

# **ENTERPRISE HIGH SCHOOL**



**BOARD OF DIRECTORS  
POLICY MANUAL  
2013-2018**

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## **POLICY FOR STATE AND FEDERAL FUNDING**

### **I. Objective**

It is the objective of the School's Non-Profit Board of Director ("Non-profit") to provide equal educational opportunities for all students attending the School. Therefore, it is the intent of the Board of Directors to access available state and Federal funds designed to enhance educational opportunities, the educational environment, and physical and mental growth for each student.

### **II. Non-Profit Responsibility**

The Non-Profit regards the use of available State and Federal Funding for the School as a public trust and holds its responsibility in the highest regard, the Non-Profit forbids the use of these monies for any purpose not specifically authorized by the programs in which it participates. All State and Federal funds received by the School will be used in accordance with the applicable laws and regulations. The Educational Service Provider ("ESP"), New Point Education Partners ("NEP"), or affiliates, as the duly authorized representative of the Non-Profit, as assigned and referenced in the Management Agreement, is also charged with this responsibility.

### **III. Educational Service Provider Responsibility**

The ESP, NEP, will assist in identifying and applying for grants. NEP will assist in spending and administering any grant funding obtained with the specific terms and conditions of said grants and participating in any audits relating thereto.

- A. NEP, from time to time, many apply for said available grants in the name of the Non-Profit, which will provide additional funding; and
- B. Aid the Non-Profit in fulfilling the terms of the Contract; and/or
- C. Provide additional services and programs to the students.

### **IV. Board Action**

The implementation of the policy and annual approval of the same constitutes official board action to approve the application of, the acceptance of, and the expenditures as detailed in the Non-Profit's financial reporting of appropriate State and Federal funds for which the School is eligible.

### **TRAVEL POLICY**

The following procedures and standards will apply to the handling of travel and transportation expenses of all Board Members.

Any Director traveling on official business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Excess costs, circuitous routes (taking a round-about or lengthy route), delays or luxury accommodations and services unnecessary or unjustified in the performance of official business are not acceptable under this policy. Directors will be responsible for any unauthorized costs and expenses incurred for personal preferences or convenience.

Prior approval for any travel, aside from travel to and from Board or Committee Meetings, must be obtained by properly completing the Request for Travel Approval ("Travel Request"), in the form attached hereto as exhibit A, and submitting it to the Board President or Board Treasurer for approval. If a Director travels without having prior approval of the travel, the request for reimbursement of expense may be denied.

#### **I. Cost Standards**

##### **A. Transportation**

1. Common Carrier - Travel by air, rail or bus must be at the lowest and best available rate.
2. Private Car-Reimbursement will be at the current IRS rate.
3. Mileage is payable to only one of two or more Board Member traveling on the same trip and the same vehicle.
4. Costs resulting from parking or traffic violations are not reimbursable.
5. Use of a rental car is not reimbursable unless identified on the Travel Request and pre-approved by the Board President or Board Treasurer. The Board will only reimburse at the mild-sized sedan rental rate unless otherwise approved (e.g., van for seven people).

#### B. Hotel

1. A single room is the standard for reimbursement. A detailed original bill showing payment must be submitted for reimbursement. If the hotel/motel bill does not show payment, other proof of payment must be provided. Extra charges on the hotel bill will be reviewed for propriety. Telephone calls of a business nature must be identified for reimbursement.

#### C. Meals

1. A receipt must be submitted for each reimbursable meal to support the reimbursement.
2. Meals and incidentals will be reimbursed at the IRS maximum per diem rate. (See IRS Publication 1542). No increased meal allowances are permitted. Use of meal and incidental allowances for purchase of alcohol is prohibited. Incidentals are expenses for laundry, cleaning and pressing of clothing and fees and tips for services, such as for porters, waitresses/waiters, and baggage carriers.
3. Travel must occur during a reasonable mealtime for the meal to be reimbursed.
4. Meals that are part of seminar costs (normally paid as a registration fee) will not be additionally reimbursed. Meals included as part of your registration fees should be detailed on the registration from included with your Travel Expense Reimbursement Report. If meals are included as part of registration, you will not be reimbursed for a meal purchased during the time when the seminar is providing a meal. Continental breakfasts will not be considered a meal.
5. Meals paid for locally will only be reimbursed if they are part of a seminar or training registration or incurred while conducting business (i.e., lunch

meeting with consultants). Locally is considered within 30 miles of the worksite.

D. Miscellaneous Expenses:

1. Expenses incurred for fax copies, storage of baggage, telephone calls on official business, and rental of equipment for temporary meetings or office facilities necessary for the conduct of official business may be reimbursed. Such items must be itemized, receipted, and explained.
2. Parking, bridge, highway and tunnel tolls, taxis fares, etc. are reimbursable items if accompanied by original receipts.
3. Any receipt that appears to be altered will not be reimbursed.

**TRAVEL EXPENSE POLICY**

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**II. Travel Reimbursement Report**

- A. The Travel Expense Reimbursement Report, an example of which is attached hereto as Exhibit B, is to be completed and submitted to the Board Treasurer for approval.
- B. Copies of the meeting/conferences agenda must be attached to the Travel Expense Reimbursement Report that is being processed approval.
- C. Procedures of completing a Travel Expense Report are:
  1. The Report should be completed within thirty (30) business days after returning from the trip.
  2. All expenses should be detailed in the appropriate space and ORIGINAL receipts should be attached.
  3. All expenditures will be audited for content, accuracy, reasonableness, and for acceptable supporting documentation.

Failure to complete a Travel Expense Reimbursement Report within 60 days will result in denial of travel expenditures. Directors are personally liable for unauthorized expenses and any unpaid sums owed to the Board by a Director may be deducted from future payments payable to the Director.

**GRADUATION EXPENSE POLICY**

- I. As approved by the Board of Directors of the New Start High School at a public meeting, the following policy, procedures, and standards will apply to the handling of graduation costs and expenses for the New Start High School graduates.
- II. The Board of Directors finds that by honoring its graduation students with an appropriate ceremony, gift, and/or award, it will serve the public purpose of encouraging students to obtain their education and the rewards associated with earning a high school diploma.
- III. The Board of Director wishes to recognize the importance of the New Start High School students earning a high school diploma and finds a public purpose in honoring graduating students with an appropriate ceremony, gift, and/or award. All students are eligible to attend and receive the aforementioned ceremony, gift, and/or award upon completion of the graduation requirements of the New Start High School. A summary of sample eligible and approved expenses is listed below for reference.

- IV. The Board of Directors authorized reasonable to funds graduation activities which may include, but are not limited to:
1. Graduation ceremony including facility expenses
  2. Honoraria for commencement speakers
  3. Graduate celebration meal for students and their guest (excluding alcohol) not to exceed \$ 1500.00.
  4. Awards and/or gifts consistent with the school's mission (excluding gift of cash or cash equivalents). Such awards and/or gifts should be limited to a dollar amount of \$45.00 or less per graduate, and could include, but are not limited to:
    - a. Personalized gift such as a plaque or award
    - b. Reference book
    - c. Publication of interest
    - d. Writing utensil
    - e. Framed announcement
    - f. Other graduate appropriate gift as agreed by the Board

GRADUATION EXPENSE POLICY

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## EDUCATOR MISCONDUCT POLICY

### Policy

New Start High School was established as a charter school to provide appropriate education to the students that it serves. NEP believes that the educators (or "instructors") employed to provide education to



the students must conduct themselves in an ethical and appropriate manner. Thus, in addition to the causes for disciplinary action referenced in the Employee Handbook, NEP adopts the following Educator Misconduct Policy for the NEP instructional staff.

### **Code of Ethics**

NEP adopts the Code of Ethics for the education profession in Florida as referenced in F.A.C. 6B-1.001. The rule provide in part:

- I. The educator values the worth and dignity of every person, the pursuit of truth, devotion to excellence, acquisition of knowledge, and the nurture of democratic citizenship. Essential to the achievement of these standards are the freedom to learn and to teach and the guarantee of equal opportunity for all.
- II. The Educator's primary professional concern will always be for the student and for the development of the student's potential. The educator will therefore strive for professional growth and will seek to exercise the best professional judgment and integrity.
- III. Aware of the importance of maintaining the respect and confidence of one's colleagues. Of students, of parents, and of other members of the community, the Educator strives to achieve and sustain the highest degree of ethical conduct.

