



Urban Montessori Charter School

Board Meeting

Published on September 13, 2024 at 8:56 AM PDT

Amended on September 16, 2024 at 4:25 PM PDT

Date and Time

Thursday September 19, 2024 at 5:30 PM PDT

Location

4551 Steele Street, Oakland, CA 94619. Ring the front bell or call/text 510-290-4005 for entry. Signage on campus will direct you to the correct room, generally the Head of School's Office.

The public may comment and participate [via Zoom](#) if they prefer. The public may also email comments to board@urbanmontessori.org to be shared by the Board's Secretary during the meeting. Please make that intention clear in your email.

<https://us02web.zoom.us/j/82592855160?pwd=cG02OTRoUVdrdngwOTI2WFBrOTBzQT09>

Meeting ID: 825 9285 5160; Passcode 510 842 1181

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Members: Kara Fortuna, Greg Klein, Sarah Morrill (Chair), Amy Ng, Ann Rhodes, Evan Sequoia

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Agenda

	Purpose	Presenter	Time
I. Opening Items			5:30 PM
A. Call the Meeting to Order		Amy Ng	
This meeting is being audio-recorded.			
B. Record Attendance		Greg Klein	
C. Review of Action/Discussion Items	Discuss	Amy Ng	1 m
With input from the board, the Chair may decide, based upon a number of factors, to reorder the action/discussion items to best suit the needs of the meeting. No additional action/discussion items will be added at this time.			
D. Board and Community Appreciations		Amy Ng	5 m

	Purpose	Presenter	Time
<p>Members of the Board and UMCS community may provide appreciations and affirmations during this time.</p>			
E.	Board Member Comment	Amy Ng	1 m
<p>Any board member wishing to speak to an issue regarding UMCS that does not pertain to an agenda item may do so at this time. No further discussion or action will take place following each board member's comments.</p>			
F.	Presentations from the Floor	Amy Ng	10 m
<p>PRESENTATIONS ON NON-AGENDA ITEMS – Any person wishing to speak to any item not on the agenda will be granted three minutes to make a presentation. Speakers requiring translation shall have double time. Comments should refer to matters within the jurisdiction of this committee.</p> <p><i>“What if [we] listened to others so deeply that they felt loved, accepted, and safe in [our] presence, no matter what they had to say?” -- Steve Shapiro, Author</i></p>			
II.	Head of School Report		5:47 PM
<p>The Head of School and their designees will present topics of interest to the Board and the general public.</p>			
A.	Head of School Report	Discuss	Daniel Bissonnette
<p>Report topics this meeting may include:</p> <ol style="list-style-type: none"> 1. Recent and upcoming events 2. Ongoing Professional Development and Staff Support 3. Staffing and Enrollment Updates 			
III.	Academic Oversight Committee		5:57 PM
A.	Discussion Item - Committee Report	Discuss	Kara Fortuna
IV.	Family Advisory Council		6:02 PM
A.	Discussion Item - Committee Report	Discuss	Ann Rhodes
V.	Executive & Governance Committee		6:07 PM
A.	Committee Report	Vote	Amy Ng

	Purpose	Presenter	Time
<p>If needed, the Board may take action during this agenda item to change its officers, as well as committee membership, alternates, and leadership. Current and archival information is here. Please review the Executive and Governance Committee's minutes for more information. Governance Committee Overview.</p>			

Vote on adopting the [Effective School Boards Framework](#), which would direct the Board to begin the work of alignment to the framework.

VI. Other Business 6:17 PM

A. Oakland and California Updates	Discuss	Greg Klein	5 m
<p>Updates and current events related to Oakland USD, Alameda County Office of Education, and California, and potential implications for UMCS.</p>			

B. Approve Minutes from August 22, 2024 Regular Meeting	Approve Minutes	Greg Klein	1 m
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C. Action Item - Vote on General Consent Report	Vote	Amy Ng	3 m
<ol style="list-style-type: none"> 1. Vote to accept monthly Finance Committee Report Documents: Year-to-date forecast, presentation from Edtec, cashflow, balance sheet 2. UMCS Student Discipline Policy 3. UMCS FY2024 Unaudited Actuals 			

[items may be linked or attached directly here in the agenda, or on BoardOnTrack under this date's Meeting and then "Documents."]

D. Collect New Business items for Future Meetings	Discuss	Amy Ng	1 m
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VII. Closed Session 6:27 PM

A. Closed Session Items	Discuss	Amy Ng	15 m
<ol style="list-style-type: none"> 1. Public Employee Performance Evaluation - Head of School 			

"Closed Session" is always agendized ahead of time as a "Discuss" item. If any votes are taken during any Closed Session, those are reported out publicly upon return to Open Session.

