

CSCE annual objective is reaching 80% proficiency in ELA and Math for all student groups grades 3-8 measured by NWEA MAP.

To achieve this school-wide objective over the next two years, the CSCE has FIVE BIG GOALS

Goal #1: Develop Waldorf-inspired, Common Core-aligned and equity-focused curriculum;

Goal #2: Test and document Waldorf-inspired, Common Core-aligned practices as measured in student and adult learning outcomes;

Goal #3: Maintain a well-operated school environment in Operations, HR and Budget;

Goal #4: Maintain effective community outreach (including parents, community partners, policy and research community); and

Goal #5: Launch long-term fundraising strategy for scale-up with financial stability

Agenda

	Purpose	Presenter	Time
I. Opening Items			6:00 PM
A. Record Attendance		Velia Navarro	1 m
B. Call the Meeting to Order		Velia Navarro	
II. Confidential Student Discipline Matter – Consideration of Potential Expulsion Case No.: 2022001			6:01 PM
A. Confidential Student Discipline Matter – Consideration of Potential Expulsion Case No.: 2022001	Discuss		
III. Closing Items			
A. Adjourn Meeting	Vote		

THE ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE Notice is hereby given that the order of consideration of matters on this agenda may be changed without prior notice.

REASONABLE LIMITATIONS MAY BE PLACED ON PUBLIC TESTIMONY The Governing Board’s presiding officer reserves the right to impose reasonable time limits on public testimony to ensure that the agenda is completed.

REASONABLE ACCOMMODATION WILL BE PROVIDED FOR ANY INDIVIDUAL WITH A DISABILITY Pursuant to the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, any individual with a disability who requires reasonable accommodation to attend or participate in this meeting of the Governing Board may request assistance by contacting Community School for Creative Education, 2111 International Boulevard, Oakland CA 94606 510 686 4131.

FOR MORE INFORMATION For more information concerning this agenda or for materials relating to this meeting, please contact Community School for Creative Education, 2111 International Blvd., Oakland CA 94606, tel: 510 686 4131; em: info@communityschoolforcreativeeducation.org. For copies of this agenda and for agendas and minutes of prior meetings, visit our website (www.communityschoolforcreativeeducation.org).

Coversheet

Confidential Student Discipline Matter – Consideration of Potential Expulsion Case No.: 2022001

Section: II. Confidential Student Discipline Matter – Consideration of Potential
Expulsion Case No.: 2022001

Item: A. Confidential Student Discipline Matter – Consideration of Potential
Expulsion Case No.: 2022001

Purpose: Discuss

Submitted by:

Related Material: Porter Final Notice of Expulsion Hearing (4870-2550-4800.v1).pdf
Exhibit A_A.Porter Documentary Evidence (4867-7620-5344.v2).pdf



MAY 16, 2022

In the Matter of the Possible Expulsion of)	NOTICE OF EXPULSION HEARING
)	
Ariel Porter)	
)	
a 5th grade pupil enrolled at Community School for)	<u>SENT VIA: REGULAR AND</u>
Creative Education (“CSCE”))	<u>CERTIFIED MAIL, RETURN-</u>
)	<u>RECEIPT REQUESTED; EMAIL</u>
_____)	
)	

To: Pupil: **Ariel Porter**
Parent/Guardian: **Angela Ramos**
Address: **2284 E 17th St Apt #1**
Oakland, CA 94606

PLEASE TAKE NOTICE that Administrative Panel on behalf of the governing board the Charter School intends to convene a hearing closed to the public on **May 26, 2022**, from **6:00pm-9:00pm via Zoom**, for the purpose of considering the expulsion of the above-named pupil, **Ariel Porter** (hereinafter “Pupil”). The recommendation for expulsion is based upon the pupil’s violation of the suspension/expulsion rules as set forth in the Charter School’s suspension/expulsion rules contained within the Charter.

The facts supporting the recommendation are as follows:

On or around May 31, 2022, Ariel brought a bracelet with metal spikes to school, which she was informed to not bring anymore by Ms. Jessica. Ariel told a friend that she was going to beat up another student during PE. Per witness statements, other students tried to intervene and convince her not to follow through with this threat.

During PE, Ariel chased a classmate and hit him with the spiked bracelet. The student was wearing a uniform shirt and a cotton hoodie which the weapon was able to penetrate, break his skin, and left 4 marks across his lower back.

Based upon the foregoing facts, the above constitute violations of the Charter School’s suspension/expulsion rules contained with the Charter and Student/Parent Handbook, specifically:

- **Caused, attempted to cause, or threatened to cause physical injury to another person;**

- **Willfully used force or violence upon the person of another, except self-defense;**
- **Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.**

If you desire the hearing to be open to the public, you or any of you may, within three (3) days of the scheduled date for the hearing, serve upon the Executive Director or Designee, a request, in writing, that the hearing be open to the public.

