

SACRAMENTO VALLEY CHARTER SCHOOL



SAFETY PLAN

2023-24 School Year

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SVCS Safety Plan

Table of Contents

Table of Contents...	1
Emergency Guidelines...	2
Child Endangerment...	2
Missing Students...	2
Child Abduction...	2
Child Abuse...	3
Outside Threats...	4
Shootings/Riots/Disorder...	4
Individual/Group Threats...	4
Bomb Threats...	4
Soft Lockdown...	4
Hard Lockdown...	5
911 – When & How to Call...	5
Student Injury...	6
Life Threatening (SB671)...	6
Under the Influence (SB10)...	6
Student Death...	6
Weapons on Campus...	6
Students with disabilities (SB323)	6
Natural Disaster...	7
Flood...	7
Fire...	7
Earthquake...	8
Tornado...	8

Vicious Animals...	8
Bioterrorism/Gas Leak/Explosion...	8
Blackout/Power Outage	9
Parent/Student Check-In Policy...	9
Dress Code...	9
Dangerous Pupils Notification Policy...	11
Discrimination & Harassment Policy...	11
Suicide Prevention Policy...	13
Discipline/Suspension/Expulsion Policy...	13
Pesticide & Toxic Substances Notification Policy...	33
Transportation...	34

EMERGENCY GUIDELINES CHILD ENDANGERMENT

MISSING STUDENT

- Determine last time student was seen and by whom. Once identified, contact that person.
- Obtain picture identification of student and develop a complete and recent description.
- Conduct a search of campus and general vicinity around campus.
- Call the West Sacramento Police department - (916) 617- 4900.
- Identify possible friends of the student. • Contact identified people on emergency information card.

ATTEMPTED OR ACTUAL CHILD ABDUCTION

DEFINITION: Any situation where a student is forcibly and against their will, removed or attempted to be removed from the campus, or while to or from school by known or unknown person(s).

- Notify administration by reporting the location of abduction, abducted person's name (if known), name and/or description of abductor, abductors vehicle description (make, model, year, color, and license plate number), and any other descriptions of persons involved.

Office personnel will contact the Community Resource Officer or 911, campus supervisors, and SVCS Police Services.

- Identify persons who may have witnessed the attempted abduction and have them stay. These persons need to be interviewed by administration and law enforcement.
- Obtain parent/guardian and emergency contact person notification information, picture, and physical and clothing description of the missing/abducted student. Have available for responding law enforcement. (*Wait for instructions from law enforcement regarding parent/ guardian notification*)
- Write/give a witness statement to the administration and law enforcement.
- Refer media to administration. **DO NOT** give interviews.

CHILD ABUSE/NEGLECT

DEFINITION: Any act upon a child (person under 18 years of age) against his or her will that is sexual in nature or causes harm or injury. This includes physical abuse, sexual abuse, physical neglect, or emotional maltreatment. Rape and sexual assault of any kind is child abuse. Abuse can be within or outside of family members. The abuser can be any age, including other students. Child abuse or neglect does not include a mutual affray between minors.

MANDATED REPORTERS: Any SVCS employee who has direct contact with children must report suspected child abuse to an appropriate designated agency (Penal Code 11166).

DESIGNATED AGENCIES

- Yolo Sheriff's Department- (530) 666-8282
- West Sacramento Fire/Police Department- (916) 617- 4900
- Yolo County Child Protective Services- (530) 669-2345

ALL SVCS EMPLOYEES

- Call 911 if the abuse or neglect is in progress and presents an immediate threat to the victim.
- Call one of the designated agencies (listed above) immediately upon learning of a suspected child abuse or neglect that does not present an immediate threat to the victim (i.e., the child is at school and the suspect is elsewhere).
- Complete the "Suspected Child Abuse Report" and submit to the designated reporting agency within 36 hours (report and instructions are in the office under "Child Abuse Reporting").
- Calling the designated agency and the completion/submission of the "Suspected Child Abuse Report" must be done by the SVCS employee who first learns of the suspected child abuse or neglect. This cannot be deferred to another employee.

- It must be noted that the law states that failure to complete the above mandated reporting of child abuse or neglect can lead to criminal prosecution of the individual who failed to do so.

OUTSIDE THREATS

SHOOTINGS/RIOTS/CIVIL DISORDER

DEFINITION: Shooting, riots, or civil disorder on the school campus or vicinity.

- If you observe such a situation, first secure the safety of the students and yourself by the steps below, then call 911.
- Contact an administrator to advise that 911 was called.
- If the lock down alert is announced, take the following steps.
- Stay calm.
- When you hear the lock-down alert, direct all students into the buildings.
- Lock the door, close the drapes/blinds, and turn off the lights.
- Have students “Duck and Cover.”
- Remain quiet and wait for further instructions from law enforcement or the administration via the P.A. system.

THREATENING INDIVIDUAL/GROUP

DEFINITION: A threatening individual or group of individuals is on the campus. They may or may not be students. This includes situations where a student is followed or threatened on their way home or to school.

- If you observe such a situation, first secure the safety of the students and yourself by the steps below, and then contact an administrator.
- Office personnel will contact 911 and administration.
- Stay calm.
- If the individual or group is threatening a specific student or group of students, lock the threatened student(s) in a classroom.
- If you hear the lock-down alert, direct all students into the buildings.
- Lock the door, close the drapes/blinds, and turn off the lights.
- Have students “Duck and Cover.”
- Remain quiet and wait for further instructions from law enforcement or the administration via the P.A. system.

BOMB THREAT/ SUSPICIOUS PACKAGE

DEFINITION: Any warning or notification that an explosive or destructive device has been left or planted at the school.

- Notify administration if you receive a threat. If received by telephone, complete the Bomb Threat Checklist located by wired landline telephone. **DO NOT** use any electrical signal transmission device (i.e., cellular phones, radios, or walkie-talkies). Send a runner if necessary.
- Stay calm.
- Administration will contact 911.
- **DO NOT** touch or move suspicious package. Give administration the location and description of the suspicious package. Direct persons away from the area.
- Wait for further instruction from administration or law enforcement.

SOFT SCHOOL LOCK-DOWN AND ALL CLEAR SIGNAL

- A notification will be sent out to teachers and staff only, informing them a soft lockdown has been put in place. This is to minimize disruption of classroom activity.

