



BOARD OF DIRECTORS MEETING October 19, 2023 MINUTES

1. Called to Order - 6:01 pm

1.1 Members Present: Jeff Ball/Michele Asay/Bre Lionetti
Bill Brooks joined 6:40pm

1.2 Procedural Overview

Kinetic Academy is a public entity subject to the Brown Act and meetings are conducted according to Robert's Rules of Order.

2. Preliminary Actions

2.1 Agenda Adoption: *An action to approve the agenda for this Regular Meeting*

Motion: Michele Asay
Second: Bre Lionetti
F/O/A: 3/0/0

2.2 Prior Meeting Minutes: *An action to approve the meeting minutes from the prior meeting held Sep 21, 2023*

Motion: Michele Asay
Second: Bre Lionetti
F/O/A: 3/0/0

3. Organizational Reports

3.1 Administrative Reports- Gallagher/Kay/Vento/Lionetti

Gallagher: Conducted Teacher goal setting meetings- very positive. 1st Trimester PBLs have started. Team building for upper grades and the NED show coming to focus on character development and SEL. Challenges include student mental health and dysregulation on the playground. Green Team was featured in the Daily Pilot and also on Channel 7 News. Partnering with local business for SEL and sportsmanship on the playground. Reviewed student climate survey report.

Kay: Executive Functioning for 6th grade has gotten a lot of positive feedback. Respect trait has been evident on the campus. Monthly visit to West campus and priorities. East and West Coffee chats going well and working together to create a unified campus. Cell phone/Dress code reminders on recent field trip. 2nd annual pumpkin decorating contest. Reviewed student climate survey report.

Vento: Attendance overview. Reviewed supplemental funding from lunch applications. Overview of special education and EL. Professional development day in Amplify with teachers. Gave CAASPP Update

Lionetti: Overview of compliance items. Met with HBCSD to discuss 24/25 lease for Perry. Shared results from the Beginning of the Year Staff Survey and also the Beginning of the year Parent Survey. Shared East Campus facility items.

3.2 Financial Report- CSMC/Nick Miller: Reviewed Actual to Budget, Balance Sheet, Overall Kinetic is in a healthy cash balance

3.3 KPO Report- KPO President/Katie Soricelli: Penny Wars brought in \$6,000. New families are motivated to help participate and fundraise. Newland Barn is being considered for the Gala- "Spring Fiesta".

3.4 Local Site Council Report- LSC Chair/Katie Rosas: Welcomed new LSC Member: Elizabeth Fondren. Reviewed School Safety Plan. Held Wellness Committee Meeting. Students loved the Attendance bracelets. Way to pay for field trips online- many companies will match

4. Oral Communication All Agenda Items

The public is invited to address the Board. Please indicate your desire to speak by going to the Participants tab and click on "Raise Hand". Your name will be called and your microphone will be unmuted when it is your turn. Be advised that per public policy individual board members are not allowed to respond directly to your comments and each speaker is limited to 3 minutes.

No oral communications at this time.

5. Discussion Items

6. Action Items

6.1 Comprehensive School Safety Plan

Motion: Michele Asay

Second: Bill Brooks

F/O/A: 4/0/0

6.2 Lease with Huntington Beach City School District 2024/2025/Prop 39 Facilities Request 2024/2025

Motion: Michele Asay

Second: Bill Brooks

F/O/A: 4/0/0

7. Closed Session

Conducted in accordance with applicable sections of California law, Closed Sessions are not open to the public. If additional time is required, the Board of Directors will reconvene the Closed Session at the end of the regular meeting.

7.1 Conference with Labor Negotiators (Gov. Code section 54957.6.)

Unrepresented Employee: All Staff

7.2 Conference with Real Property Negotiations (§ 54956.8) Kinetic East: 19231 Harding Lane,
Huntington Beach, CA, 92648

8. Return To Open Session at 8:15

8.1 Report of Closed Session

No Report from Closed Session

9. New Business

None

10. Adjournment

Motion: Michele Asay

Second: Bill Brooks

F/O/A: 4/0/0

Kinetic Academy
School Safety Plan

721 Utica Ave, Huntington Beach, CA 92648: Kinetic West
19231 Harding Lane, CA 92648: Kinetic East
(714) 465 - 4565: Main Line to Kinetic Academy

Objectives

- Provide for the safety and welfare of students, faculty, staff and parents.
- Conduct risk assessment and ensure controls are in place to protect students, faculty, staff, and parents.
- Evacuate students, faculty, staff and parents to the appropriate safe location.
- Establish needs for medical treatment prior to arrival of emergency personnel.
- Account for all students, faculty, staff, and parents.
- Establish an appropriate command organization that can effectively meet the initial and long term challenges required to mitigate the incident.
- Keep the public, stakeholders, and the media informed of activities.

Emergency Phone Numbers

EMERGENCY/Paramedics: 911

Huntington Beach Police Department: (714) 960 - 8811

Huntington Beach Fire Department: (714) 536 - 5411

Huntington Beach School Resource Officer: Derek Young: (714) 981 - 8240

Orange County American Red Cross Emergency: (714) 481 - 5300

Kinetic Academy: (714) 465 - 4565

(714) 465-4565

Bre Lionetti - Ext. 1001

Tricia Gallagher - Ext. 1007

Kristie Kay - Ext. 2215

Amy Vento - Ext.1004

Sherry Bradfield - Ext. 1002

Cambria Hersh / Veronica Mosqueda - Ext. 2222

Local Non-Emergency Contacts:

Huntington Beach Police - 714-960-8811

Huntington Beach Fire - 714-536-5411

School Resource Officer:

SRO Taylor Davoren

TDavoren@hbcasd.us

714-477-4959

A) Child Abuse Reporting Procedures: On an annual basis all Kinetic employees are required to complete a Mandated Reporting training.

CALIFORNIA MANDATED REPORTING TRAINING

Definition of Child Abuse: Any conduct, acts, or omissions that endanger a child's physical or emotional health and development. A child is under 18 years of age.

Types of child abuse:

Physical abuse – non-accidental act resulting in injury; cutting twisting limbs, shaking, hitting, beating, burning, biting, or any other extreme physical mistreatment. (report to Huntington Beach Police Department- HBPD)

Sexual abuse - incest, any forced sexual activity, exposure to sexual stimulation not appropriate of the child's age, sexual exploitation of a minor. (report to HBPD)

Neglect – negligent failure of a parent or caretaker to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury has occurred; pattern of failure to provide for the child's emotional needs.

(Report to Department of Children & Family Services, DCFS 1-800-540-4000)

Emotional abuse - constantly blaming or demeaning; excessive yelling or shaming; frequently interacts with the child in a hostile manner. (report to DCFS 1-800-540-4000)

NOTE: It is not up to the reporter to investigate or decide if the child's complaint is valid or not. All Kinetic Academy employees are mandated reporters, and must:

Report suspected child abuse immediately

Prior to calling, make sure to have all information needed to complete the written

Suspected Child Abuse Report, (SCAR) http://ag.ca.gov/childabuse/pdf/ss_8572.pdf

If the mandated reporter has any question– call DCFS- they will advise the mandated reporter.

If possible, make report in presence of site administrator or inform site administrator that you are making a report.

Site administrator can cover class so reporter can leave their classroom.

DCFS handles

only in-home abuse.

Physical Abuse and Sexual Abuse – if child is in immediate physical danger.

Complete on-line SCAR found at

http://ag.ca.gov/childabuse/pdf/ss_8572.pdf and hand deliver to officer (does not need to be in an envelope) or contact DCFS and complete on-line form

Neglect and Emotional Abuse – if child is not in immediate danger report to DCFS 1(800) 540-4000. They will give you a 19-digit number to be used to complete the on- line SCAR at <https://mandreptla.org/index.asp?OpenStatus=Return>

Items below apply to all reports:

In the field, Mandated Reporter Category, insert "Educator"

Once completed, print and sign the form

Send a copy of all SCAR's in a sealed envelope to the Student Services Coordinator
Reporter may keep a copy but the document **must be kept confidential**.
Report **SHALL NOT** be placed in cum or with any other student records

B) Disaster Procedures: Kinetic Academy Employees will review types of emergencies and plan prior to the start of the school year. All students and staff will participate in monthly drills.

Assumptions

- Emergency response personnel will take control of security and evacuation once they arrive on scene.
- Normal school functions will be interrupted.
- Students will be scared and confused and will need to be provided direction.

Types of Emergencies

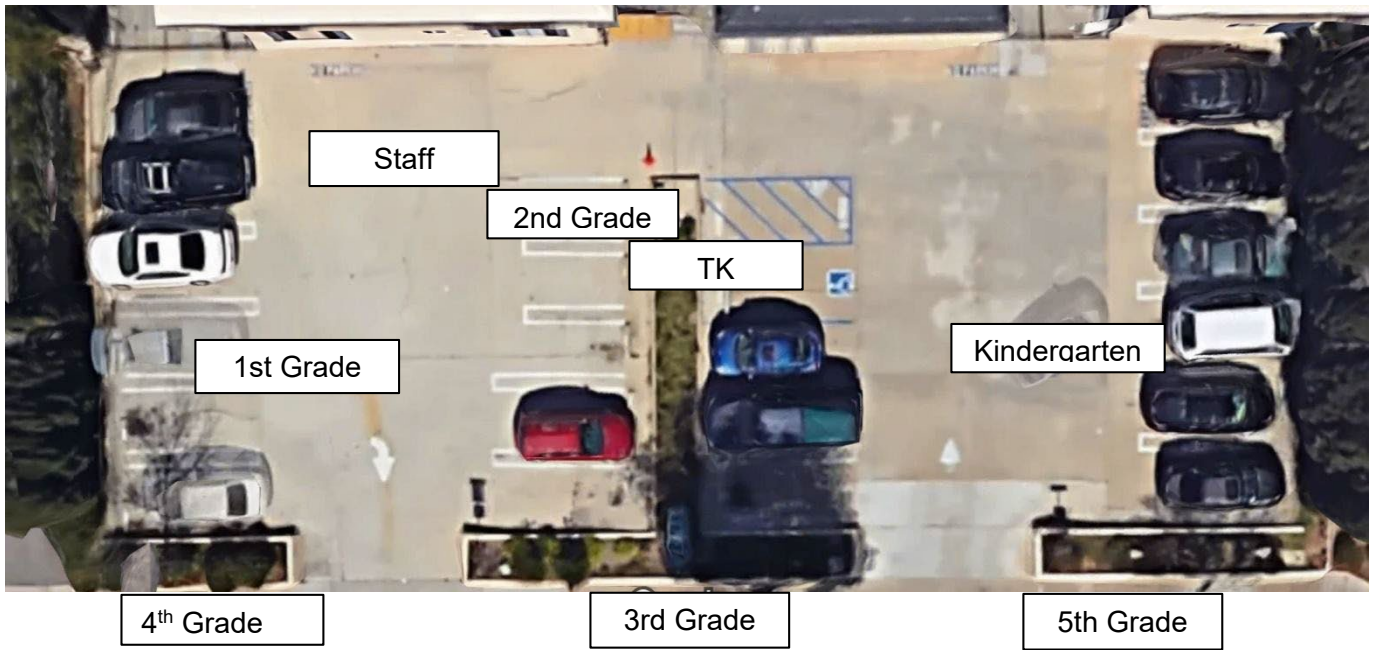
This plan will cover the following types of emergencies:

