



Behavioral Improvement Plan

Excel Academy Charter School

- BIP 1
- BIP 2 (Behavioral Intervention Meeting (BIM) may be required)
- BIP 3

Concerning: Student Name, Student #

Parent/Guardian: Name

Date:

Dear Parent or Guardian Name,

It is our goal at Excel Academy to provide a supportive learning environment for our students and to clearly communicate with our families. We value our commitment to work together to hold students accountable for their actions while working collaboratively to improve behavior through repair, respect and responsibility.

This letter is to remind you of the responsibilities that you agreed to in the Master Agreement, Acknowledgment of Responsibilities, and the Excel Academy Handbook upon enrollment in our charter school and to identify some concerns about your student's behavior. We outline these responsibilities in the following pages for your review.

ToR Support to Date
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The following assignment from the drop-down menu has been identified for improvement:

Inappropriate Language ▾

Additional Notes:



ToR/Student Plan of Action
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Your Teacher of Record (“ToR”) will need to meet with you and your student within five school days to ensure your student is making progress and meeting his/her educational goals.

Sincerely,

Mr. Nick Romo
Principal, Elementary Pathway

Mrs. Lorrie Wood
Principal, Secondary Pathway

Mrs. Christa Nick
Virtual Path Coordinator

Behavior Expectations

Excel Academy takes behavior violations seriously and will not tolerate inappropriate behavior as defined but not limited to the list of behaviors below. Students who cheat, cause disruption in Excel Academy classes or events, use inappropriate language, demonstrate dishonesty, plagiarize, engage in an act of bullying, including, but not limited to, bullying committed by means of an electronic act will be issued a Behavioral Improvement Plan which will include restorative measure/s to help guide students toward appropriate school behavior.

"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:

1. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in



- conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
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 substantial interference with his or her academic performance.
 4. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.

Governing Board Policies

In addition to attendance, the parent and student must abide by all board approved policies. These policies include, but are not limited to:

- The Academic Integrity Policy
- The Civility Policy
- The Acceptable Use Policy

The complete list of all Board-approved policies as well as how to access them may be found at <https://www.excelacademy.education/board-governance/board-policies/>

Behavioral Improvement Plan Procedures

Excel Academy will issue a Behavioral Improvement Plan for a student if they violate Excel Academy's behavioral standards. The consequence of violating these behavioral standards as outlined in the BIP, may lead to suspension or involuntary withdrawal from Excel Academy.

For students who commit violations such as dishonesty, cheating, disruption, and inappropriate language, a BIP will be issued with consequences individually designed to help restore the individual student back into good standing with the school. These include but are not limited to a family meeting with the Teacher of Record and Administration, reflecting on the violation, writing a letter of apology, rewriting an assignment in question, removal from extra-curricular opportunities, removal from the National Honor Society, and/or an in-school suspension.

For students who commit plagiarism, the first offense will result in a zero on the assignment until the behavior is corrected with an opportunity for an improved grade. If



a second offense occurs, the student will receive an F/zero on the assignment in question. The student will correct the mistake without a grade increase. The zero for the assignment will remain. If a third offense occurs, the student will be removed from the class and will receive an F in the course. If a student earns an F in a course that is required for graduation, then they will be required to repeat this course for credit. Any subsequent offenses will be dealt with in a case-by-case manner.

Violations that may result in suspension or immediate involuntary withdrawal are included in the school's charter petition.

Excel Academy has reviewed Education Code Section 48900 et seq., which describes the list of offenses and procedures for suspensions and expulsions. The language that follows closely mirrors the language of Education Code Section 48900 et seq. The Charter School is committed to annual review of policies and procedures surrounding suspensions and expulsions, and as necessary, modification of the lists of offenses for which students are subject to suspension or expulsion.

When the policy is violated, it may be necessary to suspend or expel a student from regular instruction. This policy shall serve as EACS's policy and procedures for student suspension and expulsion and it may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements. EACS staff shall enforce disciplinary rules and procedures fairly and consistently among all students.

Discretionary Suspension Offenses

While every attempt at restoring a student back toward appropriate school behavior is made, should the behavior be deemed so egregious that there is a concern for student safety, then a suspension will be considered. Students may be suspended for any of the following acts when it is determined the pupil:

- a. Caused, attempted to cause, or threatened to cause physical injury to another person.
- b. Willfully used force or violence upon the person of another, except self- defense.
- c. Committed an obscene act or engaged in habitual profanity or vulgarity.
- d. 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. This section shall apply to pupils in any of grades 9 to 12, inclusive.



