



Board Agenda Item #	III B : Discussion Item
Date:	October 8, 2020
To:	Magnolia Board of Directors
From:	Dr. Brenda D. Lopez, Director of Student Services
Staff Lead:	Dr. Brenda D. Lopez, Director of Student Services
RE:	Presentation and Discussion of Board's duties and Responsibilities in Student Expulsion

Proposed Board Motion

Information Only

Introduction

- Information regarding Student Suspension and Expulsion data and due process for students

Background

- Suspension/Expulsion data

Analysis (If applicable)

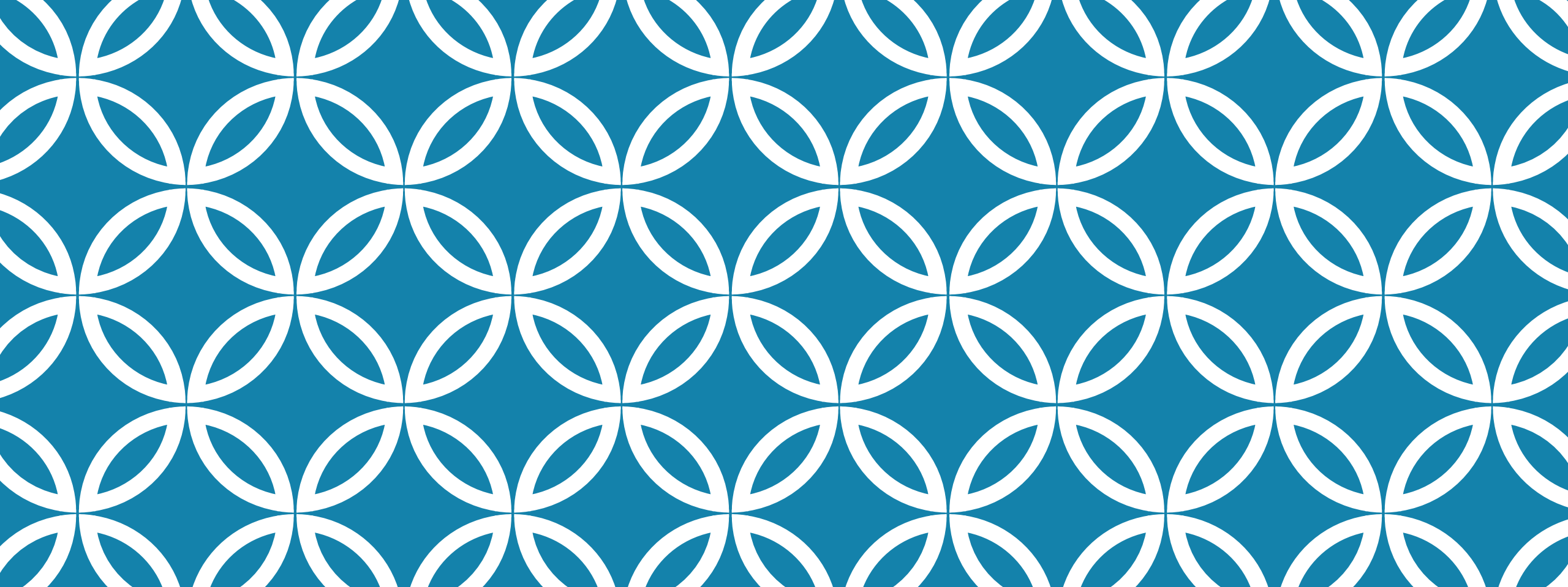
- Analysis of Suspension/ Expulsion rates across Magnolia Public Schools
- Intervention supports and strategies

Budget Implications

- Ongoing supports for Multi-Tiered Systems of Supports (MTSS)/ Positive Behavior Interventions and Supports (PBIS)/Restorative Justice Practices and staff development

Exhibits (attachments):

- PowerPoint- Suspension/ Expulsion Data, Procedures, and Goals
- MPS Student-Parent Handbook 2020-2021, Student Conduct & Discipline, pp.62-93



SUSPENSION/EXPULSION DATA, PROCEDURES AND GOALS

Presented by:
Dr. Brenda D. Lopez
Director of Student Services

DATA: NATIONAL

- Black students are 3.8 times more likely to be suspended than white students
- Black girls are 6 times more likely to be suspended than White girls
- Latino students represent 21% of suspensions and 25% of expulsions
- One in every 13 Native American students is suspended nationally
- Black boys with disabilities have a 33.8% chance of being suspended compared to only a 16.2% chance for white boys with disabilities
- 9% of LGBTQ students were disciplined for simply identifying as LGBTQ

DATA: CALIFORNIA

- The statewide suspension rate for Black males is 3.6 times greater than that of the statewide rate for all students
- While African Americans account for only 5.8% of the state's public-school enrollment, they represent 17.8% of students who are suspended in the state
- While 3.6% of all students were suspended in 2016-2017, the suspension rate for Black boys and young men was 12.8%
- In sum, the black suspension rate stands out on the high side, the Asian rate stands out on the low side, and Hispanic and white rates are near the state average

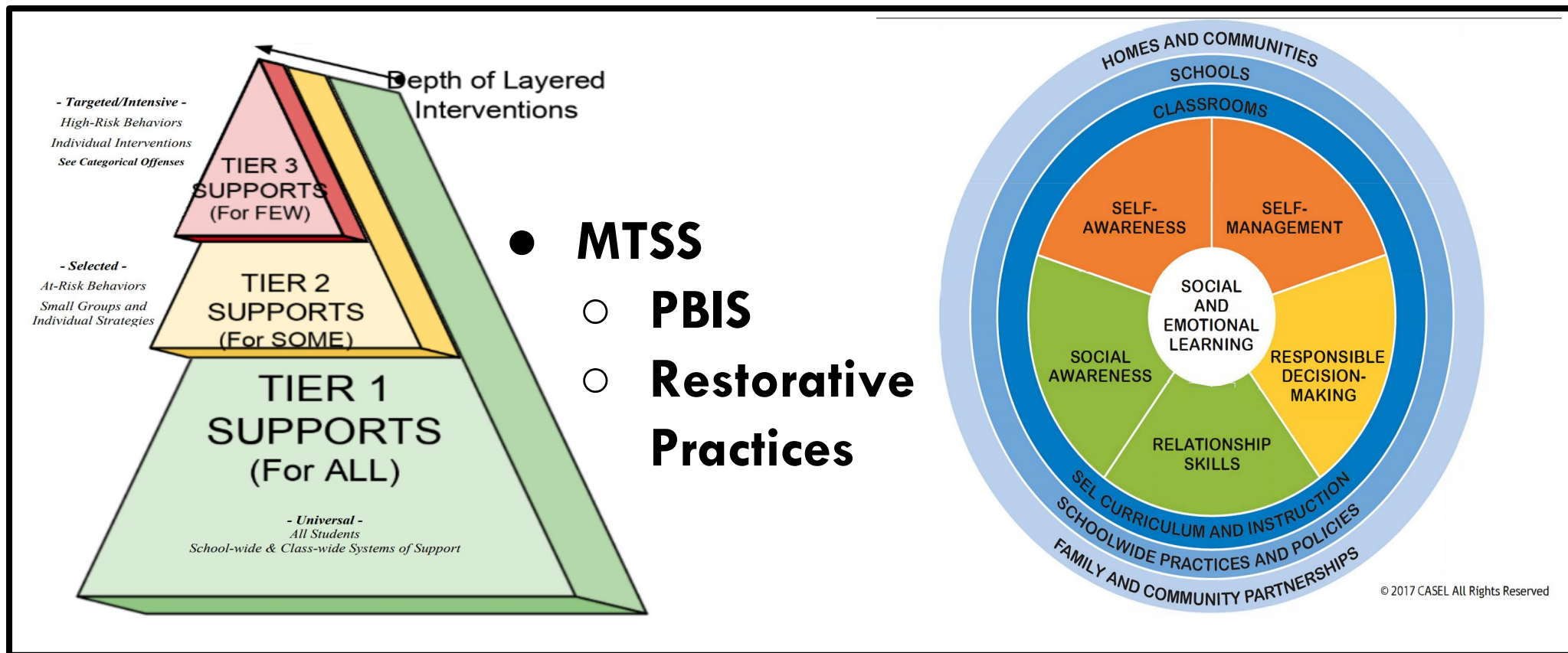
Get Out! Black Male Suspensions in California Public Schools
Wood, Harris III, & Howard, 2018

Brown Center Report on American Education: Race and school suspensions, 2017

MPS DATA

<u>2017- 2018 School Year</u>	<u>2018-2019 School year</u>	<u>2019-2020 School Year</u>
Out of School Suspensions 60	Out of School Suspensions 73	Out of School Suspensions 29
In School Suspensions 31	In School Suspensions 8	In School Suspensions 3
Expulsions 2	Expulsions 3	Expulsions 1

Promising Practices



Research Based Approach



[Preventing ACE \(Free Training\)](#)



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PREVENTION CENTER OF EXCELLENCE**

Resilience- Strengths Based Focus



SUSPENSION OFFENSES & PROCEDURE

- Suspension (Discretionary Offenses, Student-Parent Handbook, p. 81 - 84)
- Non-discretionary/Mandatory Suspension Offenses (p. 84)
- Suspension Procedures (p. 87)
 - Conference>> Written Notice to Parent/Guardian>> Instructional Support>> Suspension Appeals>> Uphold Suspension or Determine Suspension is overturned
- Suspension Time Limits/Recommendation for Expulsion (p.88)

EXPULSION OFFENSES & PROCEDURE

- Expulsion (Discretionary Expellable Offenses p. 84-87)
- Expulsion (Non-discretionary expellable offenses p. 87)
- Expulsion Procedure (p. 89-91)
 - Recommendation for expulsion>> Notice to Guardian>>Expulsion hearing>> Record of Expulsion Hearing>>Presentation of Evidence>>Written Notice to Expel>> Disciplinary Records>> Expulsion Appeals>>Interim Placement>> Required District of Residence Notification and Rehabilitation Plan (If pupil is expelled)
- Special Procedures for the Consideration of Suspension and Expulsion or Involuntary Removal of Students with Disabilities (p. 91-93)

BOARD LEVEL INVOLVEMENT

Expulsion Appeals

In order to appeal an expulsion, the student/parent/guardian must submit a written appeal to the CEO of MPS outlining the reason for the appeal, attaching any supporting documentation, within ten (10) calendar days of being informed of the expulsion.

