



2020/2021

Annual Notifications

Gateway Community Charters (GCC) Annual Notifications

On behalf of Gateway Community Charters (GCC), I am pleased to welcome you to the 2002/2021 school year. Gateway Community Charters continues to refine, improve and fulfill its vision of creating quality school choice with an emphasis on serving vulnerable populations. As the GCC enters its eighteenth year, we continue to be focused on our 'be brave' mantra and our journey to excellence culture. We have recognized that our highroad forward to excellence is together and 'Ubuntu' (the South African term translated as "I am because we are") will inspire inform and guide our work across our 9 schools and 19 physical locations in the 2020-21 school year.

As a Capturing Kids' Hearts organization, we believe that strong positive relationships are the foundation for everything we do – from the classroom to the boardroom and out into the community.

This year and this work – and all of us together focused to serve our students and their needs – this is purposeful, meaningful and significant work. I hope you are as excited as I am to be a part of the journey.

With heart,

Dr. Cindy Petersen

Gateway Community Charters Superintendent/CEO

GCC LEADERSHIP

Dr. Cindy Petersen ~ Superintendent/CEO

Jason Sample ~ Deputy Superintendent

Dr. Christine McCormick ~ Assistant Superintendent

Aaron Thornsberry ~ Chief Business Official

GCC BOARD

Lillie Campbell ~ Board President

Bruce Mangerich ~ Board Vice President

Jack Turner ~ Board Secretary

Mark Anderson ~ Board Treasurer

Harry Block ~ Board Member

GCC SCHOOL SITE LEADERSHIP

Jon Campbell ~ Community Collaborative Charter School
Larissa Gonchar ~ Community Outreach Academy Elementary School
Scott Jonard ~ Community Outreach Academy Middle School
Dr. Jerry Kosch ~ Empowering Possibilities International Charter
Nataliya Panasiuk ~ Futures High School
Joi Tikoi ~ Gateway International School
Erin Marston ~ Higher Learning Academy
Morri Elliott ~ Sacramento Academic and Vocational Academy

KNOW YOUR EDUCATIONAL RIGHTS

Nondiscrimination in GCC Programs and Activities

The Board of Directors is committed to providing equal opportunity for all individuals in GCC programs and activities. GCC programs, activities, and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

Extracurricular and Co-curricular Activities Non-Discrimination Statement

The GCC Board recognizes that extracurricular and co-curricular activities enrich the educational and social development and experiences of students. The GCC shall encourage and support student participation in extracurricular and co-curricular activities without compromising the integrity and purpose of the educational program. No extracurricular or co-curricular program or activity shall be provided or conducted separately and no GCC student's participation in extracurricular and co-curricular activities shall be required or refused based on the student's race, religious creed, color, national origin, immigration status, citizenship status, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. Requirements for participation in extracurricular and co-curricular activities shall be limited to those that are essential to the success of the activity. Any complaint regarding the GCC's extracurricular and co-curricular programs or activities shall be filed in accordance with GCC - Uniform Complaint Procedures. No student shall be prohibited from participating in extracurricular and co-curricular activities related to the educational program because of inability to pay fees associated with the activity. Requirements for participation in extracurricular and co-curricular activities shall be limited to those that are essential to the success of the activity. Any complaint regarding the GCC's extracurricular and co-curricular programs or activities shall be filed in accordance with GCC - Uniform Complaint Procedures. No student shall be prohibited from participating in extracurricular and co-curricular activities related to the educational program because of inability to pay fees associated with the activity.

Your Child has the Right to a Free Public Education

All children have a right to equal access to free public education, regardless of their or their parents'/guardians' immigration status. All children in California:

- Have the right to a free public education.
- Must be enrolled in school if they are between 6 and 18 years old.
- Have the right to attend safe, secure, and peaceful schools.
- Have a right to be in a public school learning environment free from discrimination, harassment, bullying, violence, and intimidation.
- Have equal opportunity to participate in any program or activity offered by the school without discrimination.