### **Principles of Professional Conduct for the Education Profession in Florida.<sup>1</sup>**

The following disciplinary rule shall constitute the "Principles of Professional Conduct for the Education Profession in Florida" ("Principles"), F.A.C. 6B-1006 and is adopted for the Educator employed by NEP:<sup>2</sup>

- I. Obligation to the student requires that the Educator:
  - A. Shall make reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.
  - B. Shall not unreasonably restrain a student from independent action in pursuit of learning.
  - C. Shall not unreasonably deny a student access to diverse points of view.
  - D. Shall not intentionally suppress or distort the subject matter relevant to a student's academic program.
  - E. Shall not intentionally expose a student to unnecessary embarrassment or disparagement.
  - F. Shall not intentionally violate or deny a student's legal rights.
  - G. Shall not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, material status, handicap, sexual orientation, violation of any of these principles may subject the Educator, who is certified in

the State of Florida, to revocation or suspension of the individual educator's certificate, or other penalties as provided by law. Or social and family background and shall make reasonable effort to ensure that each student is protected from harassment or discrimination.

- H. Shall not exploit a relationship with a student for personal gain or advantage.
- I. Shall keep in confidence personally identifiable information obtained in the course of professional services, unless the disclosure serves professional purpose or is required by law.

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<sup>1</sup> F.A.C. 6B-1006.

<sup>2</sup> Violation of any of these principles may subject the Educator, who is certified in the State of Florida, to revocation or suspension of the individual educator's certificate, or other penalties as provided by law.

#### **EDUCATOR MISCONDUCT POLICY**

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- II. Obligation to the public requires that the Educator:
  - A. Shall take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the Educator is affiliated.
  - B. Shall not intentionally distort or misrepresent facts concerning matter in direct or indirect public expression.
  - C. Shall not use institutional privileges for personal gain or advantage.
  - D. Shall accept no gratuity, gift, or favor that might influence professional judgment.
  - E. Shall offer no gratuity, gift, or favor to obtain special advantages.
  
- III. Obligation to the education profession requires that the Educator:
  - A. Shall maintain honesty in all professional dealings.
  - B. Shall not act on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicap, if otherwise qualified, or based on the individual's social and family background, deny to a colleague professional benefits or advantages or participation in any professional organization.
  - C. Shall not interfere with a colleague's exercise of political or civil rights and responsibilities.
  - D. Shall not engage in harassment or discriminatory conduct which unreasonable interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment; and, further, shall make reasonable effort to

ensure that each individual is protected from such harassment or discrimination.

- E. Shall not make malicious or intentionally false statements about a colleague.
- F. Shall not use coercive means or promise special treatment to influence the professional judgment of colleagues.
- G. Shall not misrepresent one's own professional qualifications.
- H. Shall not submit fraudulent information on any document in connection with his/her professional activities.
- I. Shall not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position.
- J. Shall not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment.
- K. Shall not assist entry into or continuance in the profession of any person known to be unqualified in accordance with these Principles and other applicable Florida Statutes and State Board of Education Rules.
- L. Shall self-report within forty-eight (48) hours to the school Administrator any arrest, including, but not limited to, an arrest involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall notice be admissible for any administrative proceeding. In addition, the Educator shall self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of plea of guilty or nolo contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment to the school Administrator.
- M. Shall report to appropriate authorities any known allegation of a violation of the Educator Misconduct Policy for LSC, the Florida School Code or State of Education Rules.
- N. Shall seek no reprisal against any individual who has reported any allegation of a violation of the Florida School Code or State Board of Education Rules.

## Conduct of Educator

The NEP Educator is subject to discipline, including, but not limited to, dismissal for the following:

- I. immorality, misconduct, incompetency, gross insubordination, and the willful neglect of duty;
- II. failure to report actual or suspected child abuse or the failure to report alleged misconduct by an Educator or a School Administrator or Staff which effects the health, safety, or welfare of a student;
- III. incompetence with regard to teaching or performing duties as an employee of the school;
- IV. commission of an act involving moral turpitude;
- V. the revocation, suspension, or surrender in another state of his/her educator certificate;
- VI. for being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilty any felony or misdemeanor, not including minor traffic offenses;
- VII. personal conduct that seriously reduces that person's effectiveness as an employee of the school;
- VIII. violating the Principles of Professional Conduct.

### Procedures

- I. It is the responsibility of all Educators and Staff ("the employees") to promptly report any complaint alleging a violation of the Educator Misconduct Policy for NEP, the Florida School Code or State Board of Education Rules.
- II. If allegations arise against an employee who is a certified teacher pursuant to s.1012.56, Florida Statutes, and employed in a certificated position, the school shall file in writing with the Department of Education a complaint within thirty (30) days after the date on which the subject matter of the complaint came to the attention of the school.

### Investigation of Complaints

- I. The school will cause to be investigated expeditiously any complaint filed with it or otherwise called to its attention which, if legally sufficient, relates to violations of the policy.
- II. When an allegation of misconduct by an Educator or School Administrator is received, if the alleged misconduct affects the health, safety, or welfare of a student, the school will immediately suspend the Educator from regularly duties, with pay, and reassign the suspended Educator to a position that does not require direct contact with students. Such suspension shall continue until the completion of the proceedings and the determination of sanctions.

## **Notification to Law Enforcement**

The school may, as a result of the allegations made, submit the complaint to a law enforcement agency or the district for investigation.

## **Certified Educators**

The Educator that is certified pursuant to s.1012.56, Florida Statutes, is subject to the provisions as set forth in s. 1012.795, Florida Statutes, regarding the Educational Practices Commission. The school will report the violations as referenced in Florida Statutes s.1012.795 to the Educational Practices Commission. The school Administrator will report to the Department the name of any individual certified pursuant to s. 1012.56:

### **EDUCATOR MISCONDUCT POLICY**

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- I. Who has been convicted of, or who has pled nolo contendere to, a felony, misdemeanor, or any other criminal charge, other than a minor traffic infraction;
- II. Who the Administrator has reason to believe has committed or is found to have committed any act which would be grounds for a revocation or a suspension; or
- III. Who has been dismissed or severed from employment because of conduct involving an immoral, unnatural, or lascivious act.

## **Sanctions**

Educators violating the above referenced provisions are subject to sanctions, including termination.

**SECTION 504/ADA POLICY**

- I. Section 504 of the Rehabilitation Act of 1973 ("Section 504") prohibits discrimination against persons with a disability in any program receiving Federal assistances. The Americans with Disabilities Act ("ADA") prohibits discrimination on the basis of disability in public accommodations and employment. For the purpose of this policy, a person with a disability is defined as an otherwise qualified individual whom:
  - A. Has a physical or mental impairment, which substantially limits one or more major life activities (major life activities include function such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working);
  - B. Has a record of such an impairment; or
  - C. Is regarded as having such impairment.
  
- II. In order to fulfill its obligations under Section 504 and ADA, the Board of Directors New Start High School recognize its responsibility: to avoid discrimination in policies and practices regarding its personnel and student; to provide equal opportunity for employment; and to make accessible to persons with disabilities its facilities, programs and

activities. No discrimination against any individual with a disability will be knowingly permitted on the basis of that disability in any of the programs, activities, policies and/or practices in the District. This nondiscrimination obligation shall apply to admission or access to, participation in, or treatment or employment in, the district's program and activities.

- III. The Board of Directors has designed the Administrator in coordination with the District (Sponsor) designee (Lead Education Agency) to comply with Section 504, ADA and this Policy. A copy of the Rehabilitation Act of 1973 and Section 504's implementing regulations may be obtained from the Director. The Director may be reached at New Start High School 2461 McMullen Booth Rd Building B Clearwater, Florida 33759.
- IV. It is the intent of the Board of Directors to ensure that students within its jurisdiction who are disabled within the definition of Section 504 are identified, evaluated and provided a free appropriate public education (FAPE) regardless of the nature or severity of their disabilities. Students may be disabled and eligible for services under Section 504 and this Policy even though they do not qualify for or require services pursuant to the individuals with Disabilities Education Act (IDEA). A student eligible for services under IDEA shall be served according to that student's individual Education Plan (IEP). If a student has a physical or mental impairment that substantially limits a major life activity, does not require specially designed instruction to benefit educationally, but does require reasonable but more than standard modifications of the regular classroom or curriculum in order to have the same access to an education as a student without disabilities, then she/he may, if appropriate, be deemed a person with a disability and a Section 504 Plan would be developed and implemented in compliance with the applicable law and its implementing regulations. If a student has a physical or mental impairment, but it does not significantly limit his/her learning or other major life activity or she/he does not need modifications to the regular classroom greater than what is normally provide to all students, then she/he is not a student with a disability within the definition of Section 504. However, if deemed appropriated, she/he may still be eligible for a Child Study Team (CST) Plan.
- V. Under Section 504, the Board of Directors has the specific responsibility to identify and evaluate if the student is determined to be eligible under Section 504, to afford access to appropriate educational services.
- VI. Parents/guardian/custodian ("parents") may participate fully in the evaluate process. If the parents disagree with the determination made by the professional staff, they have the right to file a complaint as described in the administrative

guidelines developed by the Administrator in coordination with the District (sponsor) designee (Lead Education Agency) or to request a due process hearing with an impartial hearing officer.