YOU AND EACH OF YOU ARE INVITED TO BE PRESENT at the hearing, whether it be conducted as a closed or a public meeting. You will be given a full opportunity to question any witness who gives oral testimony against the Pupil, and may present witnesses and/or written evidence on behalf of the Pupil. The Pupil may, but need not be, represented by an attorney at the hearing. If an attorney is to represent the Pupil you shall notify the Executive Director or Designee at least seventy-two (72) hours before the hearing.

You have the right to inspect and obtain copies of all documents to be used at the hearing. For your convenience, a copy of these documents is enclosed with this Notice as Exhibit A. The person(s) who made the written declaration(s), or who orally gave information contained in the reports, or who gave the information contained in the other documents may not necessarily be present at the hearing to testify orally. You will not be able to question them unless, within four (4) days after the receipt of this notice, you file with the Executive Director or Designee a written request that the Charter School issue an invitation to these persons to be present at the hearing to testify orally. You must set forth the name, and if possible, the address of each person to be invited. However, under no circumstances can a witness be made to testify.

The hearing shall be held by the CSCE Board of Directors. The Board of Directors shall make the final determination regarding the expulsion within ten (10) school days following the conclusion of the hearing. The decision of the Board of Directors is final.

Where the hearing is conducted in closed or open session, a record of the oral proceedings, but not the deliberations of the Board, shall be preserved. Preservation may be by means of a tape recorder. If a tape recorder is used, those present shall be required to give their names. The minutes of the meeting shall contain a record of all persons present at the hearing.

If at any time you opt to enroll Pupil in a different school, please be advised that you have an obligation to provide information about Pupil's status at Charter School to any other school district or school in which Pupil seeks enrollment, including that Pupil has been recommended for expulsion.

Attached and incorporated herein as "Exhibit A, Documentary Evidence," you will find copies of all relevant documentary evidence to be introduced at the hearing by the School.

Dated May 16, 2022_

Signed:



Dr Ida Oberman, ED & Founder

Attachments:

- 1) Documentary Evidence
 - a) Written statements from student witness
 - b) Written statement from A. Porter
 - c) Pictures of Student injuries
 - d) Pictures of object/weapon used to inflict injuries
 - e) Suspension Notice
 - f) Recommendation for Expulsion Notice
- 2) Disciplinary Record
- 3) Attendance Record
- 4) Academic Record
- 5) Charter School Disciplinary Policy as set forth in the Charter



NOTICE OF SUSPENSION

THE FOLLOWING STUDENT HAS BEEN SUSPENDED FOR VIOLATION OF SCHOOL RULES:

Name: Porter, Ariel Marie **Date of Birth:** 11/2/2010 **Grade:** 5th

Special Education: No **Gender:** F **Time:** 1:30 PM

Parent/Guardian Namer: Ramos, Angela **Parent/Guardian Phone Number:** (510-500-6183)

Street Address City, State, Zip: 2284 E 17th St #1 Oakland 94606

Parent notified by phone Parent requested to call school
 Parent is asked to meet with ED and Dean of School Culture on **Thurs 2/24 @ 8:30 am**

Statement of Facts: Ariel was given \$50 from a 5th grade classmate to buy her 2 vape pens. Ariel lied to Uncle Hank who took her to buy it and lied to him that it was for her mom. She brought 2 vape pens to school and used it with a classmate during lunch recess in the girls bathroom.

As a result, your child has been suspended for the following reason(s) in violation of School rules:

- **Disrupting a positive school culture by bringing an e-cigarette to campus and showing it to other students**

As a Restorative Justice practice she will be asked to conduct research and a report on the negative side-effects of nicotine use in teens.

Number of Days of **At-home Suspension:** 2 Date(s) Suspension: **Tuesday, 2/22 - Wednesday, 2/23**

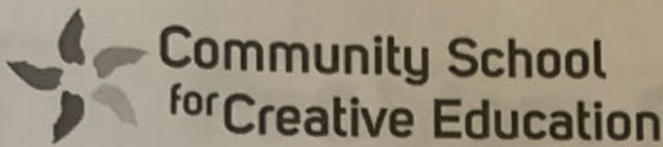
Student may return to school on (date): **Thurs 2/24**
Mandatory Meeting on Thurs 2/24 8:30 AM

Signatures:

Administrator: _____ Date: _____

Parent Acknowledgement: _____ Date: _____

_____ Fecha: _____



社羣創新
Escuela Comunitaria de Educación Educativa
Trường Học Cộng Đồng Cho Sáng Kiến Học

NOTICE OF SUSPENSION

THE FOLLOWING STUDENT HAS BEEN SUSPENDED FOR VIOLATION OF SCHOOL RULES:

Name: Ariel Porter Date of Birth: 11/2/2010 Grade: 5

Special Education: No Gender: Female Time: 12:50 pm

Parent/Guardian Phone Number: Angela Ramos 510-500-6183

Street Address City, State, Zip: 2284 E 17th St Apt #1

Parent notified by phone: [x] Parent requested to call school: [] Parent conference held: []

Statement of Facts:

Ariel brought a bracelet with metal spikes to school which she was informed to not bring anymore by Ms. Jessica. During the morning two students were name calling, Ariel decided to step in and join one of the students name call the other (2:1). Ariel told a friend that she was going to beat up the other student during PE and purposefully put the bracelet in her pocket to use as a weapon. Other students tried to intervene and tell her don't do it you will get suspended and she said she didn't care.

