NEW LOS ANGELES CHARTER SCHOOLS

GOVERNING BOARD SPECIAL MEETING ORDER OF BUSINESS
Teleconference Meeting
9:00 am, August 29, 2020

This meeting will be by teleconference pursuant to Executive Orders N-25-20 and N-29-20. The Board of Directors ("Board") and employees of New Los Angeles Charter Schools shall meet via the Zoom meeting platform. Members of the public who wish to access this Board meeting may do so by calling a conference telephone line:

Phone Number: 1-669-900-6833

Access Code: 87614622124#

Members of the public may not comment on non-agenda items during this special meeting. Individuals wishing to provide public comment on the agenda items must send their comments in writing to Board@newlosangeles.org prior to the meeting or prior to the discussion of the Agenda item during the meeting – comments received after that point in the meeting will not become part of the record. Comments submitted by email will be read aloud during the Board meeting for up to three (3) minutes. If comments are in Spanish or another language, they will be translated to English and such comments will be limited to six (6) minutes. The Board may limit the total time for public comment to a reasonable time. The Board reserves the right to mute or remove a participant from the meeting if the participant unreasonably disrupts the Board meeting.

Access to Board Materials: A copy of the written materials which will be submitted to the School Board may be reviewed by any interested persons on New Los Angeles Charter School's website along with this agenda following the posting of the agenda at least 24 hours in advance of this meeting.

Disability Access: Requests for disability-related modifications or accommodations to participate in this public meeting should be made 24 hours prior to the meeting by emailing Dr. Xochitl Lira, Director of Operations at xlira@newlosangeles.org. All efforts will be made for reasonable accommodations. The agenda and public documents can be modified upon request as required by Section 202 of the Americans with Disabilities Act.

Agenda

1. Call to order
2. Public Comment
3. Consideration of Approval of 2020-2021 Board Slate and Officers
4. Consideration of Approval of School Climate and Discipline Procedures
5. Consideration of Approval of Fiscal Policies
6. Brown Act Training
7. Closed Session
   Recess to Closed Session for Discussion and/or Action on the following items in accordance with the Brown Act, Government Code Section 54950 et esq., and the Education Code and pursuant to

Government Code Section 54954.5. The closed session will be held pursuant to Section 54956.7 as follows:

ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Gov. Code 54956.9(d)(2)
One Item

8. Adjourn

NEW LOS ANGELES
CHARTER SCHOOL

2020-2021 Board and Officer Slate

Matt Albert (Treasurer)
Allison Arkin
Steve Barrett (Secretary)
Alan Michael Graves
Susan Nickerson
Jonathan Lopez (Chair)
Kyle Walton

School Climate and Student Discipline System

In accordance with the District's *Discipline Foundation* Policy and the *School Discipline Policy and School Climate Bill of Rights* Board of Education resolution, New LA Elementary focuses on creating a positive school climate to prevent discipline issues and implementing an appropriate and progressive discipline policy when issues do arise.

Foremost is building a positive school climate through a positive behavior support plan. Some of the following strategies will be used to prevent discipline issues from arising in the first place:

- *Safe School*: Students should never feel threatened physically or emotionally and New LA makes sure that the school environment is a safe one for all students.
- *Consistent classroom management and school norms*: When students know exactly what is expected of them and what to expect if they make a poor decision it lowers the anxiety of the unknown and thus reduces discipline incidents.
- *Engaging and Effective Instruction*: When students are highly engaged in lessons that are well structured they have little need or opportunity to act out.
- *Cultural Awareness*: Teachers and staff will be aware of the cultural backgrounds of students who have cultural norms that sometimes conflict with school norms. This awareness helps adults in the Charter School better understand student intentions and enables them to respond more appropriately to issues that may arise.
- *Culture of mutual respect*: A culture of respect results in students feeling that their voices are heard and respected so there is less need to work against the system and resort to negative behaviors. Students are be expected to respect adults on campus but teachers are also aware that respect is a two-way street and needs to be earned.
- *Positive Reinforcement*: At New LA Elementary we honor and celebrate positive student behaviors. This may takes the form of shout outs, awards, "caught REPping New LA" campaigns, Student of the Month, student leadership opportunities and more.

