membership, whose purposes or practices include unlawful or anti-social behavior as well as actions that threaten the welfare of others.

The term “gang activity” is defined as any conduct engaged in by a student:

- On behalf of a gang;
- To perpetuate the existence of a gang;
- To effect or promote the common purpose and design of any gang, including the wearing of apparel, jewelry, or symbols;
- To recruit for membership in a gang;
- To threaten or intimidate by use of gang affiliation; or
- To represent gang affiliation, loyalty, or membership in any way while on school grounds or while attending a school function.

These activities may include things such as recruiting students for membership in a gang and threatening or intimidating other students or staff against their will to promote the common purpose and design of any

gang.

Level III Disciplinary Options

Disciplinary options or responses to Level III offenses will include any of the previous (Level II) options as well as:

- A. Out-of-school suspension
- B. In-school suspension
- C. Removal from the classroom to an alternative education environment
- D. Serious or repeated Level III misbehavior may result in a more serious consequence, including, but not limited to, expulsion
- E. Another appropriate disciplinary option or logical consequence determined by the administrator.

Level IV Offenses

Rule 25: Weapons and Dangerous Instruments. A student shall not possess, handle, transport, carry, use, conceal, or transmit any firearm (including any object represented as a firearm or made, construed, or altered so that, to a reasonable person without specialized training in firearms, the object appears to be a firearm) or other objects that can reasonably be considered a weapon, a firearm, a knife, deadly weapon, or other dangerous object of no reasonable use to the student.

A student in violation of this Rule shall be suspended by the Head of School following the below procedures.

"Firearm" shall have the same meaning as provided in the "Gun-Free Schools Act," 115 Stat. 1762, 20 USC 7151.

"Knife" shall be defined in accordance with W. Va. Code 61-7-2(5)* and (9) and shall include, but not be limited to, device consisting of a sharp blade three and one-half (3.5) inches or longer in length, whether or not fastened to a handle, designed or intended for use as a cutting instrument.

"Deadly weapon" shall be defined in accordance with W. Va. Code 61-7-2(5) and shall include, but not be limited to, a device which is or may be used to cause harm to another person, including, but not limited to, a club, chain, razor, or other sharp blade less than three (3) inches in length, gravity and switchblade knives, nunchaku, metal knuckles, noxious irritants, pepper spray (but not if used by a student over the age of sixteen (16) solely for self defense), chemicals, or explosive or incendiary devices.

The Head of School shall immediately report any infraction of this Rule to the appropriate office of the West Virginia State Police, county sheriff, or municipal police agency.

Rule 26: Bomb Threat. A student who makes a bomb threat to a school building or to any premises at which a school activity is occurring at the time of the threat shall be suspended by the Head of School. Following a hearing before the Board in which it finds the student violated this rule, it shall expel the student for a period of one school year, subject to reduction of this term as outlined herein.

Rule 27. Criminal Act Resulting in Physical Harm.

- A. A student who commits an act that is a criminal offense that would be a felony when by committed by an adult shall be suspended by the Head of School as provided for herein and may be expelled.
- B. A student who commits an act that results in serious physical harm to person(s) or property while the student is at school, on any other property owned or controlled by the Board or at any school-related activity or extracurricular event shall be suspended and may be expelled.

Rule 28. Battery of School Employees. A student shall be suspended by the Head of School for violating W. Va. Code 61-2-15(b) which may further result in an expulsion.

Suspension/Expulsion

I. General

The School Leader will determine the length of the initial suspension (up to ten days) and whether the suspension will be served in-school or out-of-school on a case-by-case basis and after consulting this Code of Conduct.

The parameters for completing and grading assignments missed because of a pupil's suspension are as follows:

1. The pupil shall have an opportunity to do both of the following:
 - a. Complete any classroom assignments missed because of the suspension;
 - b. Receive at least partial credit for a completed assignment.
2. This policy permits grade reductions on account of the pupil's suspension subject to the approval of the Head of School or Superintendent.
3. This policy prohibits the receipt of a failing grade on a completed assignment solely on account of the pupil's suspension.

II. In-School Suspensions

If a student is issued an in-school suspension, the School Head of School will ensure the student is serving the in-school suspension in a supervised learning environment. Notification of an in-school suspension shall be given to the student and the students' parent, guardian, or custodian. A student serving an in-school suspension may be prohibited from participating in extracurricular activities at the discretions of the Head of School.

III. Out-of-School Suspension/Expulsion Procedure

The following procedure does not apply to in-school suspensions.

Students may be expelled for a period not to exceed one school year, unless otherwise provided.

Any student suspended or expelled is not permitted to participate in any extracurricular activities and is not permitted on school grounds.