In response to the written request for an appeal, the CEO of MPS shall call a meeting of the Board of Directors. The Board shall convene a hearing on the appeal within 30 (30) calendar days of receipt of a timely written request for an appeal.

At the hearing on the appeal, the student shall have the right to present evidence. The Board will consider evidence and/or testimony as appropriate and will render a written decision that shall be in the best interest of the student and the MPS. That decision shall be final.

Looking Ahead

- Continue to build on promising practices and leverage trust with stakeholders related to the overall health and safety of our students, “Nothing about us without us”
- Refine a structured approach to tracking supports and data, iterative process
- Sustainable Multi-Tiered Systems of Support (MTSS)/ Positive Behavior Intervention Supports (PBIS)/Restorative Justice Practices
- Research based approach to addressing student behavior/conduct
- *Zones of Regulation*: Social Emotional Learning Curriculum
- Shifting the mindset of adults and children

the benefits of shadowing, we request that parents adhere to the following guidelines:

- Follow the above procedure for providing three (3) school days advance notice of your visit, signing in at the main office when arriving at MPS, and obtaining a visitor's pass/sticker. Notice of your visit and intent to shadow should be provided by completing the Shadow Request Form, below, and submitting it to MPS at least three (3) school days in advance of your visit.
- Shadowing is not a time for parent/teacher conferences. If you desire a conference, please make prior arrangements with your child's teachers.
- To preserve the academic environment, please do not take part in the lesson unless invited to do so by the teacher. Do not visit with your child or other students during class time. At no time may visiting parents address other students directly. Visitors are not allowed to record audio or video or take photos. Should you have any concerns, report them to the MPS administrators.
- Meet with MPS administration to debrief your visit.

"Shadow Request Form" is included at the end of this handbook and copies are also available in the school office.

Penalties

1. Pursuant to the California Penal Code, if a visitor does not leave after being asked or if the visitor returns without following the posted requirements after being directed to leave, he/she will be guilty of a crime as specified which is punishable by a fine of up to \$500.00 (five hundred dollars) or imprisonment in the County jail for a period of up to six (6) months or both.
2. Under California Education Code section 44811, disruption by a parent, guardian or other person whose conduct materially disrupts classwork or extracurricular activities or involves substantial disorder is guilty of a misdemeanor and is punishable, upon the first conviction by a fine of no less than \$500.00 (five hundred dollars) and no more than \$1,000.00 (one thousand dollars) or by imprisonment in a County jail for no more than one (1) year, or both the fine and imprisonment.
3. Disruptive conduct may lead to MPS' pursuit of a restraining order against a visitor, which would prohibit him/her from coming onto school grounds or attending school activities for any purpose for a period of up to three (3) years.

Student Conduct & Discipline

Dress Code/Uniforms

MPS has a uniform policy to help create a safe, orderly environment, instill discipline, and eliminate the competition and distractions caused by varied dress styles. Students are expected to arrive in a clean and neat uniform every day. This uniform policy will be enforced from the very first day of school. Students shall cooperate, display modesty and neatness, and take pride in the MPS uniform. We rely on both student and parent/guardian support in helping to maintain this uniform policy and follow it daily.

In addition to wearing the school uniform, MPS requires that students follow these additional guidelines in terms of uniform appearance and personal appearance. **If any aspect of the uniform, including clothes, shoes, jewelry, cosmetics, or any type of body adornment, is not explicitly listed as acceptable in this handbook, then that item is not permitted to be worn when the student is at school or representing the school.** If you have any questions, please check with administration.

If a student is unable to wear the school uniform to school due to extenuating circumstances, please communicate with the school administration.

Religious Head Coverings

Religious head coverings shall be permitted.

Free Dress & Theme Dress Days Code

Free Dress days are earned at the discretion of the administration. These days are granted at different times of the year for positive behavior and special occasions. Violation of this policy may result in loss of free dress privileges for the remainder of the school year.

- On free dress days, clothing must be in good taste and appropriate for school. Clothing should not be inappropriately tight, revealing, or transparent.
- The school's dress code is strictly enforced during free dress days as well. All students must follow the same guidelines with the exception of not wearing their uniform.
- T-shirts are acceptable; however, printing on clothing must be suitable for school - no suggestive, vulgar, or profane language or images are permitted, as well as clothing that promotes alcohol, drugs, tobacco, or other controlled substances.
- Mini-skirts, skirts, and shorts should be no shorter than your longest finger when standing with your hands by your sides. Jeans may be worn during free dress days but cannot be inappropriately tight or baggy; no tattered jeans are allowed.
- Visible undergarments (including boxer shorts, bras, etc.) are not allowed.

- Midriffs, backless or side less shirts or dresses, halter tops, or tank tops with straps less than 1-inch strap in width are NOT allowed.
- Hats for sun protection must only be worn outside of the school building(s) and classrooms. Hats must be a solid color that aligns with the school uniform and is free of any logos, with the exception of the school logo. Acceptable colors include solid white, gray, black, or navy-blue.
- Gloves, bandanas, or sunglasses are not permitted to be worn in school, except for medical reasons. Head coverings worn for purposes of religious observance are permitted.
- Neatness and good grooming are required.

MPS STUDENT UNIFORM POLICY

BOTTOM	<ul style="list-style-type: none"> • Pants, shorts, skirts, skorts, or capris are acceptable. • Skirts, pants, shorts, skorts, or capris must be either khaki color, black or navy blue. <p><u>Belts</u> <i>(required for all variations of dress uniform)</i></p> <ul style="list-style-type: none"> • Smooth, straight edge, all black, all blue or all brown belts no wider than 1½ inches with a plain, unadorned buckle (no mesh, rope, or all metal). • The buckle may only have one catch. • Belt must be of correct waist size, so that there is minimal excess length (less than five inches). • Any excess length of belt must be tucked through a belt loop and may not hang down. 	<p><u>Pants/Skirts/Skorts/Shorts</u></p> <ul style="list-style-type: none"> • May not be baggy or inappropriately tight. May not be rolled at waist. Top of garment must be at or above hip bone. • Skorts/shorts should be no shorter than your longest finger when standing with your hands by your sides. • Skirts that are above the top of the kneecap should be worn with leggings/tights and must be no shorter than the longest fingertip. • Pants may not be made from legging or jegging material. • Pants must touch the top of the shoes when the student is standing, but not be long enough to bunch up around the ankle. Socks may not be worn over pants. • Rubber bands are not allowed on the bottom of pants or ankles. • No jean/denim style pants • No Cargo pants/shorts. • Must have a built-in pocket not a sewn-on pocket.
TOP	<ul style="list-style-type: none"> • White, gray, black or navy-blue polo or woven shirts must have the school logo. They may be either short or long sleeved. • Hoods may not be worn at school. • Top of garment must be at or above hipbone when student is standing up. 	<p><u>Undergarments</u></p> <p>All undergarments, including bras, boxer shorts, etc., should not be visible</p> <p><u>Other Guidelines</u></p> <ul style="list-style-type: none"> • Woven shirt or polo shirt must be tucked in neatly at the waist at all times. These shirts may not be inappropriately tight or baggy. • Undershirts must be short-sleeved if worn. • The student may choose to button, or not button, the top button of the woven shirt. All other buttons of the woven shirt must be buttoned. • Under shirt may not hang out of sleeves.
FOOTWEAR	<ul style="list-style-type: none"> • For all footwear including “athletic” footwear, the majority of the shoe must be a solid color that aligns with the school's neutral dress code. Acceptable colors include black, brown, white, or gray. Small to no logos are preferred. (Shoes must be closed toe.) • Plain, unadorned socks must always be worn, tights are also acceptable. Color of the socks or tights: Solid black, dark brown, navy blue or white. • No sandals, boots, clogs, mules, slippers, flip flops, high heels, platform shoes or shoes with wheels. 	<p><u>Shoes</u></p> <ul style="list-style-type: none"> • Acceptable athletic shoes must be low-profile with minimal design. They must be modest and not attract attention. Shoelaces must match shoes and be in solid color. <p><u>Jewelry and Accessories/Cosmetics</u></p> <ul style="list-style-type: none"> • Should be modest, appropriate for school, and not attract undue attention.

