

Subject: Suspension and Expulsion Policy	Board Policy No. BP 9100	Page No.
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The policy intends to provide parents and students with an opportunity to learn from student choices that impact themselves or others in negative ways. It is the San Diego Cooperative Charter Schools (SDCCS) Board’s intent to use these experiences as teachable moments backed with progressive consequences when deemed appropriate by the administration. School leaders will help students problem solve and develop a heightened sense of personal and community responsibility, leading to conflict resolution. The model for positive discipline is instituted based on academic theory derived from Richard Ryan and practical experience documented by Jane Nelsen. This five-step program includes the following adult led processes:

1. Isolate (meet one-on-one with the student)
2. Ask and Listen (listen to the child's side of the story)
3. Speak and Specify (a strong, calm, well-reasoned, focused message)
4. Offer (offer positive reinforcement)
5. Decide and Act (support the child in a responsible plan that is mutually agreeable)

When student behaviors and/or acts are serious in nature and meet one of the acts listed in California Education Code 48900, the suspension and/or expulsion process will be instituted. The purpose of the suspension and expulsion procedures will be to ensure a safe and effective learning environment. Successful procedures will provide for due process, be specific and concrete, and be supported by the school community. The principal of the school, a staff member serving as acting principal when the principal is absent, and the Director of Extended Day (for EDP participants only) have the authority to suspend students when necessary. The school will maintain records of all suspensions and will report the suspension of any students to state and federally mandated parties including the suspension of special education students.

While suspension and expulsion are to be regarded as a last resort, this suspension and expulsion policy is communicated to parents and students in the parent and student handbooks.

Per Education Code 48900 *et al.*, students at SDCCS may be suspended for the following offenses. Items marked with a * are offenses that may require police contact and a recommendation for expulsion:

- Physical injury to another person*
- Possession of weapons*
- Possession/use of illegal substance*
- Robbery/Extortion
- Damage to school or personal property*
- Tobacco use/possession
- Obscenity
- Drug paraphernalia*
- Disruption/defiance
- Receiving stolen property*

- Possession/use of imitation firearm*
- Sexual assault/battery*
- Harassment
- Selling prescription drugs*
- Hazing*
- Aiding & Abetting
- Sexual Harassment (grades 4-8)
- Hate violence* (grades 4-8)
- Intimidation through harassment/threats* (grades 4-8)
- Terroristic threats*

Prior to suspending a student, if circumstances permit, the student and his/her parents shall be given a written statement of the reasons for suspension or expulsion and will be provided with a copy of their due process rights. The student and his/her parents shall also be given an opportunity to meet with the school principal to present any evidence as to why a suspension should not be imposed. If circumstances require an immediate suspension, written notice and an opportunity to meet shall be provided to the student and his/her parents within three days of the suspension.

If a student is to be suspended for more than five consecutive days to 20 total days within the year, or if an expulsion is recommended, the following procedures apply.

The student must be given written notice of the proposed long-term suspension or expulsion and of the reasons. If the student or his/her parents contest the proposed disciplinary action, they will have ten business days from the date of delivery of the written notice of suspension or expulsion to declare in writing their request for an appeal that is to be submitted to the principal.

In necessary situations, an Expulsion Committee will be convened. The Expulsion Committee will be made up of the executive director, and two school administrators that had no direct association with the disciplinary actions to be reviewed. When this is not possible, a SDCCS teacher that holds a current administrative credential will be selected to serve on the expulsion committee.

The Expulsion Committee will convene and respond to the appeal within 15 business days. The Expulsion Committee will consider evidence and/or testimony, as it deems appropriate and will provide a written recommendation that shall be in the best interest of the students and the School. The Expulsion Committee recommendation will be forwarded to the Board of Directors for action. The Board's decision shall be final.

The student shall have the right to be represented by counsel at the hearing before the Expulsion Committee and before the Board of Directors, in closed session (or at the student's request, in open session), to present evidence on his/her own behalf, and to confront and cross-examine adverse witnesses and School representatives.