	Purpose	Presenter	Time
VIII. Return to Open Session			6:42 PM
A. Report out of any closed session action(s)	Vote	Amy Ng	1 m
<p>"Return to Open Session" is always agendized ahead of time as a "Vote" item. It is not meant to indicate the the Board <i>shall</i> take an action at this time. If any votes are taken during any Closed Session, those are reported out publicly at this time on the agenda.</p>			
IX. Closing Items			6:43 PM
A. Adjourn Meeting	Vote	Amy Ng	

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Coversheet

Approve Minutes from August 22, 2024 Regular Meeting

Section: VI. Other Business
Item: B. Approve Minutes from August 22, 2024 Regular Meeting
Purpose: Approve Minutes
Submitted by:
Related Material: Minutes for Board Meeting on August 22, 2024

DRAFT



Urban Montessori Charter School

Minutes

Board Meeting

Date and Time

Thursday August 22, 2024 at 5:30 PM

Location

4551 Steele Street, Oakland, CA 94619. Ring the front bell or call/text 510-290-4005 for entry. Signage on campus will direct you to the correct room, generally the Head of School's Office.

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Directors Present

A. Ng, A. Rhodes, E. Sequoia, G. Klein, K. Fortuna, S. Morrill

Directors Absent

None

Directors who arrived after the meeting opened

S. Morrill

Guests Present

D. Bissonnette

I. Opening Items

A. Call the Meeting to Order

A. Ng called a meeting of the board of directors of Urban Montessori Charter School to order on Thursday Aug 22, 2024 at 5:33 PM.

B. Record Attendance

C.

Review of Action/Discussion Items

No changes needed.

D. Board and Community Appreciations

Amy appreciated for Mr. Buck.

Amy appreciated Greg and Daniel.

Ann appreciated Families who signed up to be Buddy Families , and Teacher Ana and Ms. Katie

Greg appreciated Sunflower teachers.

Daniel appreciated the admin and operations teams.

Daniel appreciated the classroom teachers.

Daniel appreciated Amy.

Daniel echoed Ann's appreciation for Buddy Families

E. Board Member Comment

No board comments on items not on the agenda.

F. Presentations from the Floor

No public comments on items not on the agenda.

II. Head of School Report

A. Head of School Report

Daniel shared his report, which is in the Packet for this meeting. There was welcome even last Saturday with lots of families on campus enjoying the yard together.

S. Morrill arrived at 5:39 PM.

Daniel shared that back to school night is September 5th. NWEA testing starts in time for the September PD day, and then the PMAI coach comes in September. The second cohort began training this summer with the new training. 2 UMCS staff along with 3 Twin Oaks Staff are in this cohort. Expanded Learning program ran over the summer, and 141 students are in the program so far this school year. ELOP staff received training from Jori, the new Montessori trainer, to align more with the daytime program. ELOP staff also observe during the daytime, almost like a support teacher in those classrooms. So far the daytime classroom staff have had great reviews for how ELOP has been running in their spaces after school. Amy asked about ELOP staff serving as a pipeline to daytime staff and Daniel replied yes to some degree. During summer PD, teachers prepared classroom environments, reviewed data and planned, aligning curriculum, and developed an instructional leadership team. Daniel shared about soon re-launching school enrollment tours, particularly for current 4 year olds, that new students are joining every day, but not yet at our budgeted enrollment numbers. Attendance so far for students is 96% and staff is above 98%. Fully staffed in the daytime program and currently hiring for additional ELOP Program leaders. For Charter Renewal, the school contracted with

Edtec on the charter and our data and revisiting the issue with the low tier vs the medium tier, and we may need a Special Board meeting to approve the charter or at the September Regular meeting. Daniel shared about how lead in school water has been in the news lately, and all our fixtures are below the EPA threshold, and all but one are below OUSD's more stringent threshold, which OUSD will soon add an additional filter to that one fixture. All the fixtures have other filters. The school is working with OUSD for additional retesting.

Amy asked about ACOE and Daniel shared that it's the state's designation, not ACOE's to change about the tiers. Amy asked and Daniel shared no matter the tier status, we will do the work to be ready to answer all the questions of the lower track. Sarah asked if a five year charter is allowed in the tier track, and Daniel shared he didn't know. Amy asked about other charters having hearings and when, and Daniel will follow up.

No public comments on this item.

III. Academic Oversight Committee

A. Discussion Item - Committee Report

Kara shared the committee's report. The committee had a planning meeting about what data to review at what times of the school year. The committee heard instructional updates, including the summer program and the instructional leadership team, and the work that Tobie is leading with teachers, and also about the curriculum map alignment. Sarah added the great work Tobie shared about the teachers and levels collecting data and sharing with each other each week.

No public comments on this item.

IV. Family Advisory Council

A. Discussion Item - Committee Report

Ann shared about the great work of the Welcome Brigade, the TK/K picnic, and the whole school picnic on campus on Saturday. Buddy Families have launched with some great connections made. Could use a few additional existing Primary families to be buddy families, but was covered by other families. Ann shared about how her own child answered all the questions from the incoming family and child. The FAC will meet soon to reflect on how the back to school went in general and get organized for next year. August 28th is the next regular FAC Zoom meeting. Sept 14 is a Campus Work Day. A committee will soon meet with Daniel regarding fundraising. Ann is also working to recruit candidates to run for the FAC board seat.

