Notification of Student Rights

RIGHT TO KNOW PROFESSIONAL QUALIFICATIONS OF TEACHERS AND PARAPROFESSIONALS

Date: August 5, 2026

Dear Parents,

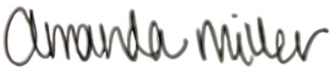
In compliance with the requirements of the Every Students Succeeds Act, Scintilla Charter Academy would
like to inform you that you may request information about the professional qualifications of your student's teacher(s) and/ or paraprofessional(s). The following information may be requested:

Whether the student's teacher —

- has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
- is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; and
- is teaching in the field of discipline of the certification of the teacher.
- Whether the child is provided services by paraprofessionals and, if so, their qualifications.

If you wish to request information concerning your child's teacher's qualifications, please contact the Superintendent, Amanda Miller, at 229-244-5750.

Sincerely,



Amanda Miller
Superintendent

General Public Complaints Policy

SCA Student, Parent/Guardian, or General Public Complaints Policy Purpose: The purpose of this policy is to provide guidelines to students, parents/guardians, or members of the general public for filing complaints against the school or employee of the school on any and all matters including complaints concerning Federal Programs: Title I, Part A; Title I, Part C; Title I, Part D; Title II, Part A; Title II; Title III, Part A; Title IV, Part A, Title IV, Part B; the McKinney-Vento Act; School Improvement 1003(a) and 1003(g) (SIG); IDEA, and Emergency Relief Funds CARES Act, CRRSA Act, ARP Act.

Dispute Resolution

1. The complaints process may be initiated directly to the Superintendent.
2. Parents, Guardians, or Unaccompanied youth who initiate a complaint, must do so in writing.
3. Written notice should be complete, as brief as possible, and simply stated.
4. The Superintendent will provide a written response to the dispute within 5 school days. a. The response will include a notice of the right to appeal, to an ad hoc Appeals Committee, the decision of the Superintendent.
5. If the Parent, Guardian, or Unaccompanied youth does not agree with the decision of the Superintendent, an appeal may be filed with the Appeals Committee.
6. The Appeals Committee will provide a written response to the appeal within 5 school days. The response will include a notice of the right to appeal his/her decision to the Governing Board.
7. If the Staff Member does not agree with the decision of the Appeals Committee, an appeal may be filed with the Governing Board.
8. Within thirty working days of receipt of the appeal of the Appeals Committee's decision, the Appeals Committee will present the matter to the Governing Board at its regular meeting or at a special meeting called for that purpose. The Board will review the original complaint, the response of the Superintendent, the response of the Appeals Committee, and the response of the complainant. In addition, the Board may, but is not required to, hear directly from any individuals with knowledge of any relevant facts relating to the complaint.
9. The Governing Board will either uphold the recommendation of the Appeals Committee or require the school to take some other action in response to the complaint.
   a. A copy of the action of the Board will be furnished to the complainant, either as a part of the minutes of the Governing Board or as a separate written statement that will include the right to appeal to the Georgia Department of Education.
   b. The Board will be the final reviewing authority within the school.
10. If the Parent, Guardian, or Unaccompanied youth is dissatisfied with the decision of the Governing Board, an appeal may be filed with the Deputy Appeals Committee of Teacher and Student Support at the Georgia Department of Education, 1854 Twin Towers East, Atlanta, GA 30334.

Notice of Non-Discrimination

SCA does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities. SCA also provides equal access or a fair opportunity to meet to any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code (as a patriotic society) that wishes to conduct a meeting within the open or limited public forum offered by the school.

The following person has been designated to handle inquiries regarding these non-discrimination policies:

Amanda
Miller
Superintende
nt
229-244-5750

For further information on notice of non-discrimination, please contact the Office for Civil Rights:

U.S. Department of
Education Office of Civil
Rights
400 Maryland Avenue,
SW Washington, DC
20202-4605
1-800-421-3481

Individuals with Disabilities Education Act (IDEA)

SCA, in order to fulfill the obligations of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act, is required to inform and provide full educational opportunities to all individuals with disabilities ages birth through twenty-one.

SCA needs your assistance to identify, locate, and evaluate all children with disabilities. This public awareness notice is to inform parents and other individuals/agencies of the availability of educational services and related services to all individuals who reside within the jurisdiction of the SCA and who are between the ages of birth through twenty-one, regardless of the severity of their disability. This includes individuals in all public and private agencies and institutions and highly mobile children with disabilities, such as migrant and homeless children, who reside within the legal boundaries of Lowndes County.