The written notice to the student of the proposed disciplinary action must advise the student of the above-listed rights, and must specify the date, time, and place of the disciplinary hearing. The disciplinary hearing shall be held within 30 days from the date the student was originally suspended.

In cases where the student is recommended for expulsion after suspension, the student will remain in suspension status until the expulsion hearing, and will participate in a home study or other alternative program.

Once a charter student is expelled, rules of district residency apply. A charter-expelled district student must be treated the same as district expelled students and must comply with Education Code section 48915.1. The School will notify the District of any expulsions and will forward the student's residence and records.

Charter school practice (for suspensions and expulsions) for Special Education students will be in accordance with federal and state laws, especially in relation to the maximum number of days for which a pupil can be suspended and in those instances when a student may be suspended pending an expulsion hearing. SDCCS will use a computer-based system for recording behavior incidences including suspension and expulsion. The School Principal will notify the Special Education Administrator if any student with an active IEP is suspended for any reason.

Recommended Suspension and Expulsion Guidelines

The SDCCS community embraces following guiding principles for conduct between and among all members of our school community:

- Respect Yourself.
- Respect Others.
- Respect the Environment.

Students who do not respond to redirecting may experience additional consequences as noted below:

- Loss of short term privileges at school.
- Detained in class for a specified period of time.
- Detained in the office for a specified period of time.
- Loss of school privileges such as field trips, dances, lunch zones, and walking in graduation.
- In-school suspension.
- Out-of-school suspension.
- Expulsion.

Effective January 1, 2009 school officials may suspend or recommend for expulsion students who participate in sexual harassment, hate violence or severe or pervasive intentional harassment, threats, or intimidation that are committed personally or by means of an electronic communications device or systems.

Students who are suspended are to remain at home during school hours under the direct supervision of the parent or guardian. Suspended students are prohibited from entering the premises of SDCCS except in connection to an authorized or official meeting related to the suspension. If a student is recommended for expulsion a five day suspension will be issued until action is taken on the recommended expulsion.

Weapons, Violent Acts, and Fighting

The SDCCS Board believes in the principal and/or principal designee's judgment. Possession and/or use of weapons, violent acts and fighting will not be tolerated. Students may be suspended and recommended for expulsion for these acts. Students are subject to arrest if having or using the weapon violates the law. Weapons include guns, knives, BB guns, replica guns, explosives, fireworks or any object that is used in a threatening or harmful manner. Carrying any kind of knife (for example, a pocket knife or butter knife) is not allowed. Any object used in a threatening manner will be considered a weapon even if its normal use is not as a weapon. Students who are involved in repeated fights that cause physical injury will be recommended for expulsion.

Alcohol, Tobacco and Other Drugs

SDCCS prohibits alcohol, tobacco and other drug use on all school campuses, at sponsored events and going to and from school or school-sponsored events. Students found to be selling or furnishing controlled/prohibited substances, or in possession of an amount of a controlled/prohibited substance determined to be for more than personal use, will be recommended for expulsion on the first offense. For possession or use of a controlled/prohibited substance, expulsion will be recommended on the third offense. If a student is found in possession of tobacco, he/she may be suspended on the third offense.

Harassment

In accordance to Education Code section 32261, SDCCS is committed to making schools free from any kind of harassment, including sexual harassment, and prohibits such actions by any person in the educational setting. Harassment is defined as any verbal or nonverbal conduct that has the purpose or effect of a negative impact on the student's academic performance, or of creating an intimidating, hostile or offensive educational environment. If a student is found to have violated this policy, he/she will be subject to the progressive discipline steps outlined below.