Each suspension or expulsion imposed upon a student under this code shall be recorded in the uniform integrated regional computer information system (commonly known as the West Virginia Education Information System) described in W. Va. Code 18-2-26(f).

A. Violations of Rules 20, 25, and 28.

The Head of School **shall** suspend a student from the school if the Head of School determines, after an informal hearing, the student has violated any of Rules 20 for selling narcotics, Rule 25, or Rule 27. After a student has been suspended for a violation of the above listed Rules, the Head of School **shall**, within twenty-four (24) hours of the suspension, request the Regional Vice President (RVP) of the ESP to recommend to the Board that the student be expelled. Upon such request, the RVP **shall** recommend to the Board that the student be expelled. Upon this recommendation, the board **shall** conduct a hearing to determine if the student committed the alleged violation. If the Board finds the student violated the above Rules, the Board **shall** expel the student. Such expulsion **shall** be for a period of not less than

twelve (12) consecutive months. The RVP of the ESP may recommend to the Board for a reduction of the twelve (12) month expulsion if the circumstances of the student's case demonstrably warrant. Such recommendation shall be in writing and submitted to the Board.

B. Violations of Rules 20 and 27(A).

The Head of School **shall** suspend a student from school if the Head of School determines, after an informal hearing, the student has violated either Rules 20 for unlawfully possessing a controlled substance or Rule 27(A) by committing an act that would be a felony if committed by an adult. After a student has been suspended for a violation of the above listed Rules, the Head of School **may**, request the Regional Vice President (RVP) of the ESP to recommend to the Board that the student be expelled. Upon this recommendation, the Board **may** conduct a hearing to determine if the student committed the alleged violation. If the Board finds the student violated the above Rules, the Board **may** expel the student for up to one school year.

C. Violations of Other Rules.

The Head of School may suspend a student, if the Head of School determines after an informal hearing, that the student's alleged conduct violates any Rule set forth herein for which suspension is a penalty or has habitually violated school rules or policies. After a student has been suspended under this paragraph, the Head of School **may**, request the Regional Vice President (RVP) of the ESP to recommend to the Board that the student be expelled. Upon this recommendation, the Board **may** conduct a hearing to determine if the student committed the alleged violation. If the Board finds the student violated the above Rules, the Board **may** expel the student for up to one school year.

D. Informal Hearing Procedures:

If the Head of School determines that the alleged actions would be grounds for either out-of-school suspension or expulsion, an informal hearing shall be held immediately after the alleged violation. This hearing is to occur before a student is suspended, unless the Head of School believes the continued presence of the student poses a continuing danger to persons or property or an on-going threat to academic progress, in which instance the student shall be immediately suspended and the hearing held as soon as practicable.

The student's parent or guardian shall be given telephonic notice, if possible, of the informal hearing, which notice shall briefly state the grounds for suspension. At the beginning of the hearing, the Head of School shall inquire of the student as to whether they admit or deny the charges. If the student does not so admit, the Head of School shall explain the evidence possessed by the Head of School and an opportunity to present their version of the events shall be given to the student. At the conclusion of the hearing, or the student's failure to appear, the student may be suspended for up to ten (10) school days; the time suspended prior to the hearing shall be included in the calculation of the number of days to be served.

The Head of School shall report in writing any suspension of a student, the same day it is imposed, to the parents or guardians of the student by regular United States mail. The suspension shall also be reported to the Regional Vice President of the ESP.

E. Board Hearing Procedures:

Before a Board hearing to determine whether the student committed the alleged act under this Article III, the Board shall give written notice to the student's parents or guardians. This notice shall include:

- a. The charges and the recommended disposition of the charges;

- b. A clear statement as to whether the Board will attempt to establish the student as a “dangerous student” as defined in W. Va. Code 18A-1-1;
- c. Evidence upon which the Board will rely in asserting its claim that the student is a “dangerous student.”
- d. Date, time, and place of hearing (which date shall be within the period of suspension imposed by the Head of School).

At the hearing, the Board shall determine if the student should be reinstated or whether the student must be expelled. If the Board determines that the student should or must be expelled from school, it may also determine whether the student is a “dangerous student” (if the parents or guardians were so notified of this possible outcome in the notice required for the hearing*).

The student may be represented by counsel, may call witnesses, and may cross-examine witnesses at the hearing before the Board. The hearing shall be recorded by mechanical means unless recorded by a certified court reporter.

The hearing may be postponed for good cause shown by the student, but the student will remain under suspension until after the hearing.

The Board, following the hearing, shall either:

- a. Reinstatement the student immediately at the end of the initial suspension;
- b. Suspend the student for a further designated number of school days; or
- c. Expel the student.