- VII. Notice of the Board's policy on nondiscrimination in employment and education practices will be posted in the school and published in any of the school's recruitment statements or general information publications.

**SECTION 504 / ADA POLICY**

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- VIII. The Board directs the Administrator to refer to his/her District 504 Procedural safeguards to assist in facilitating prompt, fair and appropriate identification, referral, evaluation and placement of students with disabilities who qualify for accommodations under Section 504.
- IX. The procedural safeguards provide for prompt and equitable resolution of complaints alleging violations of section 504, ADA and this Policy. Due process rights of students with disabilities and their parents under Section 504 will be enforced.
- X. The Board will provide in-service training and consultation to staff on the education of persons with disabilities, as necessary and appropriate

Legal Ref: 29 U.S.C. §794 (Section 504 of the Rehabilitation Act of 1973); 42 U.S.C. §1201 *et seq.* (ADA); 20 U.S.C. §1400 *et seq.* (IDEA)



**COMPLAINT POLICY AND PROCEDURE**

The Board of Directors ("Board") and NEP believe that Complaints from parents or other members of the community should be addressed thoroughly and completely. The people involved should treat one another with the highest level of respect and dignity. Complaints are best resolved where the issue originated, typically with the teacher.

- I. Initially, Complaint shall be addressed formally or informally with the school teacher. Complaints must be made in a civil/respectful manner in order to be considered by school personnel. Where appropriate, the Complaint should be in writing on a form developed by the Administrator and should contain a statement of the fact and the specific outcome desired by the parent/guardian or other person making the Complaint ("Complainant"). The Complainant may sign the Complaint and should be given a copy. The teacher 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 report immediately to the Administrator, who will advise NEP Designated Representative, their counsel, and the Board's legal counsel.
  
- II. Complaints unresolved through a parent/teacher communication or Complaints involving teacher or staff members should be in writing as noted in 1. Above, and directed to the Administrator. The Administrator 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 Administrator cannot resolve the issue, the Complaint (with documented history or

preceding steps) is forwarded in written form to the NEP Designated Representative.

III. The Nep Designated Representative shall conduct an independent investigation by contacting appropriate persons involved. The outcome of the investigation should be noted on the form further documented by letter or email as appropriate under the circumstances. If the NEP Designated Representative cannot resolve the issue, the Complaint (with documented history of preceding steps) shall be forwarded to the Sponsor Representative assigned to the School and the Board's attorney. The Sponsor Representative shall conduct an investigation by contacting all parties involved and report the result to the Board, NEP and the Sponsor. The Board shall inform the Complainant, and any other necessary parties about the results of its investigation. The complainant may address the board during the Public Comment period at a Board meeting. Where appropriate, it should also be slated as an item for report on the Board's next meeting agenda and handled in accordance with all confidentiality restrictions.

IV. The resolution of any Complaint reaching the Board shall be filed as part of the Board's records.

V. Complaints received directly by the Board, the Sponsor or the District shall be handled in accordance with the Board's Complaint Policy and Procedure and should go through steps 1 and 2 when possible. Upon receipt of a Complaint, the Sponsor shall forward it to the Administrator to address the Complaint at the local level first. Upon receipt of a Complaint from the Sponsor, the Administrator shall forward a copy of this Complaint Policy and Procedures to the Complainant request that the Complainant complete the designated Complaint form. The Sponsor shall facilitate the Complaint by:

- A. Directing the Complaint to the appropriate school official first;
- B. Notifying the appropriate NEP Designated Representative of the Complaint;
- C. Investigating the Complaint if warranted or if requested by school officials; and,
- D. Reporting the resolution of the Complaint to the Sponsor so that the Complaint may be tracked and closed.

VI. Upon closure of a complaint, the Administrator will issue a letter to the Complainant of one of the following:

- A. Compliance-(finding were unsubstantiated and school has complied); or
- B. Non-Compliance- (Noting the areas of non-compliance, recommending possible change/technical assistance and statement that the school will respond to complainant with a corrective action(s) plan letter)

All documentation of the Complaint, findings and any corrective action(s) plan will be placed in the appropriately marked complaint file for closure.

**TEST SECURITY POLICY**

So that the measurement accuracy of our student's achievement is not compromised, test security for all tests is of extreme importance. According, security measures are to be followed, as set forth below.

- I. The Administrator is responsible for all test security during the entire time such tests are in their possession (from the moment materials are received by the school until after the testing is completed and they are shipped back to the appropriate provider).
- II. The Administrator is responsible for designating a test coordinator for his/her site and that individual will serve as the contact person for all testing programs. The testing coordinator will conduct pre-testing workshops for all Administrators and Proctors to administer the spring and fall testing programs in accordance with the Test Manual/Handbook prepared and distributed by Department of Education.
- III. The Administrator is responsible for all correspondence/materials received concerning all formal tests.
- IV. Upon receipt at the School, the Administrator/Principal or a designee shall be the only person to open all tests.
- V. It shall be the Administrator's responsibility to check received tests to ensure they are correct in number and form.
- VI. At no time shall any test materials be left unattended or unsecured.
- VII. All testing materials shall be secured in a dedicated, locked storage cabinet that is only accessible to the Administrator or a designee. Except when test are being distributed, used, and/or collected, they are to remain secured or attended at all times.
- VIII. The Administrator shall develop a list of all person designated as Test Proctors and the number of test copies each Test Proctor is to be given.
- IX. For each testing location and session, the Test Proctors shall develop, monitor, and implement a sign in/out system, which shall include, where applicable, the code numbers of each test distributed, as well as the signature of the person taking/returning the tests.
- X. All Test Proctors shall abide by the test publisher designed testing procedures and will not participate in the reproduction of any or procedures, or distribute such materials to any person other than the appropriate person(s) at the time of testing.
- XI. Each Test Proctor is responsible for ensuring that all test security provisions are met while each test administrator session is in progress.

He/she must account for all test materials received from the Administrator. Each day at the end of the testing session, each Test Proctor

Will return all test materials to a second location.

XII. Only the Administrator or authorized personnel may be present in the testing room while the tests are being administered.

XIII. Any suspected test security violations, including, but not limited to cheating or missing test materials, shall be reported to the

Administrator immediately upon discovery.

XIV. Within ten (10) school days of the conclusion of the Administrator's investigation of a possible violation, he/she shall notify the proper

Authorities at the Department of Education if a violation has, in fact, been found or remains unresolved.

XV. If circumstances warrant that the Department of Education needs to assign an investigator to hold a hearing regarding any alleged breach,

a school representative shall be present at any and all such hearings. It is imperative that all employees shall testify honestly and openly.

XVI. If the result of the investigation reveals cheating or wrong-doing by a staff member, it shall be grounds for termination.

XVII. In addition to the above policy guidelines, all Department of Education guidelines for test security shall be followed.

**TEST SECURITY POLICY**

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## **INTERNET SAFETY POLICY**

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 file 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.

It is the policy of the school to: (a) prevent user access over its computer network to, or transmission of, inappropriate material via Internet, electronic mail, or other forms of direct electronic communications; (b) prevent unauthorized access and other unlawful online activity and damage to school resources; (c) prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and (d) comply with the Children's Internet Protection Act (CIPA) [Publ. L. NO. 106-554 and 47 USC 254 (h)].

### **I. Access to Inappropriate Material**

To the extent practicable, technology protection measures (or "Internet filters") are used to block or filter Internet access to, or other forms of electronic communications containing, inappropriate information. Filtering, or blocking, is applied to visual depictions of material deemed obscene, child pornography, or to any material deemed harmful to minors, as defined by the Children's Internet Protection Act. The filter serves to block minors from accessing inappropriate matter on the Internet and the World Wide Web.

The technology protection measures may be disabled only for bona fide research or other lawful purposes. Disabling technology protection shall only be performed by a member of the NEP Technology Team or its designated representatives.

Additionally, it shall be the responsibility of all members of the staff to supervise and monitor usage of the online computer network and access to the Internet and ensure that the same is in accordance with this policy. By using the filter program as well staff monitoring student use, School is attempting to provide a safe and secure medium by which students can use the Internet, World Wide Web, electronic mail, chat rooms and other forms of direct electronic communications.

To the extent reasonable, steps are taken to promote the safety and security of users of the School online computer network. Other inappropriate network usage that the School intends to eliminate includes:

- A. Unauthorized access, including so-called 'hacking,' and other unlawful activities; and
- B. Unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

### **II. Parent/Student Contract**

**By signing the Parent/Student Contract Page at the end of the Parent/Student Handbook, the parent and student agree:**

- A. To abide by all School policies relating to the use of technology;
- B. To release all School employees from any and all claims of any nature arising from the use or inability to use the technology;
- C. That the use of technology is a privilege; and that use of the technology will be monitored and there is no expectation of privacy whatsoever in any use of the technology.