Anyone aware of an individual who may benefit from educational services and related services is encouraged to call SCA at 229-244-5750.

Public Information

SCA has the following documents available for review by parents of children with disabilities and to the general public:

1. Comprehensive Plan for Special Education.
2. IDEA Federal Applications for Funds.
3. Special Education Accountability/Monitoring Final Report.
4. Applications, evaluations, periodic program plans or reports relating to federal programs including auditor's reports, statements of assurance, budget, and grant materials.

For more information regarding IDEA, or if you have questions or need additional assistance, please contact SCA's Special Education Contact:

Special Education
Contact: Melissa
Carter
229-244-5750

mcarter@scintillacharteracademy.com

Child Find

SCA recognizes its responsibility to provide a free and appropriate public education to eligible students with disabilities within its geographical boundaries. SCA has a "child find" process that is designed to locate, identify and evaluate children with disabilities residing within its geographical boundaries kindergarten through grade 11.

If you know a child who lives within the boundaries of the Scintilla Charter Academy School District and who may be in the need of special education and/or related services, please contact the Scintilla Charter Academy's Director of Special Education for further information regarding the referral and evaluation process.

Scintilla Charter Academy's Child Find process extends to students with physical or mental impairments that substantially limit a major life activity. Such students may be eligible for services or accommodations pursuant to Section 504 of the Rehabilitation Act. Section 504 is a Federal civil rights statute that prohibits discrimination against persons with disabilities and programs receiving Federal financial assistance. Please contact Scintilla Charter Academy's Section 504 Coordinator for more information regarding Section 504 eligibility and services.

Scintilla Charter Academy
Special Education Contact: Melissa Carter
229-244-5750

mcarter@scintillacharteracademy.com

Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 is a nondiscrimination statute enacted to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to nondisabled students.

For more information regarding Section 504, or if you have questions or need additional assistance, please contact SCA's Section 504 Coordinator:

Section 504 Coordinator Middle and Upper School
Stacie Haire
2171 E. Park Avenue
Valdosta, GA 31602
229-244-5750

shaire@scintillacharteracademy.com

Section 504 Coordinator Lower School
Eveny Walker
2171 E. Park Avenue
Valdosta, GA 31602
229-244-5750
gwilliams@scintillacharteracademy.com

Americans with Disabilities Act (ADA)

SCA complies with all aspects of Title II of the Americans with Disabilities Act of 1990, including amendments from the Americans with Disabilities Amendment Act of 2008. As a result, SCA ensures that all students, employees, and qualified individuals have access to SCA's programs without regard to his or her disability.

For more information regarding ADA, or if you have questions or need additional assistance, please contact SCA's ADA Coordinator:

ADA
Coordinator
Melissa
Carter
2171 E. Park Avenue
Valdosta, GA 31602
229-244-5750
mcarter@scintillacharteracademy.com

Notification of Rights Under the Family Educational Rights to Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

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

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

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

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

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

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

Upon request, the school discloses education records without consent to officials of another school or school district in which a student seeks or intends to enroll or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer.

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

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

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

FERPA permits the disclosure of PII from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, § 99.32 of the FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student –

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(*1*) - (a)(1)(i)(B)(*3*) are met. (§ 99.31(a)(1))
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the

U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency (SEA) in the parent or eligible student's State. Disclosures under this provision may be made, subject to the requirements of § 99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf if applicable requirements are met. (§§ 99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to determine eligibility for the aid,

determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))

- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to § 99.38. (§ 99.31(a)(5))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction, if applicable requirements are met. (§ 99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7)) ● To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8)) ● To comply with a judicial order or lawfully issued subpoena if applicable requirements are met. (§ 99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10)
- Information the school has designated as "directory information" if applicable requirements under

§ 99.37 are met. (§ 99.31(a)(11))

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

FERPA Directory Information

The *Family Educational Rights and Privacy Act* (FERPA), a Federal law, requires that Scintilla Charter Academy, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, Scintilla Charter Academy may disclose appropriately designated "directory information" without written consent, unless you have advised the Scintilla Charter Academy to the contrary in accordance with Scintilla Charter Academy procedures. The primary purpose of directory information is to allow the Scintilla Charter Academy to include information from your child's education records in certain school publications. Examples include:

- A playbill, showing your student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish

yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965, as amended (ESEA) to provide military recruiters, upon request, with the following information – names, addresses, and telephone listings – unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.