*If the Board did not intend to assert a dangerous student claim and did not give notice of such possible determination before the hearing and determines during the hearing that the student may be a “dangerous student,” it shall schedule a second hearing within ten (10) days on the issue. This hearing may also be postponed for good cause, but the student shall remain under suspension until after the hearing.

F. Dangerous Students.

If the Board expels a student and also finds the student to be a “dangerous student” as defined in W. Va. Code 18A-1-1(j), it may refuse to provide an alternative education as defined in W. Va. Code 18A-1-1(k). Within three months after such refusal, another hearing shall be held by the Board to re-examine whether the student remains a “dangerous student” and whether the student should be provided an alternative education. Thereafter, a hearing to re-examine whether the student remains a “dangerous student” and whether the student should be provided an alternative education shall be conducted every three months as long as the student remains a “dangerous student” and is denied an alternative education. During any of these hearings, the Board may consider the history of the student and any improvements made since the expulsion. If it is determined that the student is no longer a “dangerous student” or should be provided an alternative education, the student will be provided an alternative education during the remainder of the expulsion.

G. Alternative Education Program.

An alternative education program is a temporary, authorized departure from the regular school program designed to provide educational and social development for students, including, but not limited to, “dangerous students,” whose disruptive behavior places them at risk of not succeeding in the traditional school structures and in adult life without positive interventions. The purposes of these programs are to: (1) provide a safe and orderly learning environment for the education of all students in the public schools of West Virginia, and (2) meet the educational needs of disruptive students through the development of alternative education programs.

Students expelled shall be placed in an alternative education program, except for those students found to be a “dangerous student.” Alternative education programs are to be designed by the ESP with the input of the student’s parents or guardians.

Discipline/Suspension/Expulsion of Students with Disabilities

In matters relating to the disciplining of students with disabilities, the Board and the School shall abide by federal and state laws regarding suspension and expulsion. The School Head of School will follow the guidelines below and ensure they are properly used when disciplining any student with a disability. The School will consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of federal and state law and school board of education rules, is appropriate for a child with a disability who violates the code of student conduct.

Removals of Not More Than 10 Days – The 10-Day Rule

The School may unilaterally remove a Student with a disability who violates a code of student conduct from the Student's current placement for not more than ten (10) school days. This option may be used only if the disciplinary action is consistent with actions taken against nonstudents with disabilities. The School may place Students removed under the 10-day rule in an appropriate interim alternative educational setting (“IAES”) if applicable (see below), another setting, or suspend them. Removals under the 10-day rule are not considered a “change of placement” and the School is not obligated to provide services to Students during those removals. The School can use the 10-day rule to remove a student for either a single removal of ten (10) consecutive school days; or a series of shorter-term removals over the course of the school year that are more than ten (10) school days during that school year, so long as those removals do not constitute a pattern of removals (and therefore, a change of placement). When a removal is not a change of placement, an IEP meeting is not required.

Removals of More than 10 Days – Change of Placement

A change of placement occurs if a removal is for more than ten (10) consecutive school days; or if a student is subjected to a series of removals which accumulate to more than ten (10) school days, that constitute a pattern. This may occur for either suspensions or expulsions. If a change of placement occurs (after a Manifestation Determination Review (see below)), then the School must notify the parents, guardians, or custodian of that decision. This notice must inform the parents or guardians of all the procedural safeguards accorded under the law. These safeguards include a Manifestation Determination Review, a right to receive services, and a continuation of services for a free appropriate public education (FAPE). A child with a disability who is removed from his or her current placement for more than 10 consecutive school days must:

- Continue to receive educational services, as provided in West Virginia Department of Education (WVDE) Policy 2419, Regulations for the Education of Students with Exceptionalities, and Section 504 regarding Free and Appropriate Public Education, so as to enable the child to continue to participate in the general educational curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.
- Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications as set forth in the behavioral intervention plan and IEP, where appropriate, that are designed to address the behavior violation, so it does not recur.
- The School will provide services during periods of removal to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year if services are provided to a child without disabilities who has been similarly removed.
- After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, if the current removal is not for more than 10 consecutive school days and is not a change in placement because of disciplinary removals, school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed in order to provide a free, appropriate public education, so as to enable the child 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.

- If the removal is for more than 10 consecutive school days or is a change in placement because of disciplinary removals, the child's IEP Team determines appropriate services needed to provide a free, appropriate public education, so as to enable the child 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.
- The services required may be provided in an interim alternative educational setting.