When discipline issues do arise New LA is committed to handling them in the most appropriate ways. In accordance with the District's Policies New LA will implement a tiered behavior intervention system, which will include alternatives to suspension. Please see the chart below for further description of Tiered Behavior Intervention:

Tier 1 focuses on prevention of negative behaviors as well as appropriate responses to minor student behaviors. Tier 2 and 3 are progressive consequences and responses to continued behaviors when a student is unresponsive to the interventions in the lower tiers.

Tier 1	Tier 2	Tier 3
• Positive school culture • Mutual respect • Consistent classroom norms and effective classroom management • Consistent consequences for student behavior • Engaging lessons • Positive reinforcement • Collaboration with families	• Individualized alternatives to suspension for students who are unresponsive to Tier 1. • Collaboration with families • Counseling/social skills instruction through partner programs • Increased academics support • Behavior contracts • Classroom management	• Individualized alternatives to suspension for students who are unresponsive to Tier 1 and Tier 2. • Collaboration with families • Alternatives to suspension • Counseling and social skills instruction. • SSPT meeting • Multi agency collaboration

• Classroom meetings/circles	support for teachers	• Community and service learning • Restorative conferences

Restorative Justice:
Restorative justice is embedded in behavioral support and social emotional practices at New LA Elementary. New LA faculty know that the first step of running a school with restorative justice at the core is to focus on building relationships and community. Relationship building (individually, in the classroom and school-wide) sets the stage for students and staff to have trust in each other. When issues do arise, situations can be addressed in the spirit of repairing or restoring relationships. This can take the form of a class circle to address behavior that effected the whole class or a restorative conference to address major disciplinary incidents. A restorative conference is a process by which the various parties involved in an incident come together to restore harm. It is a mediated conference in which there is reflection and goal setting and administrators are trained in facilitating these conferences as an alternative to suspension.

Alternatives to suspension: At New LA Elementary we believe strongly that students are best served when in the classroom and we view the teachers and staff's role when it comes to discipline as teachers and not punishers. We know that students make mistakes and we treat discipline situations as mistakes that can be learned from. Thus we employ alternatives to suspension whenever possible, a partial list of some alternatives to suspension are listed below:

- Conflict resolution
- Restorative justice
- Reflective Journaling
- Parent conference
- Behavior contract
- Counseling
- Individualized student safety plan
- Change of schedule/class

Professional development: Teachers at New LA Elementary receive professional development in effective classroom management techniques and building a positive classroom culture and Culturally Responsive Teaching. Additionally, as stated above we consider the teacher role to be a supportive and instructive one. While consequences may be necessary in some situations our teachers will be trained in implementing developmentally appropriate consequences that help the student learn about their poor decisions and make better ones in the future. Teachers will use the Pre-Referral Intervention Manual (PRIM) as a reference for appropriate responses to classroom behaviors.

It is the responsibility of the principal to train and support teachers in positive behavior support, and to communicate the Charter School's policies and practices including how to file a complaint with families.

Using Data: New LA has a comprehensive system of Positive Behavior Interventions and Supports. Using R.E.P. as common language (Respect, Engagement, Passion) around the mission pillars and PBIS, students are empowered to modeling positive behavior. Every week students who receive REP tickets are entered into a raffle for small prizes that are announced during an all school morning assembly.

When a student does not R.E.P. by breaking a rule or expectation, the situation is usually often handled by the classroom teacher. One-on-one engagement with students, conflict resolution, mindfulness practices, frequent communication with parents and incentive systems are all examples of strategies used in the classroom to prevent and respond to discipline incidents. When an incident cannot be handled by the classroom teacher or yard supervisor, the student is referred to the Assistant Principal who employs similar techniques and establishes appropriate consequences when necessary. Each of these incidents is documented and logged in Power School. These data are used in a variety of ways:

- Individual student data is shared during parent/teacher conferences (2x year) and reflected on.