Pursuant to OCGA §20-2-786, if you do not want your child to be included in photographs, videos, or voice recordings, you must notify Scintilla Charter Academy, in writing, by August 25th, 2025. Provided however, parents may not opt-out of their child being included in photographs, videos, or voice recordings made by the School for public safety or security purposes. Scintilla Charter Academy has designated the following information as directory information:

- Student's name
- Address
- Telephone listing
- Electronic mail address
- Photograph
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees, honors, and awards received
- The most recent educational agency or institution attended
- Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user
- A student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

Protection of Pupil Rights Amendment (PPRA)

PPRA affords parents of elementary and secondary students certain rights regarding the conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include, but are not limited to, the right to:

- *Consent* before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED) –

1. Political affiliations or beliefs of the student or student's parent;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships; 6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers; 7. Religious practices, affiliations, or beliefs of the student or student's parent; or
6. Income, other than as required by law to determine program eligibility.

- *Receive* notice and an opportunity to opt a student out of –

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information collected from students for marketing or to sell or otherwise distribute the information to others. (This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions.)

- *Inspect*, upon request and before administration or use –

1. Protected information surveys of students and surveys created by a third party;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

Scintilla Charter Academy will develop and adopt policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other

distribution purposes. Scintilla Charter Academy will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. Scintilla Charter Academy will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation in the specific activity or survey. Scintilla Charter Academy will make this notification to parents at the beginning of the school year if the school has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this direct notification requirement:

- Collection, disclosure, or use of personal information collected from students for marketing, sales, or other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office

U.S. Department of
Education 400 Maryland
Avenue, SW Washington,
D.C. 20202

Information For Homeless Students

The McKinney-Vento Homeless Assistance Act (the Act) ensures educational rights for children and youth experiencing homelessness. The primary goal is educational stability. The Act defines homeless students as those who lack a fixed, regular, and adequate nighttime residence. This includes:

1. Children and youth who are forced to share the housing of other persons due to the loss of housing, economic hardship, or a similar reason; live in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; live in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
2. Children and youth who have a primary nighttime residence that is not designed for or ordinarily used as regular sleeping accommodation for human beings;
3. Children and youth who live in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or,
4. Migratory children are considered homeless when they are living in circumstances set forth in items 1, 2, and 3. Unaccompanied Youth are students who are not in the physical custody of a parent/guardian and are living in a homeless situation.

Homeless students have certain educational rights and can:

- enroll without delay in school without proof of residency or permanent address, immunization, school records, or other documents or while documentation is being obtained
- choose between the local school where they are living or the school last attended before becoming homeless, when requested by the parent and determined by the district to be feasible and in the student's best interest
- attend school and participate in school programs with children who are not homeless; and receive all the school services available to other students including transportation services, special educational services where applicable, and meals through the school meals programs

If you believe your child may qualify for assistance under this policy, please contact your child's homeroom teacher or SCA's Homeless Liaison:

Amanda Miller, SCA Homeless Liaison
amiller@scintillacharteracademy.com

Staci Haire, SCA Counselor
shaire@scintillacharteracademy.com 2171 East Park Avenue
Valdosta, GA 31602

Phone: 229.244.5750
Fax: 229.333.0283

Title IX

SCA does not discriminate on the basis of sex in the education program or activity that it operates, and it is required by Title IX and this part not to discriminate in such a manner. The requirement not to discriminate in the education program or activity extends to admission and employment, and inquiries about the application of Title IX and this part to such recipient may be referred to the recipient's Title IX Coordinator, to the Assistant Secretary, or both. Students, parents, and applicants for admission have the right to file a formal complaint alleging noncompliance with regulations outlined in Title IX of the Education Amendments of 1972 as follows:

The purpose of this grievance process is to address formal complaints of sexual harassment. The process shall be triggered upon receipt of a formal complaint by the Title IX Coordinator.

Any School employee with actual knowledge of sex discrimination, including sexual harassment in an education program or activity as defined in the Policy, must report the sex discrimination to the Title IX Coordinator. Failure to report may result in disciplinary action against the employee, up to and including termination.

Any person may report sex discrimination, including sexual harassment as defined by this Policy, (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), to the Title IX Coordinator in person, by mail, by telephone, by electronic mail, or through other means specified by the School. Reports may be made at any time, including during non-business hours.