PE UNIFORM	<ul style="list-style-type: none"> • Top: Students will wear a solid gray t-shirt, preferably with the MPS logo. Solid white, gray, black, or navy blue sweatshirts with or without the MPS logo may also be worn during PE. • Bottom: Properly fitting navy shorts. Waist size of shorts must be appropriate to student's waist size (i.e. not inappropriately tight or baggy). Shorts should be no shorter than your longest finger when standing with your hands by your sides Footwear: Any athletic shoes suitable for basketball, tennis, and field sports. The majority of the shoe must be a solid color that aligns with the school's neutral dress code. Acceptable colors include black, brown, white, or gray. Small to no logos are preferred. (Shoes must be closed toe.) 	<ul style="list-style-type: none"> • Necklaces: If worn must be underneath uniform. If visible through an open collar, it must be tasteful and formal (no leather or string). Pendants must not be large or attract attention. Must be tucked in collar of shirt. • No "glitter", decorations, or drawing of any kind should be visible on the skin, hair, body, or uniform, • Facial, tongue, and body piercing are not allowed. • Bracelets: Must be tasteful and not attract undue attention. • Visible tattoos are not acceptable. Permanent visible tattoos must be covered by a flesh-tone bandage while at school or representing the school.
OUTERWEAR	<ul style="list-style-type: none"> • Hats, hoods, caps, and other headgear may not be worn in school buildings, except for purposes of religious observance. No gloves or finger lacing of any sort are allowed. Hats must be a solid color that aligns with the school uniform and is free of any logos, with the exception of the school logo. Acceptable colors include solid white, gray, black, or navy-blue. <p><u>For colder weather</u></p> <ul style="list-style-type: none"> • Crew-neck and zip v-neck sweatshirt and jackets are permitted, with or without the MPS logo. • Sweatshirts and jackets must be solid white, gray, black, or navy-blue. 	<ul style="list-style-type: none"> • Cosmetics must be appropriate for school and not attract undue attention. <ul style="list-style-type: none"> ○ No brightly colored or glitter eye shadow, or blush. ○ Mascara and eyeliner should be minimal. ○ Lipstick should be a natural color. ○ Earrings must be studs or one (1) inch hoops and worn on earlobe.

Notes

- If a student is unable to wear the school uniform to school due to extenuating circumstances, you need to check with your school's administration.
- Each individual MPS school may include site-specific amendments into the uniform policy addressing local issues.

Duties of Pupils**Duties of Pupils – 5 CCR 300**

Pupils shall conform to school regulations, obey all directions, be diligent in study and respectful to teachers and others in authority, and refrain from the use of profane and vulgar language.

Electronic Nicotine Delivery Systems (e-cigarettes)**Electronic Nicotine Delivery Systems (e-cigarettes) – PC 308**

MPS prohibits the use of electronic nicotine delivery systems (ENDS) such as e-cigarettes, hookah pens, cigarillos, and other vapor-emitting devices, with or without nicotine content, that mimic the use of tobacco products on all MPS property and in MPS vehicles at all times. ENDS are often made to look like cigarettes, cigars and pipes, but can also be made to look like everyday items such as pens, asthma inhalers and beverage containers. These devices are not limited to vaporizing nicotine; they can be used to vaporize other drugs such as marijuana, cocaine, and heroin.

Students using, in possession of, or offering, arranging or negotiating to sell ENDS can be subject to disciplinary action, particularly because ENDS are considered drug paraphernalia, as defined by 11014.5 of the Health and Safety Code.

Tobacco-free Campus**Tobacco-free Campus BPC 22950.5; HSC 104420, 104495, 104559, PC 308**

Ample research has demonstrated the health hazards associated with the use of tobacco products, including smoking and the breathing of secondhand smoke. Charter School provides instructional programs designed to discourage students from using tobacco products. The Charter School's Governing Board recognizes that smoking and other uses of tobacco and nicotine products constitute a serious public health hazard and are inconsistent with the goals of the Charter School to provide a healthy environment for students and staff.

In the best interest of students, employees, and the general public, the Board therefore prohibits the use of tobacco products at all times on Charter School property and in Charter School vehicles. This prohibition applies to all employees, students, visitors, and other persons at school or at a school-sponsored activity or athletic event. It applies to any meeting on any property owned, leased, or rented by or from Charter School.

Smoking or use of any tobacco-related product or disposal of any tobacco-related waste is prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. Smoking or use

of any tobacco-related product is also prohibited within 250 feet of the youth sports event in the same park or facility where a youth sports event is taking place. In addition, any form of intimidation, threat, or retaliation against a person for attempting to enforce this policy is prohibited.

The Principal or designee shall inform students, parents/guardians, employees, and the public about this policy. All individuals on Charter School premises share in the responsibility of adhering to this policy. Additionally, Charter School will post signs stating "Tobacco use is prohibited" prominently at all entrances to school property.

Student Freedom of Speech/Expression Policy

MPS respects students' rights to express ideas and opinions, take stands, and support causes, whether controversial or not, through their speech, their writing, their clothing, and the printed materials they choose to post or distribute including the right of expression in official publications, and/or the wearing of buttons, badges and other insignia.

Student freedom of expression shall be limited only as allowed by state and federal law in order to maintain an orderly school environment and to protect the rights, health, and safety of all members of the school community. Unprotected Expression includes the following: obscenity; defamation; discriminatory material; harassment (including sexual harassment), intimidation and/or bullying; fighting words; vulgarity and/or profanity; or violating privacy as defined below.

Definitions

1. "*Obscenity*": when the (1) average person applying current community standards finds the work as a whole appeals to the prurient interest, (2) the work is patently offensive, and (3) the work lacks serious literary, artistic, political, or scientific value. Examples include pornography or sexually explicit material.
2. "*Defamation*": Libel (written defamation) and Slander (oral defamation), which includes but is not limited to inaccurately attributing a statement to another, either on purpose for public officials (which includes Charter School staff) or by mistake for private officials, that mischaracterizes the statement.
3. "*Discriminatory Material*": material that demeans a person or group because of the person/group's disability, pregnancy, gender, gender identity, gender expression, nationality, ancestry, race or ethnicity, immigration status, religion, religious affiliation, sexual orientation, childbirth or related medical conditions, marital status, age, or association with a person or group with one or more of these actual or perceived characteristics or any other basis protected by federal, state, local law, ordinance or regulation that has the purpose of humiliating, offending, or provoking a person/group.

4. *“Harassment (including sexual harassment), Intimidation and/or Bullying”*: severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act. Bullying includes one or more acts committed by a student or group of students that may constitute sexual harassment, hate violence, or creates an intimidating and/or hostile educational environment, directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following: (1) placing a reasonable student or students in fear of harm to that student’s or those students’ person or property, (2) causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health, (3) causing a reasonable student to experience a substantial interference with his or her academic performance, (4) causing a reasonable student to experience a substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
 5. *“Fighting Words”*: words likely to cause (1) the average person to fight or (2) the creation of a clear and present danger of violence, unlawful acts in violation of lawful school regulations, or the substantial disruption of school.
 6. *“Vulgarity and/or Profanity”*: the continual use of curse words by a student, even after warning.
 7. *“Violating Privacy”*: publicizing or distributing confidential or private material without permission.
5. Pupil editors of official school publications shall be responsible for assigning and editing the news, editorial, and feature content of their publications subject to the limitations of this section. However, it shall be the responsibility of the journalism staff adviser or advisers of pupil publications to supervise the production of the pupil staff, to maintain professional standards of English and journalism, and to maintain the provisions of this Policy. The journalism staff adviser(s) shall help the student editors judge the literary value, newsworthiness and propriety of materials submitted for publication. “Official school publications” refers to material produced by students in the journalism, newspaper, yearbook, or writing classes and distributed to the student body either free or for a fee.
 6. There shall be no prior restraint of material prepared for official school publications except insofar as it violates this policy. MPS officials shall have the burden of showing justification without undue delay prior to a limitation of pupil expression under this policy. If the journalism staff adviser(s) consider material submitted for publication to violate this Policy, he or she will notify the student without undue delay and give specific reasons why the submitted material may not be published. The student should be given the opportunity to modify the material or appeal the decision of the journalism staff adviser to the Principal.

Distribution of Circulars, Newspapers, and Other Printed Matter

Students shall be allowed to distribute circulars, leaflets, newspapers, and pictorial or other printed matter, and to circulate petitions, subject to the following specific limitations:

1. Leaflets, pictorial and other printed matter to be distributed shall be submitted to the MPS school site Principal or designee at least one school day prior to distribution.
2. Distribution, free or for a fee, may take place at any time except during instructional time and providing there is no substantial disruption in the school programs (as determined by the MPS school site Principal).
3. The manner of distribution shall be such that coercion is not used to induce students to accept the printed matter or to sign petitions.
4. The solicitation of signatures must not take place in instructional classes or school offices, nor be substantially disruptive to the school program (as determined by the MPS school site Principal).

Buttons, Badges, and Other Insignia of Symbolic Expression

Students shall be permitted to wear buttons, badges, armbands, and other insignia as a form of expression, subject to the prohibitions enumerated in this Policy.

Use of Bulletin Boards

Students will be provided with bulletin boards, upon request and subject to availability, for use in posting student materials on campus locations convenient to student use. Where feasible, the location and quantity of such bulletin boards shall be by mutual agreement of student government representatives and MPS administration. Posted material must be in compliance with other sections of this Policy, particularly regarding the distribution of materials and prohibited speech. Students may not post or distribute materials regarding the meetings of non-curricular student-initiated groups.

Organized Demonstrations

Students have the right to lawful organized on-campus demonstrations, subject to the provisions of this Policy and applicable law. Demonstrations that incite pupils to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or demonstrations that substantially disrupt the orderly operation of the school are prohibited.

No organized demonstrations by school groups may take place during school hours off the school campus unless sanctioned by school authorities and supervised by a designated school authority. No individual student may demonstrate in the name of the school or as an official school group at any time unless authorized by the school to participate in the activity.