- School-wide discipline data is reviewed by the PBIS committee to inform changes to the PBIS plan.
- The PBIS committee, led by the Assistant Principal presents data each trimester to the full staff.
- Data in Powerschool can be analyzed by incident type, gender and race/ethnicity and date

In-School Suspension

As stated above we believe that it is important for students to remain in class as much as possible. However, there are cases in which a student may need to be removed and placed in an in-school suspension. A student may be assigned to in-school suspension, at the discretion of the Executive Director or his/her designee, for one of the enumerated offenses for discretionary suspension set forth below, provided the student poses no threat or danger to the safety of the Charter School campus, students, and/or staff. To ensure the safety of all Charter School students, staff, and visitors, students who violate Education Code Sections 48900.3 (caused, attempted to cause, threatened to cause, or participated in an act of hate violence), 48900.4 (engaged in harassment, threats, or intimidation against a pupil or group of pupils or school district personnel), or 48900.7 (made terrorist threats against school officials or school property, or both) are precluded from in-school suspensions.

If a student were assigned to in-school suspension he/she would be provided with work to complete from his/her classroom teacher and would check in with that teacher at the beginning and end of the day be caught up on what was missed. Any student serving an in-school suspension will be appropriately supervised at all times during the school day in a separate room from their regular classroom. Students with disabilities will continue to be provided with all supports and services as described in their IEP. In addition, the student would be expected to complete a reflection about his/her behavior and set goals for future behavior. When appropriate, the student would receive counseling support either from a school administrator or school counselor.

In-school suspension shall be preceded, if possible, by a conference conducted by the Principal or his/her designee with the student and his or her parent/guardian and, whenever practical, the teacher, supervisor or Charter School employee who referred the student to the Principal or designee. The conference shall be conducted in a manner consistent with the conference conducted for out-of-school suspensions, as described below. Upon decision to assign a student to in-school suspension, the parent will be contacted by phone and written notice, outlining the reason for and duration of the in-school suspension. In-school suspension would be limited to 1 day per incident and 5 days in one academic school year.

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 the Charter School or at any other school or a School sponsored event, occurring at anytime including but not limited to: a) while on school grounds; b) while going to or coming from school; c) during the lunch period, whether on or off the school campus; or d) during, going to, or coming from a school-sponsored activity.

Suspension Offenses

At New LA Elementary, we believe in the goals of the District's Discipline Foundation Policy: School-Wide Positive Behavior Intervention and Support. We believe that it is the right of all students to attend schools with climates that focus on safety, teaching, learning and interpersonal relationships that enhance student learning and well-being. Every student has the right to be educated in a safe, respectful, and welcoming environment. Every educator has the right to teach in an atmosphere free from disruption and obstacles that impede learning. New LA Elementary will develop a culture of discipline built on positive behavior support and interventions.

There are situations that may require suspension in response to student misconduct; however, suspension, including supervised suspension (such as in-school suspension and class suspension), will be utilized for adjustment purpose only when other means of correction have failed to bring about proper conduct and/or

safety is at risk. Prior to issuing a student suspension, Charter School administrators will implement a system of positive behavior support and strategic intervention that are age appropriate and designed to progressively and effectively address and correct the student's specific misconduct.

Whenever possible, the Charter School will utilize positive behavior support and interventions for violations, prior to or in lieu of suspension, to resolve disciplinary issues. Students enrolled in kindergarten and grades 1 to 3 shall not be suspended or expelled due to sexual harassment, an act of hate violence, or threats and intimidation against district personnel or pupils. To date, New LA Elementary has maintained a 0% suspension rate since the inception of the Charter School.

1. Discretionary Suspension Offenses. The following list may change, and the Charter School will review and update the list annually to comply with applicable laws and policies. Students may be suspended for any of the following acts when it is determined the pupil:

- Caused, attempted to cause, or threatened to cause physical injury to another person.
- Willfully used force of violence upon the person of another, except self-defense.
- 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.
- 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.
- Committed or attempted to commit robbery or extortion.
- Caused or attempted to cause damage to school property or private property, which includes, but is not limited to, electronic files and databases.
- Stole or attempted to steal school property or private property, which includes, but is not limited to, electronic files and databases.
- 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.
- 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 Section 11014.5.
- Knowingly received stolen school property or private property, which includes, but is not limited to, electronic files and databases.
- 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.
- 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.
- Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- Engaged in, or attempted to engage in hazing. For the purposes of this policy, "hazing" means a method of initiation or pre-initiation 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.
- 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.