Information Required for School Enrollment

- Schools may accept a variety of documents from the student's parent or guardian to demonstrate proof of child's age.
- Information about citizenship/immigration status is never needed for school enrollment. A Social Security number is never needed for school enrollment.

Confidentiality of Personal Information

- Federal and state laws protect student education records and personal information. These laws generally require that schools get written consent from parents or guardians before releasing student information, unless the release of information is for educational purposes, is already public, or is in response to a court order or subpoena.

Family Safety Plans if You Are Detained or Deported

- You can update your child's emergency contact information, including secondary contacts, to identify a trusted adult guardian who can care for your child if you are detained or deported.
- You can complete a Caregiver's Authorization Affidavit or a Petition for Appointment of Temporary Guardian of the Person to give a trusted adult the authority to make educational and medical decisions for your child.

Right to File a Complaint

Your child has the right to report a hate crime or file a complaint to the school GCC if he or she is discriminated against, harassed, intimidated or bullied because of his or her actual or perceived nationality, ethnicity, or immigration status.

Checklist for Immigrant Students and Families Attending Public Schools

1. You do not have to share the following information with school officials:

- You do not have to share information, including passports or visas, regarding the immigration status of students, parents, guardians, or other family members.
- You do not have to provide Social Security numbers (SSN) or cards.
- When completing the “Free and Reduced-Price Meals” form, only provide the last four digits of the SSN of the adult household member who signs the application.
- If the family meets the income eligibility requirements and no adult household member has a SSN, your child still qualifies. Check the “No SSN” box on forms where applicable, to ensure that applications are complete.
- If any household member participates in CalFresh, CalWORKs (California Work Opportunity and Responsibility for Kids), or FDPIR (Food Distribution Program on Indian Reservations), no adult household member needs to provide the last four digits of his or her SSN to qualify the student for free or reduced-price meals at school.
- When providing information for proof of a student’s residency or age, you do not have to use documents that could reveal information related to immigration status.

2. Take steps to protect student information:

- Ask for the school’s written privacy policies regarding student information.

3. Take steps to prepare for situations where one or more parents or guardians are detained or deported:

- Develop and keep in a safe place a “Family Safety Plan” (example: https://www.lirs.org/assets/2474/bna_beinformed_safetyplanningtoolkit.pdf) that includes the following information:
 - Name of a trusted adult to care for your child if no parent or guardian can.
 - Emergency phone numbers and instructions on where to find important documents (birth certificates, passports, Social Security cards, doctor contact information, etc.)
- Make sure that your child’s school always has current emergency contact information, including alternative contacts if no parent or guardian is available.

SERVICES AND INFORMATION FOR STUDENTS AND FAMILIES

Diversity, Equity and Inclusion

Gateway Community Charters respects, affirms, and protects the dignity and human worth of each member of its community. We value differences and seek to actively pursue diversity, promote inclusion and ensure equity. The Gateway Community Charters Board believes that the diversity that exists among the GCC's community of students, staff, parents/guardians, and community members is integral to the organizations' vision, mission, and goals.

The GCC will promote a welcoming and inclusive environment for people of all identities, diverse perspectives and life experiences. From this perspective, we envision schools where every student meets their highest potential and where differences are celebrated and maximized to achieve excellence.

The GCC is committed to fully embrace our rich, diverse community as expressed through race, ethnicity, socioeconomic status, ability, sexual orientation, gender identity, gender expression, religion, national origin, immigration status, language background, language proficiency, and family structure.

Diversity, Equity and Inclusion Mission:

Gateway Community Charters will actively include and value all students and work to meet their unique learning needs while actively developing their understanding and respect of differences, thus preparing them to thrive in an inclusive, global society.

Addressing the needs of the most marginalized learners requires recognition of the inherent value of diversity and acknowledgement that educational excellence requires a commitment to equity in the opportunities provided to students and the resulting outcomes.

The Board and the Superintendent or designee shall support the following goals of the GCC Diversity, Equity and Inclusion Strategic Plan:

Goal 1. Ensure a welcoming, safe, inclusive and equitable school community

Goal 2. Reduce the opportunity gap for structurally disadvantaged students.