Student Speeches

If a student is selected to speak at an MPS sponsored event, including but not limited to graduation or school assemblies, MPS has the right to review the pre-prepared speech to ensure that unprotected speech is not included. If unprotected speech is included, the student will be given the opportunity to revise the speech or deliver a modified speech. If not revised or removed, the student will not be permitted to speak at the MPS sponsored event.

Enforcement

1. The MPS school site Principal or designee shall review material submitted in a reasonable amount of time and shall allow the approved material to be distributed according to the time and manner established by this Policy.
2. Any student may appeal the decision of the MPS school site Principal or designee to the Board who shall render a decision within a reasonable period of time after receipt of the appeal. The appeal by the student must be made within five school days from the time the unsatisfactory decision was rendered.
3. The MPS school site administrator shall work with student government representatives in the development of these procedures. Student responsibilities shall be emphasized.
4. Students who are considering actions in the areas covered by this Policy should be informed of the possible consequences of their action under each specific circumstance.
5. This Policy does not prohibit or prevent the MPS Governing Board from adopting otherwise valid rules and regulations relating to oral communications by pupils upon the premises of each MPS school.
6. No MPS employee shall be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect a pupil engaged in the conduct authorized under this Policy, or refusing to infringe upon conduct that is authorized under this Policy, the First Amendment to the United States Constitution, or Section 2 of Article I of the California Constitution.
7. MPS shall not make or enforce a rule subjecting a student to disciplinary sanctions solely on the basis of conduct that is speech or other communication that, when engaged in outside of the campus, is protected from governmental restriction by the First Amendment to the United

States Constitution or Section 2 of Article I of the California Constitution.

Jurisdiction

Jurisdiction – EC 44807

A student may be disciplined 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.

Lost and Found

There will be a lost and found box in the school. If you find books, clothing, or personal items on school grounds, please bring the items to the school office. Items not picked up will be donated monthly.

Property Damage

Lost or Damaged Property – EC 48904

Parents or guardians may be held financially liable if their child willfully damages school property or fails to return school property loaned to the child. The school may further withhold the grades, diploma, and transcript of the pupil until restitution is paid.

MPS shall notify the parent or guardian of the pupil in writing of the pupil's alleged misconduct and provide the student with due process before withholding the pupil's grades, diploma, or transcripts pursuant to this subdivision. When the minor and parent are unable to pay for the damages, or to return the property, MPS shall provide a program of voluntary work for the minor in lieu of the payment of monetary damages. Upon completion of the voluntary work, the grades, diploma, and transcripts of the pupil shall be released.

Requirement of Parent/Guardian School Attendance

Requirement of Parent/Guardian School Attendance – EC 48900.1

Teachers may require the parent or guardian of a student who has been suspended by a teacher to attend a portion of that school day in his or her student's classroom. The attendance of the parent or guardian will be limited to the class from which the student was suspended. A written notice will be sent to the parent or guardian regarding implementation of this requirement. Employers are not allowed to apply sanctions against the parent or guardian for this requirement if the parent or guardian has given reasonable notice to his/her employer.

Search of School Lockers

Search of School Lockers

School lockers remain the property of MPS even when assigned to students. The lockers are subject to search whenever the School finds a need to do so. The use of the school locker for other than school-related purposes is prohibited. Improper use of school lockers will result in loss of locker privileges.

- The lockers are school property; anything placed in them or brought to campus is subject to inspection at the discretion of the administration.
- Students are responsible for all items in their locker.
- Students may be provided with a lock or allowed to bring a lock for their lockers. Please check with the school administration for specifics.

Student Searches

The 4th Amendment of the United States Constitution protects individuals from unlawful searches. However, the law allows school officials to conduct searches of students and students' personal effects in certain circumstances:

1. If a student has engaged in conduct that causes an administrator to have reasonable suspicion that the student has committed, is about to commit, a crime or has violated statutory laws or school rules, the administrator may conduct a search of that student and/or the student's personal effects. The administrator must:
 - Be able to articulate the reason for his or her suspicion and the facts and/or circumstances surrounding a specific incident;
 - Be able to reasonably connect the student to a specific incident, crime or rule or statute violation;
 - Have relied on recent, credible information from personal knowledge and/or other eyewitnesses;
 - Ensure that a search based on reasonable suspicion is not excessively intrusive in light of the student's age and gender and the nature of the offense.
2. When conducting a student search based on reasonable suspicion, school officials must adhere to the following practices:
 - Conduct the search only if there are clear and specific reasons for suspicion and there are facts that connect the student to a specific incident of misconduct;
 - Jackets, purses, pockets, backpacks, bags, and containers in the student's possession may be searched to the extent reasonably necessary;
 - Under no conditions may a body or strip search be conducted;

- No search will involve the removing or arranging any or all of the clothing of a student to permit visual inspection of the underclothing, breast, buttocks, or genitalia of the student;
 - Only school officials of the same sex as the student being searched may conduct the search;
 - Searches based on reasonable suspicion must be conducted in the presence of at least one (1) adult witness whenever possible and in a private area where the search will not be visible to other students or staff (except for a school administrator or designee witness, also of the same sex).
3. Random Metal Detector Searches and Searches of Other Areas of the School:
California courts and the California Attorney General's Office have approved the use of random metal detector searches for weapons. Random use of metal detectors is appropriate only if:
 - The method of selection of students to be searched is genuinely random;
 - Students selected to participate in random metal detector searches are selected without regard to personally identifiable characteristics such as race, gender, surname, group affiliation, or past history of misconduct (i.e., selection is random);
 - The searches are minimally intrusive;
 - Searches for concealed weapons in lockers are also conducted;
 - Although parents are advised in this Student/Parent Handbook of the possibility that their child may be searched, schools must send written communication to parents at the opening of the school year. This communication is also to be provided for all students enrolling after the school year has begun.

If, as a result of a metal detector search, *reasonable suspicion* arises that a particular student may have a weapon, school officials may conduct a search of that student, in a private area, in accordance with the above guidelines for reasonable suspicion searches.

A complete copy of the "MPS Search and Seizure Policy" is available for review on the school website and in the front office.

Student Conduct

Student Conduct – EC 51100

MPS provides parents and guardians of students the right and the opportunity, as mutually supportive and respectful partners in the education of their children, to be informed in advance about school rules, including disciplinary rules and procedures, attendance policies, dress codes, and procedures for visiting the school.

Magnolia Public Schools Student Code of Conduct

MPS is committed to excellence in academic instruction and in cooperating with parents/guardians to teach students the behaviors and skills that support social and emotional successes throughout life. To accomplish this goal, MPS is taking a proactive approach to teaching social skills as a significant component of the educational program. The curriculum includes teaching of the behaviors necessary for effective and satisfying social interaction in school, on field trips, in the community, and at home.

Uniform and Personal Appearance

The uniform policy at MPS helps create a safe and orderly environment, instill discipline, and eliminate the competition and distractions caused by varied dress styles. Students are required to arrive in uniform every day except for “free dress days”.

All MPS students are required to wear the school uniform at all times including during the afterschool tutoring/activities. Refer to the “MPS Student Uniform Policy” in this Handbook.

Expected Student Behavior

Students should always remember that their behavior and actions at school and at school-sponsored activities are a reflection not only of themselves, but also of the school. The following is a guideline of what expected from an MPS student:

Breakfast/Lunch Time:

Students must:

- Proceed to the eating area as instructed by MPS staff.
- Eat and finish their breakfast/lunch in the assigned area. No food should be eaten outside the designated areas unless authorized by a school administrator.
- Wait patiently for their food and follow the direction of the adults on duty.
- Clean up after themselves and dispose of their trash in the appropriate area.
- Remember that they are not allowed inside the school building(s) without a pass.
- Be safe and carry a pass that is given to them by a school staff member and are not allowed to be in spaces that are not supervised by school personnel.

On Campus:

Students must:

- Stay in designated areas on-campus.
- Be courteous and respectful at all times to everyone.
- Not use profanity, lie, fight, gamble, possess inappropriate literature or material, or be involved in the abuse/harassment of others.

- Not use or have cellular phones turned on during school hours; students are allowed to use cellular phones **only** in the designated area after school. Phones should not be used during after school programs, such as tutoring and clubs, unless directly authorized and supervised by authorized personnel.
- Remember that any personal electronic devices seen during class time will be confiscated and returned to the student’s parents/guardians at the discretion of administration.
- Remember that gum chewing is not allowed anywhere on campus.
- Never ride bicycles, use roller blades or skateboards on campus. Check with the school office regarding proper storage during the school day.
- Not leave campus without permission during school hours (except students in 7-12 grade who are being excused to receive confidential medical services without parental permission). (See Off-campus Lunch policy for high school students.)
- Not use matches, lighters, or any type of explosive incendiary device on campus.
- Remember that no personal electronic devices may be visible or used on the campus grounds.
- Be safe and are not allowed to loiter in hallways or be unsupervised by school staff.

Assemblies:

Students must:

- Be courteous and quiet during the entire assembly.
- Be respectful to the presenter/speaker.
- Be safe by following all the teacher/ staff directions upon entry, during and while exiting assembly or school wide event.

Field Trips:

Students must:

- Be on their best behavior.
- Pay attention to the directives given by the moderator and trip leader.
- Follow all school rules pertaining to behavior.
- Wear MPS uniform unless authorized by administration.

Public areas: Hallways, Lunchroom & Restrooms:

Hallways, Lunchroom and Restrooms are areas used by all members of School. Students must:

- Use the halls, lunchroom, or restrooms only as needed and then move on to class.