- 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 5, inclusive.
- Caused, attempted to cause, threaten to cause or participated in an act of hate violence, as defined in Education Code Section 233(e). This provision shall apply to pupils in any of grades 4 to 5, inclusive.
- 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 5, inclusive.
- Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
    a. "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.
    b. "Electronic Act" means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
        i. A message, text, sound, video, or image.
        ii. A post on a social network Internet Web site including, but not limited to:
            1. 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.
            2. 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.
            3. 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.

1. 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.
2. 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.

c. 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.

- A student who aids or abets, as defined in Section 31 of the Penal Code Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a student who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1)(a)-(b).
- 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 Executive Director or designee's concurrence.

2. Non- Discretionary Suspension Offenses: Students must be suspended and recommended for expulsion for any of the following acts when it is determined the pupil:

- Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other destructive device unless, in the case of possession of any device of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Head of School or designee's concurrence.
- Brandished a knife at another person.
- Unlawfully sold a controlled substance listed in Health and Safety Code Section 11053, *et seq.*
- Committed or attempted to commit a sexual assault or committed a sexual battery as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289 of former Section 288a of the Penal Code or committed a sexual battery as defined in Penal Code Section 243.4.

Suspension Procedure

Suspensions shall be initiated according to the following procedures:

Conference

Suspension shall be preceded, if possible, by a conference conducted by the Principal or designee with the student and the student's parent/guardian and, whenever practical, the teacher, supervisor or Charter School employee who referred the student to the Principal or designee. The conference may be omitted if the Principal or designee determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or school personnel. If a student is

suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference.

At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against the student and shall be given the opportunity to present their version and evidence in their defense, in accordance with Education Code Section 47605(c)(5)(J)(i). This conference shall be held within two (2) school days, unless the student waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization.

No penalties may be imposed on a student for failure of the student's parent 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/guardian at the conference.

Notice to Parents/Guardians

At the time of suspension, the Principal or designee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension and the date of return following suspension. This notice shall state the specific offense(s) committed by the student as well as the date when the student may return to school following the suspension. In addition, the notice may also state the time when the student may return to school. If 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.

Suspension Appeal

A student may appeal a suspension to the Executive Director in writing within 3 (three) school days following the suspension. The Executive Director shall make a determination on the appeal within two (2) school days following receipt of the appeal. The decision of the Executive Director is final.

During the appeal, the student may participate in his/her educational program as normal.

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 Executive Director or Director's designee, the student and the student's parent/guardian or representative will be invited to a conference to determine if the suspension for the student should be extended pending an expulsion hearing. In such instances when the Charter School has determined a suspension period shall be extended, such extension shall be made only after a conference is held with the student or the student's parent/guardian, unless the student and the student's parent/guardian fail to attend the conference. This determination will be made by the Executive Director or designee upon either of the following determinations: 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.

Expellable Offenses

1. Discretionary Expellable Offenses: Students may be recommended for expulsion when it is determined the student:

    - Caused, attempted to cause, or threatened to cause physical injury to another person.
    - Willfully used force of violence upon the person of another, except self-defense.

- 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.
- 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.
- Committed or attempted to commit robbery or extortion.
- Caused or attempted to cause damage to school property or private property, which includes, but is not limited to, electronic files and databases.
- Stole or attempted to steal school property or private property, which includes, but is not limited to, electronic files and databases.
- 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.
- 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 Section 11014.5.
- Knowingly received stolen school property or private property, which includes, but is not limited to, electronic files and databases.
- 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.
- 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.
- Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- 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.
- 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.
- 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 5, inclusive.
- Caused, attempted to cause, threaten to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This policy shall apply to pupils in any of grades 4 to 5, inclusive.
- Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.

1. "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
    i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of their age, or for a person of their age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
    ii. Causing a reasonable student to experience a substantially detrimental effect on their physical or mental health.
    iii. Causing a reasonable student to experience substantial interference with their academic performance.
    iv. Causing a reasonable student to experience substantial interference with their ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
2. "Electronic Act" means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
    i. A message, text, sound, video, or image.
    ii. A post on a social network Internet Web site including, but not limited to:
        1. 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.
        2. 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.
        3. 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.
        1. 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.
        2. 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.

