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Updating Student Policies, Handbooks, and Your Website to Comply with New Laws

Presented by:
Matejka Handley, Esq.
mhandley@ymcharterlaw.com

THE CHARTER LAW FIRM

1

YM&C Firm Overview

Matejka Handley's primary practice areas include assisting schools with special education and section 504 compliance and student services support. Prior to joining Young, Minney & Corr, LLP, Matejka spent a year volunteering for AmeriCorps as an infrastructure programmer for two San Francisco Bay Area children's non-profits focused on early childhood development and education.

- Partners have over 100 years of collective experience working with charter schools
- 33 attorneys working with charter schools throughout the state in all areas of charter school law (e.g., employment/labor, special education, nonprofits, litigation, audits, facilities, etc.)
- Represent most of California charter schools
- Conduct workshops for charter schools in all areas of legal compliance

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2


Agenda

- Doing an internal audit to ensure that the school has up to date legally compliant and comprehensive:
 - Student services ("SS") board policies
 - Annual notices
 - Student & Family Handbook ("Handbook")
 - Easy to navigate website with the required postings.
- Review recent legal updates to the legally required SS board policies
- Review legal updates to annual notices
- Discuss how to build and maintain an efficient and useful Handbook
- Learn about what information is required to be posted on the school's website starting on July 1, 2020

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3

Disclaimers



- This webinar cannot substitute for personalized legal advice.
- With so many participants and the webinar setting, “live” questions may be impossible, but I have included the most common questions we receive and did my best to cover these topics within the webinar. My email is included in the materials. Please email me with questions I do not address. ☺
- Please sign up for our YMC Legal Alerts.
- Why are only discussing student services policies and notices today?


4



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The Trouble with Freebies




Question: Can't you just provide us all the policies, notices, and website content we need as templates?

- Need to be tailored very closely to each school to ensure alignment with grade levels and program offerings
- Ensure consistency with other policies, the charter, and any other foundational document maintained by the School.
- We do have starting points that we use to begin tailoring to ensure alignment and legal compliance.

Question: OK, OK, Can I just use my Authorizer's board policies, notices or website content that I find online?

- School district and county board policies are aligned with and reference laws that do not necessarily apply to charter schools.
- And, of course, are also not tailored to the operations of your School.


5



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Spring Cleaning




Question: When is the best time of year to review your school's internal policies and procedures for new laws and consistency?

Now! Spring and summer is the perfect time to get your school ready for the 2020-2021 school year.

We recommend that schools complete an internal audit to ensure that the school has up to date legally compliant and comprehensive:

- SS board policies
- Annual notices
- Handbook
- Easy to navigate website with the required postings

6



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Spring Cleaning

Question: What's involved in the internal audit?

- 1) Do you have the legally required policy, notice, or website content?
- 2) Is it up to date with current law?
- 3) Do you have any inconsistencies – i.e. multiple versions of the same “policy” in the approved charter, the Handbook, and on the website?

7

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Documents 101

Question: What is the purpose of a Board Policy?

A Board Policy sets forth the parameters within which the School can operate. Your Board typically establishes the mission, vision and goals of your organization. The policies create the limitations within which the Administration can achieve the mission, vision, and goals.

Question: What is a SS annual notice?

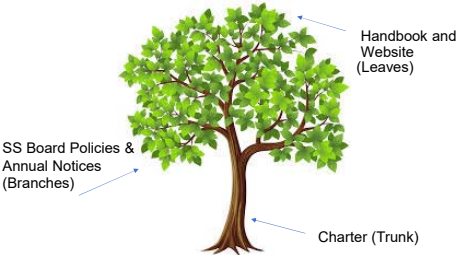
It is a notice to students and parents/guardians which schools are required to provide once a year (generally at the beginning of the year or quarter) notifying them of their legal rights and responsibilities as required by state and federal law.