During PE she started chasing her classmate and hit him with a weapon. The student was wearing a uniform shirt and a cotton hoodie which the weapon was able to penetrate, break his skin, and leave 4 marks across his lower back.

Any of these above offenses may be grounds for expulsion.

Date(s) of Suspension: Thursday, March 31st through Friday, April 15th

Number of Days: 6

Student may return to school on (date): Suspension with a recommendation of expulsion

Signatures:

Administrator: [Signature] Date: 3/31/2022

Parent Acknowledgement: [Signature] Date: 3-31-2022



2111 International Boulevard Oakland, CA 94606 510.686.4131 info@communityschoolforcreativeeducation.org

April 15, 2022

Ms. Angela Ramos
2284 E17th Street Apt 1
Oakland, CA 94606

Dear Ms. Angela Ramos:

This letter is to notify you of my decision to recommend the expulsion of Ariel Porter from Community School for Creative Education. This action is taken in compliance with California Education Code Sections 48900 et seq. and 48915. While this action is regrettable, the recommendation is being made because of my determination that:

On March 31, 2022, while on the campus of Community School for Creative Education, during PE Ariel Porter started chasing her classmate and hit him with a weapon. The student was wearing a uniform shirt and a cotton hoodie which the weapon was able to penetrate, break his skin, and resulted in 4 bloody wounds across his lower back.

You are hereby given notice that the expulsion hearing for your child, Ariel Porter, will be held on Monday, April 25, 2022 6pm – 7pm before the Community School for Creative Education Board of Trustees. The hearing will be held via [Zoom](#) (Meeting ID: 959 3059 5187 Passcode: CSCE2111). Enclosed is a copy of our policy with respect to student conduct, student suspension and student expulsion.

At the hearing, you have a right to represent yourself or obtain legal counsel. You have the right to inspect and obtain copies of all documents to be used at the hearing, and you have the right to confront and question all witnesses who testify at the hearing, question all other evidence presented, and present oral and documentary evidence on the student's behalf, including witnesses.

The hearing will be closed to the public, unless you request an open hearing, in writing, five days prior to the hearing. If you have any questions or concerns regarding this matter, please call Mr. Raul Alcantar at (510) 423-3159.

Pending the disposition of the expulsion recommendation, the student is expected to participate in their schooling virtually daily via Zoom and submit classroom assignments via Google Classroom. If you have any questions, please contact Mrs. Anayaxy Barraza at anaxyb@communityschoolforcreativeeducation.org.

Sincerely,

Dr. Ida Oberman
Executive Director
Community School for Creative Education

Attachments:

- CSCE Suspension and Expulsion Policy 2021
- CSCE Board Expulsion Hearing Agenda 6pm-7pm Monday April 25, 2022 (by zoom)

Community School for Creative Education Suspension and Expulsion Policy and Procedures

Policy

The Suspension and Expulsion Policy and Procedures have been established in order to promote learning and protect the safety and well-being of all students at Community School for Creative Education (“CSCE”). In creating this policy, CSCE has reviewed Education Code Section 48900 *et seq.* which describe the offenses for which students at non-charter schools may be suspended or expelled and the procedures governing those suspension 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.* CSCE 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 CSCE’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. CSCE 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.

CSCE 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 CSCE 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. CSCE 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 CSCE 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.

Procedures

A. Grounds for Suspension and Expulsion of Students

A student may be suspended or expelled for prohibited misconduct if the act is related to school activity or school attendance occurring at any time including but not limited to: a) while on school grounds; b) while going to or coming from school; c) during the lunch period, whether on or off the school campus; 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) 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 policy shall apply to student in any of grades 4 to 8, inclusive.
- r) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in Education Code Section 233(e). This section shall apply to pupils in any of grades 4 to 8, 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 policy shall apply to students in any of grades 4 to 8, 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 CSCE.
- 2) “Electronic Act” means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
- i. A message, text, sound, 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 (1).

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.

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) Brandished a knife at another person.

c) Unlawfully sold a controlled substance listed in Health and Safety Code Section 11053, *et seq.*

d) Committed or attempted to commit a sexual assault or committed a sexual battery as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289 or 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, sold 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 policy shall apply to students in any of grades 4 to 8, 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 policy shall apply to pupils in any of grades 4 to 8, 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(2) by creating an intimidating or hostile educational environment. This policy shall apply to students in any of grades 4 to 8, 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 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. 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).

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 for any of the following acts 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 object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Principal or designee’s concurrence.

b) Brandished a knife at another person.

c) Unlawfully sold a controlled substance listed in Health and Safety Code Section 11053, et seq.

d) Committed or attempted to commit a sexual assault or committed a sexual battery as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289 or 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 and/or Board of Directors that a student has brought a fire arm 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 Procedures

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 CSCE employee who referred the student to the Principal or designee.