Parent Emily appreciated the report.

V. Executive & Governance Committee

A. Committee Report

Amy shared the committee report, including about the Effective School Boards framework and alignment with LCAP. Discussed board member recruitment, including the FAC board rep position. The committee discussed the Head of School evaluation and aligning with the ESB framework. Two areas of improvement Amy offered that the board focused "Goals and Accountability" and "Board Composition." This would include increasing the board size and diversity of experiences and backgrounds. Greg reviewed updating some board procedures around Robert's Rules. The Board discussed rotating dinner throughout the year.

K. Fortuna made a motion to add Greg to the Academic Committee and Sarah to drop from the Academic Committee.

A. Ng seconded the motion.

The board discussed how Sarah will need remain officially on the board, but will need to step away from active board work for the next six months.

The board **VOTED** unanimously to approve the motion.

No other questions and no public comments on this item.

B. Effective School Boards Framework and Student Outcome Goals

Greg shared about the Effective School Boards Framework and the Board discussed adopting it at the next meeting.

No public comments on this item.

VI. Other Business

A. Oakland and California Updates

Greg shared about OUSD's board passing a new policy directing the Superintendent to create a district transformation plan. [https://ousd.legistar.com/gateway.aspx?](https://ousd.legistar.com/gateway.aspx?M=F&ID=112861.pdf)

[M=F&ID=112861.pdf](https://ousd.legistar.com/gateway.aspx?M=F&ID=112861.pdf)

No public comments on this item.

B. Approve Minutes from June 20, 2024 Regular Meeting

K. Fortuna made a motion to approve the minutes from Regular Board Meeting on 06-20-24.

G. Klein seconded the motion.

The board **VOTED** unanimously to approve the motion.

C. Action Item - Vote on General Consent Report

G. Klein made a motion to approve the consent report.

A. Ng seconded the motion.

Greg commented that the regular financial reporting would return for the September Consent Report.

The board **VOTED** unanimously to approve the motion.

D. California Commission on Teacher Credentialing

G. Klein made a motion to approve the declaration of need for 2024-2025.

A. Ng seconded the motion.

Daniel shared about the Declaration of Need document.

No public comments on this time.

The board **VOTED** unanimously to approve the motion.

E. Collect New Business items for Future Meetings

Vote on adopt the framework to be scheduled for September.

VII. Closed Session

A. Closed Session Items

At 7:12p, Amy shared that the board would go into closed session on Public Employee Performance Evaluation - Head of School. There were no public comments on this item.

VIII. Return to Open Session

A. Report out of any closed session action(s)

The board returned to open session at 7:47p. No actions were taken.

IX. Closing Items

A. Adjourn Meeting

A. Ng made a motion to adjourn at 7:48p.

K. Fortuna seconded the motion.

The board **VOTED** unanimously to approve the motion.

There being no further business to be transacted, and upon motion duly made, seconded and approved, the meeting was adjourned at 7:48 PM.

Respectfully Submitted,

G. Klein

Documents used during the meeting

- UMCS Finance Training.pdf

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Coversheet

Action Item - Vote on General Consent Report

Section: VI. Other Business
Item: C. Action Item - Vote on General Consent Report
Purpose: Vote
Submitted by:
Related Material: Appendix J-1 - Discipline Plan.docx

	Student Discipline Policy	
	Last Reviewed/Revised: 093/1924/20242	Effective Date: 08/22/2019
	Original Author: UMCS Board	Policy Status: ACTIVE

DESCRIPTION: Policies and procedures for student discipline, including behavior expectations, suspension/expulsion standards, and due process; including procedures for students with disabilities.

APPROACH TO DISCIPLINE

Urban Montessori Charter School is committed to ensuring that the School’s culture and discipline policies are in alignment with child development research. The Charter School will establish a school-wide behavior plan that makes expectations for student behavior clear and describes consistent and escalating consequences for inappropriate behavior. This plan will be distributed to families and children, and children will be taught the elements of the plan. Urban Montessori will implement a comprehensive interventions system to ensure children who require behavioral intervention or social-emotional supports receive interventions targeted toward improving children’s performance academically, socially, emotionally, and physically. In addition, the Charter School will implement a social emotional learning Character and Peace curriculum to ensure all children are being explicitly taught the habits and self-management strategies needed to engage effectively as part of a community.