Goal 3. Incorporate the use of culturally relevant and responsive instruction and curriculum.

Goal 4. Recruit and retain diverse and culturally competent administrators and staff.

Goal 5. Create and ensure culturally responsive and equity-informed policies and practices.

In order to eradicate institutional bias of any kind, including implicit or unintentional biases and prejudices that affect student achievement, and to eliminate disparities in educational outcomes for students from historically underserved and underrepresented populations, the GCC shall proactively identify class and cultural biases as well as practices, policies, and institutional barriers that negatively influence student learning, perpetuate achievement gaps, and impede equal access to opportunities for all students.

The Board shall make decisions with a deliberate awareness of barriers and impediments to learning faced by the rich diversity of GCC students (described above). To ensure that equity is the intentional result of GCC decisions, the Board shall consider whether its decisions address the needs of all students and remedy the inequities that such students have historically experienced. Board decisions shall not rely on biased or stereotypical assumptions about any particular group of students.

The Board shall regularly monitor the implementation and outcomes of the Strategic Plan for Diversity, Equity and Inclusion as well as the intent and impact of GCC policies and decisions to ensure equitable access, opportunities and outcomes for all students regardless of circumstance.

FERPA

[Family Policy Compliance Office \(FPCO\) Home](#)

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

- Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.
- Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.

- Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
 - School officials with legitimate educational interest;
 - Other schools to which a student is transferring;
 - Specified officials for audit or evaluation purposes;
 - Appropriate parties in connection with financial aid to a student;
 - Organizations conducting certain studies for or on behalf of the school;
 - Accrediting organizations;
 - To comply with a judicial order or lawfully issued subpoena;
 - Appropriate officials in cases of health and safety emergencies; and
 - State and local authorities, within a juvenile justice system, pursuant to specific State law.

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school.

For additional information, you may call 1-800-USA-LEARN (1-800-872-5327) (voice). Individuals who use TDD may use the [Federal Relay Service](#).

Formal Complaint Process (Uniform Complaint)

GCC is responsible for complying with applicable state and federal laws and regulations governing educational programs. We will investigate all complaints alleging failure to comply with such laws and/or alleging discrimination and seek to resolve those complaints in accordance with the GCC's uniform complaint procedures. (5 CCR 4620) Employees, students, parents, guardians, or other parties wishing to file a complaint or seeking more information on this topic should contact the Student Services Department at (916) 566-1620.

When addressing complaints, Gateway Community Charters will follow uniform complaint procedures, which include:

- The investigation will be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension to the timeline.
- An unlawful discrimination complaint must be filed not later than six months from the date of the alleged discrimination incident, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination.

- The complainant has a right to appeal the GCC decision to the California Department of Education (CDE) by filing a written appeal within 15 days of receiving the GCC decision.
- The appeal to the CDE must include a copy of the complaint filed with the GCC and a copy of the GCC decision. The Student Services Department will provide information about available civil law remedies under state or federal discrimination laws if applicable. Department staff will also provide information about the appeal process, including the complainant's right to take the complaint directly to the CDE or to pursue remedies before civil courts or other public agencies. (EC 262.3) Questions about complaint procedures should be directed to Student Services at (916) 286-5199.

Student Complaints Notification

It is the intent of the GCC School to integrate conflict resolution skills into the curriculum. In accordance therewith, Students that have complaints against other students are encouraged to first address the issue with the person directly using the learned conflict resolution skills without the intervention of a school employee. If, however, the student does not feel comfortable with this approach or the complaint involves sexual harassment or discrimination, the student may notify a teacher or other school staff member. The teacher or staff member will notify the Principal of the complaint if it cannot be resolved immediately at that level.

Students who have complaints against school personnel or programs may notify a teacher or the Principal. If a teacher, or any other staff member, is notified of a student complaint against school personnel or programs, the teacher shall notify the Principal.

Procedures

Depending upon the nature of a complaint, the pupil will be provided information concerning the applicable policy and procedures to be followed. For instance, if the complaint is one of sexual harassment or other discrimination, the student will be provided with a copy of the Charter School's policy against harassment and discrimination and provided a complaint form and apprised of the procedures under the policy.