The conference may be omitted if the Principal or designee determines that an emergency exists. An “emergency situation” involves a clear and present danger to the lives, safety or health of students or CSCE 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 or guardian to attend a conference with CSCE 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 committed by the student as well as the date when 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 CSCE 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 CSCE 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 47606.2(a), 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 47606.2(b), if a homework assignment that is requested pursuant to Section 47606.2(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.

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 either by the neutral and impartial CSCE Board of Directors following a hearing before it or by CSCE Board of Directors upon the recommendation of 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 CSCE Board of Directors. Each entity 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, and the Board of Directors shall make the final determination.

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.

In the event an Administrative Panel hears the case, it will make a recommendation to the Board for a final decision whether to expel. The hearing shall be held in closed session (complying with all student confidentiality rules under the Family Educational Rights and Privacy Act (“FERPA”)) unless the student makes a written request for a public hearing in open session three (3) days prior to the date of the scheduled hearing.

Written notice of the hearing shall be forwarded to the student and the student’s parent/guardian at least ten (10) calendar days before the date of the hearing. Upon mailing the notice, it shall be deemed served upon the 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 CSCE’s disciplinary rules which relate to the alleged violation;
4. Notification of the student’s or parent/guardian’s obligation to provide information about the student’s status at CSCE 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

CSCE 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 CSCE 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) 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. CSCE 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 support persons is also a witness, CSCE must present evidence that the witness' presence is both desired by the witness and will be helpful to CSCE. 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 circumstances can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

G. Record of Hearing

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

H. Presentation of Evidence

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

If, due to a written request by the expelled 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. Written Notice to Expel

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

If the Administrative Panel decides not to recommend expulsion, or the Board of Directors ultimately decides not to expel, the student shall immediately be returned to their previous educational program.

The Board of Directors 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 Board. During the period of the suspension of the expulsion order, the student is deemed to be on probationary status. The Board of Directors 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 Board revokes the suspension of an expulsion order, the student may be expelled under the terms of the original expulsion order. The Board of Directors 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 Board of Directors 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 Board of Directors to expel, shall send written notice of the decision to expel, including the Board of Directors’ adopted findings of fact, to the student and student’s parent/guardian. This notice shall also include the following: (a) Notice of the specific offense 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 CSCE.

The Principal or designee shall send a copy of the written notice of the decision to expel to the chartering authority. This notice shall include the following: (a) The student’s name; and (b) The specific expellable offense committed by the student.

K. Disciplinary Records

CSCE shall maintain records of all student suspensions and expulsions at CSCE. Such records shall be made available to the chartering authority upon request.

L. No Right to Appeal

The student shall have no right of appeal from expulsion from CSCE as the CSCE Board of Directors’ decision to expel shall be final.

M. Expelled Students/Alternative Education

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

N. Rehabilitation Plans

Students who are expelled from CSCE shall be given a rehabilitation plan upon expulsion as developed by the Board of Directors 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 CSCE 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 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 CSCE’s capacity at the time the student seeks readmission or admission to CSCE.

P. Notice to Teachers

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

1. Notification of SELPA

CSCE shall immediately notify the SELPA and coordinate the procedures in this policy with the SELPA of the discipline of any student with a disability or student that CSCE 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, CSCE, 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 CSCE, 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 CSCE, 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 CSCE 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 CSCE agree to a change of placement as part of the modification of the behavioral intervention plan.

If CSCE, 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 CSCE 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 CSCE 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 CSCE, 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 CSCE 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

CSCE 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) 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 IDEIA and who has violated the CSCE’s disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if CSCE had knowledge that the student was disabled before the behavior occurred.

CSCE 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 CSCE 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 CSCE personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education or to other CSCE supervisory personnel.

If CSCE 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 IDEIA-eligible children with disabilities, including the right to stay-put.

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

CSCE 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.

Adopted: October 28, 2015

Amended: September 24, 2020

Attendance

Porter, Ariel Marie  5 10397 CSCE

Meeting

Course	Expression	8/9-8/13					8/16-8/20					8/23-8/27					8/30-9/3					9/6-9/10					9/13-9/17					9/20-9/24					9/27-10/1					10/4-10/8																								
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Course	Expression	4/18-4/22					4/25-4/29					5/2-5/6					5/9-5/13					5/16-5/20					5/23-5/27																																							
		M	T	W	H	F	M	T	W	H	F	M	T	W	H	F	M	T	W	H	F	M	T	W	H	F	M	T	W	H	F																																			
Fifth Grade Barraza, Anayaxy I E: 08/09/2021 L: 05/26/2022	HR(A)	S	S	S	S	S	A	S	S	S	A	A	A	A	A						A	A																			-	-																								

Legend

Attendance Codes =Present | A=Absent | EA=Excused Absence | T=Tardy < 15 Minutes | ET=Excused Tardy | T30=Tardy >= 30 Minutes | T15=Tardy >= 15 Minutes | IS=Independent study | HLP=Hybrid Learning Present | HLA=Hybrid Learning Absence | HLT=Hybrid Learning Tardy | DLEA=Distance Learning Excused Absence (office use) | DLUA=Distance Learning Unexcused Absence (office use) | DLET=Distance Learning Excused Tardy (office use) | DLT=Distance Learning Tardy | UA=Unexcused Absence | DLP=Distance Learning Present | DLA=Distance Learning Absence | S=Suspension (Out of School) | ISS=In School Suspension | ISC=Independent Study Complete | ISI=Independent Study Incomplete |