**III. Disciplinary Actions**

**The parent/student further agrees and understands that the user may have his/her privileges revoked or other disciplinary actions taken against them for actions and/or misuse such as, but not limited to, the following:**

- A. Altering system technology, including but not limited to, software or hardware;
- B. Placing unauthorized information, computer viruses or harmful programs on or through the computer system in either public or private files or message;
- C. Obtaining, viewing, downloading, transmitting, disseminating or otherwise gaining access to or disclosing materials the School believes may be unlawful, obscene, pornographic, abusive, or otherwise objectionable.
- D. Using technology resources for commercial, political, or other unauthorized purposes since the School technology resources are intended only for educational use;
- E. Intentionally seeking information on, obtaining copies of, or modifying files, other data, or passwords belonging to other users;

**INTERNET SAFETY POLICY**

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- F. Disrupting technology through abuse of the technology, including but not limited to, hardware or software;
- G. Malicious uses of technology through hate mail, harassment, profanity, vulgar statements, or discriminating remarks;
- H. Interfering with other's use of technology;
- I. Installation of software without consent of the School;
- J. Allowing anyone else to use an account other than the account holder; and
- K. Other unlawful or inappropriate behavior.

**IV. Loss of Access Privileges and/or Appropriate Legal Action**

**The user also acknowledges and agrees that he/she is solely responsible for the use of his/her accounts, passwords, and/or access privileges, and that misuse of such may result in appropriate disciplinary actions (including but not limited to suspension or expulsion), loss of access privileges, and/or appropriate legal action.**

The user must also know and further agrees that:

- A. Should the user transfer a file, shareware, or software that infects the technology resources with a virus and causes damage, the user will be liable for any all repair costs;
- B. The user will be liable to pay the cost or fee of any file, shareware, or software transferred or downloaded, whether intentional or accidental;
- C. Should the user intentionally destroy information or equipment that cause damage to technology resources, the user(s) will be liable for any and all costs; and
- D. Violation of this Internet Safety Policy is also a violation of the School Code of Conduct and may result in any in other scholastic disciplinary action, other than those specifically set forth above, including but not limited to suspension or expulsion.

## **V. Definitions**

CIPA defines the above references terms as follows:

- A. A minor is anyone under the age of 17.
- B. "Technology Protection Measure" means a specific technology that blocks or filters Internet access to visual depictions that are:
  - 1. Obscene, as that term is defined in section 1460 of title 18, United States code;
  - 2. Child Pornography, as that term is defined in section 1226 of title 18, United States
  - 3. "Harmful to minors" means any picture, image, graphic image file or other visual depiction that:
    - a. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex or excretion;
    - b. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, and actual or simulated act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
    - c. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.
- C. "Sexual act" and "sexual contact" have the meanings given such terms in section 2246 of little 18, United States Code.

**SAFE SCHOOL POLICY**

Florida law establishes a zero-tolerance policy concerning crime and victimization on school grounds or at school activities, events and functions. The goal is to allow students to learn in a safe environment.

In conjunction with New Start High School's ("NHS") rules for a "Drug Free School," a "Weapons Free School," the "Administrative Search Policy" and other LSC policies, the "Safe School Policy" ("the policy") is established. The policy is adopted to place all students who attend NHS, as well as and their respective parents and guardians on notice that the school will have "zero-tolerance" for:

- I. Crime and substance abuse, including the failure to report delinquent acts and crimes occurring at school and school related activities, events and functions, whether on school premises or off the premises where the school activity, event or function is conducted; and
- II. Victimization of students, including the failure to take appropriate steps to protect the victim of any violent crime from further victimization at school or at school related activities, events and functions on the school premises or off the premises at school related activities, events or functions.

**Definitions**

- I. "Firearm" means any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any of any such weapons; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term "firearm" does not include an antique firearm unless the antique firearm is used in the commission of a crime
- II. "Weapon" means any dirk, metallic knuckles, slingshot, billie, tear gas gun, stun gun, chemical weapon or device, or other deadly weapon carried on or about a person in such a manner as to conceal the weapon from the ordinary sight of another person.
- III. "Controlled substance" means any substance named or described in Schedule IV of s. 893.03, Florida Statutes. Controlled substances are deemed to be contraband.
- IV. "During paraphernalia" mean all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, transporting, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of s.877.111, Florida Statutes. Drug paraphernalia is deemed to be contraband.



- V. "False report" means willfully providing, orally or in writing, false information or a report regarding the possession of a firearm or weapon or the threat to use a firearm or weapon.
- VI. "Possesses" means to have personal charge of or exercise the right of ownership, management, or control over the firearm or weapon.
- VII. "School" means the New Start High School facility and/or grounds.

### **Prohibited Acts**

NHS will have zero-tolerance for a student who commits the following acts. The student shall not:

- I. have within his/her possession a firearm or weapon at school, on school grounds or at any school activity, event or function;
- II. make a threat concerning the use or discharge of any firearm or weapon with intent to do bodily harm to any person or with intent to do damage to any property;
- III. make a false report ,with intent to deceive, mislead or otherwise misinform concerning the possession or use of any firearm or weapon; and
- IV. Victimize a student who has been subject previously to any act or conduct that violates school policy and/or the laws of this state.

### **Sanctions**

A student who commits a zero-tolerance offense is subject to expulsion by the school for one (1) year from the date of the expulsion.

## **BULLYING, HARASSMENT AND HAZING POLICY**

### **I. Introduction**

It is the policy of the New Start High School ("the school") that all of its students, administrator(s), educators and staff have educational setting that is safe, secure and free from bullying, harassment, or hazing in any form. The school will not tolerate bullying harassment and/or hazing of any type. Conduct that constitutes bullying, harassment and/or hazing is prohibited. Students who engage in bullying, harassment and/or hazing are subject to disciplinary action, which may include counseling, suspension or expulsion from the school.

Bullying, harassment and/or hazing are conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment. It is important to change the social climate of school and the social norms with regard to bullying, harassment and/or hazing. This requires the efforts of everyone in the environment - administrators, educators, staff, parents or legal guardians, and students. The purpose of the "Bullying, Harassment and Hazing Policy" ("the policy") is to assist in the prevention and to respond to acts of bullying, harassment and/or hazing.

This policy applies not only to students, administrator(s), educators, and staff who, by their conduct, condone or support another student's act of bullying, harassment and/or hazing.

The misuse of technology to tease, intimidate, defame, threaten, or terrorize a student, administrator, educator, staff, volunteer, or visitor by sending or posting e-mail message, instant message, text messages, digital pictures or images, or website posting, including blogs, also may constitute an act of bullying and/or harassment regardless of whether such acts are committed on or off school property and/or with or without the use of school resources.

This policy applies to any students or school administrator, educator or staff whose conduct at any time or in any place constitutes bullying, harassment and/or hazing that interferes with, or obstructs, the mission or operations of the school or the safety or welfare of the student, other students, or administrator(s), educators or staff subject of the conduct.

## **II. Statement of policy**

The school prohibits bullying, harassment and/or hazing of any type directed at a student, administrator, educator, or staff by either a student or a group of students, administrator, or educator, staff, volunteer or visitor. Bullying, harassment and/or hazing are expressly prohibited on school property or at school related functions.

- A. No administrator, educator, staff, volunteer or visitor shall permit, condone or tolerate bullying, harassment and/or hazing.
- B. The apparent permission or consent by a student being bullied, harassed or hazed does not lessen the prohibitions contained in this policy.
- C. Reprisal or retaliation against a victim, an individual who reports the conduct in good faith, or a witness of bullying, harassment and/or hazing is prohibited.
- D. False accusations or report of bullying, harassment and/or hazing against another student is prohibited.
- E. A person who engages in an act of reprisal or false reporting of bullying, harassment and/or hazing, or permits, condones or tolerates bullying, harassment and/or hazing shall be subject to discipline for that act in accordance with school policy.

- F. The school will act to investigate all complaints of bullying, harassment and/or hazing and will discipline or take appropriate action against any student, administrator, educator, staff, volunteer, or visitor of the school who is found to have violated this policy.
- G. The submission of a good faith complaint or report of bullying, harassment and/or hazing will not affect the grades or employment of the individual reporting the conduct.