At Urban Montessori Charter School, we understand that children become thoughtful, responsible, respectful and caring adults when:

Commented [1]: Added from Charter Petition

- The adults around them model the desired habits and behaviors
- The children are explicitly taught and coached the desired habits and behaviors – children are guided, assessed, and held accountable
- The children deeply understand and value the desired habits and behaviors
- The environment around them supports the development of these habits and behaviors

At Urban Montessori, the adults commit to model and teach children to internalize the following habits:

- Be mindful: All children will be mindful of their responsibilities as members of a community and mindful of how their actions impact others; they will exercise self-discipline
- Create solutions: All children will have the skills and tools to work together to find solutions to their individual and collective challenges and conflicts and know when and where to seek help as they need it
- Lead change: All children will be aware of their capacity to be a leader in moving their community forward; teach and take responsibility for the learning and growth of their peers
- Collaborate: All children will see the added value of engaging and working with others; they will be able to listen respectfully, communicate thoughtfully, and participate meaningfully
- Empathize: All children will be able to understand and value different perspectives, viewpoints and experiences
- Utilize Tools: All children will understand and utilize tools available to them, including for example from resources such as Toolbox

This document describes our habits of heart because it is these habits and the values behind them that drive our culture and what we expect our students to demonstrate fully before they graduate. Most schools have discipline policies that emphasize punitive consequences over problem-solving. Schools with effective discipline policies may get the results they seek but they are often short-lived and take place in response to fear of punishment. At Urban Montessori, because we want our children to internalize our habits of heart, we have a prevention-oriented interventions policy instead of a discipline policy. We believe that if we help children reflect on their behaviors, both positive and negative, and help them become better decision-makers, we are teaching them how to achieve. Ours is an inquiry-based approach to student behavior. Just as we hold ourselves responsible for finding ways to enable academic achievement, we hold ourselves responsible for our children's social and emotional achievement.

We start with this lengthy statement because we are about to present what might appear to be a traditional discipline policy, but we want to be clear that these are guidelines only to develop a more consistent system and culture. All children and their behaviors must be addressed individually, taking into consideration their individual needs and issues.

Common Behavior Modification Practices

We know that there will be students who test the boundaries of these principles and who defy the rules and norms set forth. We believe that these opportunities allow for "teachable moments" for students. We aim to not judge the child or youth, but rather to support the child or youth to redirect their own behavior. Our larger goal is to develop self-reflective, self-disciplined young people.

We believe that the following behaviors generally require in-class redirection and inquiry to address the root cause.

- General off-task, slightly inappropriate behavior
- Minor name-calling
- "Playing" too much or inappropriately
- Being too loud
- Minor unsafe behavior in playground
- Disrespectful attitude or comments
- Initial defiance to adults
- Disturbing others (or disruptive) during work period/class (Not greatly inhibiting as stated below)
- Minor unsafe behavior in the classroom (e.g. running, throwing small objects, etc.)

In all of our classrooms, we expect to see the following behavior modification techniques:

- Adults will subtly remind the child that the behavior does not align with the community's norms – this can be a verbal or nonverbal cue or reminder
- Adults will name the behavior that does not fit within the community's norms if the child does not redirect his or her own behavior, give a warning, and provide time for the child to correct the behavior
- If necessary, children can be given time to reflect independently upon their behavior
- If a child continues the behavior, adults should speak to the child one-to-one asking questions to get to the root cause of the behavior. If it is possible to address the root cause immediately, the adult should do so. If it is not possible in that moment, and the adult feels the child requires adult intervention or support immediately, the adult should redirect the child to administration.
- Should a child's behavior reach one of the following points, a behavior incident report or a similar document may be written and the child may be sent to the office if all attempts at

redirection above have been unsuccessful:

- When the students actions cause great danger to the physical and/or emotional well-being of other students
- When multiple attempts at behavior modification have been made, without result
- When the actions of one student is greatly inhibiting the learning of the other students

The Use of Consequences

At times students will continue to violate behavior expectations, despite the use of our common behavior modification practices. At this point, teachers may choose to use consequences for students' negative actions within the following parameters:

- Consequences must be understood, logical, predictable, and consistent. Examples include the warnings and time-outs mentioned earlier, phone calls home or other reasonable repair (vandalized the bathroom? clean it up!).
- Consequences, whenever possible, are logical and linked to the action. Consequences should not have an academic nature.
- Consequences should ideally be accepted by the child. This happens when the adult
 - Responds calmly and respectfully
 - Creates space for the child to reflect on his or her behavior
 - Listens to the child's side of the story and demonstrates empathy for the child's situation
 - Avoids lecturing and talking at the child
 - Does not react emotionally, raising his or her voice or responding in any way that is emotionally or physically intimidating
 - Delivers consequences individually and not in front of other children
 - Avoids judgment and jumping to conclusions
 - Attempts to get at the root cause of a given behavior assuming positive intent
 - Child is involved in determining consequence
 - Child is involved in determining best choice for future behavior

Office Referrals

Occasionally, a classroom teacher or an adult on campus will require additional support around a child's behavior. This can be because the behavior is extreme (see below) and requires administrative attention immediately, because all attempts at redirection have failed, or because the adult in charge cannot address the needs of that particular child in that moment and requires additional support (i.e. teacher is in the middle of teaching a class, and two children require conflict mediation immediately).