**REPORT OF STUDENT PROGRESS
FIFTH GRADE
2021 - 2022**

Student Name: Ariel Marie Porter

Teacher: Anaxy Barraza

	Trimesters		
	1	2	3
Absent	11		
Tardy	4		
Days Present	51		
Total Days in trimester	62	59	52

Purpose of Report Card

Community School for Creative Education’s standards-based report card communicates student’s achievement of trimester specified standards. Scores are earned based on the student’s demonstration of mastery of core curriculum standards. Effort, attitude, homework, and participation are reported separately from progress toward academic standards. The report card communicates an accurate portrayal of student learning that is consistent throughout the district and present levels of student achievement.

Learning and Behavioral Outcomes

These Learning and Behavioral Outcomes are essential for students at all grade levels:		
3	Secure	Student is secure in this learning outcome
2	Developing	Student is developing steadily in this learning outcome
1	Beginning	Student is beginning to progress toward this learning outcome with additional time and/or support

Student receives special education services _____ Yes X No

	Trimester		
	1	2	3
Self-Directed Learner - The ability to be responsible for one’s own learning <ul style="list-style-type: none"> • Works independently and asks for help when needed • Makes productive use of class time 	3		
Community Contributor - The understanding that it is essential for human beings to work together <ul style="list-style-type: none"> • Demonstrates respect to peers and adults • Follows school and classroom rules • Exhibits a positive attitude • Takes personal responsibility for behavior 	3		
Complex Thinker - The ability to demonstrate critical thinking and problem solving strategies <ul style="list-style-type: none"> • Explains answers and makes adjustments • Solves problems in different ways 	2		
Quality Producer - The ability to recognize and produce quality performance and quality products <ul style="list-style-type: none"> • Strives to complete work neatly, correctly, and on time • Demonstrates fine motor skills cut, copy, pencil control, etc. 	3		
Effective Communicator - The ability to communicate effectively <ul style="list-style-type: none"> • Speaks audibly and expresses thoughts, feelings, and ideas clearly 	3		
Effective and Ethical User of Resources, Including Technology -The ability to use a variety of resources effectively and ethically <ul style="list-style-type: none"> • Draws upon multiple resources to produce quality products • Organizes and uses classroom resources responsibly 	3		
Responsible Student - The ability to organize and manage self <ul style="list-style-type: none"> • Completes and returns homework on time • Keeps track of personal belongings (backpack, lunchbox, clothing items, papers) 	3		



REPORT OF STUDENT PROGRESS
FIFTH GRADE
2021 - 2022

Academic Scoring Key

Scores based on student's academic progress toward trimester standards:

4	Exemplary	Student <i>exceeds</i> grade level expectations for this trimester with consistent accuracy and a high level of quality
3	Proficient	Student is <i>secure</i> and meets grade level expectations for this trimester
2	Developing	Student is <i>developing</i> steadily toward grade level expectations for this trimester
1	Emerging	Student does not demonstrate an understanding of concepts/skill taught this reporting period
NA	Not Assessed	Not assessed this reporting period

Mathematics	Trimester		
	1	2	3
NWEA MAP SCORE	191		
Operations and Algebraic Thinking			
Writes and interprets numerical expressions	2		
Analyzes numerical patterns and relationships	2		
Numbers and Operations in Base Ten			
Understands the place value system	2		
Solves problems with multi-digit whole numbers and with decimals to hundredths	2		
Numbers and Operations – Fractions			
Uses understanding of fractions to solve addition, subtraction, multiplication, and division problems	2		
Measurement and Data			
Understands concepts of volume and relates volume to multiplication and to addition	NA		
Geometry			
Graphs Points on a coordinate plane to solve problems	NA		
Classifies two-dimensional figures based on properties	NA		

Social Studies	Trimester		
	1	2	3
Demonstrates an understanding of social studies content and concepts and applies critical thinking to extend understanding	3		
Science			
Demonstrates an understanding of science content and concepts and applies critical thinking to extend understanding	NA		



REPORT OF STUDENT PROGRESS
FIFTH GRADE
2021 - 2022

	Trimester		
	1	2	3
Reading			
Fountas and Pinnell Reading Level	0		
NWEA MAP SCORE	192		
Literature			
Comprehends and summarizes fiction, determines the theme through details in the text	3		
Quotes accurately from a text when explaining what the text says explicitly and when drawing inferences from the text	NA		
Determines the meaning of words and phrases as used in a text, including figurative language	3		
Understands how the narrator's point of view influences how events are described	2		
Informational Text			
Comprehends and summarizes nonfiction, determines the main ideas and how they are supported by details in the text	2		
Quotes accurately from a text when explaining what the text says explicitly and when drawing inferences from the text	NA		
Interprets information and explains how author uses evidence to support particular points in a text	2		
Analyzes multiple accounts of the same event or topic, noting important similarities and differences in the point of view they represent	NA		