WHEN CLASS IS IN SESSION:

- Lock the doors, close the drapes and blinds.
- Stay off the phones, unless called. • Do not release students from the classroom until the **All-Clear** signal is given.

WHEN CLASS IS NOT IN SESSION OR STUDENTS ARE OUTSIDE:

- Direct students to the closest securable location. • Follow the procedures noted above.

HARD SCHOOL LOCK-DOWN STANDARD LOCK-DOWN AND ALL CLEAR SIGNAL

- School secret code

WHEN CLASS IS IN SESSION:

- Direct students to a safe place in the classroom away from windows.
- Lock the doors, close the drapes and blinds, and turn off the lights.
- Stay off the phones, unless called. • Do not release students until the **All-Clear** signal is given.

WHEN CLASS IS NOT IN SESSION OR STUDENTS ARE OUTSIDE:

- Direct students to the closest securable location. • Follow the procedures noted above.

911- WHEN AND HOW TO CALL WHEN

Call 911 anytime there is a critical issue and delay may cause unnecessary harm to student or staff. Examples of when to call include, but are not limited to:

- Violent or potentially violent crime in-progress
- Severely bleeding injury
- Unconscious person
- Non-breathing person
- Person in convulsions

HOW

Directions for how to call 911:

- Stay calm.
- State the emergency.
- Give your name and address. Be specific about building and room number.
- Allow the 911 operator to direct the conversation.
- Remain on the telephone. **DO NOT** hang up until the 911 operator says so.
- After the call, contact an administrator to inform that 911 was called.

STUDENT INJURY

STUDENTS WITH DISABILITIES

- SVCS according to SB323 implemented Adaptations for students with disabilities during disaster procedures, in recognition that students with disabilities may face different needs when responding to an emergency by school personnel and local law enforcement. All personnel and students with disabilities have access to the necessary accommodations.

LIFE THREATENING

- **DO NOT MOVE THE STUDENT.**
- Call 911 and give name, location and description of injury/illness. Follow the 911 operator's instructions.
- SVCS according to SB671 implemented Procedures to assess and respond to reports of "dangerous, violent, or unlawful activity" conducted or threatened to be conducted at a school, targeted at enhancing cross-reporting of threats of serious school crimes between LEAs and law enforcement (SB 671); and all stakeholders.
- When possible, notify administration.

NON-LIFE THREATENING

- Provide first aid if needed.
- If it is not safe for the student to move, call a health technician to respond.
- If it is safe for the student to move by themselves, send the student to the health technician's office. Otherwise escort the student.

UNDER THE INFLUENCE

- Call 911 if the student is unconscious or the situation appears life threatening.
- If the student is ambulatory, call the administration who will send assistance to escort the student to the office. If unavailable, the teacher or administrator must escort the student.
- SVCS according to SB 10 has implemented for our students grades 7-8 a protocol in the event a student is suffering or is reasonably believed to be suffering from an opioid overdose, in an effort to combat skyrocketing overdoses and the fentanyl-related youth health crisis by having all staff trained with providing immediate medical help by involving emergency health services and law enforcement.

DEATH/ SUICIDE

DEFINITION: Death or suicide of student, staff member, or any person located on or off of a school campus that is dead or suspected of committing suicide

- Notify administration by reporting the location, person's name (if known), method of suicide or death.
- If on campus, remove all students from the area, but do not allow them to leave. These persons need to be interviewed by administration and law enforcement.
- Office personnel will notify 911 to make them aware of the incident.
- Write/give a witness statement to the administration and law enforcement.
- Consult with support staff for intervention strategies.
- Refer media to administration.
- **DO NOT** give interviews.

WEAPONS ON CAMPUS & SCHOOL PROPERTIES

DEFINITION: A person seen or rumored to be in possession of a gun, knife, stun gun, or other weapon on the campus grounds/school property or in the classroom, the weapon is not currently being used in a threatening manner.

IN CLASSROOM:

- Do **NOT** approach or confront the person.
- Remain calm.
- Call an Administrator and explain the situation without alarming the subject.
- If calling is too conspicuous, send a student with written note to a teacher next door directing them to call administration.
- Administration and/or law enforcement will respond.
- After the situation is resolved, all present parties must fill out a witness statement with administration and law enforcement.

OUTSIDE THE CLASSROOM:

- Try to keep the person in sight. **DO NOT** approach or confront the person.
- Contact an administrator. Send a runner if necessary and if possible, without risking the safety of the individual.
- Administration and/or law enforcement will respond.
- After the situation is resolved, all present parties must fill out a witness statement with administration and law enforcement.

NATURAL DISASTERS

FLOOD

- If flooding is immediate, evacuate students to higher ground. • If there is flood warning, wait for instructions on evacuation.
- Account for all students and staff. • Assess medical emergency needs.
- Keep students together and calm.
- Follow all instructions given by emergency personnel.

FIRE

SMALL FIRE

- Ensure student safety and then attempt to use the extinguisher to put out the fire.
- Notify administration of location, situation, and needs. Office personnel will notify fire department if necessary.
- Stay calm.

FIRE OUT OF CONTROL

- Direct evacuation of the room/building using fire evacuation procedures. Refer to your classroom evacuation map.
- Pull fire alarm if possible.
- Notify administration of the location and size of the fire. Send a runner if necessary.
- Account for all students and staff. • Assess medical emergency needs.
- Keep students together and calm.
- Wait for further instructions or an “all clear” signal.

EARTHQUAKE

- Instruct students to “duck and cover” until motion ceases.
- Keep all students and staff away from windows.
- If there are serious injuries call 911 or contact administration to relay the message to emergency personnel. Send a runner if necessary.
- Evacuate students to a safe, open area, when possible, evacuate students to the normal fire drill areas.
- Account for all students and staff.
- Keep students together and calm.
- Do not re-enter the building due to structural integrity and potential aftershocks.
- Follow instructions by emergency personnel.

TORNADO

- Have students “duck and cover” in the most sheltered part of the room until all clear signal is sounded.
- If there are serious injuries call 911 or contact administration to relay the message to emergency personnel. Send a runner if necessary.
- Account for all students and staff.
- Keep students together and calm.
- Follow instructions by emergency personnel.