Complainants and Respondents shall be treated equitably throughout the process. All evidence, both inculpatory and exculpatory, shall be evaluated objectively. An individual's status as a Respondent will not be considered a negative factor during consideration of the grievance. Respondents are entitled to, and will receive the benefit of, a presumption that they are not responsible for the alleged conduct until the grievance process concludes and a determination regarding responsibility is issued. Similarly, credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

The presumption shall be that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. No disciplinary sanctions or other actions that are not supportive measures shall be imposed against a Respondent prior to the completion of the grievance process. Upon determination of responsibility for sexual harassment by a Respondent, the Complainant shall be provided remedies designed to restore or preserve equal access to the School's education program or activity. Such remedies may include the same individualized services as "supportive measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

Retaliation against anyone for participation in this process is strictly prohibited.

The School has appointed the following individual as its TITLE IX COORDINATOR, who shall be responsible for coordinating the School's response to all allegations involving possible sexual harassment. The Title IX Coordinator can be reached at:

Melissa Carter, Title IX Coordinator
2171 East Park Avenue
Valdosta, GA 31602
Phone: 229.244.5750
Fax: 229.333.0283
mcarter@scintillacharteracademy.com

Definitions

Actual Notice means notice of sexual harassment or allegations of sexual harassment to a School's Title IX Coordinator or any official of the School who has authority to institute corrective measures on behalf of the School, or to any employee of an elementary and secondary school. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the School with actual knowledge is the Respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the School. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

Appeal Officer means a trained individual appointed by the School who will review and make a decision on a properly filed appeal. The Appeal Officer must be free from bias or conflict of interest and must not be the Title IX Coordinator, the Investigator, or the Decision Maker(s).

Complainant is an individual, a student or employee, who is alleged to be the victim of conduct that could constitute sexual harassment. The Complainant must be participating in or attempting to participate in an education program of the School. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a Complainant or otherwise a party under this Policy, unless the Title IX Coordinator is alleged to be the victim of conduct that could constitute sexual harassment.

Decision Maker means the trained person(s) responsible for making a determination regarding responsibility. The Decision Maker cannot be the same person(s) as the Title IX Coordinator, the Investigator, or the Appeal Officer.

Education Program or Activity means locations, events, or circumstances over which the School exercised substantial control over both the Respondent and the context in which the sexual harassment occurs.

Formal complaint means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the School investigate the allegation of sexual harassment. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the School with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator, or by any other method specified by the School. As used in this paragraph, the phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the School) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint.

Grievance Process means the provisions, rules, or practices included within this Policy and the administrative procedures for processing formal complaints of sexual harassment. The Grievance Process shall be applied equally to both the Complainant and the Respondent.

Investigator means a trained person(s) appointed by the School who is tasked with conducting the investigation into allegations of sexual harassment addressed in a formal complaint. The Investigator does not need to be an employee of the School and may be outside counsel or any other person designated by the School. The Investigator shall not be the Decision Maker, or the Appeal Officer. The Title IX Coordinator may also serve as Investigator when reasonably necessary.

Remedial Actions or Remedial Remedies means those actions intended to restore or preserve a Complainant's equal access to the educational programs and activities of the School.

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

Standard of Evidence means the *preponderance of evidence* standard that is to be used during the investigation and final determination of a formal complaint. Preponderance of evidence means that the evidences shows that the action alleged is more likely to have occurred than not to have occurred. This standard shall be applied for all formal complaints of sexual harassment against students and employees.

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

<u>Notice to Parties</u>

Upon receipt of a formal complaint, the Title IX Coordinator must provide written notice to all known parties that includes the following:

1) Notice of the School's grievance process, including the informal resolution process.

2) Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview.

a. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.

3) A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
4) Notice to the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.
5) A statement that knowingly making false statements or knowingly submitting false information during the grievance process is prohibited and a violation of the School's code of conduct and may be subject to disciplinary action.

Written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings must be provided to a party whose participation is invited or expected, with sufficient time for the party to prepare to participate.

If, in the course of an investigation, the School decides to investigate allegations about the Complainant or Respondent that are not included in the initial notice, then the School must provide subsequent notice of the additional allegations to the parties whose identities are known.