- Eat only in the cafeteria or other designated area.
- Leave gum at home; chewing gum is strictly prohibited anywhere on campus.
- Maintain orderly conduct always; walk in the halls, lunchroom, or restrooms.
- Keep in mind that profanity and vulgar language at any level is unacceptable and is strictly prohibited in all areas and at school functions at all times.
- Limit excessive noise such as yelling, screaming or banging lockers while in these areas.
- Help keep the school clean by picking up after yourself and putting your belongings in their proper place.
- Respect others personal space and keep your hands to yourself even in play.
- Have a pass to be in the above areas during class time and after school.
- Keep in mind that vandalism, littering, or graffiti in the school is prohibited and should be reported as this reflects poorly on everyone.
- Refrain from lewd or otherwise inappropriate displays of affection.
- Bring only plastic and paper containers to school; all glass containers are prohibited on campus and will be confiscated.
- Be responsible and report any leaks, spills, or other problems in the bathroom to a teacher or the office.
- Be responsible for cleaning up after yourself, including the disposing of or the recycling of garbage.
- Have a hall pass if you are outside of the classroom during class time.
- Not visit with friends or interrupt another classroom.
- Not misuse the hall pass as it will result in loss of the hall pass privilege.
- Get a referral from your teacher before you go to the office. Do not use the hall pass.

Emergency Drills:

Fire drills, lockdowns, and evacuation drills are conducted periodically for everyone's protection and are required by law. During these drills it is imperative that students remain silent, follow instructions given by the staff, and carry out all directions in an orderly fashion.

Classroom:

Students must:

- Be seated and ready to begin their assignment when the bell rings.
- Be courteous to all teachers and students.
- Follow all school and classroom rules.
- Bring all necessary materials/supplies ready to work daily.
- Be Safe by respecting others' personal space and boundaries.

Classroom Procedures and Consequences:

Please check the teacher's syllabus for specific consequences which may include:

1. In-class warning
2. Student-Teacher Conference
3. Reflection/Parental Notification
4. Parent Conference
5. Office Referral & Administrative Disciplinary Procedures

SIS Behavior Records

Student behavior will be recorded on the SIS, Illuminate Education, and students will receive the following rewards or consequences based on their behavior entries.

Note: The following tables are for sample purposes only. Each individual MPS school may include amendments into the SIS behavior points, rewards, and consequences addressing local needs.

Positive Rewards:

- Contact parent/guardian
- Lunch speed pass
- Treat
- One day free dress (pass will be given)
- Extended lunch period
- Two-day free dress (pass will be given)
- VIP breakfast
- Entered in a raffle
- Free dress – every Friday for one month (pass will be given)
- VIP lunch and “Race to the Top”

Negative Consequences:

- Contact parent/guardian
- Loss of privileges
- Parent/guardian conference
- Behavior plan and lunch reflection
- Shadowed by parent/guardian for a day and one hour after school reflection
- Student improvement team
- Pending Reflection Committee outcome
- Reflective hearing with Reflection Committee, parent/guardian and student

Multi-Tiered System of Response to Behavior

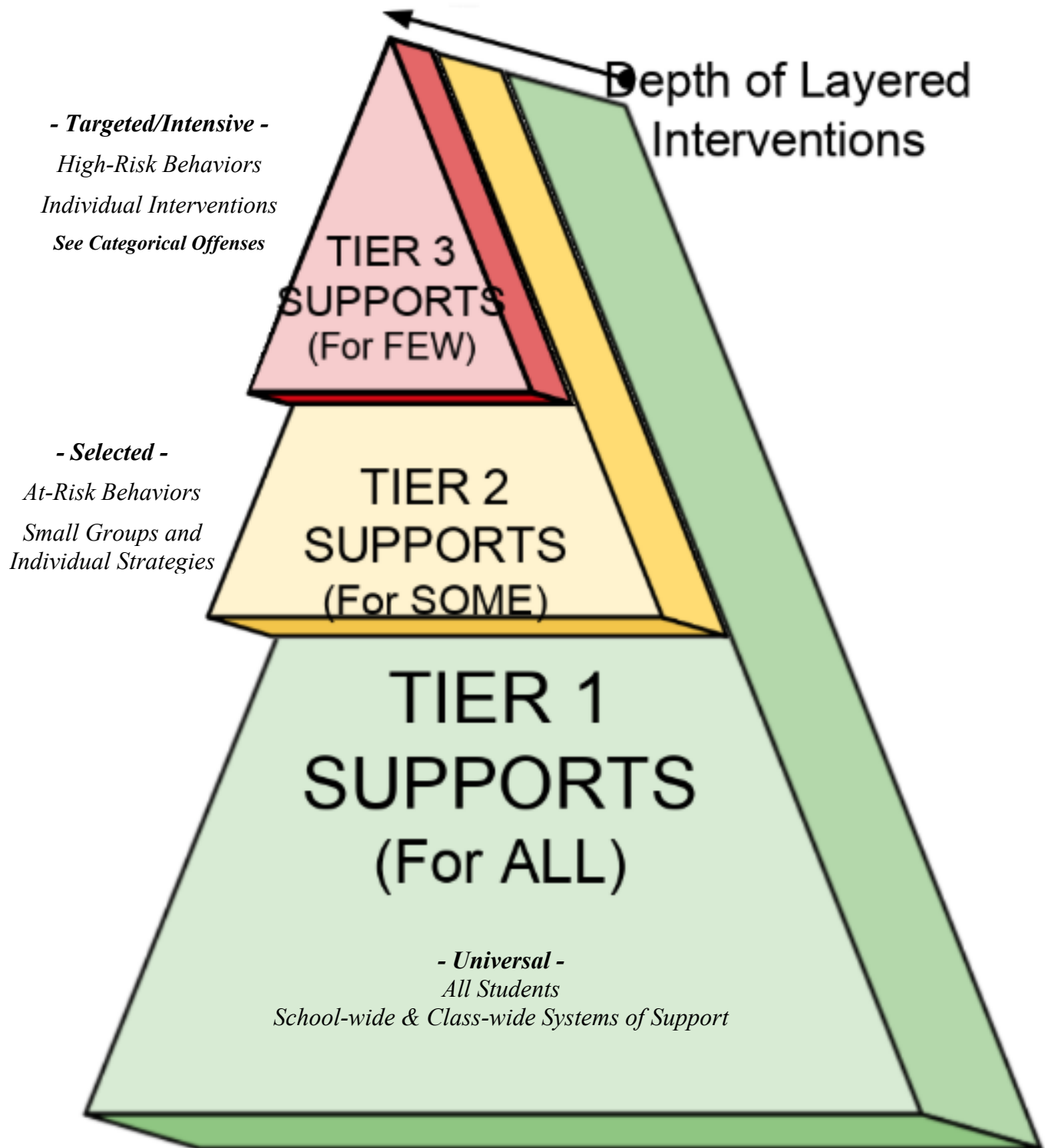
MPS maintains as a priority reinforcing positive behavior through intervention supports. Should students continue to make poor choices the administration team and school staff will create a plan with the parent/guardian to decrease unwanted behaviors and reinforce desired behaviors. Students and guardians have access to the school SIS as a means of staying informed on student progress. The student, family and school connection is part of the Positive Behavioral Interventions & Supports (PBIS) model for our learning community and it takes collaboration with all stakeholders.

All students at MPS are entitled to the rights guaranteed by the United States Constitution, Bill of Rights, and applicable case law, and their rights will not be knowingly denied by the required code of conduct or by any disciplinary actions taken by the school. Accordingly, after an analysis of each case, any student who exhibits any of the unacceptable student behaviors listed in this handbook may incur consequences. These consequences range from notification of parents, reflection, to emergency removal from a school activity, suspension, expulsion, and referral to appropriate law enforcement agencies.

MPS reserves the right to notify the authorities and the Department of Education as required by law relating to disciplinary actions taken. It is to be noted that MPS reserves the right to discipline any act that has a nexus with MPS or the school community and causes a substantial disruption to the normal operation of the School. In other words, MPS may discipline behavior at school or at a school-related or school-sponsored function or any activity or any act that causes a substantial disruption on the school environment or that is performed with/on/by/via school equipment or school property. MPS respects and observes the rights of student to lawful student expression, as outlined in the “MPS Student Freedom of Speech/Expression Policy” available in the office of each MPS school.

The following charts and tables delineate unacceptable types of behavior in three levels and possible interventions as part of MPS’ system of response to behavior.

Multi-Tiered System of Response to Behavior



TIER 1 SUPPORTS (For ALL) *- Universal -*

Examples of Classroom, Support, and Teacher-Led Responses

These interventions are designed to teach appropriate behavior so that students may contribute to the learning community within the classroom environment. Teachers are encouraged to try a variety of instructional and classroom management strategies to support all learners.

Level 1 Infractions	Interventions
<ul style="list-style-type: none"> • Invading personal space • Antagonizing others • Violation of school/class rules • Horseplaying • Violating off-limits/restricted area • Habitually tardy and/or not being in assigned location • Disrupting the learning environment/Off task • Littering • Not having proper materials, supplies, and/or equipment for class participation • Inappropriate use of electronic devices • Dress code violation • Inappropriate language/actions (hurtful, vulgar, gossip, etc.) • Passive participation in hurtful acts/words against others • Lewd or inappropriate displays of affection • Refusing to cooperate and comply with school rules/personnel 	<ul style="list-style-type: none"> ✓ School-wide PBIS ✓ Social-emotional learning program ✓ Proactive classroom management ✓ Regular, preemptive communication with families ✓ Classroom incentives ✓ Seating, assignment, behavioral accommodations ✓ Conferencing with student(s) and parents ✓ Verbal correction and redirection ✓ Reminders, role-play, daily progress sheet ✓ Loss of classroom privileges ✓ Written and/or verbal reflection



- Selected -

Examples of Support, Removal and Administrative Responses

These responses engage the students' support system to ensure successful learning and to alter conditions that are inappropriate or disruptive.