VICIOUS/SUSPECTED RABID ANIMALS

- Direct students and staff to quietly enter buildings.
- Stay in classrooms/buildings.

- Close all doors and windows.
- Notify other teachers in the vicinity.
- Notify administration of location, situation, and needs.
- Office personnel will contact the Temple, Ranjit, and/or 911.
- Office personnel or on-scene officers will notify animal control.
- Remain in building until an “all clear” announcement has been made.

BIOTERRORISM/CHEMICAL ACCIDENT/GAS LEAK/EXPLOSION

- Determine whether to evacuate the affected area.
- If evacuation is necessary, direct students and staff upwind away from the affected area.
- Notify the administration of location, situation, and needs.
- Office personnel will contact the Temple, Ranjit Singh/Mr. Dhillon, Administration, and 911.
- Account for all students and staff. Follow established fire drill procedures.
- Refer all injured/affected students and staff to designated staff or emergency responding personnel.
- If there is a need to evacuate, notify Kuldip at (916) 704-1891 to coordinate bus services to WUSD. • Call WUSD at (916) 375-7600.

POWER FAILURE/BLACKOUT

- Determine whether the power outage poses any danger to students or staff.
- If there is no immediate danger, remain in classrooms until power comes back on.
- Use emergency lighting if necessary.
- Wait for instructions from the office if it is expected to be a prolonged power outage.

PARENT/STUDENT CHECK-IN POLICY

From 8:00 am to 8:30am, students may be dropped off outside the front office at SVCS without requiring a parent to sign them in. From 8:30 am to 3:00 pm, students must be checked into the office when being dropped off. Any parent wishing to pick up a student must check them out at the front office. If a parent wishes to visit a classroom, they must obtain teacher and/or administrator approval before the scheduled day of the visit. Upon arrival on school grounds, parents must check themselves into the front office. In addition, parents must also check themselves out at the office when they wish to leave. Parents may pick up their children after 3:00 pm without being required to check their student out in the office.

If a parent wishes to check their student out early from a field trip, the parent must either sign the student out with the office beforehand, or if the teacher carries a sign-out sheet, they may sign their student out directly with the teacher in charge of the field trip.

Parents who wish to check their student out of our after-school program must sign their student out directly with the after-school teachers in charge.

DRESS CODE POLICY

Sacramento Valley Charter School policy requires all students to wear uniforms. SVCS is committed toward creating a culture of academic rigor, and a school-wide dress code policy encourages this climate. School uniforms support a safe and disciplined environment.

As Sacramento Valley Charter School is a school of choice, there will be **no** exception made for any student. SVCS has designated general funds to support families who may need assistance in meeting these uniform requirements.

Students who do not dress in appropriate uniform attire will be sent to the office to call home. Parents will need to bring the appropriate uniform before the student will be allowed to return to class. If the student does not have the appropriate uniform, one will be loaned to the student and should be cleaned and returned, when possible.

Uniform clothing may be purchased from any retail stores: Kohl's, JC Penny, Old Navy, Lands' End, Target, French Toast, etc.

STANDARDS OF DRESS

- **Pants** – Navy or khaki (tan) in color and must be worn with a belt at the waist. Belts must be through the loops.
- **Skirts, Jumpers, or Shorts** - Navy or tan; can be cotton, cotton blend or corduroy; must be knee level or longer and can have an elastic waist. Blouse, T-shirt, or polo must be worn under the jumper. Absolutely NO hip huggers, cargo pants, baggies, logos, insignias, pictures, or messages, other than the school's logo.
- **Shorts** - Navy or khaki (tan) in color and knee length. Shorts must be worn with a belt at the waist and belts must be through the loops. Shorts can be cotton, cotton blend, or corduroy and have an elastic waist. Absolutely NO cargo pants, jeans, sweat suit pants, pajamas, logos insignias, pictures, or messages.
- **Shirts** - Light blue, collared, polo shirt or dress shirt with long or short sleeve. No insignias, pictures, or messages.
- **Sweatshirts or sweaters** - can be pullover or zippered - navy. NO logos aside from that of Sacramento Valley Charter School; no insignias, pictures, or messages.
- **Shoes or sneakers** – Black shoes/sneakers must fit securely on the foot. Shoes with open toes, or backless shoes (including flip flops, sandals, mules, and slides) will not be allowed. Shoes may be laced or buckled. NO heels or rollers.
- **Headgear** – NO hats or other headgear in class, other than patka, dastar, pagri, or other forms of turbans. These must be either light blue or navy blue, matching the school uniforms. Headgear may be worn during designated times (recess, spirit day assemblies, and during other permitted times)

Note: No oversize clothing will be allowed.

No colored wrist bands or neck beads are allowed in class. The principal has a right to stop any pattern, for example groups wearing identical earrings, chains, beads, bracelets, etc. or anything that may be mistaken for a negative group affiliation. In addition, the principal may, at their discretion, require the removal of jewelry deemed distracting in an academic environment.

No coats, jackets, hooded sweatshirts, caps or hats are to be worn in buildings during school if proven to be a distraction or hindrance to the learning environment.

Dress code compliant uniforms can be purchased online either by following the links below, or the links on our website:

<https://www.landsend.com/pp/SchoolSearch.html?action=landing&selectedSchoolNum=90018364>
1

<https://www.frenchtoast.com/schoolbox/schools/sacramento-valley-charter-school-QS635A4>

Enforcement

The school will strive to achieve full compliance through the use of positive reinforcement measures and will resort to disciplinary action only when positive measures and supports fail to assure compliance.

Student Dress Code - Personal Habits

- Extreme hairstyles and colors that will distract from the learning environment of the classroom are not allowed.
- Students TK-8 are not to bring or wear make-up.
- Clothing may not be obscene, vulgar, or likely to have disruptive effect on the educational process.
- Hats are allowed on the playground but must be removed in classrooms or school buildings.
- SVCS is a perfume free zone.