Consolidation of Complaints

The School may consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references in this section to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

Dismissal of a Formal Complaint

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

A formal complaint or any allegations therein may be dismissed, if at any time during the investigation or hearing: (1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; (2) the Respondent is no longer enrolled or employed by the School; or (3) specific circumstances prevent the School from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal required or permitted by this policy section, the Title IX Coordinator must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

INVESTIGATION

Investigator

The Title IX Coordinator will serve as Investigator or, when possible, designate one or more trained individuals to investigate the formal complaint. The Investigator will begin an investigation as soon as practicable and generally not later than 10 business days after the written notice of the formal complaint

was delivered to all parties. The Investigator, however, will ensure that the Respondent receives sufficient time to prepare prior to any initial interview.

Burden of Proof

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the School and not on the parties, provided that the School cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the School obtains that party's voluntary, written consent to do so for a grievance process under this policy (if a party is a student under the age of 18 then the School must obtain the voluntary, written consent of a his or her parent or legal guardian).

Timeline

The School will endeavor to complete investigations within sixty (60) days of the date on which the formal complaint was received; however, the School's primary objective is a thorough and equitable investigation and grievance process.

The School shall coordinate its investigation and grievance process with any other ongoing criminal investigation of the incident, if any. The School may determine whether to delay its investigation pending the conclusion of a criminal investigation or for criminal proceedings to begin. If the fact-finding portion of the investigation is suspended due to the existence of a criminal investigation, the School's investigation shall resume promptly once law enforcement officials have completed their evidence gathering state of the criminal investigation.

In the event of a temporary delay of the process or the limited extension of time frames for good cause, the Title IX Coordinator shall provide written notice to both the Complainant and the Respondent notifying them of the delay or extension and providing the reason for the action.

Good cause for a delay of the process or extension of the time frames may include, but is not limited to, considerations such as: (a) The absence of a party; a party's advisor, or a witness; (b) Concurrent law enforcement activity; or (c) The need for language assistance or accommodation of disabilities.

Investigation Process

An investigation must include interviews with the Complainant, Respondent, and any witnesses. An investigation may include, but is not limited to, the following:

1. review of any documentary or electronic evidence;
2. a review of medical evidence if a waiver has been obtained by the party to which the medical records belong;
3. a review of security data; and
4. a review of any other material which the Investigator deems relevant to an assessment of the facts surrounding the formal complaint.

Neither party shall be restricted from discussing the allegations under investigation, nor shall they be restricted from gathering and presenting relevant evidence.

Advisors

Both parties shall have the same opportunity to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. An advisor may be, but is not required to be, an attorney. The School may not limit the choice or presence of advisor for either the Complainant or Respondent in any meeting or grievance proceeding; however, the School may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

Evidence

All parties shall have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness.

Both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the School does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

Prior to completion of the investigative report, the School must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the Investigator will consider prior to completion of the investigative report. If there will be a hearing, the School must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

Investigative Report

Upon receipt of each party's review of the evidence or after 10 days, whichever occurs first, the Investigator must create an investigative report that fairly summarizes relevant evidence.

At least ten (10) days prior to submitting the investigative report to the Decision Maker, or prior to a hearing if one will be held, the preliminary report must be sent to each party and their advisor, if any, in an electronic format or a hard copy, for their review and written response. The Investigator shall consider the written responses prior to completion of the report and include the written responses as an exhibit to the report.

DECISION MAKING

Cross-Examination

After sending the completed investigative report to both parties, elementary and secondary schools are not required to hold an in person hearing prior to making a determination regarding responsibility. In the absence of a hearing, and prior to making a responsibility determination, the Decision Maker(s) will give each party an opportunity to submit written, relevant questions that a party wants asked of any party or witness; will provide each party with the answers; and will allow for additional, limited follow-up questions from each party. If the Decision Maker(s) determines that a proposed question is not relevant it will be excluded and an explanation must be provided to the proposing party regarding the relevancy determination. With or without a hearing, questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific

incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Determination of Responsibility

After all questions and answers have been received, the Decision Maker must issue a written determination of responsibility regarding the allegations based on a preponderance of evidence. The written determination must be provided to the parties simultaneously. The Decision Maker will strive to issue the written determination regarding responsibility within 14 days after the hearing. The determination regarding responsibility becomes final either on the date that the School provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. The written determination must include the following:

a) Identification of the allegations potentially constituting sexual harassment as defined in §106.30;

b) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

c) Findings of fact supporting the determination;

d) Conclusions regarding the application of the School's code of conduct to the facts;

e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the School imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the School's education program or activity will be provided by the School to the Complainant; and

f) The School's procedures and permissible bases for the Complainant and Respondent to appeal.