If the School has no specific policy or procedures for the particular complaint, the Principal, or his/her designee, will undertake a responsible inquiry into the pupil's complaint to ensure it is reasonably and swiftly addressed. When appropriate a written statement of the pupil's complaint will be obtained from the student.

Confidentiality

Complainants will be notified that information obtained from the pupil and thereafter gathered will be maintained in a manner as confidential as possible, but in some circumstances absolute confidentiality cannot be assured.

Non-Retaliation

Complainants will be advised that they will be protected against retaliation as a result of the filing of any complaints or participation in any complaint process.

Resolution

The administration will investigate student complaints appropriately under the circumstances and pursuant to the applicable procedures, and if necessary, take appropriate remedial measures to ensure effective resolution of any complaint.

Child Find Obligations

The Child Find process requires Gateway Community Charters (GCC) to identify, locate, and evaluate all children with disabilities residing in its jurisdiction. This obligation includes all students who attend private (including religious) schools, migrant or homeless students, students who are wards of the State, and students with suspected disabilities who are not advancing in grade level. (*20 USC 1412 (a)(3)(A), 20 USC 1412 (a)(10)(A)(ii)(I), 34 CFR 300.111, 34 CFR 300.131, 34 CFR 300.111(c)(2), 34 CFR 300.101(c), 30 EC 56301.*)

It is important to note that Child Find is a screening process that identifies children who have a disability, or are suspected of having a disability and may need special education and related services. Children identified through the Child Find process must still be assessed to confirm eligibility.

Court Orders

Gateway Community Charters is committed to working with parents and guardians to provide a supportive and stable learning environment for our students. Noncustodial parents retain the same rights as custodial parents, unless a court order restricts the rights of the noncustodial parent. These rights include, but are not limited to, accessing his/her child's student records, participation in school activities and visiting the child at school, preferably during non-instructional time. If a court order limits the noncustodial parent's rights, the parent/guardian with custody shall provide evidence of this action to the office staff of their child's school. In cases where there is no court ordered custody arrangement, both biological parents have equal rights to information about the student. If school staff is made aware of an attempted violation of a court order while the student is participating in a school activity, staff shall contact the custodial parent and the Gateway Community Charters. The student will not be released until the police department has responded and assisted in the determination of the appropriate course of action.

Homeless Education (McKinney-Vento Homeless Assistance Act)

Students in transition may immediately enroll in school if they live:

- In a shelter
- In a motel or hotel
- In a house or apartment with more than one family because of economic hardship or loss
- In an abandoned building, in a car, at a camp-ground, or on the street
- In temporary foster care or with an adult who is not the student's parent or guardian
- In substandard housing (no electricity, water, heat)
- With friends or family because the student is a runaway or an unaccompanied youth.

Under these conditions, a student may register and attend school without immediately providing:

- Proof of residency
- Immunization records
- School records
- Legal guardianship papers.

Foster Youth (AB 490) Foster youth may immediately enroll and attend school. Gateway Community Charters follows foster youth statutes including:

- Immediate enrollment
- Maintain school of origin
- Receive partial credits

Homeless, Foster Youth, and Former Juvenile Court School Pupil Graduation Requirements

Gateway Community Charters (GCC) has a duty to care for, support, and protect homeless students, children the state places into foster care, and former juvenile court school pupils. Homeless youth, foster children, and former juvenile court school pupils are all too often bounced from placement to placement and from school to school without regard to the impact on their education. These constant transitions often result in education-related problems, including a loss of school credits, academic problems, and a delay in earning a high school diploma. GCC recognizes that homeless youth, foster children, and former juvenile court school pupils in high school may have taken courses required for graduation in their current school GCC and then be forced to relocate. If this occurs in the junior or senior year the student may be faced with additional graduation requirements at his or her new school with little time to complete those courses in order to graduate with the rest of his or her class. It is therefore the intent of this policy to provide the option for homeless youth, foster children, and former juvenile court school pupils who transition to a school within the GCC in their junior or senior year be required to meet only minimal state standards for graduation. Schools within GCC will notify homeless students, former juvenile court school pupils, and a pupil in foster care who is granted an exemption, and, as appropriate, the person holding the right to make educational decisions for the pupil, if any of the requirements that are waived will affect the pupil's ability to gain

admission to a postsecondary educational institution, and to provide information about transfer opportunities available through the California Community Colleges.