DANGEROUS PUPILS NOTIFICATION POLICY

The Principal or designee shall inform the teacher(s) of each student who has engaged in, or is reasonably suspected of, any act during the previous three school years which could constitute grounds for suspension or expulsion under Education Code 48900, with the exception of the possession or use of tobacco products, or Education Code 48900.2, 48900.3, 48900.4, or 48900.7. This information shall be based upon records maintained in the ordinary course of business or records received from a law enforcement agency.

(Education Code 49079)

(cf. 5125 - Student Records)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Upon receiving a transfer student's record regarding acts committed by the student that resulted in his/her suspension or expulsion, the Superintendent or designee shall inform the student's teacher(s) that the student was suspended or expelled from his/her former district and of the act that resulted in the suspension or expulsion. (Education Code 48201)

Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher. (Education Code 49079)

DISCRIMINATION & HARASSMENT POLICY BULLYING

Should a student, parent or staff member believe that any student has been subjected to bullying, or harassment, he/she should file a Suspected Bullying Report with the school. The administrator will investigate to determine if the act fits the definition of bullying. If so, the site administrator will take the appropriate disciplinary and intervention action. Students can be assured that the Board will not tolerate retaliation as a result of the filing of Suspected Bullying Report. Forms can be accessed at the school sites or downloaded from the school website.

The Board recognizes that it is the responsibility of program personnel to maintain a secure and safe school climate, conducive to teaching and learning that is free from threat, harassment, and any type of bullying behavior in school, school-sponsored activities on or off school grounds, and transportation to and from school. Therefore, bullying behavior, of any form, will not be tolerated.

Consistent with legislative requirements the principal is authorized to develop and implement a Safe Schools Plan outlined in Section 32280 of California Education Code.

Bullying takes many forms and may include many different behaviors, such as, but not limited to:

1. Physical violence and attacks.
2. Verbal harassment or taunts, name-calling and use of disparaging language, including disability-, ethnically- or racially based verbal abuse and gender-based disparaging language; 25
3. Sexual harassment including unwanted sexual attention or insulting or degrading sexual remarks or conduct.
4. Harassment, threats and/or intimidation.
5. Extortion and/or stealing of money and possessions.
6. Exclusion from the peer group; and/or
7. Using the Internet as a means of harassment and intimidation (i.e., Cyber-bullying).

Definitions:

“Bullying” is defined as the repeated use by one or more students of a written, verbal, or electronic communication, such as cyber bullying, or a physical act or gesture directed at another student in the same school that:

- (A) Causes physical or emotional harm to the student or damage to the student’s property,

- (B) places the student in reasonable fear of harm to himself or herself, or of damage to his or her property,
- (C) creates a hostile environment at school for such student (a hostile environment is a situation in which bullying among students is sufficiently severe or pervasive as to alter the conditions of the school climate),
- (D) infringes on the rights of the student at school, or
- (E) substantially disrupts the education process or the orderly operation of a school.

This definition of “bullying” includes, but is not limited to, written, verbal, or electronic communications, or physical acts or gestures that are based on any actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.

“Cyber bullying” - Any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices, or any electronic communications. In order for it to be identified as “cyber bullying” requiring school/program intervention, the students involved must attend SVCS.

"Electronic communication" - means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo-optical system.

"Hostile environment" - means a situation in which bullying among students is sufficiently severe or pervasive to alter the conditions of the school climate.

“Harassment” – Any physical or verbal hostility toward someone with legally protected status. Such status pertains to race, color, religious creed, sex, age, national origin, ancestry, marital status, sexual orientation, disability (Including past or present history of mental disability), physical disability, learning disability, mental retardation, genetic information, prior criminal conviction, or other lawfully protected status. Such hostility can be severe, persistent, or pervasive.

"Mobile electronic device" - means any hand-held or other portable electronic equipment capable of providing data communication between two or more individuals, including, but not limited to, a text messaging device, a paging device, a personal digital assistant, a laptop computer, equipment that is capable of playing a video game or a digital video disk, or equipment on which digital images are taken or transmitted.

"Outside of the school setting" - means at a location, activity or program that is not school related, or through the use of an electronic device or a mobile electronic device that is not owned, leased or used by the SVCS Board of Directors.

Any student who engages in the bullying of anyone at school or a school-related activity shall be subject to disciplinary action according to SVCS guidelines.

SUICIDE PREVENTION POLICY (Education Code § 215)

As of the 2017-18 school year, SVCS has implemented plans on how to minimize and prevent the occurrence of student suicide both on and off campus. Teachers and staff receive up-to-date training on methods of spotting troubled students at risk, and training on how to get those students help. Parents or students with concerns are always welcome to contact the front office at (916) 596-6422 and access resources linked through the school's website www.sacvalleycharter.org. During hours when SVCS is closed, please contact the National Suicide Prevention Lifeline at (800) 273-8255.

DISCIPLINE/SUSPENSION/EXPULSION POLICY AND PROCEDURES

Governing Law: "The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. These procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that is consistent with all the following:

- (i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for the pupil to present his or her side of the story.*
- (ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:
 - (I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.*
 - (II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.**
- (iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five school days before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil's educational rights holder, and shall inform him or her of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent, guardian, or educational rights holder initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii)."*

- Education Code Section 47605(b)(5)(J)

Policy

This Pupil Suspension and Expulsion Policy has been established in order to promote learning and protect the safety and well-being of all students at the Charter School. In creating this policy, the Charter School has reviewed Education Code Section 48900 *et seq.* which describes the non-charter schools' list of offenses and procedures to establish its list of offenses and procedures for suspensions and expulsions. The language that follows closely mirrors the language of Education Code Section 48900 *et seq.* The Charter School is committed to annual review of policies and procedures surrounding suspensions and expulsions and, as necessary, modification of the lists of offenses for which students are subject to suspension or expulsion.

When the Policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. This policy shall serve as the Charter School's policy and procedures for student suspension and expulsion, and it will be reviewed and amended from time to time in consultation with employees, parents, and legal counsel to comport with applicable law. Charter School staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This Policy and its Procedures will be printed and distributed as part of the Student Handbook and will clearly describe discipline expectations. Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of or willfully causing the infliction of physical pain on a student. For purposes of the Policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to school property.

The Charter School administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline and involuntary disenrollment policies and procedures. The notice shall state that this Policy and Procedures are available on request at the Principal's office.