8

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Documents 101



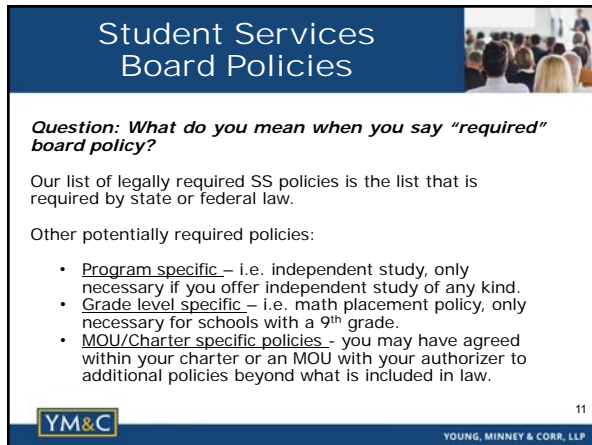
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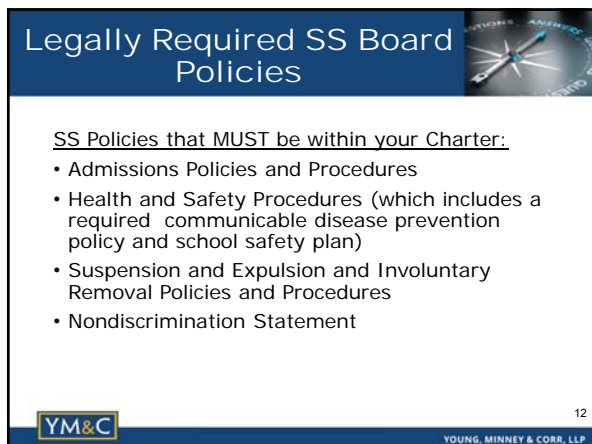
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10



11



12

Legally Required SS Board Policies

Policies for Related to Health & Safety:

- Suicide Prevention Policy
- Transportation Safety Plan
- Student Technology and Internet Safety Policy
- Tobacco-Free School Policy
- School Safety Plan
- Medical Cannabis on Campus Policy
- Communicable Disease Prevention

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Legally Required SS Board Policies

Policies for Related to Federal Programs:

- Free and Reduced-Price Meals Policy
- School Wellness Policy
- Parent and Family Engagement Policy

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Legally Required SS Board Policies


Policies for Specific Student Populations:

- Section 504: Policy, Procedures, and Parent Rights Regarding Identification, Evaluation and Education
- Special Education Policy
- Education of Foster and Mobile Youth Policy
- Education of Homeless Children and Youth Policy

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Legally Required SS Board Policies



Policies for Outlining Student Rights:

- Title IX, Harassment, Intimidation, Discrimination, and Bullying Policy
- Uniform Complaint Procedures (UCP)
- Student Freedom of Speech and Expression Policy
- Educational Records and Student Information Policy

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Legally Required SS Board Policies



Policies for Specific Programs:

- Independent Study Policy
- Course Based Independent Study
- Mathematics Placement Policy
- Single Gender Schools/Classes

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Legally Required SS Board Policies



Question: What will happen if the School does not have a legally required SS Board Policy in Place?


The School may be out of compliance with state or federal law and the following may occur:

- CDE or OCR complaint
- Loss of Apportionment (e.g. - Independent Study)
- Notice of violation from your Authorizer
- Risk of Liability

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Strongly Recommended SS Board Policies



- Administration of Medications Policy
- Cell Phones, Pagers, & Other Electronic Signaling Devices Policy
- Classroom Based Attendance Policy
- Classroom and School Volunteer, Visitation, and Removal Policy
- Fundraising Policy
- GATE Program Policy
- General Complaints Policy
- Graduation Policy
- Human Trafficking Prevention Policy
- Immunization Policy

19



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Strongly Recommended SS Board Policies



- Limitation on Restraints and Seclusion Policy
- Missed Assignments and Involuntary Removal Policy
- Promotion and Retention Policy
- School Sponsored Field Trips & Cultural Excursions Policy
- Search and Seizure Policy
- Service Animal Policy
- Sexual Education and HIV Prevention Policy (California Healthy Youth Act)
- Student Accidents Policy
- Student Study Team Policy
- Uniform/Dress Code Policy
- Use of Information Learned from Social Media Policy


20



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Student Services Board Policies




Question: Is the school required to include full and complete Board approved SS policies within the Handbook?

No! However, we do recommend that the Handbook:

- (1) let the reader know that a full policy exists; and
- (2) refer the reader to the location of the full policy in case they want to read it (e.g.: the school website, the charter document, the main office, etc.)