- Fire
- Earthquake
- Lockdown
- Suspicion or Sighting of Student with Weapon
- Psychotic/Narcotic/Suicidal Individual
- Riot/Gang Incident
- Held Hostage Incident
- Violent Student in the Classroom- No Weapon
- Gunfire on Campus
- BombThreat
- Tsunami
- Hazmat
- Critical Person Emergency- Serious Bleeding or Breathing has Stopped
- School Wide Evacuation- No present danger

- School Wide Evacuation- No present danger

Evacuation Locations: WEST Campus

School Evacuation: Evacuate to On Site Evacuation Location (Parking Lot)



Campus Evacuation: Evacuate to Off Site Evacuation Location (McCallen Park)



Evacuation Locations: EAST Campus

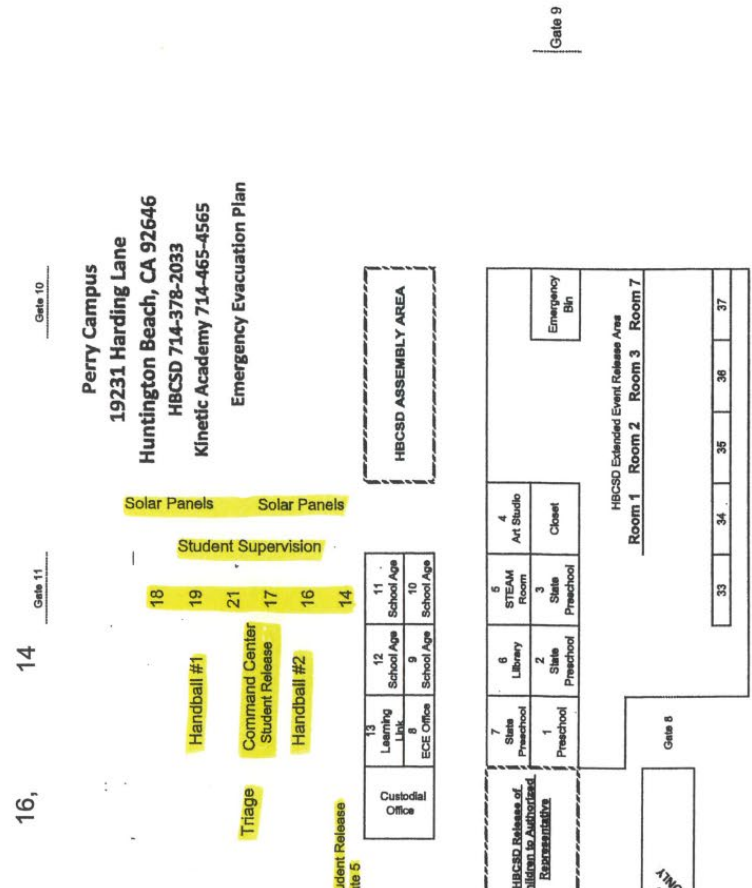
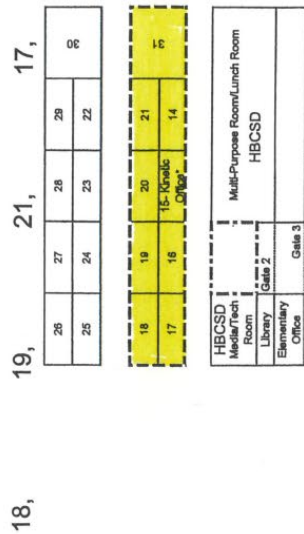
Updated
Board Approved

School Evacuation: Evacuate to On Site Evacuation Location (black top)

Great Shake-Out ~ Map

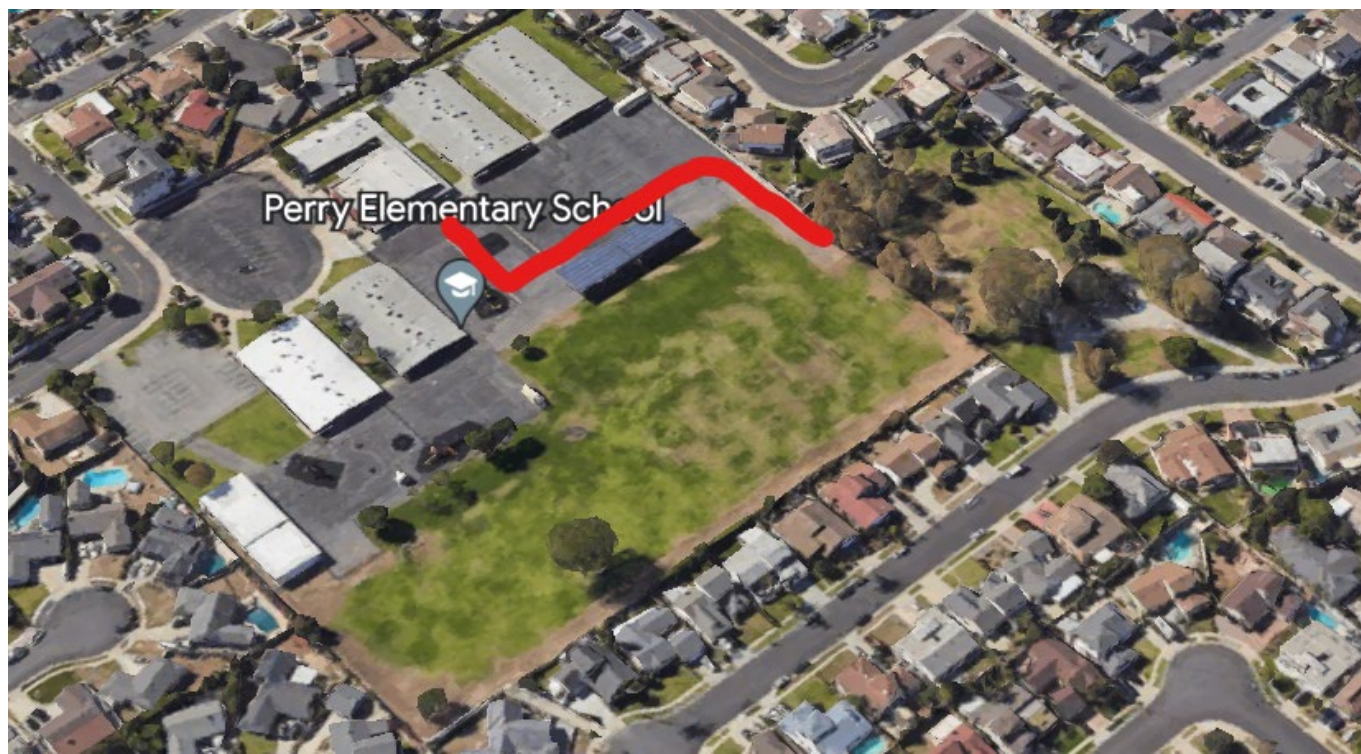
Exit Gate #5

Classrooms:



- Notes:
1. We always line up at the blacktop (see map) first. Do not assemble under the solar panels.
 2. Avoid play structure, buildings, trees and fences.
 3. HBCSD radio channel #3
 4. Kinetic Academy radio channel #16
 5. Emergency radio channel #9

EAST Campus Evacuation: Evacuate to Off Site Evacuation Location (Perry Park)



Staff Emergency Responsibilities : WEST Campus

Command Post	Buddy Check In
Executive Director - Bre Lionetti (Onsite)	Reynolds & Roy
Office Manager- Sherry Bradfield (Offsite)	Hill/Fiola & Miller
Tricia Gallagher (Onsite)	Cooper & Milano & Kunze/Hatchett./Vorhees
Amy Vento/Joanna Gilchrist (Offsite)	Snodgrass & Brown
Damage Assessment & Site Security	Henley & Tull
Jerry Bradfield (Onsite)	Clingan & Furden
	Landazuri & Atanacio
First Aid	Rierson & Jackson
Jamie Lacey (Onsite)	BradfieldBradfield/Lacey/Cruz/Gallagher/Vento/Lionetti
April Cruz (Onsite)	
Student Release - Onsite/Offsite	
Sherry Bradfield- Check In	Student Release Support
Katie Milano- Check In	SAI Aides & Yard Supervisors
Admin - Check Out	Student Supervision Support
Maria Reynolds - Check Out	Teacher Aides & Yard Supervisors

Becki Roy- Check Out	
Student Supervision- Onsite/Offsite	Search & Rescue - Onsite
Cooper- TK	Miller (Team 1)
Hill/Fiola- KINDER	Brown (Team 2)
Snodgrass- 1st GRADE	Tull (Team 1)
Henley- 2nd GRADE	Clingan (Team 2)
Furden- 3rd GRADE	Landazuri (Team 1)
Atanacio- 4th GRADE	Jackson (Team 2)
Rierson- 5th Grade	Offsite Supervision Support
	Yard Supervisors
	Aides: Makayla MacDonald (TK), Iriana De La Grana

Staff Emergency Responsibilities : EAST Campus

Command Center

Kay & Hersh/Mosqueda

Search & Rescue

1. Anderson & Ostrander

Staff bathrooms, rooms 18, 19, 20 & 21

2. Boone & Lopez del Rincon

Student bathrooms, rooms 14, 15, 16, 17 & 31

First Aid

Dubose

Class Supervision

Rold & Andry

Student Release

Rold & Andry

BUDDY CHECK IN

MPR	Room 17
Ostrander	Room 18

Anderson	Room 19
Lopez del Rincon	Room 16

Boone	Room 14
Rold	Room 21

Kay	Room 15 & 20
Hersh/ Mosqueda	Room 15 & 20

Emergency Position Responsibilities

Command Post: Those assigned to the Command Post are responsible for liaison activities associated with emergency response personnel. In addition, they should have an overall situational awareness of what is going on with emergency procedures. In addition:

- Stay in regular communication with the fire/police department, if necessary
- Account for the whereabouts of all students, faculty, staff and parents
- Activate school teams, gather information from all teams and prioritize needs based on safety needs
- Determine the need for additional emergency response and re-assign teams as needed to meet the needs of the emergency
- Notify Parents, if necessary

Damage Assessment & Site Security: Those assigned to Damage Assessment and Site Security will provide the Command post with an update on damage to the school post incident. During the incident the Damage Assessment and Site Security personnel shall ensure that a perimeter is set up to ensure all students are safe from outside influences. In addition:

- Assess assigned buildings for soundness and shut off any necessary equipment (i.e: shutting off the gas, water, or electricity) and assessing the building for soundness
- Look for fires, hazardous material leaks, or trapped or injured students and problems surrounding the school
- Monitor entrances to the school
- Assist with another team as directed by the Command Post

First Aid: Those assigned to First Aid will provide initial triage of any injured students, faculty, staff and parents. Each member assigned to First Aid should be able to provide initial first aid to those injured. In addition:

- Set up your station and be prepared to treat all non-critical injuries
- Prioritize victims by seriousness of injury
- Document all injuries treated with name, injury and first aid administered
- Send list of students to Student Release Station
- Call 911 and request emergency medical assistance and transportation as needed
- Assist with another team as directed by the Command Post

Student Release: Those assigned to Student Release will ensure that all students are accounted for during pick up and drop off of students. In addition:

- Set up your station with emergency release cards (OFFICE BINDER) from all students
- Obtain a list of students from the first aid station
- Release students only per emergency card designees & have person sign release card
- Contact Teachers through Walkie Talkie to notify them which student is needed to be released
- Assist with another team as directed by the Command Post

Student Supervision: Those assigned to Student Supervision will ensure that all students remain in their assigned location and provide adequate activities to keep the students calm and entertained. In addition:

- Monitor Students in contained area
- Release Students as contacted by Student Release
- Check off students as they are called by Student Release

Buddy Check In: Please check in with your buddy teacher to make sure the teacher is ok to supervise students safely out of the building.