Suspended or expelled students shall be excluded from all school and school-related activities unless otherwise agreed during the period of suspension or expulsion.

A student identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to general education students except when federal and state law mandates additional or different procedures. The Charter School will follow all applicable federal and state laws including but not limited to the California Education Code, when imposing any form of discipline on a student identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according to due process to such students.

No student shall be involuntarily removed by the Charter School for any reason unless the parent or guardian of the student has been provided written notice of intent to remove the student no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the student or the student's parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder, and shall inform him or her of the basis for which the pupil is being involuntarily removed and his or her right to request a hearing

to challenge the involuntary removal. If a parent, guardian, or educational rights holder requests a hearing, the Charter School shall utilize the same hearing procedures specified below for expulsions, before the effective date of the action to involuntarily remove the student. If the student's parent, guardian, or educational rights holder requests a hearing, the student shall remain enrolled and shall not be removed until the Charter School issues a final decision. As used herein, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include removals for misconduct which may be grounds for suspensions or expulsion as enumerated below.

Procedures

A. Grounds for Suspension and Expulsion of Students

A student may be suspended or expelled for prohibited misconduct if the act is related to school activity or school attendance occurring at any time including but not limited to: a) while on school grounds; b) while going to or coming from school; c) during the lunch period, whether on or off the school campus; d) during, going to, or coming from a school-sponsored activity.

B. Enumerated Offenses

1. Discretionary Suspension Offenses. Students may be suspended for any of the following acts when it is determined the pupil:
 - a) Caused, attempted to cause, or threatened to cause physical injury to another person.
 - b) Willfully used force of violence upon the person of another, except self-defense.
 - c) Unlawfully possessed, used, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind.
 - d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
 - e) Committed or attempted to commit robbery or extortion.
 - f) Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases.
 - g) Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.

- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. This section shall apply to pupils in any of grades 4 to 8, inclusive.
- l) Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.
- m) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- o) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- p) Engaged in or attempted to engage in hazing. For the purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, “hazing” does not include athletic events or school-sanctioned events.
- q) Made terroristic threats against school officials and/or school property, which includes but is not limited to, electronic files and databases. For purposes of this section, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family’s safety, or for the

protection of school property which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or his or her immediate family.

- r) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- s) Caused, attempted to cause, threaten to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- t) Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading the rights of either school personnel or volunteers and/or student(s) rights by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- u) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
 - 1) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
 - i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
 - ii. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
 - iii. Causing a reasonable student to experience substantial interference with his or her academic performance.
 - iv. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
 - 2) "Electronic Act" means the creation or transmission originated on or off the school site, 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:

i. A message, text, sound, video, or image. ii. 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 subparagraph (1) above.

(b) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (1) above. “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.

(c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.

iii. An act of cyber sexual bullying.

(a) For purposes of this clause, “cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil 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 subparagraphs (i) to (iv), inclusive, of paragraph (1). 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) For purposes of this clause, “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.

3) Notwithstanding subparagraphs (1) and (2) 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.

v) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1).

w) Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Principal or designee's concurrence.

2. Non- Discretionary Suspension Offenses: Students must be suspended and recommended for expulsion for any of the following acts when it is determined the pupil:

- a) Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Principal or designee's concurrence.
- b) Brandishing a knife at another person
- c) Unlawfully selling a controlled substance listed in Health and Safety Code Section 11053, *et seq.*
- d) Committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900(n).

3. Discretionary Expellable Offenses: Students may be expelled for any of the following acts when it is determined the pupil:

- a) Caused, attempted to cause, or threatened to cause physical injury to another person.
- b) Willfully used force of violence upon the person of another, except self-defense.
- c) Unlawfully possessed, used, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases.
- g) Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.
- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes,

smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.

- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
- l) Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.
- m) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- o) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- p) Engaged in or attempted to engage in hazing. For the purposes of this subdivision, “hazing” means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, “hazing” does not include athletic events or school-sanctioned events.
- q) Made terrorist threats against school officials and/or school property which includes but is not limited to, electronic files and databases. For purposes of this section, “terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family’s safety, or

for the protection of school property, which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or his or her immediate family.

- r) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
 - s) Caused, attempted to cause, threaten to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
 - t) Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading student rights by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
 - u) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
- 1) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
 - i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
 - ii. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
 - iii. Causing a reasonable student to experience substantial interference with his or her academic performance.
 - iv. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
 - 2) "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:

i. A message, text, sound, video, or image. ii. 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 subparagraph (1) above.

(b) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (1) above. “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.

(c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.

iii. An act of cyber sexual bullying.

(a) For purposes of this clause, “cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil 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 subparagraphs (i) to (iv), inclusive, of paragraph (1). 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) For purposes of this clause, “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.

3) Notwithstanding subparagraphs (1) and (2) 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.

v) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1).

- w) Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Principal or designee's concurrence.

4. Non-Discretionary Expellable Offenses: State law mandates the Board of Directors to expel students as indicated in Education Code Section 48915 (c) for:

- a) Sale, possession or furnishing of a firearm.
- b) Brandishing a knife at another person.
- c) Selling a controlled substance.
- d) Sexual assault or battery.
- e) Possession of explosives.

If it is determined by the Board of Directors that a student has brought a firearm or destructive device, as defined in Section 921 of Title 18 of the United States Code, on to campus or to have possessed a firearm or dangerous device on campus, the student shall be expelled for one year, pursuant to the Federal Gun Free Schools Act of 1994. In such instances, the pupil shall be provided due process rights of notice and a hearing as required in this policy.

The term "firearm" means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

The term "destructive device" means (A) any explosive, incendiary, or poison gas, including but not limited to: (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, or (vi) device like any of the devices described in the preceding clauses.

C. Suspension Procedure

Suspensions shall be initiated according to the following procedures:

1. Conference

Suspension shall be preceded, if possible, by a conference conducted by the Principal or the Principal's designee with the student and his or her parent/guardian and, whenever practical, the teacher, supervisor or Charter School employee who referred the student to the Principal or designee.

The conference may be omitted if the Principal or designee determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or Charter School personnel. If a student is suspended without this

conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference.

At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense in accordance with Education Code Section 47605(b)(5)(J)(i). This conference shall be held within two school days, unless the pupil waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with Charter School officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference.