Level 2 Infractions	Interventions
<ul style="list-style-type: none"> • Using/possessing tobacco and/or lighter • Violating traffic or safety regulations • Encouraging other students to violate school rules • Leaving school and/or school bus without permission • Fighting and/or arranging altercations • Using objects inappropriately (i.e., the use of an object to harm others or damage property) • Physical assault without serious bodily injury (i.e., pushing with intent, kicking, hitting, pinching, spitting) • Defacing and/or vandalism of school property • Plagiarism/academic dishonesty • Leaving school or classroom without permission (truancy) • Improper use of computer (e.g., viewing unauthorized websites, cheating, overriding district filter, etc.) • Stealing and/or possessing stolen property • Failure to attend to/complete assigned restorative action • Gambling or Extortion • Habitual violations of school/class rules • Forgery of signatures • Sexually explicit behavior • Planning and/or arranging actions with malicious intent • Writing or drawing obscene /profane language/pictures • Harassment (i.e., physical, verbal, and sexual) • Bullying/cyberbullying • Violation of personal boundaries • Refusing to cooperate and comply with school rules/personnel 	<ul style="list-style-type: none"> ✓ Behavioral contract ✓ Self-monitoring ✓ School-home communication ✓ Adult or peer mentorship ✓ Utilize check-in and check-out system ✓ Intensive academic and/or social support ✓ Reflection (lunch, after school, Saturday, etc.) ✓ Refer student to SSPT ✓ Loss of privileges ✓ Counseling ✓ Temporary removal from class ✓ Extended school day ✓ Suspension and/or expulsion



Level 3 Infractions	Interventions
<ul style="list-style-type: none"> • Physically assaulting with serious bodily injury • Conduct or habits injurious to others (peers/authority) • Using/possessing controlled and/or dangerous substances and/or paraphernalia • Bullying (harassing, intimidating, cyberbullying) • Fighting and/or arranging altercations • Using/possessing weapons and/or weapon paraphernalia including but not limited to those prohibited under federal law • Harassment (i.e., physical, verbal, and sexual) • Arson, attempting to commit arson and/or possession of explosives/fireworks (i.e., smoke bombs, sink bombs, etc.) • Causing a false fire alarm • Making a bomb/explosive threat • Encouraging other students to violate school rules • Student hazing • Using gang and/or secret society symbols/acts • Inappropriate use of electronic devices • Public displays of sexually explicit behavior • Defacing and/or vandalism of school property • Gambling • Habitual violations of school/class rules • Forgery of signatures • Stealing and/or possessing stolen property • Improper use of computer (e.g., viewing unauthorized websites, cheating, overriding school filter, etc.) • Sexual explicit behavior, Lewd Conduct, Writing or drawing obscene /profane language/pictures 	<ul style="list-style-type: none"> ✓ All Tier 1 and Tier 2 interventions ✓ FBA-based behavior intervention plans ✓ Teaching replacement behavior ✓ Home and community supports ✓ Self-management program ✓ Restricted access ✓ In-school reflection and/or suspension ✓ Short-term out-of-school suspension ✓ Extended out-of-school suspension ✓ Request for alternate educational setting ✓ Suspension and/or expulsion

Infractions Explained

See also the Enumerated Offenses and applicable procedures listed in “**Suspension and Expulsion Procedures**” below.

Assaulting, Fighting and/or Arranging Fights

School is not a place to arrange fights, whether those fights take place on or off school grounds. Any fight and/or attempting to fight will involve disciplining all students involved.

Bringing / Using Electronic Devices

CD players, IPOD, MP3 players, phones, PDA, PSP, laptops, smart watches, electronic games, and/or similar devices are not allowed to be used at school. They disrupt classes and distract others from learning. If you choose to bring them for use outside of school, it is at your own discretion. MPS assumes no liability for any damaged, destroyed, lost, stolen, misplaced or otherwise compromised electronic device brought onto MPS property.

Scholastic Dishonesty/Plagiarism

Scholastic dishonesty includes (but is not limited to) plagiarism, cheating on tests, and/or any other types of deception to obtain credit without effort. Scholastic dishonesty is unacceptable conduct. As a consequence, student will receive a failing grade on the assignment/test, and all other possible corrective strategies listed under the RTI table above will apply as well.

Texting/Sexting

Sexting can be defined as the act of sending sexually explicit messages or photographs electronically, primarily between mobile phones and/or any other communication devices.

Disrupting Learning

Disrupting learning includes any behavior that prevents other students from learning. It may include but is not limited to inappropriate language, eating or drinking during class against teachers’ classroom rules, chewing gum, insubordination and/or selling or trading personal possessions to other students.

Horseplay

Rough or boisterous play including but not limited to shoving, play fighting, kicking, name calling, teasing, pushing/pulling on a student and shoulder bumps.

Violating Uniform Policy

A student’s dress and appearance shall conform to the specific uniform and appearance limitations described in this handbook.

Possession or Use of Drugs and/or Alcohol and the Sale or Intention to Sell Drugs and/or Alcohol

Use of drugs or alcohol means a student knowingly possesses, consumes, uses, handles, gives, stores, conceals, offers to sell, sells, transmits, acquires, buys, represents, makes, applies, or is under the influence of any narcotic drug, hallucinogen, amphetamine, barbiturate, marijuana, tranquilizer, non-prescription or prescription drug (except when under the direction of a physician/parent and within school procedure), alcohol, intoxicant, solvent, gas, or any mood-altering chemical, drug of abuse or any counterfeit-controlled substance of any kind including butane lighters.

The sale, distribution, possession, or use of drugs, alcohol, fake drugs, steroids, inhalants, and look-alike drugs is prohibited everywhere on school grounds, at all school activities, and on all school transportation (drug free zone 1000 feet radius). Backpacks, gym bags, coats, and/or any other containers might be searched by Administration and/or Law Enforcement if they suspect the presence of such items.

False Fire Alarms

Issuing a false fire alarm is a violation of State law. Making false 911 calls is also violation of the State Law.

Forgery of Signatures

Any attempt by a student to sign a teacher’s, administrator’s, parent/guardian’s, and/or another student’s name to any school document will be considered forgery.

Vulgarity, Profanity and Obscenity

Any gesture or material of this nature is not permitted at school or school functions.

Bullying & Cyber Bullying

Any gesture or material of this nature is not permitted at school or school functions.

Vulgarity, Profanity and Obscenity

Bullying is not permitted at MPS. In addition, MPS will not tolerate unlawful intimidation and bullying due to actual or perceived characteristics such as age, ancestry, color, ethnic group identification, gender expression, gender identity, gender, disability, nationalist, race or ethnicity, religion, sex, sexual orientation, or a person's association with a person, or group, with or more of these actual or perceived characteristics. Each student deserves an equal opportunity to obtain an education without dealing with the negative pressures of peers. Bullying consists of any of the following: pushing, shoving, hitting, and spitting, name calling, picking on, making fun of, laughing at, and excluding someone physically or via social media or electronic communications.

Bullying causes pain and stress to those who are victims and is never justified or excusable as “kids being kids”, “just teasing”, “joking”, “playing around” or any other rationalization. This includes the use of social media for wrongful purposes.

Each MPS student agrees to:

- Value student differences and treat others with respect.
- Not become involved in bullying incidents or be a bully.

Harassment of Students, Teachers, Administrators, Staff, or Volunteers

Harassment means making unwelcome advances or any form of improper physical contact or sexual remark and any speech or action that creates a hostile, intimidating or offensive learning environment. Harassment is a violation of Federal Law and is contrary to the School Board's commitment to provide a physically and psychologically safe environment in which to learn. See also the “Title IX, Harassment, Intimidation, Discrimination, and Bullying Policy.”

Behaving Disrespectfully towards Teachers or Staff

Disrespect (i.e. arguing, talking back, etc.) and insubordination (failure to comply with directives) toward any member of the faculty or staff will not be tolerated. Profanity, either spoken or written is considered a form of disrespect.

Student Hazing

Hazing is defined as doing any act or coercing another person for initiation into any organization that causes or creates a substantial risk or causes mental or physical harm. Permission, consent or assumption of the risk by an individual subjected to hazing does not lessen the

prohibition contained in this policy. Hazing may carry heavy legal consequences.

Smoking or Use of Other Tobacco Products

Possession of tobacco products in any part of the school (drug free zone 1000 feet radius) or on the student is prohibited under this policy. This includes cigarettes, e-cigarettes, vaporizers, cigars, herbs, and smokeless tobacco. Backpacks, gym bags, coats, and/or any other containers might be searched if the presence of such items is suspected.

Stealing and/or Vandalizing School/Private Property & Graffiti

This means to cause or attempt to cause damage to private property, stealing or attempting to steal private property either on school grounds or during school activities, functions or events. Students and their parents or guardians will be held responsible for any theft/vandalism/graffiti (including graffiti tools such as permanent markers) that the student commits. Theft or vandalism of school property carries heavy legal penalties.

No permanent markers or aerosol cans are allowed at school.

Displaying Threatening Behavior

Threatening behavior includes: verbal threats, both face to face and over electronic media (phone and/or computers), non-verbal threats (“hard” stares, gestures), willfully causing or attempting to cause physical injury to another person, causing or attempt to cause any student, teacher, administrator, or staff member to feel frightened or intimidated.