Sexual Harassment

SDCCS is committed to making the schools free from sexual harassment. This means that SDCCS prohibits harassment made by someone from or in the educational setting. Sexual harassment can be such actions as unwelcome sexual advances; request for sexual favors; or verbal, visual, or physical conduct of a sexual nature made by someone from or in the educational setting. SDCCS prohibits conduct that has the purpose or effect of having a negative impact on the student's academic performance, or creates an intimidating, hostile, or offensive educational environment. SDCCS further prohibits sexual harassment in which a student's grades, benefits, services, honors, program or activities are dependent on submission to such conduct. If a student is found to have violated this policy, he/she will be subject to the progressive discipline steps outlined below.

Bullying, Harassment, and Intimidation Policy

Bullying (including cyberbullying), harassment, or intimidation in any form are prohibited at school or school-related events (including off-campus events, school-sponsored activities, school buses, any event related to school business) or outside of school hours with the intention to be carried out during any of the above. Such acts include those that are reasonably considered as being motivated either by an actual or perceived attribute that includes but is not limited to race, religion, creed, color, marital status, parental status, veteran status, sex, sexual orientation, gender expression or identity, ancestry, national origin, ethnic group identification, age, mental or physical disability or any other distinguishing characteristic. SDCCS further prohibits the inciting, aiding, coercing or directing of others to commit acts of bullying or cyber-bullying, harassment or intimidation. Any staff member who observes, overhears or otherwise witnesses such actions or to whom such actions have been reported must take prompt and appropriate action to stop the behavior and to prevent its reoccurrence. Students who observe, overhear or otherwise witness such actions must report them to a staff member. Parents or guardians and visitors are also encouraged to report the behavior to a staff member. If a student is found to have violated this policy, he/she will be subject to the progressive discipline steps outlined below.

Policy for Bullying Prevention

SDCCS believes that all students have a right to a safe and healthy school environment. The school and community have an obligation to promote mutual respect, tolerance, and acceptance. SDCCS will not tolerate behavior that infringes on the safety of any student. A student shall not intimidate or harass another student through words or actions. Such behavior includes: direct physical contact, such as hitting or shoving; verbal assaults, such as teasing or name-calling; and social isolation or manipulation. Acts of this nature shall be considered bullying when the elements of bullying behavior are also present. The three elements of

bullying include: (1) a power differential (either in physical size or popularity); (2) repetitive; (3) and intentional.

SDCCS expects students and/or staff to immediately report incidents of bullying to the principal or designee. All staff are expected to immediately intervene when they see a bullying incident occur. Each complaint of bullying should be documented by a referral to the principal and be promptly investigated. This policy applies to students on school grounds, while traveling to and from school or a school-sponsored activity, during the lunch period, whether on or off campus, and during any school-sponsored activity. If a student is found to have violated this policy, he/she will be subject to the progressive discipline steps outlined below.

Students in violation of this policy are subject to progressive disciplinary as follows: (The principal has broad discretion to alter the consequences recommended below)

First Incident: Verbal Warning and Notify Parents.

Recorded in writing by a referral to the school counselor; counselor investigates the incident, identifies the elements of violation (power difference, repetitive, and intentional). The counselor notifies the principal. The principal meets separately with the victim, the perpetrator and any witnesses. Principal notifies the entire staff and contacts the parent.

Second Incident: Two Days In-School Suspension.

Recorded in writing by a referral to the principal; principal investigates the incident, notifies the parent, notifies all staff, and places the student on two days of in-school suspension.

Third Incident: Four Days Out-of-School Suspension.

Recorded in writing by a referral to the principal; principal investigates the incident; notifies the parent, notifies all staff; and places the student on four days of suspension.

Fourth Incident: Expulsion

Recorded in writing by a referral to the principal; principal investigates the incident; notifies the parent; and places the student on five days of suspension pending expulsion.

Students Speaking Out

Students Speaking Out provides a way for students to safely report school crimes anonymously via phone, text, or the internet without fear of retaliation by calling (888) 580-TIPS (8477), texting to 274637 or going to www.studentsspeakingout.org

The Suspension and Expulsion Board Policy is available online and at the school.

Board Review 3/21/2017

Board Approval 4/18/2017