2. Notice to Parents/Guardians

At the time of the suspension, an administrator or designee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension and the date of return following suspension. This notice shall state the specific offense committed by the student. In addition, the notice may also state the date and time when the student may return to school. If Charter School officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent/guardian respond to such requests without delay.

3. Suspension Time Limits/Recommendation for Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension. Upon a recommendation of Expulsion by the Principal or Principal's designee, the pupil and the pupil's guardian or representative will be invited to a conference to determine if the suspension for the pupil should be extended pending an expulsion hearing. In such instances when the Charter School has determined a suspension period shall be extended, such extension shall be made only after a conference is held with the pupil or the pupil's parents unless the pupil and the pupil's parents fail to attend the conference.

This determination will be made by the Principal or designee upon either of the following: 1) the pupil's presence will be disruptive to the education process; or 2) the pupil poses a threat or danger to others. Upon either determination, the pupil's suspension will be extended pending the results of an expulsion hearing.

D. Authority to Expel

As required by Education Code Section 47605(b)(5)(J)(ii), students recommended for expulsion are entitled to a hearing adjudicated by a neutral officer to determine whether the student should be expelled. The procedures herein provide for such a hearing and the notice of said hearing, as required by law.

A student may be expelled either by the neutral and impartial Charter School Board following a hearing before it or by the Charter School Board upon the recommendation of a neutral and impartial Administrative Panel to be assigned by the Board as needed. The Administrative Panel shall consist of at least three members who are certificated and neither a teacher of the pupil or a Board member of the Charter School's governing board. Each entity shall be presided over by a designated neutral hearing officer. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense, and the Charter School Board shall make the final decision.

E. Expulsion Procedures

Students recommended for expulsion are entitled to a hearing to determine whether the student should be expelled. Unless postponed for good cause, the hearing shall be held within thirty (30) school days after the Principal or designee determines that the Pupil has committed an expellable offense.

In the event an administrative panel hears the case, it will make a recommendation to the Charter School Board for a final decision whether to expel. The hearing shall be held in closed session (complying with all pupil confidentiality rules under FERPA) unless the student makes a written request for a public hearing in open session three (3) days prior to the date of the scheduled hearing.

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least ten (10) calendar days before the date of the hearing. Upon mailing the notice, it shall be deemed served upon the pupil. The notice shall include:

- 1) The date and place of the expulsion hearing;
- 2) A statement of the specific facts, charges and offenses upon which the proposed expulsion is based;
- 3) A copy of the Charter School's disciplinary rules which relate to the alleged violation; 4) Notification of the student's or parent/guardian's obligation to provide information about the student's status at the Charter School to any other school district or school to which the student seeks enrollment;
- 5) The opportunity for the student and/or the student's parent/guardian to appear in person or to employ and be represented by counsel or a non-attorney advisor;
- 6) The right to inspect and obtain copies of all documents to be used at the hearing;
- 7) The opportunity to confront and question all witnesses who testify at the hearing;
- 8) The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses.

F. Special Procedures for Expulsion Hearings Involving Sexual Assault or Battery Offenses

The Charter School may, upon a finding of good cause, determine that the disclosure of either the identity of the witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations that shall

be examined only by the Charter School or the hearing officer. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the pupil.

1. The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of his/her right to (a) receive five days' notice of his/her scheduled testimony, (b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she testifies, which may include a parent, guardian, or legal counsel, and (c) elect to have the hearing closed while testifying.
2. The Charter School must also provide the victim a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.
3. At the discretion of the person or panel conducting the hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which he or she may leave the hearing room.
4. The person conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.
5. The person conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
6. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the entity presiding over the hearing from removing a support person whom the presiding person finds is disrupting the hearing. The person conducting the hearing may permit any one of the support persons for the complaining witness to accompany him or her to the witness stand.
7. If one or both of the support persons is also a witness, the Charter School must present evidence that the witness' presence is both desired by the witness and will be helpful to the Charter School. The person presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising his or her discretion to remove a person from the hearing whom he or she believes is prompting, swaying, or influencing the witness.
8. The testimony of the support person shall be presented before the testimony of the complaining witness and the complaining witness shall be excluded from the courtroom during that testimony.
9. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in the public at the request of the pupil being expelled, the complaining witness

shall have the right to have his/her testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.

10. Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the entity conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstance can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

G. Record of Hearing

A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made.

H. Presentation of Evidence

While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A recommendation by the Administrative Panel to expel must be supported by substantial evidence that the student committed an expellable offense. Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay. Sworn declarations may be admitted as testimony from witnesses of whom the Board or Administrative Panel determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

If, due to a written request by the expelled pupil, the hearing is held at a public meeting, and the charge is committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public.

The decision of the Administrative Panel shall be in the form of written findings of fact and a written recommendation to the Board who will make a final determination regarding the expulsion. The final decision by the Board shall be made within ten (10) school days following the conclusion of the hearing. The Decision of the Board is final.

If the Administrative Panel decides not to recommend expulsion, the pupil shall immediately be returned to his/her educational program.

I. Written Notice to Expel

The Principal or designee following a decision of the Board to expel shall send written notice of the decision to expel, including the Board's adopted findings of fact, to the student or parent/guardian. This notice shall also include the following: Notice of the specific offense committed by the student; and Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the Charter School.

The Principal or designee shall send a copy of the written notice of the decision to expel to the authorizer. This notice shall include the following: a) The student's name b) The specific expellable offense committed by the student

J. Disciplinary Records

The Charter School shall maintain records of all student suspensions and expulsions at the Charter School. Such records shall be made available to the authorizer upon request.

K. No Right to Appeal

The pupil shall have no right of appeal from expulsion from the Charter School as the Charter School Board's decision to expel shall be final.

L. Expelled Pupils/Alternative Education

Parents/guardians of pupils who are expelled shall be responsible for seeking alternative education programs including, but not limited to, programs within the County or their school district of residence. The Charter School shall work cooperatively with parents/guardians as requested by parents/guardians or by the school district of residence to assist with locating alternative placements during expulsion.