### III. Definition

- A. *Bullying* means systematically and chronically inflicting physical hurt or psychological distress on one or more students or school administrator(s), educators or staff. It is further defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an individual including students, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; that may involve, but is not limited to:
  - 1. Teasing
  - 2. Social exclusion
  - 3. Threat(s)
  - 4. Intimidation
  - 5. Stalking
  - 6. Physical violence
  - 7. Theft
  - 8. Sexual, religious, or racial/ ethnic harassment
  - 9. Public humiliation
  - 10. Damage to or destruction of property
  - 11. Placing a student in reasonable fear of harm to his or her person or property
  - 12. Cyber bullying, as defined herein.
  - 13. Cyber-stalking as defined herein.
- B. *Course of conduct* means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct." Such constitutionally protected activity includes picketing or other protests.

- C. *Cyber bullying* means the use of electronic communication or technology devices, including but not limited to, e-mail messages, instant messaging, text messaging, cellular telephone communications, internet blogs, social websites (e. g. MySpace, Facebook, etc.), internet chat rooms, internet postings, digital picture or images, and defamatory websites to engage in acts of bullying and/ or harassment regardless of whether such acts are committed on off school property and/or with or without the use of school resources. Cyber bullying includes off-campus conduct, when the off-campus causes, or threatens to cause, a substantial disruption at school or interferences with the rights of students to be safe and secure.
- D. *Cyber stalking* means to engage in a course of conduct to communicate or to cause to be communicated, words, images, or language by through the use of electronic mail or to that person and serving no legitimate purpose.
- E. *Harass* mean to engage in conduct directed to a student, administrator(s), educator or staff that cause substantial emotional distress in such person and serves no legitimate purpose.
- F. *Harassment* means threatening, insulting or dehumanizing gesture, use of data or computer software, or written or verbal or physical conduct directed against a student or school employee that:
1. Places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
  2. Has the effect of substantially interfering with a student's educational performances, opportunity of benefits; or
  3. Has the effect of substantially disrupting the orderly operation of the school.
- G. *Hazing* mean any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student enrolled at the school for purposes including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of the school. "Hazing" includes, but is not limited to, pressuring or coercing the student into violating states or federal law, any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or other forced physical activity that would subject the student the extreme mental stress, such as sleep deprivation, forces exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student. Hazing does not include customary athletic events or other similar contest or competitions or any activity or conduct that furthers a legal and legitimate objective.

- H. *Bullying and harassment* also include:
1. Any act of retaliation by student, administrator, educator or staff against another student, administrator, educator, or staff member who alleges, asserts or reports a violation of this policy or participates in the investigation of a bullying, harassment and /or hazing complaint. A report of an act of bullying, harassment and/or hazing that is not made in good faith is considered retaliation.
  2. Perpetuation of conduct listed in the definition of bullying, harassment and/or hazing by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to student, administrator, educator, or staff by:
    - a) Incitement or coercion;
    - b) Accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the school's system;
    - c) Acting in a manner that has an effect substantially similar to the effect of bullying and/or harassment;
    - d) Cyber stalking as defined herein; or
    - e) Hazing.
- I. *Unwanted harm* means conduct directed towards a student with regard to his/her actual or perceived traits or characteristics, including, but not limited to, age, gender, race, creed, national origin, handicap, religion, material status, sexual orientation, gender expression and/or identify physical attributes, physical, mental or educational ability or disability, ancestry, socio-economic background, political beliefs, linguistic preferences, or familial status.
- J. *Immediately* means as soon as reasonably possible but within 24 hours or the next school day.
- K. *On school property or at school-related functions* mean all school buildings, school grounds, and property adjacent to school grounds, bus stops where students enter/exit public transit, public transit buses used by students to travel to and from school, and the grounds where school related functions, school-sponsored activities, events or trips. School property includes a student's route to or from school by foot travel for purposes of attending school or school related functions, activities or events. Notwithstanding the school prohibiting bullying, harassment and/or hazing, the school is not responsible for providing supervision, nor does the school or the educational provider (NEP), assume any responsibility or liability for the conduct at the referenced locations and/or school related functions, activities or events.

**IV. Expected a Conduct on School Property or at School Related Functions**

- A. The school expects students to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities with proper regard for the rights and welfare of other students, administrator(s), educators and staff and the care of school facilities and equipment. In addition to conducting themselves in an appropriate and professional manner with supervisors, colleagues, and students, the school administrator(s), educators, staff, volunteers and visitors will treat others with civility and respect, and will refuse to tolerate bullying, harassment and/or hazing. The school finds that bullying, harassment and/or hazing, in an active or passive form, of any student or school administrator, educator or staff, volunteer or visitor is prohibited.
- B. The school believes that standards for student behavior must be set cooperatively through interaction among the students, parent(s) or legal guardian(s), administrator, educators, staff and community member, to create an atmosphere the encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for school property on the part of students, the administrator(s), educators and staff.
- C. All administrators, educators and staff will collaborate with students, parents, guardians, and community members to incorporate methods to recognize and promote, through positive reinforcement, good conduct, conformance to reasonable standards of socially acceptable behavior by respecting the person, property, and rights of others, obedience to authority, responsiveness to those who hold that authority, self-discipline, and good citizenship.
- D. Students are encouraged to support other students, refrain from acts of bullying, harassment and/or hazing, and report such acts to the school administrator or his/her designee.
- E. Student are expected to conform to reasonable standards of socially acceptable behavior; respect other persons, property and rights; obey authority; and respond to the administrator, educators and staff at the school.

**V. Prohibited Conduct**

- During school and any school related program, function or activity, bullying, harassment and/or hazing is prohibited;
- a. During school and any school-related or school-sponsored program, function or activity;
  - b. While on school property as defined by this policy; or

- c. Through the use of any electronic device, computer, or computer software that is accessed through a computer, computer system network of the school. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action.

**VI. Investigation of Complaints**

- A. The school shall cause to be investigated any complaint filed or otherwise complained of which, if legally sufficient, would be cause to substantiate a violation(s) of the policy.
- B. When it is alleged that a school administrator(s), educator, or staff has violated his policy, and if the conduct affects the health, safety, or welfare of a student, the school will immediately suspend the administrator(s), educator, or staff from regularly assigned duties, with pay, and reassign the suspended administrator(s), educators, or staff to position that does not require direct contact with students. Said suspension shall continue until the completion of the investigation and the determination of sanctions, if appropriate.

**VII. Consequences for Prohibited Conduct, False Reporting and Reprisal or Retaliation**

To determine that conduct constitutes a violation of this policy requires that an investigation be conducted of the facts and circumstances of the alleged conduct. The location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action. When an act of bullying, harassment and/or hazing, false reporting, reprisal or retaliation is committed, the following consequences shall be applicable:

1. Students who commit an act of bullying, harassment and/or hazing shall be disciplined up to and including suspension or expulsion.
2. Administrators, educators or staff who commit an act shall be disciplined in accordance with the NHS policies. Additionally, an act of bullying, harassment and/or hazing by certified educators may result in a sanction against an educator's state issued certificate.
3. Parent(s), guardian(s), visitor(s) or volunteer(s) who commit an act of bullying, harassment and/or hazing shall be addressed as determined by the administrator.
4. Consequences for a student, administrator, educator, staff, parent, guardian, volunteer, or visitor may include reporting the conduct to a law enforcement agency or the district.
5. The administrator is responsible for the imposition of any disciplinary sanction.

**VIII. Reporting of Prohibited Acts**

- The school administrator or designee shall be responsible for receiving a complaint alleging violations of this policy.
- A. Any person who believes he or she has been subject of bullying, harassment and/or hazing or any person with knowledge or belief of conduct that may constitute bullying, harassment and/or hazing shall report the alleged acts immediately to the school administrator or designee.
  - B. All educators and staff who receive a report of, observe, or have other knowledge or belief of conduct that may constitute bullying; harassment and/or hazing shall inform the school administrator or designee immediately.
  - C. The school administrator shall establish and prominently publicize to students, educators, staff, volunteers, visitors, parents, and guardians how a report of bullying, harassment and/or hazing may be filed and how the report will be addressed.
  - D. A student, parent or guardian, volunteer or visitor may report bullying, harassment and/or hazing incidents anonymously, on a designated complaint form, or in-person to the school administrator or designee. However, a student may make a report of bullying, harassment and/or hazing to any school employee. The school employee will assist the student in reporting the conduct to the school administrator or designee.
  - E. The school administrator or designee will develop a procedure for the anonymous filling of a report of bullying, harassment and/or hazing by a student, parent, guardian, volunteer or visitor. Such formats may include electronic, drop-box, or telephone techniques for reporting, but the chosen format must promote safety and privacy. Although a report may be made anonymously by student, parent, guardian, volunteer or visitor, formal disciplinary action may not be based solely on an anonymous report. Independent evidence corroborating the anonymous



report will be necessary in order for any disciplinary action to be imposed.

- F. Any written or oral reporting of an act of bullying, harassment and/or hazing will be considered an official report of said conduct.

