



(For Board Approval 8/30/2023)

2023-2024 DISCIPLINE/SUSPENSION/EXPULSION POLICY

As stated in HSHMC Student Handbook

HSHMC regards suspension and expulsion as a last resort. As such, our first and proactive response is to implement restorative practices that seek to restore relationships that have been violated, property that has been damaged, and to repair the school culture. Our goal is to maximize time spent learning for each student. However, in some cases restorative practices may not be sufficient or appropriate due to the nature of the violation.

Student discipline is a critical factor in maintaining a safe environment for students and staff. Many student discipline issues are resolved through one-to-one counseling with a teacher, counselor or school administrator.

While it's important that students be held accountable for their conduct, it is equally important that students and families know of their right to appeal and understand the appeal process in order to be better prepared for it.

SUSPENSION/EXPULSION

Criteria for suspension and expulsion of students are consistent with all applicable federal statutes and state and federal constitutional provisions. Governing law includes *the procedures by which pupils can be suspended or expelled—California Education Code Sections 48900 and 48915*. In addition, attention is focused on ensuring due process for students and their families. HSHMC follows expulsion and suspension guidelines as outlined in its charter. All related hearings will conform to the state and federal laws regarding discipline, special education, confidentiality, and access to records (IDEA 2004, California Education Code 47605). The school Principal may suspend students who fail to comply with these policies at any time. Students who habitually fail to comply with these policies and/or who present an immediate threat to health and safety may also be suspended and referred for expulsion to the HSHMC Governing Board upon

recommendation of the School Principal.

Grounds for Suspension and Expulsion of Students

A student may be suspended or expelled for prohibited misconduct if the act is related to a school activity or school attendance, occurring at the School or at any other school, or a School sponsored event at anytime 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. Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension.

Enumerated Offenses

These enumerated offenses reflect 2015 changes to California Education Code 48900:

A pupil shall not be suspended from school or recommended for expulsion, unless the Executive Director or Principal of the charter school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:

- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person.
(2) Willfully used force or violence upon the person of another, except in self-defense.
- (b) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the school principal.
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- (d) Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a 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.
- (g) Stole or attempted to steal school property or private property.
- (h) Possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil's own prescription products.
- (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- (k) (1) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
(2) Except as provided in Section 48910, a pupil enrolled in kindergarten or any of grades 1 to 3, inclusive, shall not be suspended for any of the acts enumerated in this

subdivision, and this subdivision shall not constitute grounds for a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, to be recommended for expulsion. This paragraph shall become inoperative on July 1, 2018, unless a later enacted statute that becomes operative before July 1, 2018, deletes or extends that date.

(l) Knowingly received stolen school property or private property.

(m) Possessed an imitation firearm. As used in this section, "imitation firearm" means 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) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.

(o) Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for purposes of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.

(p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

(q) Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, "hazing" means a method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, "hazing" does not include athletic events or school-sanctioned events.

(r) Engaged in an act of bullying. For purposes of this subdivision, the following terms have the following meanings:

(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 pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

(A) Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.

(B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.

(C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.

(D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

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

(i) A message, text, sound, 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. "Burn page" means an Internet Web site created for the purpose of having one or more of the effects listed in paragraph (1).

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

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

(iii) Notwithstanding paragraph (1) and subparagraph (A), 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.

a. (3) "Reasonable pupil" means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs. (s)

(s) A pupil shall not be suspended or expelled for any of the acts enumerated in this section unless the act is related to a school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district or school principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to a school activity or school attendance that occur at any time, including, but not limited to, any of the following:

(1) While on school grounds.

(2) While going to or coming from school.

(3) During the lunch period whether on or off the campus.

(4) During, or while going to or coming from, a school-sponsored activity.

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

(u) As used in this section, "school property" includes, but is not limited to, electronic files and databases.

(v) For a pupil subject to discipline under this section, a superintendent of the school district or school principal may use his or her discretion to provide alternatives to suspension or expulsion that are age appropriate and designed to address and correct the pupil's specific misbehavior as specified in Section 48900.5.

(w) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities.

Notice to Parents/Guardians

At the time of the suspension, an administrator or designee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension and the date of return following

suspension. This notice shall state the specific offense committed by the student. In addition, the notice may also state the date and time when the student may return to school. If 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.

Expulsions

i. Expulsion Hearings

If the school principals (or designee) determines that consideration of expulsion is warranted, either school principal (or designee if principals, in his/her/their sole discretion determines that another neutral hearing officer should hear the matter) will hold an expulsion hearing where one of the school principals (or designee) shall serve as the hearing officer (“Hearing Officer”). The student shall have the right to representation and the right to present evidence at the expulsion hearing. The Hearing Officer shall consider evidence and/or testimony as appropriate and shall render a decision that shall be in the best interests of the student and the HSHMC school community.

If the Hearing Officer determines that a student is to be expelled, the Hearing Officer shall inform the student’s parents/guardians of his/her determination in writing including the reasons for expulsion (“**Expulsion Determination Letter**”). The hearing officer’s written notification to the parents/guardians shall also include information about the appeal and due process rights in regard to the hearing officer’s determination.

ii. Right to Appeal Hearing Officer’s Determination

The parents/guardians (or, if at least 18 years of age, the student) shall have ten (10) days from the Hearing Officer’s Expulsion Determination Letter to submit a written request of appeal (“**Written Appeal Request**”) to the Chief Executive Officer (“**CEO**”) of HSHMC.

In response to the Written Appeal Request, the CEO shall convene a committee of at least four members including at least one board member. The committee may consist of up to two members of the HSHMC Board, principal, a vice principal, the Dean of Students, and the CEO of HSHMC or designee(s). The committee members appointed will be knowledgeable about HSHMC’s bases for expulsion and the procedures regarding expulsion. The committee shall have the right to rescind or modify the expulsion.

The committee shall convene a hearing on the appeal within ten (10) school days of receipt of a timely written request for an appeal.

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