M. Rehabilitation Plans

Students who are expelled from the Charter School shall be given a rehabilitation plan upon expulsion as developed by the Board at the time of the expulsion order, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date not later than one year from the date of expulsion when the pupil may reapply to the Charter School for readmission.

N. Readmission

The decision to readmit a pupil or to admit a previously expelled pupil from another school district or charter school shall be in the sole discretion of the Board following a meeting with the Principal or designee and the pupil and parent/guardian or representative to determine whether the pupil has successfully completed the rehabilitation plan and to determine whether the pupil poses a threat to others or will be disruptive to the school environment. The Principal or designee shall make a recommendation to the Board following the meeting regarding his or her determination. The Board shall then make a final decision regarding readmission during the closed session of a public meeting, reporting out any action taken during closed session consistent with the requirements of the Brown Act. The pupil's readmission is also contingent upon the Charter School's capacity at the time the student seeks readmission.

O. Notice to Teachers

The Charter School shall notify teachers of each pupil who has engaged in or is reasonably suspected to have engaged in any of the acts listed in Education Code Section 49079 and the corresponding enumerated offenses set forth above.

P. Special Procedures for the Consideration of Suspension and Expulsion or Involuntary Removal of Students with Disabilities

1. Notification of District

The Charter School shall immediately notify the District and coordinate the procedures in this policy with the District of the discipline of any student with a disability or student who the Charter School or District would be deemed to have knowledge that the student had a disability

2. Services During Suspension

Students suspended for more than ten (10) school days in a school year shall continue to receive services so as to enable the student to continue to participate in the general education curriculum, although in another setting (which could constitute a change of placement and the student's IEP would reflect this change), and to progress toward meeting the goals set out in the child's IEP/504 Plan; and receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur. These services may be provided in an interim alternative educational setting.

3. Procedural Safeguards/Manifestation Determination

Within ten (10) school days of a recommendation for expulsion or any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the Charter School, the parent, and relevant members of the IEP/504 Team shall review all relevant information in the student's file, including the child's IEP/504 Plan, any teacher observations, and any relevant information provided by the parents to determine:

- a) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or

- b) If the conduct in question was the direct result of the local educational agency's failure to implement the IEP/504 Plan.

If the Charter School, the parent, and relevant members of the IEP/504 Team determine that either of the above is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability.

If the Charter School, the parent, and relevant members of the IEP/504 Team make the determination that the conduct was a manifestation of the child's disability, the IEP/504 Team shall:

- a) Conduct a functional behavioral assessment and implement a behavioral intervention plan for such child, provided that the Charter School had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;
- b) If a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and
- c) Return the child to the placement from which the child was removed, unless the parent and the Charter School agree to a change of placement as part of the modification of the behavioral intervention plan.

If the Charter School, the parent, and relevant members of the IEP/504 team determine that the behavior was not a manifestation of the student's disability and that the conduct in question was not a direct result of the failure to implement the IEP/504 Plan, then the Charter School may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.

4. Due Process Appeals

The parent of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or the Charter School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request an expedited administrative hearing through the Special Education Unit of the Office of Administrative Hearings or by utilizing the dispute provisions of the 504 Policy and Procedures.

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or the Charter School, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer in accordance with state and federal law, including 20 U.S.C. Section 1415(k), until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting unless the parent and the Charter School agree otherwise.

In accordance with 20 U.S.C. Section 1415(k)(3), if a parent/guardian disagrees with any decision regarding placement, or the manifestation determination, or if the Charter School

believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, the parent/guardian or Charter School may request a hearing.

In such an appeal, a hearing officer may: (1) return a child with a disability to the placement from which the child was removed; or (2) order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or others.

5. Special Circumstances

Charter School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct.

The Principal or designee may remove a student to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability in cases where a student:

- a) Carries or possesses a weapon, as defined in 18 U.S.C. Section 930, to or at school, on school premises, or to or at a school function;
- b) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or
- c) Has inflicted serious bodily injury, as defined by 20 U.S.C. Section 1415(k)(7)(D), upon a person while at school, on school premises, or at a school function.

6. Interim Alternative Educational Setting

The student's interim alternative educational setting shall be determined by the student's IEP/504 team.

7. Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been identified as an individual with disabilities pursuant to IDEA and who has violated the Charter School's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the Charter School had knowledge that the student was disabled before the behavior occurred.

The Charter School shall be deemed to have knowledge that the student had a disability if one of the following conditions exists:

- a) The parent/guardian has expressed concern in writing, or orally if the parent/guardian does not know how to write or has a disability that prevents a written statement, to the Charter School supervisory or administrative personnel, or to one of the child's teachers, that the student is in need of special education or related services.
- b) The parent has requested an evaluation of the child.

- c) The child's teacher, or other Charter School personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education or to other Charter School supervisory personnel.

If the Charter School knew or should have known the student had a disability under any of the three (3) circumstances described above, the student may assert any of the protections available to IDEAeligible children with disabilities, including the right to stay-put.

If the Charter School had no basis for knowledge of the student's disability, it shall proceed with the proposed discipline. The Charter School shall conduct an expedited evaluation if requested by the parents; however the student shall remain in the education placement determined by the Charter School pending the results of the evaluation.

The Charter School shall not be deemed to have knowledge of that the student had a disability if the parent has not allowed an evaluation, refused services, or if the student has been evaluated and determined to not be eligible.

SUSPENSION BY PRINCIPAL

Suspension by the principal or designee shall be preceded by an informal conference. At that conference, the student shall be informed of the reasons for the disciplinary action and the evidence against him/her. In addition, the student shall be given the opportunity to present his/her version and evidence in his/her defense.