21



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Student Services Board Policies



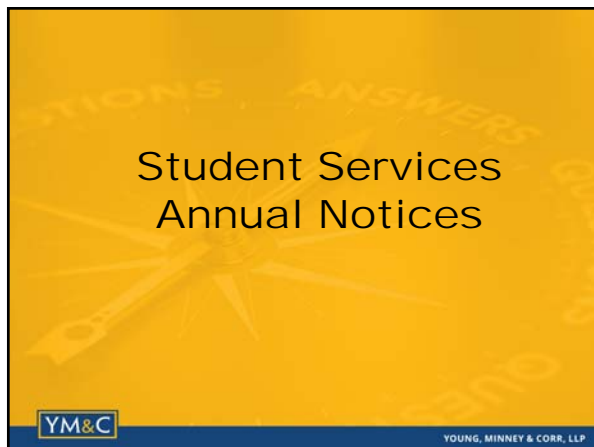
Question: When we update and amend a board policy that is a mandated component of the Charter, is this a material revision to the charter?

Not as defined in the law.
 However, your MOU with your authorizer may have created a definition of a material revision. And, depending upon the significance of the amendment, your authorizer might interpret it to be "material."

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22


Student Services Annual Notices



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23

Annual Notices



Question: What is a SS annual notice?

It is a notice to students and parents/guardians which schools are required to provide once a year (generally at the beginning of the year or quarter) notifying them of their legal rights and responsibilities as required by state and federal law.


Question: Does this have to be in the Handbook?

No! This can be provided to families in a variety of methods, but the Handbook is a convenient way to provide the required notifications.

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24

Mandated Annual Notices



- Animal Dissections
- Availability of Health Insurance
- Availability of Prospectus
- Cal Grant Program
- California Healthy Kids Survey
- Concussion and Head Injuries
- Education of Foster and Mobile Youth
- Education of Homeless Children and Youth Policy
- Educational Records and Student Information Policy
- English Immersion Program
- English Learners
- Human Trafficking Prevention
- Immunizations
- Involuntary Removal Process
- Mental Health Services
- Nondiscrimination Statement
- Nutritionally Adequate Free or Reduced-Price Meals
- Oral Health Assessment
- Parent and Family Engagement
- Physical Examinations and Right to Refuse
- Pregnant and Parenting Students
- Right to Ask for Teacher Qualifications
- School Bus and Passenger Safety
- School Safety Plan
- School Wellness Policy
- Section 504 Notice
- Sexual Health Education
- Special Education
- State Testing: CAASPP
- Sudden Cardiac Arrest Prevention and Automated External Defibrillators
- Surveys About Personal Beliefs
- Teacher Qualifications
- Tobacco-Free Schools
- Uniform Complaint Procedures


25



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Mandated Annual Notices




Full Policies may be Required for the Following Notices:

- Suicide Prevention Policy
- Suspension and Expulsion Policy

Full Policies are Required for the Following Notices:

- Employee Interactions with Students Policy
- Title IX, Harassment, Intimidation, Discrimination, and Bullying

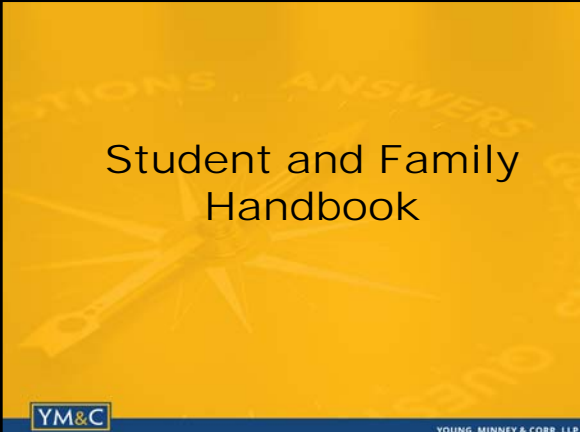
26




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Student and Family Handbook



27



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Student & Family Handbook

Question: What is legally required to be in a Handbook?

Nothing! There is no legal requirement to have a Handbook

Question: If the school is not required to have a Handbook, why should we develop one?