	Trimester		
	1	2	3
Written and Oral Language			
NWEA MAP SCORE	188		
Includes appropriate elements in narrative, opinion, and informative/explanatory texts <ul style="list-style-type: none"> Writes narratives to develop real experiences using descriptive details and clear event sequences Writes opinion pieces on topics or texts, supporting a point of view with evidence Writes informative/explanatory texts to examine a topic and convey ideas and information clearly 	2		
Uses correct grammar and sentence structure in writing or speaking	3		
Demonstrates command of the conventions of grade level capitalization and punctuation	2		
Spells high frequency words correctly and applies grade appropriate spelling patterns in daily work	2		
Plans and delivers oral presentation	3		
Produces complete sentences when speaking in order to provide detail and clarification	3		



**REPORT OF STUDENT PROGRESS
FIFTH GRADE
2021 - 2022**

Specialty Classes	Trimester		
	1	2	3
Spanish	2		
Physical Education	3		

Comments
Trimester 1
<p>English Language Arts:</p> <p>In the reading portion of the NWEA, Ariel scored a 188 at the beginning of this term. Grade level goals were 204.48 at this point of the school year. Ariel is reading at a third grade level. Ariel’s fluency and accuracy. She is working on improving comprehension. In order to reduce some of this gap in reading, it is vital that Ariel reads nightly. I suggest she does this outloud and then writes summaries about her reading. This practice will improve both accuracy and comprehension and will improve his reading habits.</p> <p>In the writing portion of the NWEA, Ariel scored a 188. Grade level goals were 204.13. Ariel scored at about a third grade level in this portion of the assessment. In class, Ariel is writing more in the time allotted at this point of the term. This term, we will continue to increase her comfort level with longer informational and opinion pieces. We will also work on spelling, citing evidence, and making claims.</p> <p>Mathematics:</p> <p>Ariel scored 191 in the math portion of the NWEA. Ariel is scoring at a third grade level. This term, we reviewed some earlier math concepts in order to be able to build from them. Ariel showed some understanding of the concepts but needs more practice in order to cement her understanding. I suggest she logs into Zearn 30 minutes nightly in order to support growth in this area.</p> <p>Social Emotional Behavior:</p> <p>Ariel has shown a lot of growth this term. She is completing all of her classroom work in the time allotted and is working hard in all areas of our day. She works well with others and follows school rules and expectations. I look forward to seeing her continued growth this school year.</p>
Trimester 2
<p>English Language Arts:</p> <p>Mathematics:</p> <p>Social Emotional Behavior:</p>
Trimester 3



**REPORT OF STUDENT PROGRESS
FIFTH GRADE
2021 - 2022**

English Language Arts:

Mathematics:

Social Emotional Behavior:



**REPORT OF STUDENT PROGRESS
FIFTH GRADE
2021 - 2022**

Student Name: Ariel Marie Porter

Teacher: Anaxy Barraza

	Trimesters		
	1	2	3
Absent	11	5	
Tardy	4	1	
Days Present	51	54	
Total Days in trimester	62	59	52

Purpose of Report Card

Community School for Creative Education’s standards-based report card communicates student’s achievement of trimester specified standards. Scores are earned based on the student’s demonstration of mastery of core curriculum standards. Effort, attitude, homework, and participation are reported separately from progress toward academic standards. The report card communicates an accurate portrayal of student learning that is consistent throughout the district and present levels of student achievement.

Learning and Behavioral Outcomes

These Learning and Behavioral Outcomes are essential for students at all grade levels:		
3	Secure	Student is secure in this learning outcome
2	Developing	Student is developing steadily in this learning outcome
1	Beginning	Student is beginning to progress toward this learning outcome with additional time and/or support

Student receives special education services _____ Yes X No

	Trimester		
	1	2	3
Self-Directed Learner - The ability to be responsible for one’s own learning <ul style="list-style-type: none"> • Works independently and asks for help when needed • Makes productive use of class time 	3	2	
Community Contributor - The understanding that it is essential for human beings to work together <ul style="list-style-type: none"> • Demonstrates respect to peers and adults • Follows school and classroom rules • Exhibits a positive attitude • Takes personal responsibility for behavior 	3	2	
Complex Thinker - The ability to demonstrate critical thinking and problem solving strategies <ul style="list-style-type: none"> • Explains answers and makes adjustments • Solves problems in different ways 	2	2	
Quality Producer - The ability to recognize and produce quality performance and quality products <ul style="list-style-type: none"> • Strives to complete work neatly, correctly, and on time • Demonstrates fine motor skills cut, copy, pencil control, etc. 	3	2	
Effective Communicator - The ability to communicate effectively <ul style="list-style-type: none"> • Speaks audibly and expresses thoughts, feelings, and ideas clearly 	3	3	
Effective and Ethical User of Resources, Including Technology -The ability to use a variety of resources effectively and ethically <ul style="list-style-type: none"> • Draws upon multiple resources to produce quality products • Organizes and uses classroom resources responsibly 	3	3	
Responsible Student - The ability to organize and manage self <ul style="list-style-type: none"> • Completes and returns homework on time • Keeps track of personal belongings (backpack, lunchbox, clothing items, papers) 	3	2	