Bringing Weapon to School

A weapon includes, but is not limited to, conventional objects like guns, pellet guns, knives, smoke bombs, fireworks, club of any type, mace, tear gas, or other chemicals. This may also include any toy that is presented as a real weapon. It also includes objects converted from their original use to threaten or injure another. The Administration reserves the right to all final decisions regarding the definition of a weapon. Backpacks, gym bags, coats, and/or any other containers might be searched by administration or law enforcement if they suspect the presence of such items.

If you are aware of a weapon /drugs/alcohol on campus and do not inform school staff, you will be subject to disciplinary actions and serve consequences.

Possession or Use of Fireworks
Using or possessing any amusement device, smoke bomb, stink bomb, etc.

Gang and Secret Society Symbols
Disruption and/or intimidation caused by the wearing of any type of clothing, accessories, hair style, or by writing of any signs identified as or associated with gangs. No gang activity or gang association will be permitted at school or school sponsored activities. Gang symbols on notebooks, lockers, book bags, etc. are not permitted and will be documented. Students may not promise to become or be members of a gang, secret society, illegal club, sorority or fraternity.

Arson
Intentionally starting any fire or combustion on school property.

Public Display of Affection
Public displays of affection are not allowed.

Provoking/Intimidating Behavior Encouraging or Urging Other Students to Violate School Rules
Any student who, by means of provocation, intimidation, encouragement, request, or other means of promotion, induces or attempts to induce another student to violate a MPS school rule shall be subject to discipline.

Students with an IEP

If a student has an IEP, that IEP and any applicable behavior plan shall be followed, accordingly to state and federal law. If the behavior(s) worsens or the frequency increases, the student's IEP team may meet to review the plan and its implementation, and modify it, as necessary, to address the behavior(s). Special Education staff, general education staff, parents, and related service providers specified in the IEP must be informed and involved.

MPS follows state and federal laws regarding discipline, including suspension and expulsion, of students with disabilities. See also the "**Suspension and Expulsion Procedures,**" below, for more information.

Suspension and Expulsion Policy and Procedures

The Suspension and Expulsion Policy and Procedures have been established in order to promote learning and protect the safety and wellbeing of all students at Magnolia Public Schools ("MPS" or "Charter School"). In creating this policy, the Charter School has reviewed Education Code Section 48900 *et seq.* which describe the offenses for which students at noncharter schools may be suspended or expelled and the procedures governing those suspensions and expulsions in order to establish its list of offenses and procedures for suspensions, expulsions and involuntary removal. The language that follows is largely consistent with the language of Education Code Section 48900 *et seq.* The Charter School is committed to annual review of policies and procedures surrounding suspensions, expulsions, and involuntary removals, and, as necessary, modification of the lists of offenses for which students are subject to suspension or expulsion.

Consistent with this Policy, it may be necessary to suspend or expel a student from regular classroom instruction. This shall serve as the Charter School's policy and procedures for student suspension, expulsion, and involuntary removal, and it may be amended from time to time without the need to seek a material revision of the charter so long as the amendments comport with legal requirements. Charter School staff shall enforce disciplinary policies and procedures fairly and consistently among all students. This policy and its procedures will be printed and distributed annually as part of the Student Handbook which 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 this 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 removal policies and procedures. The notice shall state that this policy and its procedures are available upon 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 applicable provisions of 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 due process to such students.

No student shall be involuntarily removed by the Charter School for any reason unless the parent/guardian of the student has been provided written notice of intent to remove the student no less than five (5) school days before the effective date of the action. The written notice shall be in the native language of the student or the student's parent/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 the student, the student's parent/guardian, or educational rights holder of the basis for which the student is being involuntarily removed and the student's parent, guardian, or educational rights holder's right to request a hearing to challenge the involuntary removal. If a student's 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 suspension or expulsion as enumerated below. Students may be involuntarily removed for reasons including, but not limited to, failure to comply with the terms of the student's independent study Master Agreement pursuant to Education Code Section 51747(c)(4).

Procedures

Discipline includes but is not limited to advising and counseling students, conferring with parents/guardians, reflection during and after school hours, use of alternative educational environments, suspension and expulsion.

Positive Behavioral Interventions & Supports (PBIS)

Positive Consequences:

MPS school staff has committed itself to encouraging and supporting the attainment of academic skills as well as social skills, such as listening, friendship-making, problem solving, and alternatives to aggression. To inspire and encourage students to develop their potential in all of these areas, the following reinforcements will be used for positive behavior:

- Individual awards/recognition
- Classroom awards/recognition
- Certificates
- Displays
- Positive contact with parent/guardian
- Special activities (field trips, movie nights, picnics, etc.)

- Publications
- Assemblies
- Positive SIS points

Positive student behavior and improvements will be acknowledged and encouraged by the MPS staff. Teachers will not only report discipline issues on the school information system, but also positive behaviors and accomplishments. Parents will also be informed of positive behavior and improvements via phone, email, and home visits. Students will receive certificates and/or rewards for outstanding performance and behaviors.

Alternatives to Suspension and/or Expulsion

To intervene in student behavior, MPS has a progressive discipline plan in place at each of its schools. This plan is published at the beginning of each school year in the Parent/Student handbook. The handbook also includes a school-parent-student compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will develop a partnership to help children achieve high academic and behavior standards. The discipline plan includes information about student expectations and progression of disciplinary procedures from day-to-day discipline to suspension and expulsion.

MPS believes that alternatives to suspension align with our schoolwide positive behavior support plan. Following are list of alternatives to be considered before suspending a student: warning, phone call home, parent conference, teacher/administrative reflection, written assignment/research/presentation, loss of privileges, behavior contract, parent shadowing, mentorship (peer/teacher), referral (counseling, SSPT, Dean /Principal), assigning volunteer work/community service, Saturday school, and in-school suspension.

Reflection:

Reflection will be held on assigned day either during the lunch period or after school for up to 60 minutes. Students will have at least one (1) day notice that they must serve a reflection that is longer than twenty (20) minutes in order to make arrangements to be picked up from school. Parents may request in person a delay of the reflection; no phone calls or notes will be accepted for this request.

In School Suspension (ISS):

Notice of In School Suspension (ISS) and the reasons for the ISS will be given to the student and the parent in writing. The student will remain on campus during school hours in a designated area not in their regular class setting. The student will have no or limited social distractions while serving an ISS. Student is expected to complete their classroom assignments and school community service during ISS.

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; or d) during, going to, or coming from a school-sponsored activity.

B. Enumerated Offenses

1. Discretionary Suspension Offenses: Students may be suspended when it is determined the student:

- a) Caused, attempted to cause, or threatened to cause physical injury to another person.
- b) Willfully used force or 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 a student's own prescription products by a student.
- 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 only apply to students in any of grades 4-12, 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 policy, "hazing" means a method of initiation or preinitiation into a student 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 student. For purposes of this policy, "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 policy, "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 their own safety or for their 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 their immediate family.

- r) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this policy, 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 provision shall apply to students in any of grades 4 to 12, inclusive.
- s) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in Education Code Section 233(e). This provision shall apply to students 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) by creating an intimidating or hostile educational environment. This provision shall apply to students 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 their age, or for a person of their 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 their physical or mental health.
 - iii. Causing a reasonable student to experience substantial interference with their academic performance.
 - iv. Causing a reasonable student to experience substantial interference with their 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 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 student 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 student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.
- (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. “False profile” means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.
- iii. An act of cyber sexual bullying.
- (a) For purposes of this policy, “cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in 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 policy, “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 student 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 student 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)(a)-(b).

- w) Possessed, sold, or otherwise furnished any knife or other dangerous object of no reasonable use to the student 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 when it is determined the student:
- a) Possessed, sold, or otherwise furnished any firearm, explosive, or other destructive device unless, in the case of possession of any device 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.
 - 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 Penal Code Sections 261, 266c, 286, 287, 288, or 289 of former Section 288a of the Penal Code or committed a sexual battery as defined in Penal Code Section 243.4.
3. **Discretionary Expellable Offenses:** Students may be recommended for expulsion when it is determined the student:
- a) Caused, attempted to cause, or threatened to cause physical injury to another person.
 - b) Willfully used force or 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 a student's own prescription products by a student.
 - 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) Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.
 - l) 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.
 - m) 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.
 - n) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
 - o) Engaged in, or attempted to engage in hazing. For the purposes of this policy, "hazing" means a method of initiation or preinitiation into a student 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 student. For purposes of this policy, “hazing” does not include athletic events or school-sanctioned events.

- p) 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 policy, “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 their own safety or for their 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 their immediate family.
- q) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this policy, 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 provision shall apply to students in any of grades 4 to 12, inclusive.
- r) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This provision shall apply to students in any of grades 4 to 12, inclusive.
- s) 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) by creating an intimidating or hostile educational environment. This provision shall apply to students in any of grades 4 to 12, inclusive.
- t) 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 their age, or for a person of their 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 their physical or mental health.
 - iii. Causing a reasonable student to experience substantial interference with their academic performance.
 - iv. Causing a reasonable student to experience substantial interference with their 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 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 student 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 student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.
 - (c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. “False profile” means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.
- iii. An act of cyber sexual bullying.
- (a) For purposes of this policy, “cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in 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 policy, “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.
 - u) A student 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 student 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 (3)(a)-(b).
 - v) Possessed, sold, or otherwise furnished any knife or other dangerous object of no reasonable use to the student 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:** Students must be recommended for expulsion when it is determined pursuant to the procedures below that the student:
- a) Possessed, sold, or otherwise furnished any firearm, explosive, or other destructive device unless, in the case of possession of any device 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.
 - 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 Penal Code Sections 261, 266c, 286, 287, 288, or 289 of former Section 288a of the Penal Code or committed a sexual battery as defined in Penal Code Section 243.4..