Search & Rescue: During an emergency situation there will undoubtedly be a chaotic situation. During a chaotic situation it is recognized that there is a possibility of someone getting lost. Those assigned to Search and Rescue will be responsible for trying to track down those that have not been accounted for. They should be prepared to work with local emergency responders on the identification of those unaccounted for. They **will not** put themselves into a dangerous situation in order to rescue anyone and should leave that for emergency response personnel.

- Report to the Command Post to determine search assignments for locating and recovering any missing persons
- Upon entering a room, mark the doorway with a slash “/” using tape
- Change the “/” to an “X” when the room has been completely searched
- Assist with another team as directed by the Command Post

Support (Volunteers/Parents on site): At any given time, there are a number of volunteers and parents on campus. During an emergency situation these members of the Kinetic Academy family should be used to provide emergency assistance. They should be used for the following:

- Release other team members to meet their teams and account for all students
- Manage all assembly area activities and communication

- Support members should proceed to the storage area to bring out all necessary supplies (water, blankets, etc)
Storage Area Location:
- Relieve neighboring team members as needed
- Assist with another team as directed by the Command Post

Incident Command Post

When emergency response personnel arrive on scene they will more than likely stand up their own Incident Command Post. The Kinetic Academy Command Post may be rolled up into this Incident Command Post and support the Incident Command Post by adding valued information to the first responders. The principle may also need to be assigned to the Incident Command Posts Unified Command and will be expected to assist in providing school intentions and make required decisions alongside emergency personnel.

Emergency Response Guidelines

- If 1st to discover an emergency, contact the office immediately with:
 - exact location
 - nature of the situation
 - If unable to do this, send 2 student messengers together
- Teachers must STAY with class/students
- If it is a **LIFE-THREATENING SITUATION**, call 911 **first** and then contact the office
- Staff will be notified with specifics of the emergency, as quickly as possible, by the administrative staff. Wait for instructions.

Parent Notification

Classroom Teachers: should Parent Square message class directly using INSTANT notification. If teacher/students are safe, Teachers can make phone calls to parents directly, notifying them of the evacuation. If a parent cannot pick up, teachers can ask parents to notify Emergency Contacts directly, so Teachers can continue calling parents

Phone Tree for classes:

KPO Liaisons responsible for establishing a phone tree at the beginning of the year.

KPO Liaisons have classroom rosters and should make every effort to contact parents of all students within a class. Especially in a true emergency when the teachers need to make sure their focus is on the students and not making calls.

Food Resources:

Any emergency response may last several hours. Food for students, faculty and staff could prove to be vital in ensuring that all are functioning and may provide an activity to keep students busy for a time period. The food supply team will provide a snack for any event that lasts more than two hours.

Emergency Position Supplies

All Emergency kits & supplies should be checked a month prior to the end of the school year. This will allow for determining supplies that need to be replaced and those that can be used prior to the end of the school year, in preparation for the start of the new school year.

The following supplies will be needed for each position:

Command Post: Student accountability report form, Emergency Binder with Student Release Information, Emergency Roster, Paper/Pens for making notes, lists, etc, Attendance sheet , Snacks, Dry erase markers, Band Aids for minor scrapes (First Aid will respond to larger injuries)

Damage Assessment & Site Security: Tape for marking doors

First Aid: First Aid kit, gloves, face masks

Student Release: Emergency Contact Binder

Student Supervision: Playing cards or games to keep students entertained

Search & Rescue: Hard hats, gloves, boots, long sleeve shirts

Buddy Check In: All staff will be assigned a buddy to check in with

Food Supply: Paper plates, paper towels, plastic ware, plastic cups

Teacher Emergency Kits

Teachers should prepare for the worst case scenario and be able to ensure the safety of their students and any parent volunteers. Teachers should check their emergency kits at the beginning of the school year to ensure the teacher is prepared for emergencies throughout the year. The following list of emergency supplies are recommended to have in a “go bag”:

- Two sets of red/green cards and a way to affix them
- Student accountability report form
- Emergency Binder with Student Release Information
- Emergency Roster
- Tape for marking doors
- Paper/Pens for making notes, lists, etc
- Attendance sheet
- Snacks
- Playing cards or games to keep students entertained
- Dry erase markers
- Band Aids for minor scrapes (First Aid will respond to larger injuries)

Emergency Response Checklists

Faculty and staff are provided the following checklist to ensure all emergency procedures are completed and to provide a timeline to emergency response personnel on steps that were taken to ensure the safety of students, faculty, staff, and parents. Each checklist should be laminated and kept in an easy to access location for the faculty to gather in an emergency situation. A dry erase marker should be kept in the same location to assist in accurate accounting of the steps that have been completed.

Standard Response Protocol (SRP) for Campus Emergencies

Goal: Practice/familiarize/use common language and actions in response to a potential safety hazard located nearby or on campus. **The SRP is based on the following (5) actions as determined by the incident:**



“Stay In Your Classroom or Area - clear the halls”

Purpose: Keep hallways, walkways, and access areas clear.

Situation: All students to be contained in a specific area (room or playground.) Ex. medical emergency, altercation or disruptive person.

Students:

- Clear hallways and remain in their room or area until the “All Clear” is announced
- *Business as usual*

Teachers & Staff

- *Inside* - close the door. Don't allow students out. Quickly sweep immediate hallway/walkway
- *Outside* (PE, recess/lunch) - do not allow students to leave the immediate area.
- Account for your students & adults. Notify office if any are beyond the area or classroom
- *Business as usual*



“Get Inside. Lock Doors”

Purpose: Safeguard students & staff inside of buildings.

Situation: There is a threat or hazard outside of the school gates, such as potential criminal activity/violence in the immediate neighborhood, or a dangerous animal/insect on campus. No in/out of campus until clear.

Students

- Return to inside of buildings
- *Business as usual*

Teachers & Staff

- Bring everyone indoors
- Lock classroom doors
- Increase situational awareness
- Account for students & adults
- *Business as usual*

**LOCKDOWN****“Locks, Lights, Out of Sight”**

Purpose: Uses classrooms and school security actions to protect students and staff from an inside threat.

Situation: There is an active threat inside or very close to the entrance. Examples: parental custody disputes, intruder(s), or an active assailant.

Students:

- Move away from sight
- Maintain silence

Do not open the door - An official will unlock it with a key

Teachers and Staff

- Recover students from hallways, if possible
- Lock the classroom door
- Turn out the lights
- Move away from sight
- Maintain silence
- Do not open the door - An official will unlock it with a key
- Prepare to evade or defend

**SHELTER****“State Hazard and Safety Strategy” ex. “Earthquake: drop, cover and hold on”**

Purpose: Group and self-protection during, or Followed by a hazard affecting campus

Situation: Earthquake, Hazmat, Tsunami, or violent storm

Safety Strategies may include:

- Seal the room (Hazmat)
- Drop, cover, and hold on (Earthquake or violent storm)
- Get to high ground (Tsunami)

Students

- Follow teacher’s directions for the determined safety strategy

Teachers and Staff

- Communicate safety strategy
- Account for all students and adults
- Listen for evacuation announcement
- Report injuries or problems using Red Card/Green Cards



EVACUATE

“To a location on-site (parking lot) or off-site (Boys & Girls Club)”

Purpose: To exit campus as a safety measure

Situation: Followed by an incident or natural disaster threatening the safety on campus, ex. Fire, earthquake

Students:

- Follow teacher’s instructions
- Leave stuff behind, if required
- Don’t panic; walk out together quickly & quietly

Teachers and Staff

- Bring emergency backpack, phone, & walkie talkie
- Turn off lights
- Teachers lead students to evacuation location (listen for directive)
- Staff Safety teams
 - Know your responsibilities & destination
- Account for all students & adults
- Report injuries or problems using Red/Green Card method
 - Hold up colored card after taking role
 - Green - all accounted for; no issues
 - Red - missing student; need assistance

FIRE EVACUATION PLAN

(SRP) EVACUATE

Fire/Evacuation signaled by fire alarm

When you hear the fire/evacuation bell, take your emergency backpack and quickly walk your class to the designated evacuation area. Listen for on-site or off-site directive.

If smoke is in the immediate vicinity, instruct students to **“Stay Low and Exit.”**

1. Take red emergency backpack and walkie-talkie.
2. Close doors when the classroom is vacated, students walk **SILENTLY** to hear directions.
3. Check to make sure that your “Buddy” class has evacuated.
4. Take attendance immediately once you arrive at the evacuation location.
5. Complete Student Accountability Report.
6. Send a runner to the Command Center with a Student Accountability Report.
7. Wait for directions from the Command Center to return to class or for the next phase of emergency response.

EARTHQUAKE

(SRP) SHELTER ⇒ EVACUATE

DURING THE QUAKE:

INSIDE: At the first sign of shaking:

1. **Drop, cover and hold** – under a desk or table or inside wall (cover back, neck, and head).
2. Take command by remaining calm and provide clear directions to students.
3. Once shaking has stopped, take the red emergency bag and walkie-talkie and evacuate the classroom. Watch for potential falling objects.
4. Proceed to the designated evacuation area.

OUTSIDE: At the first sign of shaking:

1. Staff directs students away from buildings, trees, poles and wires.
2. Call **DROP command**. Everyone should cover as much skin surface as possible, close eyes and cover ears. Proceed to the evacuation line on the field.
3. If students are on the way to or from school, instruct them to stay in the open, away from buildings, signs, trees, and wires. Proceed home or to school after the quake.

AFTER THE QUAKE - EVACUATE:

1. Take your student roster sheet and **red** emergency backpack.
2. Leave doors open when the classroom is vacated, students walk **SILENTLY** to hear directions.
3. Check to make sure that your “Buddy” class has evacuated.
4. Take attendance immediately using the *Student Accountability Report* once you arrive at the evacuation location.
6. Send a runner to the Command Center with a Student Accountability Report.
7. Wait for directions from the Command Center to return to class or for the next phase of emergency response.

Non-life Threatening Emergency

(SRP) SECURE

Non-life threatening (I.E. Disturbance, bees, coyote, etc.)

When a SECURE is announced (via intercom, walkie talkie, email, WebEx or text) do the following:

If students are OUTSIDE (hallways, restroom, lunch, etc):

1. Students should go to the nearest classroom immediately.
2. Once students are inside, teachers are to follow instructions below (students inside).
3. If a student is in the field/lunch area or far from a classroom, they are to go to the nearest enclosed area.
4. Teacher is to quickly sweep the immediate outside area for students and direct them inside.

If students are INSIDE:

1. Teachers lock the doors & windows. **Under no circumstance DO NOT open the door for anyone.** Administration has the key to your classroom.
2. Business as usual inside.
3. Remain inside until further instructed.
5. Teachers send an email to Office accounting for students/missing students

Ex.Subject Line: 22 Students in Class/2 Out or ALL students accounted for

6. All teachers should stay close to email & walkie talkies for further instructions or "All Clear" from the office.

LOCK DOWN

(SRP) LOCKDOWN

Life and Non-life threatening (I.E. intruder, volatile custody dispute, etc.)

When a LOCK DOWN is announced (via intercom, walkie talkie, email, WebEx or text) do the following:

If students are OUTSIDE (hallways, restroom, lunch, etc):

1. Students should go to the nearest classroom immediately.
2. Once students are inside, teachers are to follow instructions below (students inside).
3. If a student is in the field/lunch area or far from a classroom, they are to go to the nearest enclosed area, stay quiet and out of sight.