Behaviors generally referred to administration:

1. Continuous minor behavior problems (student does not seem able to redirect himself after numerous attempts at redirection, one-to-one conversation, and root cause analysis)
2. Serious verbal abuse – discrimination, offensive personal comments, intimidation, threats, more serious name-calling, constant name-calling, cursing at a person (If it appears minor, but the receiver of the abuse is upset, this should also be referred to the administration)
3. Causing, attempting to cause, or threatening to cause physical harm to another person
4. Fighting
5. Biting
6. Forgery
7. Disrupting school activities
8. Stealing or attempting to steal school or private property
9. Committing an obscene act or engaging in habitual profanity or vulgarity

10. Sexual harassment, advances, request for sexual favors, or other verbal, visual, or physical conduct of a sexual nature
11. Unwanted intentional physical contact – pushing, hitting, kicking, throwing things at, any playful behavior that can and will obviously lead to injury, pulling hair, pushing into or towards dangerous situations, using anything as a weapon
12. Alcohol, drug, or cigarette use, purchase, supply, ownership on or off campus
13. Possession of a weapon
14. Intentionally and continually defying adult direction

All of these behaviors are often intentional and require more significant intervention. Children are referred to administration to ensure consistency of message and the communication of the severity of these behaviors.

Potential Actions and Consequences:

- Opportunity given to child to reflect on behavior and to develop their own solution to the situation
- Counseling/dialogue about severity of situation and developing consequences together
- Phone call home – parent conference arranged
- Buddy classroom assignment
- In-school suspension
- Out-of-school suspension
- Recommendation to interventions team (Child Study Team)
- Expulsion

Certain behaviors are generally a mandated in-school suspension with immediate referral to interventions team with parent conference. All behaviors that are violent against others, illegal, and/or create an unsafe learning environment for other children will result either in an in-school or out-of-school suspension.

SUSPENSION AND EXPULSIONS

Should a child's inappropriate behavior escalate or be severe enough to warrant suspension or expulsion, the Policy and Procedures listed below for suspension, expulsion, and involuntary removal of the Charter School's children will be administered. 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 the Charter School. In creating this policy, the Charter School has reviewed Education Code Section 48900 et seq. which describes the offenses for which students at non-charter schools may be suspended or expelled and the procedures governing those suspensions and expulsions in order to establish its list of offenses and procedures for suspensions, expulsions, and involuntary removal. The language that follows is largely consistent with the language of Education Code Section 48900 et seq. The policies and procedures for suspension, expulsion, and involuntary removal will be periodically reviewed by the Charter School, and the list of offenses for which children are subject to suspension, expulsion, and involuntary removal will be modified as necessary. The Charter School will notify the County of any expulsions. The Charter School will account for children who have been suspended, expelled, or involuntarily removed in its average daily attendance accounting as provided by law.

Consistent with this Policy, it may be necessary to suspend or expel a student from regular classroom instruction. This shall serve as the Charter School's policy and procedures for student suspension,

expulsion, and involuntary removal, and it may be amended from time to time without the need to seek a material revision of the charter so long as the amendments comport with legal requirements. Charter School staff shall enforce disciplinary policies and procedures fairly and consistently among all students. This Policy and its Procedures will be printed and distributed annually as part of the Student Handbook which will clearly describe discipline expectations.

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of or willfully causing the infliction of physical pain on a student. For purposes of this Policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to school property.

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

INVOLUNTARY REMOVAL

No student shall be involuntarily removed by the Charter School for any reason unless the parent or guardian¹ of the student has been provided written notice of intent to remove the student no less than five 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 or guardian and shall inform the student, the student's parent or guardian of the basis for which the pupil is being involuntarily removed and the student's parent or guardian's right to request a hearing to challenge the involuntary removal. If a student's parent or guardian requests a hearing, the Charter School shall utilize the same hearing procedures specified in the Suspension and Expulsion policies and procedures for expulsions, before the effective date of the action to involuntarily remove the student. If the student's parent or guardian 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.

SAFEGUARDS

In the case of a special education student, or a student who receives 504 accommodations, the Charter School will ensure that it makes the necessary adjustments to comply with the mandates of state and federal laws, including the IDEA and Section 504, and the applicable provisions of the Education Code, regarding the discipline of children with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability. Prior to recommending expulsion for a Section 504 student or special education student, the Head of School charter administrator will convene a review committee to determine 1) if the conduct in question was caused by, or had a direct and substantial relationship to the child's disability; or 2) if the conduct in question was the direct result of the LEA's failure to implement the 504 plan or IEP. If it is determined that the student's misconduct was not caused by or had direct and substantial relationship to the child's disability or the conduct in question was not a direct result of the LEA's failure to implement the 504 plan or IEP, the student will be subject to the

¹ The Charter School shall ensure that a homeless child or youth's educational rights holder; a foster child or youth's educational rights holder, attorney, and county social worker; and an Indian child's tribal social worker and, if applicable, county social worker have the same rights as a parent or guardian to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, involuntary removal notice, and other documents and related information. For purposes of this Policy and its Procedures, the term "parent or guardian" shall include these parties.

same grounds for suspension and expulsion and will be accorded the same due process procedures applicable to general education students, except when federal and state law requires additional or different procedures.