REPORT OF STUDENT PROGRESS
FIFTH GRADE
2021 - 2022

Academic Scoring Key

Scores based on student's academic progress toward trimester standards:

4	Exemplary	Student <i>exceeds</i> grade level expectations for this trimester with consistent accuracy and a high level of quality
3	Proficient	Student is <i>secure</i> and meets grade level expectations for this trimester
2	Developing	Student is <i>developing</i> steadily toward grade level expectations for this trimester
1	Emerging	Student does not demonstrate an understanding of concepts/skill taught this reporting period
NA	Not Assessed	Not assessed this reporting period

Mathematics	Trimester		
	1	2	3
NWEA MAP SCORE	191	191	
Operations and Algebraic Thinking			
Writes and interprets numerical expressions	2	2	
Analyzes numerical patterns and relationships	2	2	
Numbers and Operations in Base Ten			
Understands the place value system	2	2	
Solves problems with multi-digit whole numbers and with decimals to hundredths	2	2	
Numbers and Operations – Fractions			
Uses understanding of fractions to solve addition, subtraction, multiplication, and division problems	2	2	
Measurement and Data			
Understands concepts of volume and relates volume to multiplication and to addition	NA	2	
Geometry			
Graphs Points on a coordinate plane to solve problems	NA	NA	
Classifies two-dimensional figures based on properties	NA	NA	

Social Studies	Trimester		
	1	2	3
Demonstrates an understanding of social studies content and concepts and applies critical thinking to extend understanding	3	NA	
Science			
Demonstrates an understanding of science content and concepts and applies critical thinking to extend understanding	NA	2	



REPORT OF STUDENT PROGRESS
FIFTH GRADE
2021 - 2022

	Trimester		
	1	2	3
Reading			
Fountas and Pinnell Reading Level	O	Q	
NWEA MAP SCORE	192	202	
Literature			
Comprehends and summarizes fiction, determines the theme through details in the text	3	3	
Quotes accurately from a text when explaining what the text says explicitly and when drawing inferences from the text	NA	3	
Determines the meaning of words and phrases as used in a text, including figurative language	3	3	
Understands how the narrator's point of view influences how events are described	2	2	
Informational Text			
Comprehends and summarizes nonfiction, determines the main ideas and how they are supported by details in the text	2	2	
Quotes accurately from a text when explaining what the text says explicitly and when drawing inferences from the text	NA	1	
Interprets information and explains how author uses evidence to support particular points in a text	2	2	
Analyzes multiple accounts of the same event or topic, noting important similarities and differences in the point of view they represent	NA	2	

	Trimester		
	1	2	3
Written and Oral Language			
NWEA MAP SCORE	188	200	
Includes appropriate elements in narrative, opinion, and informative/explanatory texts <ul style="list-style-type: none"> Writes narratives to develop real experiences using descriptive details and clear event sequences Writes opinion pieces on topics or texts, supporting a point of view with evidence Writes informative/explanatory texts to examine a topic and convey ideas and information clearly 	2	2	
Uses correct grammar and sentence structure in writing or speaking	3	3	
Demonstrates command of the conventions of grade level capitalization and punctuation	2	2	
Spells high frequency words correctly and applies grade appropriate spelling patterns in daily work	2	2	
Plans and delivers oral presentation	3	3	
Produces complete sentences when speaking in order to provide detail and clarification	3	3	



**REPORT OF STUDENT PROGRESS
FIFTH GRADE
2021 - 2022**

Specialty Classes	Trimester		
	1	2	3
Spanish	2	2	
Physical Education	3	2	

Comments

Trimester 1

English Language Arts:

In the reading portion of the NWEA, Ariel scored a 188 at the beginning of this term. Grade level goals were 204.48 at this point of the school year. Ariel is reading at a third grade level. Ariel’s fluency and accuracy. She is working on improving comprehension. In order to reduce some of this gap in reading, it is vital that Ariel reads nightly. I suggest she does this outloud and then writes summaries about her reading. This practice will improve both accuracy and comprehension and will improve his reading habits.

In the writing portion of the NWEA, Ariel scored a 188. Grade level goals were 204.13. Ariel scored at about a third grade level in this portion of the assessment. In class, Ariel is writing more in the time allotted at this point of the term. This term, we will continue to increase her comfort level with longer informational and opinion pieces. We will also work on spelling, citing evidence, and making claims.

Mathematics:

Ariel scored 191 in the math portion of the NWEA. Ariel is scoring at a third grade level. This term, we reviewed some earlier math concepts in order to be able to build from them. Ariel showed some understanding of the concepts but needs more practice in order to cement her understanding. I suggest she logs into Zearn 30 minutes nightly in order to support growth in this area.