4. If they are in the immediate line of fire/danger, staff and students are to lie flat on the ground and move/crawl away from danger.

5. Wait for instruction from the Command Center or office.

If students are INSIDE:

1. Teachers lock the doors, windows and close blinds. **Under no circumstance DO NOT open the door for anyone.** Administration has the key to your classroom.

2. Students need to remain silent, hide from view and move away from the windows and doors.

3. Turn off the lights so that no one can see inside the classroom.

4. Remain inside until further instructed.

5. Teachers send an email to Office accounting for students/missing students

Ex.Subject Line: 22 Students in Class/2 Out or ALL students accounted for

6. All teachers should stay close to email for instructions.

7. Keep doors locked at all times until administration or 911 responders open door and let you know it is safe to exit.

SUSPICION OR SIGHTING OF STUDENT WITH WEAPON

(SRP) SECURE

1. Notify the office immediately

2. Administrators or other staff will remove students from the classroom or area. The student will be searched away from students and teachers.

3. If a weapon is drawn in the classroom or office, react as if you're in a hostage situation, unless an individual drawing weapon will allow people to leave premises.

4. If a student is threatening one particular person, quietly try to get other students out of the room or immediate area.

5. Use common sense. As an extreme – silently motion for students to enter or exit the classroom. This will keep everybody safer than someone yelling.

PSYCHOTIC/ NARCOTIC/ SUICIDAL INDIVIDUAL

(SRP) SECURE

1. Notify the office.

Updated

Board Approved

2. Get other students out of the classroom or area. You may be able to accomplish this by quietly signaling students individually or by rows (if disturbed student's attention is focused away from exit).
3. Try to calm the individual by talking softly and visually isolating the person from outside.
4. Do not approach the individual without his/her permission.
5. With a narcotic situation – asking non-related questions along with normal questions can keep an individual's mind occupied and off track while you are waiting for help.
6. Wait for the principal or police to remove the student. If the student becomes violent, leave room or area.

RIOT/ GANG/ INCIDENT

(SRP) HOLD

WHEN TENSIONS ARE HIGH, GROUPS BANDING TOGETHER, NO FIGHTING

1. During recess/before or after school – be visible. Stand outside the door as students come to the classroom.
2. Whistles and bells may be sounded early to break up groups and get students moving to the classroom. Open classroom doors early whenever possible.
3. Walkie-talkie for support.
4. When an emergency is over, staff should fill out a witness form and incident report (located at the end of this packet) for any student or staff member who witnessed the incident. Return forms to the office.
5. Keep witnesses from talking with each other about the incident.

The police will interview witnesses individually.

HELD HOSTAGE INCIDENT

(SRP) LOCKDOWN

If you are in an area where a hostage situation is emerging, leave the area! Get to a safe area, then call for help - 911/Office. DO NOT hang up the phone.

Classroom/Office or Area held hostage:

1. **DO NOT** make any sudden moves. Try to keep students calm.

2. Do what the captor asks.
3. **DO NOT** try to send student(s) out for help unless permitted to do so by captor.
4. Ask the captor's permission for any actions.
5. Wait for the police to negotiate.

Remainder of campus:

1. Proceed with lockdown procedures.
2. Instructions for Duck and Cover may be made for certain rooms.
3. Wait for room by room evacuation which will be made by the principal or police.

VIOLENT STUDENT IN THE CLASSROOM AREA – UNARMED

(SRO) SECURE ⇒ EVACUATE

Fights Between Students:

1. Notify the office immediately. **DO NOT** hang up.
2. If possible, get other students out of immediate danger. Have them leave classroom/area and go to the staff lounge/office.

Violent Student Vandalizing Classroom or Office:

1. Notify the office immediately
2. If possible, get all students out of the classroom/office.
3. Personal safety comes first. **DO NOT** physically confront student without assistance from principal or police.
4. If all students are evacuated and you feel endangered, leave the room.

Student Threatening a Teacher:

1. Notify the office immediately. **DO NOT** leave the classroom yourself to get help.
2. If possible, motion other students to start exiting the classroom.

3. **DO NOT** physically confront the student. Wait for help from the principal.

GUNFIRE ON CAMPUS

(SRP) LOCKDOWN

Walk – on or Drive-by Shooting:

1. Duck and cover if in immediate area of gunfire.
2. Follow lockdown procedures.
3. Call 911/Notify the office immediately
4. Lock Down for campus will be called.
5. Wait for room by room evacuation which will be made by the principal or police.
6. Keep witnesses from talking with each other about the incident.

The police or principal will interview witnesses individually.

BOMB THREAT

(SRP) EVACUATE

Suspicious Object:

1. **DO NOT** touch object(s).
2. Keep all people a safe distance away from object(s). **DO NOT** allow anyone to approach the device.
3. Call 911
4. Notify the office immediately
5. The police will decide who will inspect the object.

Notification of Bomb Threat:

1. **NO TRANSMISSION** on any radios or cell phones. This could activate the bomb.
2. Shelter &/or Lockdown may be called.
3. Wait for intercom/ WebEx/ or text instructions, or room by room evacuation which will be made by the principal or police.

TSUNAMI

(SRP) EVACUATE

After an earthquake or hearing a Tsunami siren, listen to the radio or television station for a Tsunami warning or emergency information.

1. Leave the beach and low-lying coastal areas immediately. Evacuate to higher ground.
2. Evacuate buildings and proceed to designated area on the playground, unless directed elsewhere.
3. Take red Emergency backpack and walkie-talkie.
4. Destination site will be notified to West Campus and the police and fire department.
5. Designated Tsunami evacuation shelter (TBD) – meet parents. Local government agencies such as police and fire will initiate total evacuation from the district site.
6. Set up Student Accounting and Student Release. Follow Emergency Procedures.

CRITICAL EMERGENCY INVOLVING SERIOUS BLEEDING OR IF BREATHING HAS STOPPED

(SRP) HOLD

1. Responsible adult employee will administer immediate first aid utilizing Universal Precautions for:
 - a. **BLEEDING** – apply direct pressure (use barrier or latex glove)
 - b. **STOPPED BREATHING** – mouth to mouth resuscitation
 - c. **CARDIAC ARREST** – persons trained in CPR apply external cardiac compressions combined with rescue breathing. **DO NOT** wait for the health aide.
 - d. Implement AED (Automatic Emergency Defibrillator) if needed.
2. Call 911 and give the following information: ***“This is (your name) and we need paramedics” (where, what, who, when).”***
 - a. Name of student/employee – nature of injury – exact location of person.
 - b. Brief description of situation.
 - c. Depending on the emergency, paramedics will be called.
3. Notify the principal/office and parent/authorized person on the emergency card.
4. Complete an Accident Report.

WITNESS FORM

When the emergency is over, staff should fill out a witness form (below) for any student/staff who witnessed the incident. Keep witnesses from talking with each other about the incident.

Date: _____

Teacher: _____ Room: _____

Adult Witnesses:

Name	Position

Student Witnesses:

Name	Grade

INCIDENT REPORT

Staff/Student Reporting _____ Position/Grade: _____ Date: _____

Witnesses if any: _____

Description of Events:

Staff Submitting: _____ Administrator: _____

ACCIDENT/ INJURY REPORT

Date of report _____

Staff completing report _____

Date and time of accident/incident _____

Location of accident/incident _____

Person(s) involved:

Description of the accident/ incident:

Action taken to the accident/ incident:

Witnesses to the accident/ incident:

Name of person in charge at the time of incident:

Who was notified:

Report submitted by:

Administration signature:

Safety Reminders

- 1) Before you take your class out to the **STUDENT ASSEMBLY AREA**, remember to check to see that your **BUDDY TEACHER(S)** is/are okay. In the event that your buddy teacher is missing or hurt, have another teacher watch your class and go to check on your buddy teacher. Evacuate your classroom following the appropriate route to the field.
- 2) Before leaving your room leave a red tag on your door if there is a student you could not evacuate or a green tag on your door if no search is needed
- 3) Bring your attendance sheet and emergency kit
- 4) Students are to leave their backpacks in the classroom
- 5) Shut doors for a fire, leave them open for an earthquake. **DO NOT LOCK DOORS**
- 6) When you arrive at the student assembly area make sure your students are in alphabetical order
- 7) Take attendance using the **ACCOUNTABILITY REPORT FORM** and send the form with a runner to the Command Post. Include green card for all accounted for and red card if students or adults are missing.

8) Once you have taken attendance you will need to join your team at the Command Post and start your assigned duties. If you are part of the Student Supervision Team you need to stay with your group of students until you hear an all clear and are allowed to dismiss students back to class.

C) Suspension/Expulsion Assessment:

Average # of Suspensions from prior school year: 7

Reasons for Suspensions: Behavior

Average # of Expulsions from prior school year: 0

Reasons for Expulsions: N/A

All suspension and expulsion procedures outlined in Charter Petition

D) Procedures to Notify Teachers of Dangerous Pupils

(a) A school district shall inform the teacher of each pupil who has engaged in, or is reasonably suspected to have engaged in, any of the acts described in any of the subdivisions, except subdivision (h), of Section 48900 or in Section 48900.2, 48900.3, 48900.4, or 48900.7 that the pupil engaged in, or is reasonably suspected to have engaged in, those acts. The district shall provide the information to the teacher based upon any records that the district maintains in its ordinary course of business, or receives from a law enforcement agency, regarding a pupil described in this section.

(b) A school district, or school district officer or employee, is not civilly or criminally liable for providing information under this section unless it is proven that the information was false and that the district or district officer or employee knew or should have known that the information was false, or the information was provided with a reckless disregard for its truth or falsity.

(c) An officer or employee of a school district who knowingly fails to provide information about a pupil who has engaged in, or who is reasonably suspected to have engaged in, the acts referred to in subdivision (a) is guilty of a misdemeanor, which is punishable by confinement in the county jail for a period not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or both.

(d) For the 1994-95 school year, the information provided shall be from the previous two school years. For the 1996-97 school year and each school year thereafter, the information provided shall be from the previous three school years.

(e) Any information received by a teacher pursuant to this section shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

E) Discrimination, Harassment & Bullying

Kinetic Academy is committed to providing a safe work environment that is free of harassment and intimidation. The Board prohibits sexual harassment against employees and retaliatory behavior or action against any person who complains, testifies, or otherwise participates in the complaint process established for the purpose of this policy.

Sexual harassment includes, but is not limited to, harassment that is based on the gender, gender identity, gender expression, or sexual orientation of the victim.

This policy shall apply to all school employees and to other persons on school property or with some employment relationship with the district, such as interns, volunteers, contractors, and job applicants.

Any district employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment in violation of this policy is subject to disciplinary action, up to and including dismissal.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to employees and others to whom the policy may apply
3. Ensuring prompt, thorough, and fair investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

The Executive Director or designee shall periodically evaluate the effectiveness of the district's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to the harassment policy, complaint procedures, or training.

Any district employee who feels that he/she has been sexually harassed in the performance of his/her district responsibilities or who has knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to his/her direct supervisor, another supervisor, the district's coordinator for nondiscrimination, or the Executive Director.

Complaints of sexual harassment shall be filed and investigated in accordance with the complaint procedure specified in AR 4030 - Nondiscrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

This administrative regulation shall apply to all allegations of sexual harassment involving employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student.