Sexual Abuse and Sex Trafficking Prevention

Universal Citation: [CA Educ Code § 49381 \(2018\)](#) 49381.

(a) The GCC shall work with their schools that maintain any of grades 6 to 12, inclusive, to identify the most appropriate methods of informing parents and guardians of pupils in those grades of human trafficking prevention resources.

(b) The GCC shall implement the methods identified pursuant to subdivision (a) in their schools that maintain any of grades 6 to 12.

Searches of Students and Property

As necessary to protect the health, safety and welfare of students and staff, school officials may search students, their property and/or GCC property under their control and may seize illegal, unsafe and prohibited items. The GCC requires that discretion, good judgment and common sense be exercised in all cases of search and seizure. (*EC 49050*)

Financial Liability

Gateway Community Charters is not responsible for personal property brought to school sites or school activities. Parents or guardians may be held financially liable for acts of willful misconduct, including vandalism, by their children. Students known to be involved may be suspended and/or expelled and subject to criminal charges. In addition, GCC may withhold a student's grades, diploma, and transcript until restitution for damages is made or, if the minor and parents are unable to pay, upon completion of the performance of voluntary work in lieu of monetary payment for damages. Parents or guardians will be liable for all property belonging to the GCC that is loaned to the minor student and not returned. (*Civil Code 49510, EC 48904*)

ANTI –BULLYING POLICY

The GCC Board of Directors prohibits acts of bullying. The board has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Harassment or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its student in a safe environment. Demonstration of appropriate behavior, treating others with civility and respect, and refusing to tolerate bullying is expected of administrators, faculty, staff, and volunteers to provide positive examples for student behavior.

Bullying is defined as 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, that may be based on actual or perceived disability, gender, gender identity, gender expression, nationality, race, ethnicity, color, ancestry, religion, sexual orientation, age, marital or parental status, or association with a person or group with one or more of these actual or perceived characteristics. Acts of bullying include hate

violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing a reasonable student (defined as a student, including, but is not limited to a student with exceptional needs, who exercises average care, skill, and judgement in conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
2. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
3. Causing a reasonable student to experience a substantial interference with his or her academic performance.
4. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by GCC.

Acts of bullying may include:

- Committing sexual harassment as defined in Education Code Section 212.5. 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 section shall not apply to pupils enrolled in kindergarten and grades 1 to 3, inclusive.
- Causing, attempted to cause, threatened to cause, or participated in an act of, hate violence, as defined in subdivision (e) of Education Code Section 233. Hate violence includes any injury or threat to a person or damage to property based upon perception of a person's race, ethnicity, religion, ancestry, nationality, disability, gender, sexual orientation.
- Under Assembly Bill 9 (AB9) the "Safe Place to Learn Act", discrimination, harassment, intimidation and bullying based on actual or perceived characteristics is prohibited. School personnel who witness such acts must take immediate steps to intervene, when safe to do so.

Employees of Gateway Community Charters will use existing complaint investigation processes, timelines to investigate, and the appeals process for all such incidents.

Bullying through Electronic Acts, including cyber sexual bullying. 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 page. For more information regarding the definitions of Electronic Acts and cyber sexual bullying, please see GCC Board Policy 04-17 Suspension and Expulsion.

LOCAL WELLNESS POLICY

The GCC is committed to providing a learning environment that supports and promotes wellness, good nutrition, and an active lifestyle and recognizes the positive relationship between good nutrition, physical activity and the capacity of students to develop and learn. The entire school environment shall be aligned with healthy school goals to positively influence students' beliefs and habits and promote health and wellness, good nutrition and regular physical activity. In addition, school staff shall be encouraged to model healthy eating and physical activity as a valuable part of daily life.