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 provision 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 Education Code Section 233(e). This provision shall apply to students 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 provision 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 or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

- i. A message, text, sound, video, or image.
- ii. A post on a social network Internet Web site including, but not limited to:
 - (a) Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
 - (b) Creating a credible impersonation of another actual 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 Penal Code Section 31, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a student who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1)(a)-(b).
- 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 Head of School 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 Head of School 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 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, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases.
- g) Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.
- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of a student's own prescription products by a student.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.
- l) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- m) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- n) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- o) Engaged in, or attempted to engage in hazing. For the purposes of this policy, "hazing" means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. For purposes of this policy, "hazing" does not include athletic events or school-sanctioned events.

- p) Made terroristic threats against school officials and/or school property, which includes but is not limited to, electronic files and databases. For purposes of this policy, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for their own safety or for their immediate family's safety, or for the protection of school property, which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or their immediate family.
- q) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this policy, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This provision shall apply to students in any of grades 4 to 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 provision shall apply to students 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 provision 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 or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone,

wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

- i. A message, text, sound, video, or image.
 - ii. A post on a social network Internet Web site including, but not limited to:
 - (a) Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
 - (b) Creating a credible impersonation of another actual 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 Penal Code Section 31, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a student who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (3)(a)-(b).
 - v) Possessed, sold, or otherwise furnished any knife or other dangerous object of no reasonable use to the student unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Head of School or designee's concurrence.

4. Non-Discretionary Expellable Offenses: Students must be recommended for expulsion when it is determined pursuant to the procedures below that the student:

- a) Possessed, sold, or otherwise furnished any firearm, explosive, or other destructive device unless, in the case of possession of any device of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Head of School 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 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 firearm or destructive device, as defined in Section 921 of Title 18 of the United States Code, on to campus or to have possessed a firearm or destructive device on campus, the student shall be expelled for one year, pursuant to the Federal Gun Free Schools Act of 1994. In such instances, the student shall be provided due process rights of notice and a hearing as required in this policy.

The Charter School will use the following definitions:

- The term "knife" means (A) any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing; (B) a weapon with a blade fitted primarily for stabbing; (C) a weapon with a blade longer than 3½ inches; (D) a folding knife with a blade that locks into place; or (E) a razor with an unguarded blade.

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

The term "destructive device" means any explosive, incendiary, or poison gas, including but not limited to: (A) bomb; (B) grenade; (C) rocket having a propellant charge of more than four ounces; (D) missile having an explosive or incendiary charge of more than one-quarter ounce; (E) mine; or (F) device similar to any of the devices described in the preceding clauses. C. Suspension Procedure

Suspensions shall be initiated according to the following procedures:

1. Conference

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

The conference may be omitted if the Head of School or designee determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or Charter School personnel. If a student is suspended without this conference, both the parent/guardian and the 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. Penalties shall not be imposed on a student for failure of the student's parent or guardian to attend a conference with Charter School officials. Reinstatement of the suspended student shall not be contingent upon attendance by the student's parent/guardian², 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 in person, by email, or by telephone. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension and the date of return following suspension. This notice shall state the specific offense(s) committed by the student as well as the date the student may return to school following the suspension. If Charter School officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent/guardian respond to such requests without delay.

3. Suspension Time Limits/Recommendation for Expulsion

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

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by law.

A student may be expelled either by the neutral and impartial Charter School Board of Directors following a hearing before it or by the Charter School 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 Charter School 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 Head of School 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 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 the Charter School's disciplinary rules which relate to the alleged violation;
4. Notification of the student's or parent/guardian's obligation to provide information about the student's status at the Charter School to any other school district or school to which the student seeks enrollment;
5. The opportunity for the student and/or the student's parent/guardian to appear in person or to employ and be represented by counsel or a non-attorney advisor;
6. The right to inspect and obtain copies of all documents to be used at the hearing;
7. The opportunity to confront and question all witnesses who testify at the hearing;
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses.

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

The Charter School may, upon a finding of good cause, determine that the disclosure of either the identity of the witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations that shall be examined only by the Charter School or the hearing officer. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the 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. The Charter School must also provide the victim a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.
3. At the discretion of the entity conducting the expulsion hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which the complaining witness may leave the hearing room.
4. The entity conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.
5. The entity conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours the complaining witness is normally in school, if there is no good cause to take the testimony during other hours.
6. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the entity presiding over the hearing from removing a support person whom the presiding person finds is disrupting the hearing. The entity conducting the hearing may permit any one of the support persons for the complaining witness to accompany the complaining witness to the witness stand.
7. If one or both of the support persons is also a witness, the Charter School must present evidence that the witness' presence is both desired by the witness and will be helpful to the Charter School. The 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. Expulsion Decision

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 Head of School 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 the Charter School.

The Head of School 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

The Charter School shall maintain records of all student suspensions and expulsions at the Charter School. 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 the Charter School as the Charter School Board of Directors' decision to expel shall be final.

M. Expelled Students/Alternative Education

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. The Charter School shall work cooperatively with parents/guardians as requested by parents/guardians or by the school district of residence to assist with locating alternative placements during expulsion.

N. Rehabilitation Plans

Students who are expelled from the Charter School 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 the Charter School for readmission.