BULLYINGPOLICY

Discrimination, sexual harassment, harassment, intimidation, and bullying are all disruptive behaviors, which interfere with students' ability to learn, negatively affect student engagement, diminish school safety, and contribute to a hostile school environment. As such, Kinetic Academy (the "Charter School") prohibits any acts of discrimination, sexual harassment, harassment, intimidation, and bullying altogether. This policy is inclusive of instances that occur on any area of the school campus, at school-sponsored events and activities, regardless of location, through school-owned technology, and through other electronic means.

As used in this policy, discrimination, sexual harassment, harassment, intimidation, and bullying are described as the intentional conduct, including verbal, physical, written communication or cyber-bullying, including cyber sexual bullying, based on the actual or perceived characteristics of sex (including pregnancy, childbirth or related medical conditions and parental status), race or ethnicity (including ancestry, color, ethnic group identification, ethnic background, and traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as braids, locks and twists), religion (including agnosticism and atheism), creed, color, sexual orientation, gender, gender identity, gender expression, immigration status, religious affiliation, medical condition, genetic information, marital status, age or association with a person or group with one or more of these actual or perceived characteristics or based on any other characteristic protected by state or federal law or local ordinance. Hereafter, such actions are referred to as "misconduct prohibited by this Policy."

To the extent possible, the Charter School will make reasonable efforts to prevent students from being discriminated against, harassed, intimidated, and/or bullied, and will take action to investigate, respond, address and report on such behaviors in a timely manner. Kinetic Academy school staff that witness acts of misconduct prohibited by this Policy will take immediate steps to intervene when safe to do so.

Kinetic Academy will not condone or tolerate misconduct prohibited by this Policy by any employee, independent contractor or other person with which Kinetic Academy does business, or any other individual, student, or volunteer. This policy applies to all employees, students, or volunteers and relationships, regardless of position or gender. Kinetic Academy will promptly and thoroughly investigate and respond to any complaint of misconduct prohibited by this Policy in a manner that is not deliberately indifferent and will take appropriate corrective action, if warranted. Kinetic Academy complies with all applicable state and federal laws and regulations and local ordinances in its investigation of and response to reports of misconduct prohibited by this Policy.

Definitions

Prohibited Unlawful Harassment

- Verbal conduct such as epithets, derogatory jokes or comments or slurs.
- Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work or school because of sex, race or any other protected basis.
- Retaliation for reporting or threatening to report harassment.
- Deferential or preferential treatment based on any of the protected characteristics listed above.

Prohibited Unlawful Harassment under Title IX

Title IX (20 U.S.C. § 1681 *et seq.*; 34 C.F.R. § 106.1 *et seq.*) and California state law prohibit discrimination and harassment on the basis of sex. In accordance with these existing laws, discrimination and harassment on the basis of sex in education institutions, including in the education institution's admissions and employment practices, is prohibited. All persons, regardless of sex, are afforded equal rights and opportunities and freedom from unlawful discrimination and harassment in education programs or activities conducted by Kinetic Academy.

Kinetic Academy is committed to providing a work and educational environment free of sexual

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harassment and considers such harassment to be a major offense, which may result in disciplinary action. Inquiries about the application of Title IX and 34 C.F.R. Part 106 may be referred to the Coordinator, the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

Sexual harassment refers to conduct on the basis of sex that, among other things, is not welcome, is personally offensive, or undermines or weakens morale. Sexual harassment can include such actions as unwelcome sexual advances, requests for sexual favors, verbal, electronic, visual, or physical conduct of a sexual nature regardless of whether or not the conduct is motivated by sexual desire, when: (a) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, education, academic status, or progress; (b) submission to, or rejection of, the conduct by the individual is used as the basis of employment, educational or academic decisions affecting the individual; (c) the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment; and/or (d) submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

It is also unlawful to retaliate in any way against an individual who has articulated a good faith concern about sexual harassment against themselves or against another individual.

Sexual harassment may include, but is not limited to:

- Physical assaults of a sexual nature, such as:
 - Rape, sexual battery, molestation or attempts to commit these assaults.
 - Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another's body, or poking another's body.

- Unwanted sexual advances, propositions or other sexual comments, such as:
 - Sexually oriented gestures, notices, remarks, jokes, or comments about a person's sexuality or sexual experience.
 - Preferential treatment or promises of preferential treatment to an individual for submitting to sexual conduct, including soliciting or attempting to solicit any individual to engage in sexual activity for compensation or reward or deferential treatment for rejecting sexual conduct.
 - Subjecting or threats of subjecting a student or employee to unwelcome sexual attention or conduct or intentionally making the student's or employee's performance more difficult because of the student's sex.

- Sexual or discriminatory displays or publications anywhere in the work or educational environment, such as:
 - Displaying pictures, cartoons, posters, calendars, graffiti, objections, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning or pornographic or bringing or possessing any such material to read, display or view in the work or educational environment.
 - Reading publicly or otherwise publicizing in the work or educational environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic.
 - Displaying signs or other materials purporting to segregate an individual by sex in an area of the work or educational environment (other than restrooms or similar rooms).

The illustrations of harassment and sexual harassment above are not to be construed as an all-inclusive list of prohibited acts under this Policy.

Prohibited Bullying

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Bullying is defined as any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act. Bullying includes one or more acts committed by a student or group of students that may constitute sexual harassment, hate violence, or creates an intimidating and/or hostile educational environment, directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing a reasonable student or students in fear of harm to that student's or those students' person or property.
2. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
3. Causing a reasonable student to experience a substantial interference with his or her academic performance.
4. Causing a reasonable student to experience a substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by Kinetic Academy.

Cyberbullying is an electronic act that includes the transmission of harassing communication, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

Electronic act means the creation and transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

1. A message, text, sound, video, or image.
2. A post on a social network Internet Web site including, but not limited to:
 - a. Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in the definition of "bullying," above.
 - b. Creating a credible impersonation of another actual student for the purpose of having one or more of the effects listed in the definition of "bullying," above. "Credible impersonation" means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.
 - c. Creating a false profile for the purpose of having one or more of the effects listed in the definition of "bullying," above. "False profile" means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.
3. An act of "Cyber sexual bullying" including, but not limited to:
 - a. The dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in definition of "bullying," above. A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
 - b. "Cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
4. Notwithstanding the definitions of "bullying" and "electronic act" above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

Formal Complaint of Sexual Harassment means a written document filed and signed by a complainant who is participating in or attempting to participate in Kinetic Academy's education program or activity or signed by the Coordinator alleging sexual harassment against a respondent and requesting that Kinetic Academy investigate the allegation of sexual harassment.

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

Bullying and Cyberbullying Prevention Procedures

Kinetic Academy has adopted the following procedures for preventing acts of bullying, including cyberbullying.

1. Cyberbullying Prevention Procedures

Kinetic Academy advises students:

- a. To never share passwords, personal data, or private photos online.
- b. To think about what they are doing carefully before posting and by emphasizing that comments cannot be retracted once they are posted.
- c. That personal information revealed on social media can be shared with anyone including parents, teachers, administrators, and potential employers. Students should never reveal information that would make them uncomfortable if the world had access to it.
- d. To consider how it would feel receiving such comments before making comments about others online.

Kinetic Academy informs Charter School employees, students, and parents/guardians of Kinetic Academy's policies regarding the use of technology in and out of the classroom. Kinetic Academy encourages parents/guardians to discuss these policies with their children to ensure their children understand and comply with such policies.

2. Education

Kinetic Academy employees cannot always be present when bullying incidents occur, so educating students about bullying is a key prevention technique to limit bullying from happening. Kinetic Academy advises students that hateful and/or demeaning behavior is inappropriate and unacceptable in our society and at Kinetic Academy and encourages students to practice compassion and respect each other.

Charter School educates students to accept all student peers regardless of protected characteristics (including but not limited to actual or perceived sexual orientation, gender identification, physical or cognitive disabilities, race, ethnicity, religion, and immigration status) and about the negative impact of bullying other students based on protected characteristics.

Kinetic Academy's bullying prevention education also discusses the differences between appropriate and inappropriate behaviors and includes sample situations to help students learn and practice appropriate behavior and to develop techniques and strategies to respond in a non-aggressive way to bullying-type behaviors. Students will also develop confidence and learn how to advocate for themselves and others, and when to go to an adult for help.

3. Professional Development

Kinetic Academy annually makes available the online training module developed by the California Department of Education pursuant Education Code section 32283.5(a) to its certificated employees and all other Kinetic Academy employees who have regular interaction with students.

Kinetic Academy informs certificated employees about the common signs that a student is a target of bullying including:

- Physical cuts or injuries
- Lost or broken personal items
- Fear of going to school/practice/games
- Loss of interest in school, activities, or friends
- Trouble sleeping or eating
- Anxious/sick/nervous behavior or distracted appearance
- Self-destructiveness or displays of odd behavior
- Decreased self-esteem

Charter School also informs certificated employees about the groups of students determined by Kinetic Academy, and available research, to be at elevated risk for bullying. These groups include but are not limited to:

- Students who are lesbian, gay, bisexual, transgender, or questioning youth (“LGBTQ”) and those youth perceived as LGBTQ; and
- Students with physical or learning disabilities.

Kinetic Academy encourages its employees to demonstrate effective problem-solving, anger management, and self-confidence skills for Kinetic Academy’s students.

Grievance Procedures

1. Scope of Grievance Procedures

Kinetic Academy will comply with its Uniform Complaint Procedures (“UCP”) policy when investigating and responding to complaints alleging unlawful harassment, discrimination, intimidation or bullying against a protected group or on the basis of a person’s association with a person or group with one or more of the protected characteristics set forth in the UCP that:

- a. Are written and signed;
- b. Filed by an individual who alleges that that individual has personally suffered unlawful discrimination, harassment, intimidation or bullying, or by one who believes any specific class of individuals has been subjected to discrimination, harassment, intimidation or bullying prohibited by this part, or by a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying; and
- c. Submitted to the Kinetic Academy UCP Compliance Officer not later than six (6) months from the date the alleged unlawful discrimination, harassment, intimidation or bullying occurred, or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.

The following grievance procedures shall be utilized for reports of misconduct prohibited by this Policy that do not comply with the writing, timeline, or other formal filing requirements of a uniform complaint. For formal complaints of sexual harassment, Kinetic Academy will utilize the following grievance procedures in addition to its UCP when applicable.

2. Reporting

All staff are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or become aware of misconduct prohibited by this Policy, to intervene when safe to do so, call for assistance, and report such incidents. The Board requires staff to follow the procedures in this policy for reporting alleged acts of misconduct prohibited by this Policy.

Any student who believes they have been subject to misconduct prohibited by this Policy or has witnessed such prohibited misconduct is encouraged to immediately report such misconduct to the Student Services Coordinator or Executive Director.

Complaints regarding such misconduct may also be made to the U.S. Department of Education, Office for Civil Rights. Civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders may also be available to complainants.

While submission of a written report is not required, the reporting party is encouraged to submit a written report to the Coordinator. Kinetic Academy will investigate and respond to all oral and written reports of misconduct prohibited by this Policy in a manner that is not deliberately indifferent. Reports may be made anonymously, but formal disciplinary action cannot be based solely on an anonymous report.

Students are expected to report all incidents of misconduct prohibited by this Policy or other verbal, or physical abuses. Any student who feels they are a target of such behavior should immediately contact a teacher, counselor, the Executive Director, Coordinator, a staff person or a family member so that the student can get assistance in resolving the issue in a manner that is consistent with this Policy.