Manifestation Determination Review (“MDR”)

Before imposing disciplinary consequences that would amount to a change of placement, the School will conduct an MDR to examine a Student's behavior. The purpose of the MDR is to determine whether a Student's disability caused, influenced or otherwise impacted the Student's behavior in question. To make this determination, the Student's IEP team is required to review certain information and determine whether the behavior causing the disciplinary infraction is or is not a manifestation of the Student's disability.

No later than the date on which the decision to take a disciplinary action which may be a change of placement is made, the School must notify the parents or guardians of that decision and of all procedural safeguards, including the MDR. The School and the parents or guardians must determine which members of the IEP team are relevant to conduct the manifestation determination. The team will review all relevant information in the Student's file to determine (1) whether the conduct in question was caused by, or had a direct and substantial relationship to, the Student's disability or (2) was the direct result of the School's failure to implement the IEP. If the team determines that either condition is applicable for the Student, it must determine that the conduct is a manifestation of the Student's disability.

Manifestation – If the team determines that the behavior was a manifestation of the student's disability, the full IEP team must then:

- conduct a functional behavior assessment and implement a behavior intervention plan for the student, unless the School conducted a functional behavior assessment prior to the manifestation determination;
- if the IEP team already developed a behavior intervention plan, it must review and modify the plan as necessary to address the behavior; and
- return the Student to the placement from which he or she was removed.

No Manifestation – If the team determines that the behavior was not a manifestation of the disability, the School may discipline the Student using the relevant disciplinary procedures applicable to Students without disabilities in the same manner and for the same duration, continuing to provide services to Students with disabilities.

If a student's behavior was not a manifestation of the disability, the School will still take steps to attend to the Student's behavior. The student must receive, as appropriate, a functional behavior assessment, behavioral intervention services, and modifications designed to address the behavior violation in order to attempt to prevent a reoccurrence.

Exceptions to the MDR Requirement – The Unilateral Change in Placement and 45-Day Rule

School personnel may remove a Student to an IAES for up to forty-five (45) school days, without a prior MDR or IEP meeting, when a student:

- carries or possesses a weapon (a 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 the term does not include a pocket knife with a blade of less than 2 1/2 inches in length);
- knowingly possesses or uses illegal drugs (a controlled substance not legally possessed or used under the supervision of a licensed health care professional, or legally possessed or used under any other authority under the Controlled Substances Act (21 U.S.C. 812) or under any other provision of federal law), or

sells or solicits the sale of a controlled substance (a drug or other substance identified under Schedule I, II, III, IV or V in the Controlled Substances Act); or

- has inflicted serious bodily injury on another person (a cut, abrasion, bruise, burn or disfigurement, physical pain, illness, impairment of the function of a bodily member, organ or mental faculty, or any other injury, no matter how temporary).

This authority can be exercised if a student commits any of the offenses described above at the School, on the School premises, or at a School function.

The IEP team will meet subsequent to the unilateral placement in an IAES and must:

- determine what the permanent setting will be,
- take steps to modify the student's IEP, as appropriate,
- provide appropriate behavioral intervention services and modifications designed to address the behavior violation so that it does not recur, and
- continue to provide the student with educational services to enable him or her to participate in the general education curriculum and to progress toward IEP goals.

The School must still conduct an MDR, but it can occur after the removal to the 45-day setting. If the conduct is a manifestation of the student's disability, the School must still meet all of the requirements outlined above for the MDR, with the additional exception that the Student stay in the alternative placement for 45 school days, regardless of the outcome of the manifestation.

Notification

On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of child conduct, the School will notify the parents/guardians of that decision and provide parents/guardians the procedural safeguards notice described by Individuals with Disabilities Education Act in §§300.502 through 300.503, §§300.505 through 300.518, and §§300.500 through 300.537.

Due Process Complaint

Parents or guardians who disagree with any decision regarding placement or the outcome of an MDR may appeal the decision through the filing of a due process complaint and may request an expedited due process hearing. The hearing is requested by filing a due process hearing request pursuant to W. Va. Policy 2419.

The School may request a hearing to change a Student's placement if the School believes that maintaining the Student's current placement is substantially likely to result in injury to the student or others. Under those circumstances, the hearing officer may order a change in placement of a student with a disability to an IAES for a period of up to forty-five (45) school days if the hearing officer agrees with the School's assessment.

During any due process proceedings, the student's placement, through a disciplinary action, must not change unless the parents and the School agree otherwise, or upon admissions to the School and parental consent.

In the case where a student has been placed in an IAES, the Student will remain in the IAES chosen by the School, pending the hearing officer's decision or until the time period expires, whichever occurs first, unless the Parent and School agree otherwise. An expedited hearing will be arranged during an IAES appeal and will occur within twenty (20) days of the hearing request, and the hearing officer must make a determination within ten (10) school days after the hearing.