There are many benefits to having a Handbook, including:

- Having important daily operation school information in one place
- Alerting families about rules and expectations
- A helpful place to include the required annual notices

28

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Student & Family Handbook

Question: What makes a Handbook efficient and user friendly?

- Table of contents
- Page numbers
- Lots of headings
- Accessible length
- Easy to read font
- Available in Spanish (or other commonly spoken languages)

29

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Student & Family Handbook

Question: What do most schools have in the Handbook?


- Staff contact list
- Bell schedule / calendar
- Drop off/ pick up requirements
- School uniform/ dress code
- Attendance information
- Volunteer information
- Visitor information
- Student conduct expectations
- Grading/graduation requirements
- Appendices
 - Full set of required SS board policies OR where these are located
 - Required annual notices

30

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Student & Family Handbook




Question: What are common pit falls when creating or revising a Handbook?

- Not aligning the Handbook with the Charter and SS policies
- Version control – updating the Handbook, but forgetting to also update the SS policies and website or vice versa when changes are made
- Inconsistent formatting or references
- Confusing chain of command
- Information Overload!

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Student & Family Handbook



Question: Do parents and/or students have to sign the Handbook?

No. However, seeking a signature is helpful to document parent and student receipt of the document. Often gathering signatures is incredibly hard to track in larger schools.

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Website Compliance



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Websites




Question: Information must be posted on your website in a readily accessible and prominent location. Define "readily accessible in a prominent location"?

"Readily accessible in a prominent location" is not defined by the Education Code.
 However, it is generally sufficient to:

- Place this information on a webpage linked to the charter school's website homepage.
- The information should be provided on the webpage, and not in a separate downloadable document.


34



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Websites – Full Policies



- Suicide Prevention Policy:
 - The charter school's policy on pupil suicide prevention in grades 7 to 12.
 - The charter school's policy on pupil suicide prevention in kindergarten grades 1 to 6 before the beginning of the 2020-2021 school year, including the age appropriateness of the policy.
- Title IX Information/Policy:
 - The definition of discrimination and harassment based on sex.
 - Title IX information included on the charter school's website.
 - A link to the Title IX information included on the California Department of Education's website.
 - The charter school's pupil sexual harassment policy.
- Staff-Student Interaction Policy
- Mathematics Placement Policy if the School Serves 9th graders


35



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Websites – Full Policies



- Safety Policies:
 - The charter school's policy, if it exists, on preventing and responding to hate violence.
 - The charter school's anti-harassment, anti-intimidation, and anti-bullying policies.
 - The charter school's anti-cyberbullying procedures.
 - A section on social media bullying that includes all the following references to possible forums for social media bullying:
 - Websites with free registration and ease of registration.
 - Websites offering peer-to-peer instant messaging.
 - Websites offering comment forum or section.
 - Websites offering image or video posting platforms.
 - A link to statewide resources, including community-based organizations, compiled by the California Department of Education.
 - Any additional information the charter school deems important for preventing bullying and harassment.

36



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Websites

- CDE Notice Regarding Prohibited–Encouraging Disenrollment/Discouraging Enrollment
<https://www.cde.ca.gov/sp/ch/documents/rescsc complaints.pdf>
- Free and Reduced Priced Meal Application
- Notice of Access to Available Pupil Mental Health Services
- SELPA Local Plan, Annual Budget Plan, Annual Service Plan, and Annual Assurances Support Plan
- Procedural Safeguards
- Title I Reports
- Information about Competitive Athletics


37

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37

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THANKS FOR ATTENDING TODAY!

Send questions to:
 Matejka Handley, Esq.
mhandley@mycharterlaw.com

SACRAMENTO OFFICE: 655 UNIVERSITY AVENUE SUITE 150 SACRAMENTO, CA 95825	LOS ANGELES OFFICE: 5200 LANKERSHIM BLVD. SUITE 370 NORTH HOLLYWOOD, CA 91601	SAN DIEGO OFFICE: 591 CAMINO DE LA REINA SUITE 910 SAN DIEGO, CA 92108	WALNUT CREEK OFFICE: 300 YONACCO VALLEY ROAD SUITE 190 WALNUT CREEK, CA 94596
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38