Kinetic Academy acknowledges and respects every individual's right to privacy. All reports shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process to the greatest extent possible. This includes keeping the identity of the reporter confidential, as appropriate, except to the extent necessary to comply with the law, carry out the investigation and/or to resolve the issue, as determined by the Coordinator or administrative designee on a case-by-case basis.

Kinetic Academy prohibits any form of retaliation against any individual who files a report or complaint, testifies, assists, participates, or refuses to participate in any investigation or proceeding related to misconduct prohibited by this Policy. Such participation or lack of participation shall not in any way affect the status, grades, or work assignments of the individual. Individuals alleging retaliation in violation of this Policy may file a grievance using the procedures set forth in this Policy. Knowingly making false statements or knowingly submitting false information during the grievance process is prohibited and may result in disciplinary action.

All supervisors of staff will receive sexual harassment training within six (6) months of their assumption of a supervisory position and will receive further training once every two (2) years thereafter. All staff, and any individual designated as a coordinator, investigator or decision-maker will receive sexual harassment training and/or instruction concerning sexual harassment as required by law.

3. Supportive Measures

Upon the receipt of an informal or formal complaint of sexual harassment, the Coordinator will promptly contact the complainant to discuss the availability of supportive measures. The Coordinator will consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint of sexual harassment, and explain the process for filing a formal complaint of sexual harassment.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint of sexual harassment or where no formal complaint of sexual harassment has been filed. Such measures are designed to restore or preserve equal access to Kinetic Academy's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Kinetic Academy's educational environment, or deter sexual harassment. Supportive measures available to complainants and respondents may include but are not limited to counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Kinetic Academy will maintain as confidential any supportive

measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of Kinetic Academy to provide the supportive measures.

4. Investigation and Response

Upon receipt of a report of misconduct prohibited by this Policy from a student, staff member, parent, volunteer, visitor or affiliate of Kinetic Academy, the Coordinator (or administrative designee) will promptly initiate an investigation. In most cases, a thorough investigation will take no more than twenty-five (25) school days. If the Coordinator (or administrative designee) determines that an investigation will take longer than twenty-five (25) school days and needs to be delayed or extended due to good cause, the Coordinator (or administrative designee) will inform the complainant of the reasons for the delay or extension and provide an approximate date when the investigation will be complete.

At the conclusion of the investigation, the Coordinator (or administrative designee) will meet with the complainant and, to the extent possible with respect to confidentiality laws, to provide the complainant with information about the investigation, including any actions necessary to resolve the incident/situation. However, the Coordinator (or administrative designee) will not reveal confidential information related to other students or employees.

For investigations of and responses to formal complaints of sexual harassment, the following grievance procedures will apply:

- **Notice of the Allegations**

- Upon receipt of a formal complaint of sexual harassment, the Coordinator will give all known parties written notice of its grievance process, including any voluntary informal resolution process. The notice will include:
 - A description of the allegations of sexual harassment at issue and to the extent known, the identities of the parties involved in the incident, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident;
 - A statement that the respondent is presumed not responsible for the alleged conduct until a final decision is reached;
 - A statement that the parties may have an advisor of their choice, who may be an attorney, and may inspect and review evidence;
 - A statement that Kinetic Academy prohibits an individual from knowingly making false statements or knowingly submitting false information during the grievance process.

- **Emergency Removal**

- Kinetic Academy may place a non-student employee respondent on administrative leave during the pendency of a formal complaint of sexual harassment grievance process in accordance with Kinetic Academy's policies.
- Kinetic Academy may remove a respondent from Kinetic Academy's education program or activity on an emergency basis, in accordance with Kinetic Academy's policies, provided that Kinetic Academy undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.
- This provision may not be construed to modify any rights under the IDEA, Section 504, or the ADA.

- **Informal Resolution**

- If a formal complaint of sexual harassment is filed, Kinetic Academy may offer a voluntary informal resolution process, such as mediation, to the parties at any time prior to reaching a determination regarding responsibility. If Kinetic Academy offers such a process, it will do the following:

- Provide the parties with advance written notice of:
 - The allegations;
 - The requirements of the voluntary informal resolution process including the circumstances under which the parties are precluded from resuming a formal complaint of sexual harassment arising from the same allegations;
 - The parties' right to withdraw from the voluntary informal resolution process and resume the grievance process at any time prior to agreeing to a resolution; and
 - Any consequences resulting from participating in the voluntary informal resolution process, including the records that will be maintained or could be shared; and
- Obtain the parties' advance voluntary, written consent to the informal resolution process.
- Kinetic Academy will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.
- Investigation Process
 - The decision-maker will not be the same person(s) as the Coordinator or the investigator. Kinetic Academy shall ensure that all decision-makers and investigators do not have a conflict of interest or bias for or against complainants or respondents.
 - In most cases, a thorough investigation will take no more than twenty-five (25) school days. If the investigator determines that an investigation will take longer than twenty-five (25) school days and needs to be delayed or extended due to good cause, the investigator will inform the complainant and any respondents in writing of the reasons for the delay or extension and provide an approximate date when the investigation will be complete.
 - The parties will be provided with an equal opportunity to present witnesses, to inspect and review any evidence obtained that is directly related to the allegations raised, and to have an advisor present during any investigative meeting or interview.
 - The parties will not be prohibited from discussing the allegations under investigation or to gather and present relevant evidence.
 - A party whose participation is invited or expected at an investigative meeting or interview will receive written notice of the date, time, location, participants, and purpose of the meeting or interview with sufficient time for the party to prepare to participate.
 - Prior to completion of the investigative report, Kinetic Academy will send to each party and the party's advisor, if any, a copy of the evidence subject to inspection and review, and the parties will have at least ten (10) days to submit a written response for the investigator's consideration prior to the completion of the investigation report.
 - The investigator will complete an investigation report that fairly summarizes relevant evidence and send a copy of the report to each party and the party's advisor, if any, at least ten (10) days prior to the determination of responsibility.
- Dismissal of a Formal Complaint of Sexual Harassment
 - If the investigation reveals that the alleged harassment did not occur in Kinetic Academy's educational program in the United States or would not constitute sexual harassment even if proved, the formal complaint with regard to that conduct must be dismissed. However, such a dismissal does not preclude action under another applicable Kinetic Academy policy.
 - Kinetic Academy may dismiss a formal complaint of sexual harassment if:
 - The complainant provides a written withdrawal of the complaint to the Coordinator;
 - The respondent is no longer employed or enrolled at Kinetic Academy; or

- The specific circumstances prevent Kinetic Academy from gathering evidence sufficient to reach a decision on the formal complaint or the allegations therein.
- If a formal complaint of sexual harassment or any of the claims therein are dismissed, Kinetic Academy will promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to the parties.
- **Determination of Responsibility**
 - The standard of evidence used to determine responsibility is the preponderance of the evidence standard.
 - Kinetic Academy will send a written decision on the formal complaint to the complainant and respondent simultaneously that describes:
 - The allegations in the formal complaint of sexual harassment;
 - All procedural steps taken including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
 - The findings of facts supporting the determination;
 - The conclusions about the application of Kinetic Academy's code of conduct to the facts;
 - The decision and rationale for each allegation;
 - Any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the complainant; and
 - The procedures and permissible bases for appeals.

5. Consequences

Students or employees who engage in misconduct prohibited by this Policy, knowingly make false statements or knowingly submit false information during the grievance process may be subject to disciplinary action up to and including expulsion from Kinetic Academy or termination of employment. The Coordinator is responsible for effective implementation of any remedies ordered by Kinetic Academy in response to a formal complaint of sexual harassment.

6. Right of Appeal

Should the reporting individual find Kinetic Academy's resolution unsatisfactory, the reporting individual may, within five (5) business days of notice of Kinetic Academy's decision or resolution, submit a written appeal to the President of the Kinetic Academy Board, who will review the investigation and render a final decision.

The following appeal rights and procedures will also apply to formal complaints of sexual harassment:

- The complainant and the respondent shall have the same appeal rights and Kinetic Academy will implement appeal procedures equally for both parties.
- Kinetic Academy will notify the other party in writing when an appeal is filed.
- The decision-maker for the appeal will give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome; issue a written decision describing the result of the appeal and the rationale for the result; and provide the written decision simultaneously to both parties.

7. Recordkeeping

All records related to any investigation of complaints under this Policy are maintained in a secure location.

Kinetic Academy will maintain the following records for at least seven (7) years:

- Records of each sexual harassment investigation, including any determination of responsibility; any audio or audiovisual recording or transcript; any disciplinary sanctions imposed on the respondent; and any remedies provided to the complainant.
- Records of any appeal of a formal sexual harassment complaint and the results of that appeal.
- Records of any informal resolution of a sexual harassment complaint and the results of that informal resolution.
- All materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.
- Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment.

F) School Dress Code

The dress code is in effect from the time students arrive to school until they leave. Note that students must be in dress code before school begins if they enter the building before the official start of school. The dress code applies to field trips, site visits, and other school-related activities, unless the supervising adult informs the students otherwise.

Tattoos and body piercing distract classroom instruction, can be intimidating, and are inappropriate for elementary school students. Body piercing on the face, arms, hand, feet, and/or tongue is not allowed. Students will be asked to cover or remove these items.

Allowable Student Attire:

- Polo Shirts in **solid colors** of black, white, gray, or any shade of blue (long or short sleeve)
- Polo Dresses in **solid colors** of black, white, gray, or any shade of blue (long or short sleeve)
- Pinafore or Jumper Dress in **solid colors** of black, white, gray, or any shade of blue (long or short sleeve) must be accompanied by a polo/collared shirt underneath.
- Pants, leggings, shorts, skirts and skorts in **solid colors** of black, white, gray, khaki, blue, or denim
- Skirts and dresses must be worn with leggings or bike shorts in dress code colors
- Denim may be worn, as long as there are **no rips, tears, rhinestones or gems**
- Pants, shorts, skorts and skirts must be worn with the waistband at the waist
- Sweatshirts are considered outerwear and **do not replace a collared polo**
- Sweatshirts, jackets and any other outerwear in **solid colors** of black, white, gray, or any shade of blue are acceptable
- Sandals with back straps are acceptable.
- Tennis shoes are needed for Physical Education time
- Hats with school appropriate verbiage are permissible during lunch and recess.
- Hats, hoods and beanies may not be worn in classrooms.
- Shirts, dresses, and sweatshirts with Kinetic Academy embroidered logo may be purchased from [Lands' End](#) Logoed attire is encouraged but not mandatory.
- Brand logos are allowable if they are smaller than 2x2 inches

Prohibited Student Attire:

- T-Shirts (even in Kinetic colors)
- Flip flops
- Croc Shoes
- Wheelie shoes
- Any attire with non Kinetic Academy pictures logos (larger than 2x2), and verbiage
- Items that have any print (plaid, stripes, polka dots, etc)
- Excessively baggy pants
- Skirts and shorts shorter than mid-thigh
- Spaghetti straps and crop tops
- Piercings (other than ears)

● Tattoos

G) Safe Ingress/Safe Egress

In order to provide a safe and secure school, Kinetic Academy is a closed campus. Students must remain on the campus of their school during all school hours. Parents/Guardians, volunteers, and visitors must ring the bell at the front gate and report to the office during school hours, without exception.

Student Arrival: Students arriving for school will enter through the center gate.

Student Dismissal: Students will exit through the gate assigned to their grade level.

Staff Entry/Exit: All staff will enter and exit through the center gate

Valet

Kinetic Academy offers a Valet Service to help the parents conveniently drop off and pick up their child. The safety of our students and staff is of the utmost importance when using the Valet Service.