**IX. Investigation of Complaints**

- A. The investigation of a report act of bullying, harassment and/or hazing is deemed to be a school related activity and beings with a report of said conduct.
- B. The school administrator or designee will conduct a prompt investigation of the reported incident, but such investigation shall be commenced no later than the following school day. The individual investigating the conduct may not be the accused perpetrator or the individual subject to the conduct. The investigation will be conducted during the subsequent ten (10) school days. The investigation will be completed on or before the tenth school day, unless good cause is present to extend the period for a reasonable time period.
- C. The investigation will include interviews of the individual subject to the conduct, alleged perpetrator, and witnesses. Interview will be conducted individually, in private, and will be confidential. Each individual (subject to the conduct), alleged perpetrator, and witnesses will be interviewed separately. At no time will the alleged perpetrator and individual subject to the conduct be interviewed together. The individual conducting the interview will document the interview(s) by preparing a written document to memorialize the interview.
- D. The individual investigating the conduct will collect and evaluate the following, including, but not limited to:
  - 1. Description of conduct, including the nature of the behavior;
  - 2. Context in which the alleged conduct(s) occurred;
  - 3. How often the conduct occurs;
  - 4. Whether there were past incidents or a continuing pattern of behavior;
  - 5. The relationship between the parties involved;
  - 6. The characteristics of parties involved, i.e. age, gender physical or mental status of the individuals involved, etc.
  - 7. The identity and number of individuals who participated in bullying, harassing and/or hazing behavior;
  - 8. Where the alleged incident(s) occurred;
  - 9. Whether the conduct adversely affected the student, subject of the conduct, education or educational environment;
  - 10. Whether the student, subject of the conduct, felt or perceived an imbalance of power as a result of the reported conduct; and

11. The date, time and method in which parents or guardians of all parties involved were contacted.

**BULLYING, HARASSMENT AND HAZING POLICY**

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- E. Whether a particular action or conduct constitutes a violation of this policy shall require a determination based on the facts and circumstances. The determination shall include:
  1. Recommended remedial steps necessary to stop the bullying, harassing and/or hazing behavior;
  2. The individual investigating the conduct will prepare a written report that includes the above referenced information to memorialize the investigation, including the finding; and
  3. A written final report by the school administrator will be prepared if the administrator did not conduct the investigation.
- F. If the school administrator or designee is directly involved with a complaint, either as an alleged perpetrator, witness or victim or has a close relationship with the party involved in the complaint, the school administrator shall recuse himself/herself from the process. In response, the management company will be responsible for conducting the investigation.

**X. Notification to Law Enforcement**

The administrator may, as a result of the allegations made, submit the complaint concerning bullying, harassment and/or hazing to a law enforcement agency or the district for investigation.

**XI. Notification to Parents or Guardians**

- A. The administrator or designee shall promptly report to the parent or guardian of a student who has been reported as an individual subject to bullying, harassment and/or hazing, and the custodial parent or guardian of the alleged perpetrator of act of bullying, harassment and/ or hazing. Said notification will occur at the start of an investigation, and may be made by telephone, electronic mail, U.S. mail, or personal conferences. All notification shall be consistent with the student privacy rights.
- B. If the incident results in the perpetrator(s) being charged with a crime, the school administrator or designee shall by telephone, electronic mail, U.S. mail or personal conference, inform the parent or guardian of the student subject of the investigation.

**XIII. Publication, Training and Education**

- A. This policy shall be referenced in the Board Manual Policy and the New Start High School Parent/Student handbook, and other means as determined by the school administrator.
- B. The school may implement programs and other initiatives to prevent bullying, harassment and/or hazing. To respond to bullying, harassment and/or hazing in a manner that does not stigmatize the individual subject of the conduct, and to make resources or referrals to resources available to victims of bullying, harassment and/or hazing.

**XIII. Reporting of Bullying and Harassment**

Incidents of bullying or harassment shall be reported in the school's report of data concerning school safety and discipline required under Section 1006.09(6), Florida Statutes. The school administrator or designee will report each incident of bullying and harassment, and the resulting consequences, including discipline and referrals, in the Safety Environmental Safety Incident Reporting (SESIR) Statewide Report on school Safety and Discipline Data. The report shall also include bullying/harassment as an incident code, as well as the "bullying-related" element code to situations that meet the definition of bullying along with an accompanying behavior, i.e. "Battery, Bullying-related," as required by state laws.

**XIV. On-going Reporting to Target's Parents/Guardians**

Following and appropriate investigation, the school administrator or designees will report to the parent or guardian of the student subject of the conduct what steps have been taken to protect the student. Follow-up reports will be designed based on the interventions and will continue in a manner that is deemed necessary by the school administrator. Notification will be consistent with the student's privacy rights.

**XV. Privacy and Confidentiality**

- A. To the greatest extent possible, all complaints will be treated as confidential and in accordance with Fla. Stat. 1002.22(3) (d); the Family Educational Rights and Privacy Act ("FERPA"); and any other applicable laws.
- B. Limited disclosure may be necessary to complete a thorough investigation as described above. The school's obligation to investigate and take corrective action to ensure the health, welfare and safety of the students may supersede an individual's right to privacy.

C. The complainant's identify shall be protected, but absolute confidentiality cannot be guaranteed.

**XVI. Constitutional Safeguard**

This policy shall not be interpreted to infringe upon the First Amendment rights of students (i.e. to prohibit a reasoned and civil exchange of opinions or debate that is conducted at appropriate times and places during the school day and is protected by federal and state laws.)

**STUDENT RECORDS POLICY**

I. New Start High School will allow access to records in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974 as pertaining to release of records. In compliances with

FERPA, parents have the right to inspect student records. Parents are required to submit their request to inspect student records in writing to the Administrator to allow him/her to schedule a reasonable and appropriate time and date for the parent to review the record. Records will be provided for parental inspection only under the direct supervision of Administrator or his/her designee. The NewStart High School must comply with the parent's request for inspection within forty-five (45) days. Copies of records only will be provided as required under FERPA.

II. 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.

III. Parents and students eighteen or older (or a former student eighteen or older) have the right to request a school to amend information contained in the student's records that is deemed inaccurate, misleading, or violation of the student's privacy or other rights.

- A. Parents and students eighteen and older must submit requests for correction in writing to the Administrator in a letter that includes the basis for such correction.
- B. The Administrator must respond to the request in writing or in person within fourteen (14) days of receipt as to whether or not the school will comply with the request.
- C. If the school refuses to amend the record, it must inform the requesting parent or student and advise him/her of the right to a hearing.
- D. The parent or student can then request a hearing in writing to the Chairperson of the Board of Directors.
- E. The Chairperson responds to the hearing requests in writing within thirty (30) days.
- F. Hearings will be scheduled for the Board meeting that immediately follows the date of the Chairperson's response and the requesting parent or student must be given notice of the date, place, and time of the hearing.
- G. Regardless of the decision whether or not to change the record, the decision must be put in writing and must include a summary of the evidence presented and reasons for decision.
- H. If the school determines that the record in question should be amended, the school must do so and notify the parent or student in writing.

I. If the school determines that the record in question should not be amended, the school must inform the parent or student of the right to place in the student's records a statement commenting upon the challenged information and/or setting forth any reasons for disagreeing with the school's decision.

IV. Parents have the right to file a complaint with the Department of Education if they think the school is not complying with the federal laws or regulations regarding student records.

**V. Non-Custodial Records Access and Release**

NewStart High 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:

- A. Cumulative file (including the Enrollment file, Academic file, Vocational file, Title One file, and Graduation file):
- B. Health records;
- C. Psychological records;
- D. Parent conferences and lab observations.

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

VII. Students over the age of eighteen (18) may deny the disclosure of school records to parents or guardians.

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

**SEARCH POLICY**

Enterprise High School hereby establishes a zero-tolerance policy concerning school violence, crime, and the possession or use of firearms and weapons on school grounds or at school functions. The zero-tolerance policy is part of a comprehensive approach to reduce violence in schools. Federal Law also allows schools to take reasonable steps in an effort to provide a safe, drug-free environment for students. The goal is to allow students to learn, in a safe environment, while their respective civil rights are protected.

In conjunction with EHS policies, an "Administrative Search Policy" ("the policy") is hereby established. The Administrative Search Policy permits a search of any student and/or visitor who enter the NHS charter school facility or grounds, or any student who attends any NHS activity, function, or event regardless of whether the activity, function, or event is at the NHS charter school. The administrative search authorized, pursuant to this policy, provides for the search

and seizure of any firearm(s), weapon(s) and/or contraband found in possession or controlled by the individual searched, and/or in his or her possession which may include a person's automobile if parked on EHS property and the appropriate search parameters are met. Illegal firearm(s), weapon(s) and contraband include any item(s) that are in violation of local, state or federal law, and/or in violation of any NewStart High School Code of Conduct rule, policy, or guideline.