Disciplining a 504 Student

Section 504 Manifestation Determination Reviews

A Student on a 504 Plan is to be afforded due process relating to any proposed change in educational placement where the student is subject either to expulsion or suspension for a period of more than ten (10) consecutive school days or a series of suspensions that are each ten (10) or fewer school days in duration, but exceed ten (10) school days in the aggregate and create a pattern of exclusions. In all such cases, except in the case where such suspension or expulsion pertains to the use or possession of illegal drugs or alcohol as detailed below, the School shall follow the procedures pertaining to discipline/suspension/expulsion of students with disabilities.

Disciplinary Procedures for Students Possessing or Using Alcohol or Illegal Drugs

The School may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any Student on a 504 Plan who currently is engaging in the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action is taken against students without disabilities.

Emergency Removal from Placement

Emergency removal of a 504 student from his/her current placement may take place through parental agreement to an interim placement or through injunctive relief from a court, when the current placement presents a substantial likelihood of resulting in injury to the student or others.

LEGAL REFS:

Gun Free Schools Act, 115 Stat. 1762, 20 U.S.C. 7151
29 USC 701

Individuals with Disabilities Education Act of 2004; 34 CFR Part 300, et seq.

Section 504 of the Rehabilitation Act of 1973

W. Va. Code Sections 18A-1-1; 18A-5-1a; 61-7, et seq.

APPENDIX 4

Protection of Pupil Rights Amendment (PPRA) Notification Clarksburg Classical Academy

I. Intent

The school follows a philosophy of continuous improvement and honest, objective data analysis. This philosophy requires well-planned and sometimes independent research efforts to determine the effectiveness of the school's programs and strategies. From time to time, the school will collect and analyze student performance data and various measures of effectiveness. Families may also be asked to participate in surveys or focus groups. Such research shall always be undertaken to ensure student privacy is protected and in compliance with the PPRA. For example, the names of the student, parent, and family members will not be revealed, and results will only be reported in the aggregate or by sub-groupings of sufficient size so that the anonymity of the participants is safeguarded.

II. Rights Afforded by the PPRA

The PPRA affords parents of minors' certain rights regarding the school's conduct of surveys, collection, and use of information for marketing purposes, and conduct of certain physical exams. These rights include the following:

- ☐ The right to provide consent before students are required to submit to a survey that concerns one or more protected areas ("Protected Information Survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education. Protected areas include the following:
 1. political affiliations or beliefs of the student or student's parent
 2. mental or psychological problems of the student or student's family
 3. sexual behavior or attitudes
 4. illegal, antisocial, self-incriminating, or demeaning behavior
 5. critical appraisals of others with whom respondents have close family relationships
 6. legally recognized privileged relationships, such as with lawyers, doctors, or clergy
 7. religious practices, affiliations, or beliefs of the student or parent
 8. income, other than as required by law to determine program eligibility
- ☐ The right to receive a notice and an opportunity to opt a student out of the following:
 1. any other Protected Information Survey, regardless of funding
 2. any nonemergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under state law
 3. activities involving the collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
- ☐ The right to inspection, upon request and before administration or use, of the following:
 1. Protected Information Surveys of students
 2. instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes

3. instructional material used as part of the educational curriculum

III. Notification Procedures

The school will work to develop and adopt policies regarding these rights in consultation with the parent. The school will also work to make arrangements to protect student privacy in the administration of Protected Information Surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes.

The school will directly notify the parent of these policies annually in this PPRA Notice or after any substantive changes. The school will also directly notify by U.S. mail, e-mail, or other reasonably available method, the parents of students who are scheduled to participate in the specific activities or surveys described in this PPRA Notice and will provide an opportunity for the parent to opt students out of participation in the specific activity or survey. The school will make this notification to parents near the beginning of the school year if it has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, the parent will be provided reasonable notification of the planned activities and surveys covered by the PPRA and will be provided an opportunity to opt their students out of such activities and surveys. The parent will also be provided an opportunity to review any pertinent surveys. The following is a list of the specific activities and surveys covered under this requirement:

- ☐ collection, disclosure, or use of personal information for marketing, sales, or other distribution
- ☐ administration of any Protected Information Survey funded in whole or in part by U.S. Department of Education
- ☐ any nonemergency, invasive physical examination, or screening as described above in the Rights Afforded by the PPRA

Where a student is scheduled to participate in these activities, the student will be notified as described above.

IV. Reporting a Violation

The parent or student who believes their rights have been violated may file a complaint to the following:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5901