Sanctions and Remedies

The Title IX Coordinator will be responsible for the effective implementation of any resulting sanctions or remedies. The list of potential sanctions or remedies includes one or more of the following:

For Students

- Written warning;
- No-contact orders;
- Removal from specific courses or activities;
- Disciplinary probation;
- Suspension;
- Expulsion;
- Transcript notation; or
- Other sanctions as appropriate.

For Employees

- Written warning;
- Performance improvement plan;
- Required training or education;
- Loss of pay increase;
- Suspension with or without pay;
- Termination; or
- Other sanctions as appropriate.

APPEAL

Either party may appeal a determination regarding responsibility or the dismissal of a formal complaint or any allegations on the following bases:

a) Procedural irregularity that affected the outcome of the matter;

b) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
c) The Title IX Coordinator, Investigator(s), or Decision Maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or
d) Any additional bases offered by the School.

The appeal must be submitted in writing to the Title IX Coordinator within ten (10) calendar days from receipt of the Decision Maker's final written determination. The notice of appeal must include the name of the Complainant, name of the Respondent, the decision or action being appealed, and an explanation of the grounds for appeal.

Upon receipt of an appeal, the School will provide written notice of the appeal to both parties and begin to implement appeal procedures equally for both parties. Each party will be given a ten (10) business days to provide a written statement supporting or challenging the appealed action

The Title IX Coordinator shall appoint an Appeal Officer who will review and make a decision on the appeal. The Appeal Officer must be free from bias or conflict of interest and must not be the Title IX Coordinator, the Investigator, or the Decision Maker(s).

As soon as is reasonably practicable, and generally within fourteen (14) business days after receipt of the parties' written statements, the Appeal Officer will issue a written decision regarding the appeal simultaneously to both parties. The decision will describe the result of the appeal and the rationale for the decision. The decision of the Appeal Officer is final.

INFORMAL RESOLUTION
At any time after a formal complaint is filed and before a determination regarding responsibility is made, the School may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication.

Informal resolution may not be required as a condition of enrollment or employment or continued enrollment or employment, or enjoyment of any other right. Additionally, informal resolution may not be used to resolve allegations that an employee sexually harassed a student.

All parties must provide voluntary, written consent to move forward with the informal resolution process. However, at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

Prior to beginning informal resolution, parties must be notified in writing of (1) the allegations; (2) the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; and (3) any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Reporting Acts of Alleged Sexual Abuse or Misconduct

The following is the reporting process for students to follow in reporting instances of alleged inappropriate behavior by a teacher, administrator, or other school employee toward a student. This process shall not prohibit the ability of a student to report the incident to law enforcement authorities.

Any student (or parent or friend of a student) who has been the victim of an act of sexual abuse or sexual misconduct by a teacher, administrator or other School District employee is urged to make an oral report of the act to any teacher, counselor or administrator at his/her school.

Any teacher, counselor, volunteer or administrator receiving a report of sexual abuse or sexual misconduct of student by a teacher, administrator, or other employee shall make an oral report of the incident immediately by telephone or otherwise to the Superintendent, Assistant Superintendent, or designee, and shall submit a written report of the incident to the school's Superintendent of School, Assistant Superintendent or designee within 24 hours. If the Superintendent or Assistant Superintendent is the person accused of the sexual abuse or sexual misconduct, the oral and written reports should be made to the other.

The Superintendent, Assistant Superintendent, or designee receiving a report of sexual abuse as defined in O.C.G.A. § 19-7-5 shall make an oral report immediately to the school counselor, but in no case later than 24 hours from the time there is reasonable cause to believe a child has been abused. The school counselor shall report the accusation of sexual misconduct and/or sexual abuse to the local law enforcement agency believed to have jurisdiction in the case and to a child welfare agency providing protective services as designated by the Department of Human Services in the manner determined by such agency.

Reports of acts of sexual misconduct against a student by a teacher, administrator, or other employee not covered by O.C.G.A. § 19-7-5 shall be investigated immediately by school or system personnel. To protect the integrity of the process and to limit repeated interviews with the student, the designated system personnel is required to take a written statement from the student prior to any other person. If the investigation of the allegation of sexual misconduct indicates a reasonable cause to believe that the report of sexual misconduct is valid, the Superintendent, Assistant Superintendent, or designee shall make an immediate report to local police authorities. The SCSC and the Professional Standards Commission Ethics Division must also be notified of any validated acts of sexual misconduct.