- e. 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 and/or retaliating against that pupil for being a witness.
- f. 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 section shall apply to pupils in any of grades 4 to 12, inclusive.
- g. 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 section shall apply to pupils in any of grades 9 to 12, inclusive.
- h. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.

Procedures

A. Grounds for Involuntary Withdrawal of Students

As used herein, “involuntarily withdrawn” includes disenrolled, removed, 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 withdrawn for reasons including, but not limited to, failure to comply with the terms of the student’s independent study Master Agreement, Acknowledgement of Responsibilities (AoR), and the Independent Study Policy, pursuant to Education Code Section 51747(c)(4).

B. Authority to Withdraw

Students subject to involuntary withdrawal are entitled to a hearing adjudicated by a neutral officer to determine whether the student should be withdrawn. The procedures herein provide for such a hearing and the notice of said hearing, as required by law.

A student may be withdrawn by the neutral and impartial Board of Directors. The Board of Directors shall be presided over by a designated neutral hearing chairperson. The Board of Directors may withdraw any student found to have committed a violation that warrants withdrawal. The decision of the Board of Directors shall be final.

C. Withdrawal Procedures

No student shall be involuntarily withdrawn by the Charter School for any reason unless the parent/guardian of the student has been provided written notice of intent to withdraw 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 withdrawn and the student's parent, guardian, or educational rights holder's right to request a hearing to challenge the involuntary removal. If the student's parent, guardian, or educational rights holder requests a hearing, the student shall remain enrolled and shall not be withdrawn until the Charter School issues a final decision.

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 hearing.
2. A statement of the specific facts, charges and violations upon which the proposed withdrawal is based.
3. A copy of the Charter School's policies 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.

D. 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.

E. Presentation of Evidence

While technical rules of evidence do not apply to withdrawal 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 decision by the Board of Directors to withdraw must be supported by substantial evidence that the student committed a violation warranting removal. Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay. Sworn declarations may be



admitted as testimony from witnesses of whom the Board of Directors determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

If the Board of Directors decides not to withdraw, the student shall immediately be returned to their previous educational program.

F. Written Notice to Withdraw

The Executive Director or designee, following a decision of the Board of Directors to withdraw, shall send written notice of the decision to withdraw, including findings of fact, to the student and student's parent/guardian. This notice shall also include the following: (a) notice of the specific violation committed by the student; and (b) notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the Charter School.

The Executive Director or designee shall send a copy of the written notice of the decision to withdraw to the chartering authority. This notice shall include the following: (a) the student's name; and (b) the specific violation warranting withdrawal committed by the student.

G. Withdrawal Records

The Charter School shall maintain records of all involuntary student removals at the Charter School. Such records shall be made available to the chartering authority upon request.

H. No Right to Appeal

The student shall have no right of appeal from withdrawal from the Charter School as the Charter School Board of Director's decision to withdraw shall be final.

I. Involuntarily Withdrawn Students/Alternative Education

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

G. Special Procedures for the Consideration of Involuntary Withdrawal of Students with Disabilities



1. Notification of SELPA

The Charter School shall immediately notify the SELPA and coordinate the procedures in this policy with the SELPA of the involuntary withdrawal 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.

3. Procedural Safeguards/Manifestation Determination

Within ten (10) school days of any decision to change the placement of a child with a disability due to violation of the Master Agreement or independent study policy, the Charter School, the parent, and relevant members of the IEP team or 504 team shall review all relevant information in the student's file, including the child's IEP or 504 Plan, any teacher observations, and any relevant information provided by the parents to determine:

- a. If the missed assignments/school avoidance in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- b. If the missed assignments/school avoidance was the direct result of the local educational agency's failure to implement the IEP or 504 Plan.

If the Charter School, the parent, and relevant members of the IEP team or 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 team or 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 withdrawn, 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 team or 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 or 504 Plan, then the Charter School may apply the relevant involuntary withdrawal policy and 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 withdrawn; 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.

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 Master Agreement or independent study policy may assert the procedural safeguards granted under this administrative regulation only if the Charter School had knowledge that the student was disabled before the violation 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.