- A student who aids or abets, as defined in Section 31 of the Penal Code Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a student who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1)(a)-(b).
- 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 Executive Director or designee's concurrence.

2. Non-Discretionary Expellable Offenses: Students must be expelled for any of the following acts when it is determined pursuant to the procedures below that the student:

   - Possessed, sold, or otherwise furnished any firearm, explosive, or other destructive device unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Executive Director or designee's concurrence.
   - Brandished a knife at another person.
   - Unlawfully sold a controlled substance listed in Health and Safety Code Section 11053, *et seq.*
   - Committed or attempted to commit a sexual assault or committed a sexual battery as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289 of former Section 288a of the Penal Code or committed a sexual battery as defined in Penal Code Section 243.4.

If it is determined by the Administrative Panel or the Governing Board 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 dangerous 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.

Authority to Expel

As required by Education Code Section 47605(c)(5)(J)(ii), students recommended for expulsion are entitled to a hearing adjudicated by a neutral officer to determine whether the student should be expelled. The procedures herein provide for such a hearing and the notice of said hearing, as required by law.

A student may be expelled either by the neutral and impartial Administrative Panel following a hearing before it or by the Board upon hearing an appeal of an Administrative Panel to be assigned by the Board 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's governing board. Each entity shall be presided over by a designated neutral hearing chairperson. The Administrative Panel may decide to expel any student found to have committed an expellable offense. The Board of Directors shall make the final determination if the Administrative Panel's decision is appealed.

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 Executive Director or designee determines that the student has committed an expellable offense and recommends the student for expulsion.

The Administrative Panel conducts the hearing and makes the decision whether to expel. The hearing shall be held in closed session (complying with all student confidentiality rules under the Family Educational Rights and Privacy Act ("FERPA")) unless the student makes a written request for a public hearing in open session three (3) days prior to the date of the scheduled hearing.

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least ten (10) calendar days before the date of the hearing. Upon mailing the notice, it shall be deemed served upon the student. The notice shall include:

1. The date and place of the expulsion hearing;
2. A statement of the specific facts, charges and offenses upon which the proposed expulsion is based;
3. A copy of 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.

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 which shall be examined only by the Charter School or Panel Chair. 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 person or panel conducting the 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 person 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 person 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 the public at the request of the student being expelled, the complaining witness shall have the right to have their testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.
10. Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the entity conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstance can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

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 decision by the Administrative Panel to expel must be supported by substantial evidence that the student committed an expellable offense.

Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay. Sworn declarations may be admitted as testimony from witnesses of whom the Administrative Panel determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

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

Expulsion Decision

The decision of the Administrative Panel shall be in the form of written findings of fact and will serve as a final determination regarding the expulsion.

If the Administrative Panel decides not to expel a student, 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.

Expulsion Appeal

A student may appeal the Administrative Panel's expulsion decision to the Charter School Board of Directors in writing within ten (10) school days following the Administrative Panel's decision. The Board shall make a determination on the appeal within ten (10) school days following receipt of the appeal. The decision of the Board is final.

If the Board of Directors reverses the Administrative Panel's expulsion decision, the pupil shall immediately be returned to his/her educational program.

Written Notice to Expel

The Executive Director or designee following a decision of the Administrative Panel to expel, or the Board of Directors to uphold the Administrative Panel's decision to expel, shall send written notice of the decision to expel, including the adopted findings of fact, to the student and student's parent/guardian. This notice shall also 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 in which the student seeks to enroll of the student's status with the Charter School.
- Rehabilitation Plan

The Executive Director 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:

- The student's name
- The specific expellable offense committed by the student

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.

Expelled Students/Alternative Education

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

Rehabilitation Plans

Students who are expelled from the Charter 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 (1) year from the date of expulsion when the student may reapply to the Charter School for readmission.

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 following a meeting with the Executive Director or designee and the student and student's parent/guardian or representative to determine whether the student has successfully completed the rehabilitation plan and to determine whether the student poses a threat to others or will be disruptive to the school environment. The Executive Director or designee shall make a recommendation to the Board following the meeting regarding the Executive Director'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.

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.