At the time of the suspension, the principal or designee shall make a reasonable effort to contact the student's parent or guardian in person or by telephone. Whenever a student is suspended from school, the parent or guardian shall be notified in writing of the suspension. The notice shall contain a statement of the facts leading to the decision to suspend, the date and time when the student will be allowed to return to school, and a request that the parent or guardian attend a conference upon the student returning with school officials, including notice the state law requires parents or guardians to respond to such request without delay. (Education Code 48911)

SUSPENSION BY TEACHER

A teacher may suspend any student from the class for the day of the suspension and the day following for an act stated in Education Code 48900. A "day" in middle school is defined as an instructional period; a day in elementary school is defined as a calendar day. If the student has more than one teacher, the student is only precluded from attending the suspending teacher's class. Prior to excluding a student from the classroom, the teacher must inform the student which school policy was violated, that the teacher intends to suspend, and that the student has the opportunity to respond to the charges. As soon as possible, the teacher shall request a parent/guardian conference at which time the circumstances of the suspension and the data will be presented. (Education Code 48910 (a) (b) and 48911)

TEACHER REFERRAL

A teacher may refer a student, for any of the acts stated in district policy, to the principal or designee by the principal for consideration of suspension from school. (Education Code 48910 (a) (b) and 48911)

EXPULSION

An expulsion is the removal of the student from all schools in the district for violating California Education Code as ordered by the Board of Education. The district is required to provide some alternative programs of study (Education Code 48925). The expulsion is for a defined period of time, but an application for re-admission must be approved before the student is permitted to return to the school.

State law provides for full due process and rights to appeal any order of the expulsion. State law mandates the Board of Directors to expel students as indicated in the Education Code for 48915 (c) for:

- Sale, possession or furnishing of a firearm.
- Brandishing a knife at another person.
- Selling a controlled substance.
- Sexual assault or battery.
- Possession of explosives. 8910 (c))

California Education Code requires a school administrator to recommend expulsion if a student commits one of the following offenses: • Causing serious physical injury to another person except in self-defense.

- Possession of any knife, explosive, or other dangerous object of no reasonable use to the pupil.
- Unlawful possession of any drug except for the first-time offense of possession of not more than one ounce of marijuana.
- Robbery and/or extortion.
- Assault or battery upon a school employee.

PESTICIDE APPLICATION NOTIFICATION POLICY

The school occasionally participates in a pest or plant management system. We make every effort to reduce pesticide use as much as possible. While it may occasionally be necessary to apply a pesticide, it will only be used as a last resort.

You have the right to be informed prior to any pesticide application that might be necessary at SVCS. In an emergency, pesticides may be applied without prior notice; however, notice will be provided following any such application.

To receive notifications, please inform the school by submitting a letter, which includes your name, student's name, address, and day/evening phone. Please indicate whether you would like to be notified when any scheduled major pesticide application is made or if you also want notification when an ant trap, small bait application, or other least toxic application is made. Education Code 48980.3

TRANSPORTATION PROCEDURES AND POLICIES

Staff and Bus Drivers

1. **Staff Escort-** Teachers will escort students to bus at end of day
2. **Release-** Student bus riders will be released by teachers to board buses.
3. **Counts-** Bus drivers will do a count of students present on bus versus total count of riders signed up for a particular bus.
4. **Roll Call-** In the event of a discrepancy in the number, the driver will take roll to ascertain which students are inadvertently on the bus.
5. **Schedule-** Students not scheduled for bus transportation will be escorted from the bus and released to a school staff member.
6. **Seating-** Driver may assign student seating, as necessary. Pupils assigned to specific seats may not move from those seats unless authorized by the driver. Pupils must sit up in the seat, face the front of the bus and keep feet out of the aisle so to not interfere with other entering or exiting the bus, and for reasons of safety, while bus is in motion, remain seated.
7. **Body Parts Outside of Vehicle-** Body, head or arms may not be extended outside of the windows at any time for the pupils' safety and possible damage to the vehicle.
8. **Other Pupils-** No pupil is permitted to verbally or physically molest other pupil or their property.
9. **Noise Level-** Pupils may cause of noise nuisance on the bus. This includes playing of loud music, whistling, yelling, loud talking, or inappropriate language.
10. **Animals or Hazardous items-** Pupils shall not bring on board the bus. Any weapons of any type or controlled substance as defined in Ed Code 48915- this is an expellable offense. Pupils shall not transport household pets or animals in the school bus.
Personal Property- Pupils may not transport articles of personal property that interfere with the safe operation of the school bus or block aisles. Under no circumstances shall a pupil block any emergency exit. The school district and its personnel are not responsible for items left on board the bus.
11. **Food/Eating-** No pupils may eat or drink aboard the bus, unless prior permission is received from the driver
12. **Emergency Door-** Students are not allowed to use emergency door except when directed by driver or to evacuate the bus in an actual emergency.
13. **Behavior-** Students are to be respectful of the bus driver at all times.
14. **Contact-** Bus drivers will have a binder with relevant information, including:
 - a. Transportation variances indicating day(s) of week of variance(s)
 - b. General student information including designated drop-off point
 - c. Parent contact numbers
 - d. Emergency contact numbers
 - e. School phone contact numbers (Principal, Secretary, etc.)

Parents

1. **Form Fill-Out-** Parents are required to fill out an "Assigned Bus Stop Location Form" in order to have their child eligible to ride the bus.
2. **Running Late-** A parent who typically picks up his/her child must notify the school in the event he/she will be more than 15 minutes late.
3. **Late-** Parents who are running late in picking up their child may opt to have their child take the bus, provided they (1) Have a bus agreement on file with SVCS, and (2) Contact the school giving specific instructions indicating their wish for their child to ride the bus for that day only. A child's ability to ride the bus under these circumstances is predicated on the parent's ability to notify the school prior to the bus leaving at the scheduled time.
4. **Timeliness-** Parents should arrive at their scheduled bus stop 10 minutes early.
5. **Child Safety-** For your child's safety and to ensure timely delivery of other students, the bus driver will return students to school if parents fail to pick up their student. Parents will be contacted to and instructed to pick up child at school.
6. **Pick-Up/Drop-Off-** Parents/Guardians when picking up and dropping off students from designated bus stop at end of school day will wait for the bus to come to a complete stop, to be flashing red warning lights and the stop sign extended, and all traffic has stopped, before approaching the bus. Any parent/guardian who fails to follow transportation safety guidelines or attempts to block the bus driver in any manner from carrying out his/her duties shall lose bus privileges for the remainder of the year.
7. **Loading /Unloading-** Pupils are to load and unload in an orderly manner. Pupils required to cross the street must follow the directions of the driver. Students must cross only in the front of the bus and only at district approved student cross over stops when the red lights are activated.

NOTE: Please refer to the SVCS Transportation Safety Plan for the comprehensive plan.