Physical Education

The GCC shall offer physical education opportunities that include the components of a quality physical education program. Physical education shall equip students with the knowledge, skills, and values necessary for lifelong physical activity. Physical education instruction shall be aligned with the California Content Standards and consistent with the high school graduation requirements.

Required Comprehensive Sexual Health and HIV Prevention Education

Starting in grade 7, students must be provided with information about the following:

- Abstinence is the only certain way to prevent sexually transmitted infections, and has other social and personal benefits. Also, medically accurate information on other methods of preventing pregnancy and sexually transmitted infections must be provided.
- Sexually transmitted infections, including transmission, effectiveness and safety of all Food and Drug Administration (FDA) approved methods for reducing the risk of contracting sexually transmitted infections, and information on local sources for testing and medical care.
- The effectiveness and safety of all FDA approved contraceptive methods in preventing pregnancy, including emergency contraception.
- On safe-surrender sites for parents or other per-sons who have physical custody of children three (3) days old or younger, as detailed in Section 1255.7 of the Health and Safety Code and Section 2715.5 of the Penal Code. Schools must provide students in grades 7 through 12 with comprehensive sexual health and HIV prevention education at least once in middle or junior high school and in high school from instructors trained in teaching the subject. Board and state approved curriculum provides accurate and the latest information and recommendations from the United States Surgeon General, the federal Centers for Disease Control and Prevention, and the National Academy of Sciences.

Expectant and Parenting Students

The goals for the GCC's program serving expectant and parenting students shall be to provide continuity in education; increase attendance rates; enable achievement of academic standards;

increase graduation rates; develop positive parenting, decision-making and coping skills; develop economic self-sufficiency through job skills; and reduce the incidence of repeat pregnancies for minors. The instructional program provided for expectant students shall be determined on a case by case basis and shall be appropriate to the student's individual needs. The school principal or designee may grant students a level of absence due to pregnancy, childbirth or abortion for as long as it is deemed medically necessary. At the conclusion of the leave, the student shall be reinstated to the status she held when the leave began. Expectant and parenting students also may request exemptions from attendance because of physical or mental condition or because of personal services that must be rendered to a dependent.

STUDENT DISCIPLINE

Suspension and Expulsion

Governing Law: The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. These procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that is consistent with all of the following:

(i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for the pupil to present the pupil's side of the story.

(ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:

(I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.

(II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.

(iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five school days before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil's educational rights holder, and shall inform the pupil, the pupil's parent or guardian, or the pupil's educational rights holder of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent, guardian, or educational rights holder initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).

- *Education Code Section 47605(b)(5)(J).*

This Pupil Suspension and Expulsion Policy has been established in order to promote learning and protect the safety and well-being of all students. In creating this policy, the Charter School has reviewed Education Code Section 48900 *et seq.* which describes the non-charter schools' list of offenses and procedures to establish its list of offenses and procedures for suspensions and expulsions. The language that follows closely mirrors the language of Education Code Section 48900 *et seq.* The Charter School is committed to annual review of policies and procedures surrounding suspensions and expulsions and, as necessary, modification of the lists of offenses for which students are subject to suspension or expulsion.

When the Policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. This policy shall serve as the Charter School's policy and procedures for student suspension and expulsion and it may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements. School staff shall enforce disciplinary rules and procedures fairly and consistently amongst all students. This Policy and its Procedures will be printed and distributed as part of the Student Handbook and will clearly describe discipline expectations.

Discipline includes but is not limited to advising and counseling students, conferring with parents/guardians, detention during and after school hours, the use of alternative educational environments, suspension and expulsion.

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 the Policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employees, students, staff or other persons or to prevent damage to school property.

The School Principal 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 is available upon request at the school administrative office. Suspended or expelled students shall be excluded from all school and school-related activities unless otherwise agreed during the period of suspension or expulsion.

A student identified as an individual with disabilities or for whom, the School has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Act or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to regular education students except when federal and state law mandates additional or different procedures. The School will follow Section 504 of the Rehabilitation Act, Individuals with Disabilities Education Act, the Americans with Disabilities Act of 1990 and all federal and state laws when imposing any form of discipline on a student identified as an individual with disabilities or for whom the School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students.