The Administrative Search Policy is supplemented by the "Procedures for School Officials" that outlines how searches will be conducted. While this is a comprehensive policy, nothing outlined in this policy restricts or limits school officials, school police officers, school security officers, or law enforcement from searching students or visitors where reasonable suspicion or probable cause, independent of an administrative search, exists. If a metal detecting device alerts to the presence of metal during the course of an administrative search, it gives rise to reasonable suspicion. This policy also outlines searches performed when reasonable suspicion exists where an administrative search has not been conducted.

## **I. Administrative Searches**

- A. Introduction to Administrative Searches and General Considerations
  1. The primary purpose of the metal detector searches authorized, pursuant to this policy, is to locate any firearm(s), weapon(s) and/or contraband in order to provide a safe school environment for students, teachers, staff, and administrators. The primary purpose of the searches is not to collect evidence for criminal prosecution or to penalize students. However, law enforcement authorities will be summoned and may arrest the individual while seeking criminal prosecution against an individual if a search reveals that the individual is in possession of any firearm(s), weapon(s) or contraband.
  2. Administrative searches using a metal detector may be conducted randomly or may be at a set location at locations at the school facility, on the school grounds, or at locations where a NHS activity, function or event is held.
  3. The searches will be conducted in the least intrusive manner so that individuals' rights are balanced with the requirements of this policy. Administrative searches using a metal detector may be conducted by any member of the Search Team, regardless of gender, if the Search Team member has been trained to properly conduct searches using an approved metal detector. Pat-down searches will be conducted by an individual of the same gender as the individual being searched. Under no circumstances will a "strip search" be conducted by school officials pursuant to this policy. (Security personnel and law enforcement officials shall not be limited by this paragraph and shall follow appropriate training).



4. The Search Team, including the school Administrator or designee(s), will oversee any and all metal detector searches. The school Administrator or designee(s) will be required to follow the policy with regard to administrative searches and will be required to address the discovery of firearm(s), weapon(s) or contraband as set forth within the search policy procedures.
5. The Search Team will be trained to conduct administrative and reasonable suspicion searches.
6. Nothing in the Administrative Search Policy shall limit the authority of the school Administrator, or designee(s), law enforcement, or school security officers to search an individual or an individual's possessions when reasonable suspicion or probable cause exists that the individual is in possession of an illegal firearm(s), weapon(s) or contraband.
7. All students and legal guardians are required to sign a written acknowledgement, prior to attending school, concerning this policy in addition to the NewStart Student/Parent Contract. The acknowledgement will provide written notice to the student(s), parent(s) and legal guardian(s).
8. Signs will be posted at the school facility notifying students and visitors that any student or visitor is subject to random administrative searches.

**SEARCH POLICY**

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B. Administrative Searches

1. All students and visitors entering the facility or grounds or any student in attendance at any NHS activity, function, or event regardless of whether the activity, function, or event is at the NHS facility or grounds are subject to a walk-through and/or hand-held metal detector search for firearms, weapons, and/or contraband. The determination as to the random searches of students and visitors will be made pursuant to the procedures for conducting metal detector searches. The search will be random and will use neutral and even-handed criteria for determining individuals subject to the search.
2. No student or visitor shall be selected to be searched based solely upon his/her gender, race, ethnicity, physical appearance, manner of dress, or association with any particular group of persons.
3. Pursuant to the administrative search policy, school officials are prohibited from selecting a specific individual(s) to be searched without reasonable suspicion that the individual is in possession of a firearm, weapon, and/or contraband. This policy may not be used as a pretext to "single out" a particular individual or group of individuals.

4. Searches will be performed on random days, times, and locations. Advance notice of a search will not be provided.
5. Students and visitors to be searched will be advised that an administrative search is being conducted; will be advised of the procedures; and will have the opportunity to ask questions prior to the search.
6. Students and visitors may refuse to submit to the search.
7. No student/visitor selected to be searched will be allowed to enter or remain in the facility or on the grounds if the individual does not submit to the search. School officials should immediately advise the school police officer or security officer and contact law enforcement when an individual objects to an administrative search.
8. The individual to be searched will be asked to remove any firearm(s), weapon(s), and/or contraband from his/her person or personal possessions before the search. These items will be placed in a designated container or space, in public view, until the search is completed. Any firearm(s), weapon(s), and/or contraband removed for the search will be confiscated and seized by the school police officer or security officer.
9. Subsequent to the removal of items referenced above, students and visitors will be searched with a hand-held metal detecting device. For each individual searched, there will be a body scan for any firearms, weapons, and/or contraband. Any personal possessions (i.e., backpacks, briefcases, bags and containers) of the individual will also be scanned for firearms, weapons, and/or contraband.
10. Reasonable efforts will be made to avoid bodily contact with the individual being searched and the device.
11. If the hand-held metal detector alerts during the body scan, the school official conducting the scan will direct the individual being searched to remove any remaining metal objects from his/her person or possessions and place the item(s) in the designated container. Any firearm(s), weapon(s), and/or contraband removed will be confiscated and seized by the school police officer or security officer. The school official will then conduct a second scan.
12. If the metal detector alerts to the presence of metal during the second scan, the individual will be subject to a pat-down search. This expanded search will be based on reasonable suspicion and include a limited pat-down of the area for which the device was activated. The search will be further expanded should the pat-down, or some other grounds for reasonable suspicion, indicate a concealed firearm(s), weapon(s), and/or contraband may be in possession of the individual. Expanded or more intrusive searches will be conducted as outlined pursuant to the Reasonable Suspicion Searches section of this policy.

13. Any weapon(s) and/or contraband will be confiscated and seized by the school police officer or security officer. Any item(s) confiscated during the search will subject the individual possessing the item(s) to discipline pursuant to school policy. Additionally, the student and/or visitor will be subject to criminal prosecution, including arrest, detention, and incarceration.
14. Any item(s) that is not prohibited such as a firearm(s), weapon(s) and/or contraband will be returned to the individual at the conclusion of the search. A school official shall have the sole discretion with regard to making the determination that the item(s) does not pose any threat to the health and/or safety of individuals within the facility and/or grounds.
15. If a student or visitor is subject to a medical condition, or pregnancy, that prevents or inhibits the use of a metal detector, the individual will be required to present proper documentation to the school Administrator or designee(s) when enrolling at the NHS charter school or prior to an administrative search. If a student who is subject to an administrative search fails to provide proper documentation, the student will not be excused from an administrative search. This documentation will be verified and kept on file by the school Administration. Documentation will be valid for the current academic year, for the duration of the medical condition or pregnancy, or if the student or visitor has a terminal or permanent condition, until the end of the current academic year. For individuals providing proper documentation for a valid medical reason, administrative searches will be conducted pursuant to a pat-down search.

**SEARCH POLICY**

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**II. Reasonable Suspicion Searches**

- A. Introduction to Reasonable Suspicion Searches and General Considerations
  1. Reasonable suspicion depends on the information and observations available to the school official in determining whether there is reasonable suspicion to conduct a search. Reasonable suspicion depends on both the content of information possessed by a school official and its degree of reliability. Both factors, the quantity and quality of the information and the degree of reliability, are considered with regard to the totality of the circumstances. All available information must be considered when evaluating whether there is reasonable suspicion to conduct a search. Thus, if the information available has a relatively low degree or reliability, more information will be required than if the information was more reliable.
  2. Reasonable suspicion may exist independent of an administrative search. School officials may conduct searches of any student, at any time, if reasonable

- suspicion exists that the individual is in possession of a firearm(s), weapon(s), and/or contraband. Where reasonable suspicion is developed concerning the possession of a firearm(s), weapon(s) and/or contraband, an expanded or more intrusive search is necessary via a pat-down search.
3. Prior to conducting the search, the school Administrator or designee(s), overseeing the search, will request the student sign Consent to Search Form. If the student refuses to consent, school officials retain the authority to conduct a search even though the student does not execute a consent form. The student is subject to discipline, including expulsion, for the failure to consent to a search. The search will be limited to the basis of reasonable suspicion, i.e., information and/or observations obtained with regard to the individual's possession of a firearm(s), weapon(s), and/or contraband. Failure of a student to consent may result in discipline, pursuant to the policy.
  4. When there is reasonable suspicion that an individual is in possession of firearm(s), weapon(s), and/or contraband, school officials will contact the school police officer or security officer to conduct the search.
  5. During the search, if other illegal contraband is found; the item(s) will be confiscated and seized by the school police officer or security officer. The individual possessing a firearm(s), weapon(s), and/or contraband will be subject to the discipline pursuant to school policy.