To enter the Valet Line, cars **MUST:**

Turn right off of Beach and onto Utica (left turns that block the intersection or crosswalk are not legal)

Turn right into the campus parking lot

Turn right exiting the campus parking lot

-ALL students must exit the car on the PASSENGER side, without exception.

-Parents may not exit their car when going through the valet line.

-Parents may not be on their cell phone when entering the valet line.

-When entering the car, students need to be able to fasten their safety belts to keep the valet line flowing smoothly.

Kinetic Academy reserves the right to exclude anyone from using the valet service who does not follow the above rules.

H) Maintain a Safe & Orderly Environment Conducive to Learning

The Kinetic Academy Board of Directors is committed to providing a safe, supportive, and positive school environment which is conducive to student learning and achievement and desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, use of effective school and classroom management strategies, provision of appropriate intervention and support, and parent/guardian involvement can minimize the need for disciplinary measures that exclude students from instruction as a means for correcting student misbehavior.

The Executive Director or designee shall develop effective, age-appropriate strategies for maintaining a positive school climate and correcting student misbehavior at district schools. The strategies shall focus on providing students with needed supports; communicating clear, appropriate, and consistent expectations and consequences for student conduct; and ensuring equity and continuous improvement in the implementation of district discipline policies and practices.

I) Rules & Procedures for School Discipline

Minor Behaviors- No Administrative Intervention Needed

1- Teacher/Staff Member will document any behavior/discipline issue with student using a Behavior Incident Report

Updated

Board Approved

- 2- Support Staff will give a copy to classroom Teacher to maintain for the school year
- 3- Given the incident, teacher will use his or her best judgment to contact the parent
- 4- Teachers will monitor Minor Behavior Incident Reports for each student
- 5- If the student has multiple Minor Behavior Incident Reports (3-4 or more) regarding the same or similar behavior (and is impeding learning of himself/herself or others), the teacher will meet with Sped Coordinator to discuss patterns, trends, triggers and possible implementation of Behavior interventions necessary to support student learning.
- 6- Sped Coordinator will coordinate with teacher to observe, support and follow up on a regular basis to ensure behavior interventions are being implemented.
- 7- If behaviors continue, after supports are in place, Teacher will refer student to SST

Major Behaviors- Administrative Intervention Needed

- 1- Reporting Teacher/Staff member will fill out a Behavior Incident Report accompanying any Student sent to the office
- 2- Executive Director, or designee, will discuss/investigate incident with students involved and call them to the office. If other Students are needed to gather additional information, students may be called to office
- 3- Executive Director will contact parent to notify them of Behavior/Incident and Actions taken
- 4- Executive Director will fill out action taken and provide copy to referring person and Classroom Teacher (if different)

Average # of Office Referrals from prior school year: **59**

J) Procedures for Criminal Incidents

The school will report any suspected criminal incidents involving a student, staff or person on campus to the HBPD.



Personal Delivery and Email

November 1, 2023

Superintendent Dr. Leisa Winston
Huntington Beach City School District
8750 Dorsett Drive, Huntington Beach, CA 92646

RE: Request for Proposition 39 Facilities for the 2024-2025 School Year

Dear Superintendent Winston:

I am writing on behalf of the Kinetic Academy Charter School ("Charter School") to request reasonably equivalent school facilities from the Huntington Beach City School District ("District") pursuant to Education Code Section 47614 (i.e., Proposition 39) and Title 5 of the California Code of Regulations ("CCR") Section 11969.1 through 11969.11, as amended ("Implementing Regulations").

Proposition 39, passed by the voters of California on November 7, 2000, requires school districts to make available to each charter school operating within the school district, school facilities sufficient for each charter school to accommodate all of the charter school's in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the school district. Facilities provided shall be contiguous, furnished, and equipped, and shall remain the property of the school district. In addition, the school district must make reasonable efforts to provide the charter school with facilities near to where the charter school desires to be located. (See Education Code Section 47614(b)).

The Proposition 39 Implementing Regulations, adopted by the State Board of Education ("SBE") in 2002, and amended in 2008, require the Charter School to make an annual written request for facilities. Title 5 CCR Section 11969.9(c)(1) specifies the information that must be included in the annual facilities request. This request, along with the information submitted herewith, meets and exceeds the requirements of Education Code Section 47614 and the Implementing Regulations. As you are aware, a portion of Kinetic Academy established at an existing public school site pursuant to Education Code Sections 47605(a)(2), 52055.5, 52055.55, or 52055.650 beginning with the 2021-22 school year. Therefore, Kinetic Academy requests that the District make available the Charter School's existing site.

Projected Average Daily Attendance (ADA)

In accordance with Education Code Section 47614(b)(2), the District is required to allocate school facilities to the Charter School for the following school year based upon a projection of average daily classroom attendance provided by the Charter School.

Kinetic Academy's Board of Directors has determined that a reasonable projection of the Charter School's in-District average daily classroom attendance for the 2024-25 school year is 176.39. The following is a breakdown of the Charter School's projected average daily attendance ("ADA") as required by 5 CCR Section 11969.9(c)(1). The Charter School's ADA figures are based on the methodology outlined in the following section.

Please note:

“Prior year” for this request is 2022-23.

“Current year” for this request is 2023-24.

“Request year” for this request is 2024-25.

Table 1: Total ADA

includes all ADA for the district, including out-of-school district ADA, but excludes out-of-school district ADA

A	B	C	D
Grade Level	Actual Total Prior Year (P-2)	Projected Total Current Year	Projected Total Request Year
TK/K	59.46	61.14	61.00
1	42.94	43.97	43.97
2	37.31	39.69	43.97
3	40.76	40.94	39.69
4	41.76	35.47	40.94
5	36.96	40.11	35.47
6	22.08	32.47	40.11
7	14.98	23.42	32.47
8	11.18	16.50	23.42
Total	307.43	333.72	361.04

Table 2: Total In-District ADA

includes all in-district classroom and non-classroom-based ADA but excludes out-of-school district ADA provided by out-of-school district and non-district ADA

A	B	C	D
Grade Level	Actual Total Prior Year (P-2)	Projected Total Current Year	Projected Total Request Year
TK/K	28.22	32.39	34.00
1	26.11	19.28	19.28
2	15.18	24.08	19.28
3	19.61	16.69	24.08
4	21.07	19.25	16.69
5	18.85	20.67	19.25
6	8.69	15.42	20.67
7	6.60	7.72	15.42
8	3.58	6.89	7.72
Total	147.91	162.39	176.39

Table 3: Total Classroom ADA

includes all classroom ADA (both in and out-of-school district) but excludes all non-classroom-based ADA (both in and out-of-school district).

A	B	C	D
Grade Level	Actual Total Prior Year (P-2)	Projected Total Current Year	Projected Total Request Year
TK/K	59.33	60.97	61.00
1	42.53	43.92	43.92
2	37.20	39.69	43.92
3	40.24	40.89	39.69
4	41.40	35.06	40.89
5	36.42	39.61	35.06
6	22.03	32.47	39.61
7	14.72	23.42	32.47
8	11.03	16.06	23.42
Total	304.90	332.08	359.98

Table 4: Total In-District Classroom ADA

A	B	C	D
Grade Level	Actual Total Prior Year (P-2)	Projected Total Current Year	Projected Total Request Year
TK/K	28.15	32.39	34.00
1	26.02	19.22	19.22
2	15.09	24.08	19.22
3	19.41	16.69	24.08
4	20.97	18.83	16.69
5	18.60	20.23	18.83
6	8.65	15.42	20.22
7	6.44	7.72	15.42
8	3.52	6.44	7.72
Total	146.85	161.03	175.40

The following tables represent the projected total **Request Year in-District ADA** (from Table 2 above) and the projected total **Request Year in-District classroom ADA** (from Table 4 above) broken down by grade level and the school in the District the pupils are otherwise eligible to attend. (5 CCR Section 11969.9(c)(2).)

Table 5: In-District ADA Broken Down by Grade Level and District Schools Where Pupils Would Otherwise Attend:

School Name/Grade	TK/K	1	2	3	4	5	6	7	8	Total
Ethel R Dwyer Middle School	0	0	0	0	0	0	7.78	6.72	4.92	19.42
Agnes L. Smith Elementary School	14.08	4.86	8.44	4.78	5.67	3.89	0	0	0	41.72
Isaac L. Sowers Middle School	0	0	0	0	0	0	7.64	1.00	1.97	10.61
John H. Eader Elementary School	2.94	1.97	0	3.97	3.91	1.00	0	0	0	13.79
Ralph E. Hawes Elementary School	1.93	0	0	0.97	0	0.98	0	0	0	3.88
S.A. Moffett Elementary School	1.00	1.92	3.83	1.00	0	2.97	0	0	0	10.72
John R. Peterson Elementary School	8.61	9.53	9.81	4.00	5.81	9.89	0	0	0	47.65
Huntington Seacliff Elementary School	3.83	1.00	2.00	1.97	3.86	1.94	0	0	0	14.6
Total	32.39	19.2	24.0	16.6	19.2	20.6	15.4	7.72	6.89	162.39
		8	8	9	5	7	2			

Table 6: In-District Classroom ADA Broken Down by Grade Level and District Schools Where Pupils Would Otherwise Attend:

School Name/Grade	TK/K	1	2	3	4	5	6	7	8	Total
Ethel R Dwyer Middle School	0	0	0	0	0	0	7.78	6.72	4.67	19.17
Agnes L. Smith Elementary School	14.0	4.80	8.44	4.78	5.42	3.89	0	0	0	41.41
Isaac L. Sowers Middle School	0	0	0	0	0	0	7.64	1.00	1.78	10.42
John H. Eader Elementary School	2.94	1.97	0	3.97	3.91	1.00	0	0	0	13.79
Ralph E. Hawes Elementary School	1.93	0	0	0.97	0	0.98	0	0	0	3.88
S.A. Moffett Elementary School	1.00	1.92	3.83	1.00	0	2.97	0	0	0	10.72
John R. Peterson Elementary School	8.61	9.53	9.81	4.00	5.64	9.64	0	0	0	47.23
Huntington Seacliff Elementary School	3.83	1.00	2.00	1.97	3.86	1.75	0	0	0	14.41
Total	32.3	19.2	24.0	16.6	18.8	20.2	15.4	7.72	6.45	161.03
	9	2	8	9	3	3	2			

Table 7: In-District Students Broken Down by Grade Level and District Schools Where Pupils Would Otherwise Attend:

School Name/Grade	T	K	1	2	3	4	5	6	7	8
Ethel R Dwyer Middle School								8	7	5
Agnes L. Smith Elementary School		15	5	9	5	6	4			
Isaac L. Sowers Middle School								8	1	2
John H. Eader Elementary School		3	2		4	4	1			
Ralph E. Hawes Elementary School		2			1		1			
S.A. Moffett Elementary School		1	2	4	1		3			
John R. Peterson Elementary School		9	10	10	4	6	10			
Huntington Seacliff Elementary School		4	1	2	2	4	2			

Methodology Used In Making ADA Projection:

Title 5 CCR Section 11969.9(c)(1)(B) requires the facilities request to include a description of the methodology for the ADA projections. Kinetic Academy utilized the following methodology in calculating the ADA projections: Kinetic Academy is projecting a 7.3% increase in its In-District ADA for the 2023-2024 academic year. This projection is based on an examination of past and current in-district ADA. Our projection is based on advancing the current year projected ADA for each grade TK-7 into their corresponding 24-25 grade level K-8th grade. We make projections for TK and K based upon year over year trends.