O. Readmission or Admission of Previously Expelled Student

The decision to readmit a student after the end of the student's expulsion term or to admit a previously expelled student from another school district or charter school who has not been readmitted/admitted to another school or school district after the end of the student's expulsion term, shall be in the sole discretion of the Board of Directors following a meeting with the Head of School or designee and the student and student's parent/guardian 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 Head of School or designee shall make a recommendation to the Board of Directors following the meeting regarding the Head of School's or designee's determination. The Board shall then make a final decision regarding readmission or admission of the student during the closed session of a public meeting, reporting out any action taken during closed session consistent with the requirements of the Brown Act. The student's readmission is also contingent upon the Charter School's capacity at the time the student seeks readmission or admission to the Charter School.

P. Notice to Teachers

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

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

1. Notification of SELPA

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

2. Services During Suspension

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

3. Procedural Safeguards/Manifestation Determination

Within ten (10) school days of a recommendation for expulsion or any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the Charter School, the parent/guardian 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 parent/guardian to determine:

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

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

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

- a. Conduct a functional behavioral assessment and implement a behavioral intervention plan for such child, provided that the Charter School had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;
- b. If a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and

- c. Return the child to the placement from which the child was removed, unless the parent/guardian and the Charter School agree to a change of placement as part of the modification of the behavioral intervention plan.

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

4. Due Process Appeals

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

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

In accordance with 20 U.S.C. Section 1415(k)(3), if a parent/guardian disagrees with any decision regarding placement, or the manifestation determination, or if the Charter School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, the parent/guardian, or Charter School may request a hearing.

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

5. Special Circumstances

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

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

- a. Carries or possesses a weapon, as defined in 18 U.S.C. Section 930, to or at school, on school premises, or to or at a school function;
- b. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or

- c. Has inflicted serious bodily injury, as defined by 20 U.S.C. Section 1415(k)(7)(D), upon a person while at school, on school premises, or at a school function.

6. Interim Alternative Educational Setting

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

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

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

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

- a. The parent/guardian has expressed concern in writing, or orally if the parent/guardian does not know how to write or has a disability that prevents a written statement, to Charter School supervisory or administrative personnel, or to one of the child's teachers, that the student is in need of special education or related services.
- b. The parent/guardian has requested an evaluation of the child.
- c. The child's teacher, or other Charter School personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education or to other Charter School supervisory personnel.

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

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

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

Commented [2]: language added from the charter petition

Suspension Policies

Depending on the violation and situation, suspensions may be done **in school or at home**. If a child is suspended, the parent/guardian will be called and a letter will be sent home with the child stating the violation and when the suspension is to take place. The student will be required to return home for the remainder of the day on which the violation is made and may be suspended from school for one or more additional days. For an in-school suspension, the student will report to school the next day, but the student will remain in a buddy classroom or office for the day. For an at-home suspension, the student is to not report to school. Whenever possible, Urban Montessori Charter School will use in-school suspensions before at-home suspensions. In all cases, the objective of any suspension or intervention is to ensure the child does not continue to continue the problematic behaviors.

Expulsion Policies

Students may be referred directly to the Board of Directors for an expulsion hearing for any of the following acts when it is determined the pupil:

- Caused, attempted to cause, or threatened to cause extreme physical injury to another person or willfully used force or violence upon the person of another, except in self-defense.
- Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object 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 Director/Administrator or designee's concurrence.
- Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind.
- Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 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.
- Committed or attempted to commit robbery or extortion.
- Caused or attempted to cause damage to school property or private property.
- Stole or attempted to steal school property or private property.
- Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets.
- Committed an obscene act or engaged in habitual profanity or vulgarity.
- Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5
- Knowingly received stolen school property or private property.
- 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.
- Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4.
- 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.
- Made terrorist threats against school officials and/or school property.
- Committed sexual harassment.
- Caused, attempted to cause, threatened to cause, or participated in an act of hate violence.
- Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading student rights by creating an intimidating or hostile educational environment.

The above list is not exhaustive and depending upon the offense, a pupil may be expelled for misconduct not specified above. The administration has discretion over when to utilize a suspension or make a referral to the Board for an expulsion hearing.

However, in the following circumstances, the administration will suspend and refer the child to the UMCS Board for an expulsion hearing without discretion whenever he or she:

- Possesses, sells, or otherwise furnishes a firearm (EC Section 48906 requires the School refer a student with a firearm to law enforcement)
- Brandishes a knife at another person

- Sells a controlled substance
- Commits or attempts to commit a sexual assault or sexual battery
- Possesses an explosive
- Commits extreme physical violence against another person and the severity of that violence creates a threatening environment for the offender.
- Commits hate violence or verbally assaults, harasses, or threatens another person in such a way as to create a threatening environment for the offender

In all other circumstances, should the site administration decide to refer a child for an expulsion hearing, the UMCS Board would require the following documentation:

- At least two complete RTI cycles where a comprehensive root cause analysis was conducted and interventions plans were created and implemented
- At least three family conferences to create, implement and monitor the interventions plans
- Four or more suspension events (not days) where the child was suspended for not complying with stated expectations and disrupting the learning/safety of others

Because Urban Montessori is committed to serving ALL children and because the school believes that children who demonstrate expellable or suspendable behaviors require intervention and support more than they require punishment, the school will implement a comprehensive interventions system to ensure children requiring intensive interventions receives a comprehensive battery of support whenever possible prior to a suspension or a referral for expulsion.