If it is determined by the Administrative Panel 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 destructive 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 student shall be provided due process rights of notice and a hearing as required in this policy.

The Charter School will use the following definitions:

- The term "knife" means (A) any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing; (B) a weapon with a blade fitted primarily for stabbing; (C) a weapon with a blade longer than 3½ inches; (D) a folding knife with a blade that locks into place; or (E) a razor with an unguarded blade.
- 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 any explosive, incendiary, or poison gas, including but not limited to: (A) bomb; (B) grenade; (C) rocket having a propellant charge of more than four ounces; (D) missile having an explosive or incendiary charge of more than one-quarter ounce; (E) mine; or (F) device similar to 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 designee with the student and the student's 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 student shall be informed of the reason for the disciplinary action and the evidence against the student and shall be given the opportunity to present their version and evidence

in their defense, in accordance with Education Code Section 47605(c)(5)(J)(i). This conference shall be held within two (2) school days, unless the student 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 student for failure of the student's parent/guardian to attend a conference with Charter School officials. Reinstatement of the suspended student shall not be contingent upon attendance by the student's parent/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(s) committed by the student as well as the date the student may return to school following the suspension. In addition, the notice may also state the 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 designee, the student and the student's parent/guardian or representative will be invited to a conference to determine if the suspension for the student 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 student or the student's parent/guardian, unless the student and the student's parent/guardian fail to attend the conference.

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

4. Homework Assignments During Suspension

In accordance with Education Code Section 48913.5, upon the request of a parent, a legal guardian or other person holding the right to make education decisions for the student, or the affected student, a teacher shall

provide to a student in any of grades 1 to 12, inclusive, who has been suspended from school for two (2) or more school days, the homework that the student would otherwise have been assigned.

In accordance with Education Code Section 48913.5(b), if a homework assignment that is requested pursuant to Section 48913.5(a) and turned into the teacher by the student either upon the student's return to school from suspension or within the timeframe originally prescribed by the teacher, whichever is later, is not graded before the end of the academic term, that assignment shall not be included in the calculation of the student's overall grade in the class.

5. Suspension Appeals

Students and parent/guardian may appeal a suspension within five (5) school days of the suspension. This appeal will be made in writing to the Principal and heard by a Reflection Committee. The Reflection Committee is an advisory committee to the Principal, trained quarterly in restorative practices and PBIS, and will comprise of at least one school administrator (serves as procedural advisor), and at least two teachers, and may also include a non-certificated employee. All Reflection Committee hearings on suspensions will be held within two (2) school days of the appeal being made. The decision of the Reflection Committee is final and will be delivered to the parent/guardian in a written response. Based on the information submitted or requested, the Reflection Committee may make one of the following decisions regarding the suspension:

- Uphold the suspension
- Determine that the suspension was not within school guidelines, overturn the suspension, and order that all records and documents regarding the disciplinary proceeding be destroyed. No information regarding the suspension will be placed in the student's permanent record or shared with anyone not directly involved in the proceedings.

D. Authority to Expel

As required by Education Code Section 47605(c)(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 by a neutral and impartial Administrative Panel to be assigned by the Board of Directors as needed. The Administrative Panel shall consist of at least three (3) members who are certificated and neither a teacher of the Student nor a member of the Charter School Board of Directors. The Administrative Panel shall be presided over by a designated neutral hearing chairperson. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense.

It is preferable for the Administrative Panel members to have

experience in education law and student discipline. Typical Administrative Panel members include teachers, school administrators and Home Office Chiefs/Directors. The Home Office will coordinate all administrators and teachers who serve on the Reflection Committee at their school sites to be “on call” for a particular month should their presence be needed at an Administrative Panel hearing. The Administrative Panel may expel any student found to have committed an expellable offense.

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 student has committed an expellable offense and recommends the student for expulsion.

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 student. 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 MPS’ 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

MPS 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 student.

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 their right to (a) receive five (5) calendar days notice of their scheduled testimony; (b) have up to two (2) adult support persons of their choosing present in the hearing at the time the complaining witness testifies, which may include a parent/guardian or legal counsel; and (c) elect to have the hearing closed while testifying.
2. MPS 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 entity conducting the expulsion hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which the complaining witness may leave the hearing room.
4. The entity 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 entity conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours the complaining witness 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 entity conducting the hearing may permit any one of the support persons for the complaining witness to accompany the complaining witness to the witness stand.
7. If one or both of the support persons is also a witness, MPS must present evidence that the witness’ presence is both desired by the witness and will be helpful to MPS. The entity 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 their discretion to remove a person from the hearing whom they believe 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 public at the request of the student being expelled, the complaining witness shall have the right to have their 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 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 student, 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 their testimony heard in a session closed to the public.

I. Expulsion Decision

The decision of the Administrative Panel shall be in the form of written findings of fact.

If the Administrative Panel decides not to recommend expulsion, the student shall immediately be returned to their previous educational program.

The Administrative Panel may also determine to suspend the enforcement of the expulsion order for a period of not more than one (1) calendar year from the date of the expulsion hearing and return the student to the student's previous educational program under a probationary status and rehabilitation plan to be determined by the Administrative Panel. During the period of the suspension of the expulsion order, the student is deemed to be on probationary status. The Administrative Panel may revoke the suspension of an expulsion order under this section if the student commits any of the enumerated offenses listed above or violates any of the Charter School's rules and regulations governing student conduct. If the Administrative Panel revokes the suspension of an expulsion order, the student may be expelled under the terms of the original expulsion order. The Administrative Panel shall apply the criteria for suspending the enforcement of the expulsion order equally to all students, including individuals with exceptional needs as defined in Education Code Section 56026. The Administrative Panel shall further comply with the provisions set forth under Education Code Section 48917, except as otherwise expressly set forth herein.

J. Written Notice to Expel

The Principal or designee, following a decision of the Administrative Panel to expel, shall send written notice of the decision to expel, including the Administrative Panel's adopted findings of fact, to the student and student's parent/guardian. This notice shall also include the following:

1. Notice of the specific offense committed by the student
2. 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 MPS
3. The reinstatement eligibility review date; a copy of the rehabilitation plan; the type of educational placement during the period of expulsion, and notice of appeal rights/procedures

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:

1. The student's name
2. The specific expellable offense committed by the student

K. Disciplinary Records

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

L. Expulsion Appeals

In order to appeal an expulsion, the student/parent/guardian must submit a written appeal to the CEO of MPS outlining the reason for the appeal, attaching any supporting documentation, within ten (10) calendar days of being informed of the expulsion.

In response to the written request for an appeal, the CEO of MPS shall call a meeting of the Board of Directors. The Board shall convene a hearing on the appeal within thirty (30) calendar days of receipt of a timely written request for an appeal.

At the hearing on the appeal, the student shall have the right to present evidence. The Board will consider evidence and/or testimony as appropriate and will render a written decision that shall be in the best interest of the student and MPS. That decision shall be final.

M. Interim Placement

MPS shall be responsible for the appropriate interim placement of students during and pending the completion of the MPS's student expulsion process and shall facilitate the post-expulsion placement of expelled students.

MPS shall work with the District for an interim placement or other alternative program. Should MPS determine after the referral that the student will remain at MPS pending the expulsion hearing based on the best interest of the student, or if MPS secures another alternative interim placement at another charter school or school within its CMO, if appropriate and aligned with applicable charter petitions, MPS will notify the District of such determination.

N. Rehabilitation Plans

Students who are expelled from the Charter School shall be given a rehabilitation plan upon expulsion as developed by the Administrative Panel 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 (1) year from the date of expulsion when the student may reapply to the Charter School for readmission.

O. Readmission or Admission of Previously Expelled Student

The decision to readmit a student after the end of the student's expulsion term or to admit a previously expelled student from another school district or charter school who has not been readmitted/admitted to another school or school district after the end of the student's expulsion term, shall be in the sole discretion of the Board of Directors following a meeting with the Principal or designee and the student and student's parent/guardian or representative to determine whether the student has successfully completed the rehabilitation plan and to determine whether the student poses a threat to others or will be disruptive to the school environment. The Principal or designee shall make a recommendation to the Board of Directors following the meeting regarding the Principal's or designee's determination. The Board shall then make a final decision regarding readmission or admission of the student 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 student's readmission is also contingent upon the Charter School's capacity at the time the student seeks readmission or admission to the Charter School.

P. Notice to Teachers

The Charter School shall notify teachers of each student 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.

Q. Involuntary Removal for Truancy

As charter schools are schools of choice and as a charter school student who fails to attend school is potentially depriving another student of their opportunity to enroll, a student may be involuntarily removed as described within the Charter School's Board adopted Attendance Policy for truancy and only after the Charter School follows the requirements of the Attendance Policy and only in accordance with the policy described above which requires notice and an opportunity for a parent, guardian, educational rights holder to request a hearing prior to any involuntary removal. Students who are involuntarily removed for truancy will be given a rehabilitation plan and will be subject to the readmission procedures set forth herein.

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

1. Notification of SELPA/District

The Charter School shall immediately notify the SELPA/District and coordinate the procedures in this policy with the SELPA/ District of the discipline of any student with a disability or student that the Charter School or the SELPA 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/guardian 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/guardian, 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/guardian 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/guardian 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/guardian 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 to 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 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/guardian 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 IDEA-eligible 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 that the student had a disability if the parent/guardian has not allowed an evaluation, refused services, or if the student has been evaluated and determined to not be eligible.