B. Reasonable Suspicion Search Procedure

1. A search based on reasonable suspicion involves a pat-down of an individual and/or a physical inspection of the individual's possessions.
2. The pat-down search will be conducted at the school facility or on school grounds in an area a safe distance from other students. If the search is to be conducted at a NHS school activity, event, or function, the search will be conducted in an area a safe distance from other individuals. The search will be conducted by a school official, school police officer, or security officer of the same gender as the individual being searched, whenever possible. All searches will be witnessed by school official(s), in addition to the school official, school police officer, or security officer conducting the search.
3. Where a reasonable suspicion search is conducted as the result of a metal detector activating, the search shall be conducted only in the area of the body for which the device alerted. The search will include patting-down the exterior of the individual's clothing for the limited purpose of discovering the item(s) which may have caused the metal detector to alert to the presence of metal. If the device alerts to the individual's personal possessions, the

possessions will be inspected and opened to determine the presence of a firearm(s), weapon(s), and/or contraband.

4. If the school official, school police officer, or security officer conducting the search observes or feels an object which may have caused the metal detector to alert, and there is a reasonable belief that the object may be a firearm(s), weapon(s), and/or contraband, the school official, school police officer, or security officer conducting the search will ask the individual being searched to remove the item(s). If the individual refuses, the school official, school police officer, or security officer has the authority to remove the item from the individual's person or possessions without consent.
5. If the item(s) removed is determined to be what caused the metal detector to alert the search will cease, unless reasonable suspicion still exists. If reasonable suspicion exists sufficient to continue the search, the search will continue.
6. If the item(s) removed is determined to be what caused the metal detector to alert to the presence of metal, the search will cease. No further reasonable suspicion will exist. The individual and/or his/her possessions will then be re-scanned with the metal detector. If the device alerts again, the individual or his/her possessions will be subject to an additional search. If the device does not alert again, the search is complete.

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7. If the removed item is a firearm(s), weapon(s), and/or contraband, it will be confiscated and seized by the school police officer or security officer. Any item(s) confiscated during the search will subject the individual possessing the item(s) to discipline pursuant to school policy. Additionally, the student and/or visitor will be subject to criminal prosecution, including arrest, detention, and/or incarceration.
8. Any item(s) that is not prohibited as an illegal firearm(s), weapon(s), and/or contraband will be returned to the individual at the conclusion of the search. A school official shall have the sole discretion with regard to the determination that the item(s) do not pose any threat to the health or safety of individuals within the facility and/or grounds.

**WELLNESS POLICY**

- I. With the passing 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 children 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 objectives of the wellness policy are to improve the school nutrition environment, promote student health, and reduce childhood obesity.
  
- II. The main goal of nutrition education is to influence students' eating behaviors. Healthy eating patterns are essential for students to achieve their full academic potential, full physical

and mental growth and lifelong health and well-being. Healthy eating is demonstrably linked to reduced risk for mortality and developed of many chronic diseases. Schools and school communities have a responsibility to help students acquire the knowledge and skills necessary to establish and maintain lifelong healthy eating patterns.

- III. The purpose of this policy is to ensure a total school environment that promotes and supports student health and wellness, helps to reduce childhood obesity, and meets the requirements of the Child Nutrition and Women, Infants and Children WIC Reauthorization Act of 2004. These requirements include, but are not limited to the following:
- A. Goals for nutrition education, physical activity and other school-based activities designed to promote student wellness;
  - B. Nutrition guidelines for all foods available during the school day;
  - C. A plan for measuring implementation including designating one or more persons charged with operational responsibility; and
  - D. Involving parents, students, school food service providers if available, school administration, and the public in developing a wellness program.

**MEDICATION ADMINISTRATION**

- I. Prescription medication will be locked in an office cabinet if medication is needed during school day for student. Medication has to be in original prescription bottle and appropriate forms need to be completed. Trained staff will administer Epi-Pen when student is experiencing allergy reaction and also has this procedure outlined on the school health plan.
- II. However, pursuant to the F.S. 1002.20(3)(h) students are permitted to possess and use a metered dose or dry powder Asthma Inhaler to alleviate or prevent asthmatic symptoms. In addition, F.S. 1002.20(3)(i) permits a student to carry and use an epinephrine auto injector to treat anaphylaxis (an intense allergic reaction) aka epi-pen.
- III. To carry either inhaler or an auto-injector, written approval must be obtained from the student's physician, and, if the student is a minor, from the student's parent or legal guardian.

The physician's written approval must include the following information:

- A. The name and address of the student;
  - B. The school in which the student is enrolled;
  - C. The name and dose of the medication contained in the inhaler or auto injector.
  - D. The name of the drug and the dosage to be administered;
  - E. The times or intervals at which each dosage of the drug is to be administered;
  - F. The date the administration of the drug is to begin;
  - G. The date the administration of the drug is to cease (if applicable);
  - H. Acknowledgment that the prescriber has determined that the student is capable of possessing and using the auto injector appropriately and has provided the student with training in the proper use of the auto injector.
  - I. 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;
  - J. Special instructions for administration of the drug by the student;
  - K. Instructions outlining procedures to follow if the medication does not provide adequate relief;
  - L. A list of adverse reactions that may occur to a child for whom the medication was not intended who uses the medication; and
  - M. And any other special instructions.
- IV. To carry either an inhaler or an auto-injector, written approval must be obtained from the student's physician, and, if the student is a minor, from the student's parent or legal guardian.



- V. Enterprise High School must have the above stated documentation provided by the physician and parent or guardian, if the student is a minor, in order to allow a student to use an asthma inhaler or epinephrine auto injector or any other necessary self-administered medication.
- VI. A school employee will request assistance from an emergency medical service provider whenever a student is administered epinephrine at a public school or at an activity, event, or program sponsored by the school or in which the school is a participant. This request for medical assistance applies whether the student self-administers the medication or a school employee administers it to the student.

### **Lottery Policy added 8/2015**

#### **Admissions Lottery Policy**

The following policies and procedures shall be followed when Enterprise High School enrollment applications for new students exceeds the capacity number for the school. Enterprise High School is a year round school and the lottery will be performed the week before the traditional school year begins (mid-August) and once again the week prior to the second semester starting (mid-January).

#### **General Policy**

**Random Lottery Process** Florida law requires charter schools to admit students via a random selection process when the number of applications exceeds the capacity of a program, class, grade level, or building. Students will be selected for admission by random lottery that exceeds Full Enrollment if their applications were received by the Deadline Date set for August and January. Applications received after the Deadline Date may be added to the Waiting list in the order in which the original application was received.

Notice of the enrollment period and application process will be designed to inform the persons most likely to be interested in the school. The time periods offered to those persons interested in enrollment and open houses / parent meetings will include some evening times. If the school has more applicants than available space, it will select students using a random selection method. Students currently enrolled in the school are exempt from this process since our school is year-round. The school will give first priority to siblings of currently enrolled students; second to siblings of

students admitted in the lottery process; and finally to all remaining students.

**Random Lottery Date** The school will hold the random selection lottery approximately one week after the Deadline Date and be held in a setting accessible to the public. The lottery will occur two times a year; in August and again in January. All lottery applicants' names will be drawn and placed on the acceptance list and/or the waiting list as they are drawn.

**Record of enrolled students** As students are selected, recorders will record their names. In the event of any discrepancy between the List of Admitted Students and the recorded names, the List will be regarded as the official record of admitted students.

**Subsequent Years Lottery** After the first year, the deadline for applications shall be two weeks prior to the student start date of the traditional year ( August) and the two weeks prior to the beginning of second semester ( January) of every year. If the number of applicants for the school exceeds the number of positions available, the school will hold a random selection lottery. The random selection drawing shall be open to the public. Names will be drawn until all available positions have been filled. Any remaining names will be drawn to establish waiting list priority to be used to fill openings during the school year for which the student applied. All post-deadline applicants' names will be added to the previously established waiting list.

New Students will be admitted throughout the year through a waiting list process. After the August and January openings are given away to the lottery winners, future openings will be filled by students on a waiting list in the order determined by the date and time a reservation form was submitted. These openings combined with current enrolled students and the lottery winners will never exceed capacity of the school. Students who are admitted in accordance with the above will be admitted based upon their waiting list priority. Once students are admitted they will remain eligible to be admitted at the school for successive years without having to re-enter the selection process. Their enrollment at the school will maintain until a request for a withdrawal has been received or they have been absent for 11 consecutive school days.

The lottery process applies to all students not exempt. Exempt students may be accepted directly prior to the lottery. These exemptions include:

1. Children of founding board members;
2. Students already enrolled;
3. Siblings of students already enrolled or accepted; or,
4. Children of teachers.

The number of exemptions granted to children of founding board members or teachers may represent no more than two percent of the total students enrolled.