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 Head of School or designee determines that the Pupil has committed an expellable offense. The expulsion hearing will be presided over by the Board President or the chair of an Administrative Panel (Executive & Governance Committee may serve as this panel). In the event a 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 unless the pupil makes a written request for a public hearing three (3) days prior to the hearing. Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least ten (10) calendar days before the date of the hearing. Upon mailing the notice, it shall be deemed served upon the pupil. Notices will also be emailed to the address of the primary contact(s) on file in the Student Information System. All communications will be provided in the family's home language. The notice shall include:

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

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.

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, and sworn declarations may be admitted as testimony from witnesses of whom the Board, Panel or designee determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

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

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

Written Notice to Expel

The Head of School or designee following a decision of the Board to expel shall send written notice of the decision to expel, including the Board's findings of fact, to the student or parent/guardian. This notice shall include the following:

- Notice of the specific offense committed by the student.
- Notice of the student's or parent/guardian's obligation to inform any new district or public or private school in which the student seeks to enroll of the student's status with the School.
- The Head of School or designee shall send written notice of the decision to expel to the Student's District of residence and the County Office of Education. This notice shall include the following:
 - The student's name
 - The specific expellable offense committed by the student.

Disciplinary Records

The school shall maintain records of all student suspensions and expulsions at the school. Such records shall be made available for the County's review upon request.

Expelled Pupils/Alternative Education

Pupils who are expelled shall be responsible for seeking alternative education programs including but not limited to programs within the County or their school district of residence.

Rehabilitation Plans

Students who are expelled from the School shall be given a rehabilitation plan upon expulsion as developed by the Board at the time of the expulsion order, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date not later than one year from the date of expulsion when the pupil may reapply to the school for readmission. Rehabilitation plans will focus on providing the student a re-start in a new setting. The school will support the family in identifying a strong receiving school and help transition

the child to the new setting.

Readmission

The decision to readmit a pupil or to admit a previously expelled pupil from another school district or charter school shall be in the sole discretion of the Board following a meeting with the Head of School and the pupil and guardian or representative, to determine whether the pupil has successfully completed the rehabilitation plan and to determine whether the pupil poses a threat to others or will be disruptive to the school environment. The Head of School shall make a recommendation to the Board following the meeting regarding his or her determination. The pupil's readmission is also contingent upon the school's capacity at the time the student seeks readmission or admission.

Students With Disabilities

A pupil identified as an individual with disabilities or for whom UMCS has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act ("IDEIA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for disciplinary action, including suspension and expulsion, and is accorded the same due process procedures applicable to regular education pupils except when federal and state law mandates additional or different procedures. UMCS will follow the IDEIA, Section 504, and all applicable federal and state laws when imposing any form of discipline on a pupil identified as an individual with disabilities or for whom UMCS 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 pupils. The following procedures shall be followed when a student with a disability is considered for suspension or expulsion. These procedures will be updated if there is a change in the law.

1. Notification of SELPA

UMCS shall immediately notify the SELPA and coordinate the procedures in this policy with the SELPA the discipline of any student with a disability or student who UMCS or 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, and to progress toward meeting the goals set out in the child's IEP or 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, UMCS, 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, 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
- b. If the conduct in question was the direct result of the local educational agency's failure to implement the IEP/504

If UMCS, 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 UMCS, 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 UMCS 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
- c. Return the child to the placement from which the child was removed, unless the parent and UMCS agree to a change of placement as part of the modification of the behavioral intervention plan

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

4.—Due Process Appeals

The parent of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or UMCS 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.

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or UMCS, 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), or until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, unless the parent and UMCS 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

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

- a. Carries or possesses a weapon, as defined in 18 USC 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

~~e. Has inflicted serious bodily injury, as defined by 20 USC 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 district's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if UMCS had knowledge that the student was disabled before the behavior occurred.~~

~~UMCS 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 UMCS supervisory or administrative personnel, or to one of the child's teachers, that the student is in need of special education or related services~~

~~b. The parent has requested an evaluation of the child~~

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

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

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

NON-COMPLIANCE TO POLICY:

Violations of this policy may result in the employee being subject to disciplinary action in accordance with Board disciplinary policy and administrative regulations.

GOVERNANCE:

The Head of School or designee will own primary responsibility for monitoring adherence to the policy.

REVIEW CYCLE:

The UMCS Board will be responsible for reviewing the policy every two years or more frequently as required.

REVISION HISTORY:

Effective Date:	Revision:
August 22, 2019	Reviewed in accordance with review every two years. No revisions.
July 1, 2020	Added clarifying clauses specific to Special Education.
March 24, 2022	Minor typographical corrections. Clarified which Board Committee serves as the Panel.