Below you will find the data and calculations used by Kinetic Academy. First we listed past and current enrollment figures for Transitional Kindergarten through 8th grade. These are the grade levels currently being offered by Kinetic Academy but we should note that enrollment and ADA fluctuated because we were unable to secure facility space to accommodate middle school in 2018 which resulted in a significant drop due to losing 6th grade. In the last two years, we have been able to offer up to 8th grade due to our prior prop 39 requests which were approved by HDCSD. While we experienced fluctuation in enrollment in previous years because of varying family needs primarily related to the pandemic and establishment of the middle school, we are now seeing stabilization in our enrollment and therefore we have projected a comparable ADA for next year by advancing grade level.

School Year	Enrollment	ADA Claimed at P-2	Enrollment % Change from prior year	ADA Claimed at P-2 % Change from Prior Year	# of Wait Listed Children
2016-17 (TK-5)	235	223.20	NA	NA	NA
2017-18 (TK-6)	295	280.53	+ 26%	+ 26%	NA
2018-19 (TK-5)	291	277.91	-1%	-1%	53
2019-20 (TK-5)	286	278.76	-2%	0%	14
2020-21 (TK-6)	280	277.72	-2%	0%	122
2021-22 (TK-7)	319	306.88	+14%	+10%	46
2022-23 (TK-8)	326	316.8	+2.2%	+3.26%	30
2023-24 (TK-8)	345	324.3 (projected)	+5.5%	+3%	35

NOTE: we do not open enrollment for 2024-25 until December 1, 2023, so we cannot report on applications for next year at this time.

As demonstrated herein, we have analyzed our School's historical enrollment, retention, and growth trends, prior ADA figures, and historical wait list numbers in order to arrive at our total projected in-District classroom ADA figure for the request year. This analysis provides a reasonable projection that Kinetic Academy's enrollment for the 2024-2025 school year will have sufficient In-District ADA to justify this request for facilities.

Supporting Documentation

Title 5 CCR Section 11969.9(c)(1)(C) requires the facilities request to include supporting documentation. The Implementing Regulations state that when a charter school is not yet open (i.e., not yet providing instruction) or to the extent an operating charter school projects a substantial increase in in-District ADA, the annual request must include documentation of the number of in-District students meaningfully interested in attending the Charter School. Please be advised that the Charter School is an existing school and does not project a significant increase in its in-District ADA and therefore we have opted to not survey existing families for meaningful interest as we have found looking at enrollment trends is a better indicator for our projections. It tends to be too early in the year to get an accurate intention to re-enroll particularly for the newly established middle school grades. Accordingly, pursuant to the Implementing Regulations, please find attached our P-2 ADA forms for the current year (2022-23) to support our projections:

- 1) A declaration from the Executive Director regarding Kinetic Academy's annual ADA and retention rate;
- 2) P-2 ADA forms for prior school years; and
- 3) Kinetic Academy's 2023-24 operational calendar

As you review the Charter School's ADA projections and supporting documentation, please keep in mind that the Proposition 39 regulations do not specify or require a particular type of supporting documentation to be used. Charter Schools may submit any type of supporting documentation which they used to arrive at their ADA projections. This documentation must be "sufficient for the district to determine the reasonableness of the projection, but ... need not be verifiable for precise arithmetical accuracy." (Section 11969.9(c)(1)(C).) The supporting documentation is intended only to demonstrate reasonableness of Charter School's request, not mathematical exactitude, and need not be independently verified by the District. Indeed, there have been cases where Districts have actively contacted parents to corroborate or discount the evidence provided by the Charter School. Courts have found such actions to be improper and abusive, and the District should be aware that the use of such tactics may expose the District to liability for violating legal limits on the District's authority to "determine the reasonableness" of the Charter School's projection. The Regulations do not authorize the District to audit the documentation provided by the Charter School or discount evidence which cannot be independently confirmed by the District. However, should the District desire additional documentation or information regarding the Charter School's ADA projections, please contact me as soon as possible. We remain willing to cooperate with the District to immediately address any questions or concerns about this request and the supporting documentation.

Operational Calendar:

Title 5 CCR Section 11969.9(c)(1)(D) requires the facilities request to include the Kinetic Academy's operational calendar. The Charter School's operational calendar is attached for your review. Kinetic Academy's first day of instruction is expected to be on September 5th, 2024, therefore we will need access to the facility on or before August 5th, 2024, in order to prepare. Please note that Title 5 CCR Section 11969.9(j) requires the District to ensure that a furnished and equipped facility meeting the requirement of Proposition 39 be made available to the Charter School no less than ten (10) working days prior to the charter school's first day of instruction. In addition, in accordance with Section 11969.5, the space allocated must be made available for the Charter School's entire school year regardless of the School District's instructional year or class schedule.

Educational Program:

Title 5 CCR Section 11969.9(c)(1)(F) requires the facilities request to provide information regarding the charter school's educational program that is relevant to the assignment of facilities. The Charter School's educational program does have unique facilities needs. As you are aware, key components of the educational program of Kinetic Academy require reasonable accommodations for classroom instruction, playground space and administrative support. In order to provide this aspect of our educational program, the facility allocated to Kinetic Academy must provide one administrative space, meeting room space, eight classrooms, a field area, access to auditorium, faculty and guest parking spaces, lunch facilities and reasonable access for food delivery.

In accordance with its charter and its budget, Kinetic Academy operates grade levels Transitional Kindergarten through 8th Grade on two campuses, one privately leased and one leased via the District. In order to be most effective, it is important that Kinetic Academy be able to operate its middle school at one site. Given the limited size of our request it is reasonable to expect the District to provide such space at one site.

Facility Location:

Title 5 CCR Section 11969.9(c)(1)(E) requires Kinetic Academy to provide information regarding the District school site and/or general geographic area in which Kinetic Academy wishes to locate. Based upon the needs of Kinetic Academy and proximity to the current school location, Kinetic Academy desires to locate its facility at Joseph R. Perry Elementary School located at 19231 Harding Lane in Huntington Beach, California. This site was previously approved by Huntington Beach City School District in response to our prior facilities requests. Kinetic Academy currently occupies 8 classrooms on the Perry site serving grades 6-8.

Procedures and Timelines:

In accordance with the Implementing Regulations, the District is required to review the Charter School's attendance projections and to express any objections that it has about the Charter School's attendance projections in writing on or before December 1, 2023. The Charter School must respond to the District's written objections, if any, on or before January 2, 2024, and will either reaffirm or modify its projections as it deems necessary. (5 CCR Section 11969.9(d).)

Furthermore, we look forward to receiving a written preliminary facilities proposal from the District on or before February 1, 2024, as required under the Implementing Regulations. (5 CCR Section 11969.9(f).) The preliminary proposal must include, at a minimum, the following information: (1) a breakdown of the number of teaching stations (classrooms), specialized and non-classroom based space to be allocated to the Charter School, with an indication as to whether the space is exclusive or shared use; (2) the projections of in-District classroom ADA on which the proposal is based; (3) the specific location of the space; (4) all conditions pertaining to the space, including a draft of any proposed agreement pertaining to the Charter School's use of the space, (typically referred to as a facilities use agreement); (5) the projected pro rata share amount and a description of the methodology used to determine that amount; and (6) a list and description of the comparison group schools used in developing its preliminary proposal, and a description of the differences between the preliminary proposal and the Charter School's facilities request. In accordance with the Implementing Regulations (5 CCR Section 11969.2(d)), if the District's preliminary proposal (or final notification) does not accommodate Charter School at a single school site, the District's governing board must first make a finding that the Charter School could not be accommodated at a single site and adopt a written statement of reasons explaining the finding. The Charter School has until March 1, 2022, to respond to the preliminary proposal, expressing any concerns, addressing differences between the preliminary proposal and the facilities request, and/or making counter proposals.

Section 11969.9(h) of the Implementing Regulations requires the District to provide a written final notification regarding the space to be allocated to the Charter School prior to April 1, 2024. The final notification specifically must include, at a minimum, the following:

The teaching station, specialized classroom space, and non-teaching station space offered for the exclusive use of the charter school and the teaching station, specialized classroom space, and non-teaching station space which the charter is to be provided access on a shared basis with District operated programs, if any;

For shared space, if any, the proposed arrangements for sharing;

The in-District classroom ADA assumptions for the Charter School upon which the allocation is based and, if the assumptions are different than those submitted by the charter school, a written explanation of the reasons for the differences;

The specific location of the space;

All conditions pertaining to the Charter School's use of the space;

The pro rata share amount and a description of the methodology used to determine that amount;

The payment schedule for the pro rata share amount, which shall take into account the timing of revenues from the state and from local property taxes; and

A response to the Charter School's concerns and/or counter-proposals, if any.

A California Court of Appeals decision has made clear that, in meeting their Proposition 39 obligation, school districts must give the same degree of consideration to the needs of charter school students as it does to the students in district-run schools. The court noted that "accommodating a charter school might involve moving district-operated programs or changing attendance areas" and that providing a contiguous school facility to a charter school might require disruption and dislocation among district students, staff and programs. (*Ridgecrest Charter School v. Sierra Sands Unified School District* (2005) 130 Cal.App.4th 986.) In addition, the Court concluded that a school district responding to a request for facilities must issue a statement of reasons at the time it makes its final determination that is "thorough" and "factual" enough to permit "effective review by the courts"; the statement of reasons issued by the school district must demonstrate that the district has "adequately considered all relevant factors" and that the district can "demonstrate a rational connection between those factors, the choice

made, and the purposes of [Proposition 39].” Furthermore, as the District may be aware, two court cases clarified the manner in which a school district must allocate facilities to a charter school. Specifically, *Bullis Charter School v. Los Altos School District* (2011) 200 Cal.App.4th 1022, among other things, requires the District to perform a calculation of the square footage of all of the specialized and non-teaching station spaces at the comparison schools. The District must base its allocation of space to the Charter School on this analysis. In addition, the California Supreme Court has stated that a school district may not use its internal “norming ratios,” or student-teacher ratios, in determining the number of classrooms to offer to charter schools but rather must use the facilities inventory at the comparison group schools to perform the teaching station to ADA analysis required by the Implementing Regulations. (*California Charter Schools Assn. v. Los Angeles Unified School District* (2015) 154 Cal.Rptr.3d 889.)

Although Proposition 39 requires the District to allocate a school facility for Charter School use, the Charter School is amenable to discussing alternative facilities arrangements that meet both the needs of the District and the Charter School.

The Kinetic Academy Board of Directors has delegated to me the responsibility to negotiate the allocation of a facility under Proposition 39. All communications regarding this matter should be sent to my attention at the address below. My contact information is as follows:

Bre Lionetti, Executive Director
721 Utica Ave., Huntington Beach, CA, 92648

714-465-4565 school office
714-200-5576 cell
714-582-6484 FAX
JeffBall@kineticacademy.org

I appreciate your time and consideration of this request and I look forward to developing a mutually agreeable plan to meet the facilities needs of Kinetic Academy’s in-District students.

Sincerely,



Bre Lionetti
Executive Director, Kinetic Academy

cc: Kinetic Academy Board of Directors
Sarah Kollman, Law Offices of Young, Minney & Corr, LLP

Attachments (the following attachments are incorporated by reference herein):

1. A declaration from the Executive Director regarding Kinetic Academy’s annual ADA and retention rate;
2. P-2 ADA forms for prior school years; and
3. Kinetic Academy’s 2023-24 operational calendar