Social Emotional Behavior:

Ariel has shown a lot of growth this term. She is completing all of her classroom work in the time allotted and is working hard in all areas of our day. She works well with others and follows school rules and expectations. I look forward to seeing her continued growth this school year.

Trimester 2

English Language Arts:

Ariel has shown major growth in reading this term. In the reading portion of the NWEA, Ariel’s score jumped from a 192 to a 202. Grade level goals were 209 for this point of the school year. Ariel is very close to meeting grade level goals. Ariel scored 212 in the vocabulary section. We will continue to work on determining the meaning of words based on context and interpreting figurative language in order to strengthen understanding in this area. She showed a struggle in informational texts; scoring 185. Ariel needs to work on making inferences, locating information, and analyzing point of view and purpose in order to boost understanding in this area of reading. In order to continue the great growth in reading, Ariel needs to continue to read nightly.

Ariel’s writing in class has continued to improve. She is writing more in the time allotted and is developing her ability to write with different audiences in mind. This term, we worked on informational and opinion pieces. Ariel is working on making claims and



**REPORT OF STUDENT PROGRESS
FIFTH GRADE
2021 - 2022**

supporting them with evidence. She is also working on writing with a clear structure that includes an introduction and conclusion. In the language portion of the NWEA, Ariel scored 200. Grade level goals were 208.45 at this point of the school year. She showed relative strength in grammar; scoring 203. She particularly struggled with the writing category; scoring 196. In order to boost her understanding of this area, Ariel needs to strengthen her understanding of punctuation, revising, and purpose and audience.

Mathematics:

In the math NWEA, Ariel scored a 191. Grade level goals are 214.70 at this point of the school year. Ariel is scoring at the beginning of third grade level. Ariel showed relative strength in the area of measurement and data; scoring 197. Ariel needs to work on understanding area, angle measurement, money, and conversions in order to boost her growth in this area. She is particularly struggling with geometry; scoring 182. Ariel needs to work on fractions and identifying 2 dimensional shapes. Extra work on our online platforms would support her growth in these areas.

During our math block, Ariel is showing some partial understanding of the multi-digit multiplication and division we have been focusing on this term. Ariel can use tools in order to help her with multiplication and division problems but she does not yet have a strategy to solve these problems correctly with consistency. Ariel needs to continue to work on these fundamentals at home in order to cement her understanding of these concepts.

Social Emotional Behavior:

Ariel had a tough time focusing during teacher led instruction and independent work time this term. Even with multiple reminders and redirections, Ariel had a tough time completing work in the time allotted; especially in math. Ariel needs to work on increasing her self-motivation as she is not putting forth as much effort into her work as she needs to be successful. We have seen great growth in Ariel when she is determined and applies herself. One way to bridge the last gaps in her learning is Ariel to set more achievable goals for herself. I also want Ariel to complete more homework as this practice at home will also support her overall academic growth.

Trimester 3

English Language Arts:

Mathematics:

Social Emotional Behavior:

Ariel

Problem Solving

Problem: Tell who, what, how and why it happened

█████ called me and █████ the worst and he said it a couple of times and I also said the worst I hit him 3 or 4 times

What was the result / outcome?

I put the bracelet in my pocket because I did not want it to break because it was broken

I beat him up with my bracelet

How should I have solved the problem? List 2 better methods:

1. By not reacting

2. Telling the teacher

How could I have prevented the problem?

not fight back left him alone I walked up to him

What will I do from now on?

not get myself involved with others

My Signature: Ariel

I also wa ikejurtonim kejiatwaika ptonc

Name: [Redacted]

Problem Solving

Problem: Tell who, what, how and why it happened

I was arguing with [Redacted] because he was calling me a gay b word so I said it back and ariel was ^{like} ^{stop} and said b word shut the f up

What was the result / outcome?

Ariel got mad and tried to hit him and "Kill him" he back

How should I have solved the problem? List 2 better methods:

1. Toldt an adult are you ok

2.

How could I have prevented the problem?

walk away and tell an adult

What will I do from now on?

stay away from them and I wont do it agin

My Signature: [Redacted]

and [redacted] was cusing at ariel then at
PE Ariel said im gonna beet his a word
then [redacted] was saying your gonna
get suspended she said IDC im gonna
beet his a word and she was runing to
him so I held her back and she was
crying and mad so I was calming
her down.

[redacted]

Problem Solving

Problem: Tell who, what, how and why it happened

So some one called me a rat so I called her a pig she had a bracelet with spikes

What was the result / outcome?

I got hurt

How should I have solved the problem? List 2 better methods:

1. ignoring

2. Tell the teacher

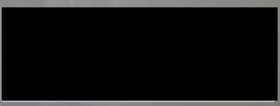
How could I have prevented the problem?

by ignoring

What will I do from now on?

Try not to start fights

My Signature:









Learn to touch
at 10:12 Returning from Staff Name
medicine this morning

OMG



Grading
Individual student rep
home within two weeks
Nov 5 End 1st Trimester
Feb 25 End 2nd Trimester
May 25 End 3rd Trimester