No student shall be involuntarily removed by the Charter School for any reason unless the parent or guardian of the student has been provided written notice of intent to remove the student no less than five schooldays 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 or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder, and shall inform him or her of the basis for which the pupil is being involuntarily removed and his or her right to request a hearing to challenge the involuntary removal. If a parent, guardian, or educational rights holder requests a hearing, the Charter School shall utilize the same hearing procedures specified below for expulsions, before the effective date of the action to involuntarily remove the student. If the student's parent, guardian, or educational rights holder requests a

hearing, the student shall remain enrolled and shall not be removed until the Charter School issues a final decision. As used herein, “involuntarily removed” includes dis-enrolled, dismissed, transferred, or terminated, but does not include removals for misconduct which may be grounds for suspension or expulsion as enumerated below.

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 the School or at any other school or a School sponsored event 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; d) during, going to, or coming from a school-sponsored activity.

B. Enumerated Offenses

1. Discretionary Suspension Offenses. Students may be suspended for any of the following acts when it is determined the pupil:
 - a) Caused, attempted to cause, or threatened to cause physical injury to another person.
 - b) Willfully used force of 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 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 his or her own prescription products by a pupil.
 - 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 subdivision, “hazing” means a method of initiation or pre-initiation into a pupil 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 pupil. For purposes of this section, “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 section, “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 his or her own safety or for his or her 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 his or her immediate family.
- q) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, 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 section shall apply to pupils in any of grades 4 to 12, inclusive.
- r) 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 section shall apply to pupils in any of grades 4 to 12, 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 section shall apply to pupils in any of grades 4 to 12, 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 acts 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 his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student’s or those students’ person or property.
- ii. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
- iii. Causing a reasonable student to experience substantial interference with his or her academic performance.
- iv. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.

(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 pupil 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 pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil 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 pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.

iii. An act of cyber sexual bullying.

(a) For purposes of this clause, “cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil 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 clause, “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 pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil 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 unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Principal or designee’s concurrence.

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

a) Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Principal or designee’s concurrence.

b) Brandishing a knife at another person.

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

d) Committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900(n).

3. Discretionary Expellable Offenses: Students may be recommended for expulsion for any of the following acts when it is determined the pupil:
- a) Caused, attempted to cause, or threatened to cause physical injury to another person.
 - b) Willfully used force of 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 his or her own prescription products by a pupil.
 - 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 subdivision, “hazing” means a method of initiation or pre-initiation into a pupil 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 pupil.

For purposes of this section, “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 section, “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 his or her own safety or for his or her 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 his or her immediate family.
- q) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, 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 section shall apply to pupils in any of grades 4 to 12, inclusive.
- r) 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 section shall apply to pupils in any of grades 4 to 12, 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 section shall apply to pupils in any of grades 4 to 12, 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 acts 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 his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
- ii. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
 - iii. Causing a reasonable student to experience substantial interference with his or her academic performance.
 - iv. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
- (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 pupil 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 pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil 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 pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
 - iii. An act of cyber sexual bullying.
 - (a) For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil 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 clause, “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 pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil 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 unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Principal or designee’s concurrence.
- 4. Non-Discretionary Expellable Offenses: Students must be recommended for expulsion for any of the following acts when it is determined pursuant to the procedures below that the pupil:
 - a) Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Principal or designee’s concurrence.
 - b) Brandishing a knife at another person.
 - c) Unlawfully selling a controlled substance listed in Health and Safety Code Section 11053, et seq.
 - d) Committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900(n).

If it is determined by the Administrative Panel and/or GCC Board of Directors that a student has brought a fire arm or destructive device, as defined in Section 921 of Title 18 of the United States Code, on to campus or to have possessed a firearm or 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 pupil shall be provided due process rights of notice and a hearing as required in this policy.

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 (A) any explosive, incendiary, or poison gas, including but not limited to: (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, or (vi) 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 Principal or the Principal's designee with the student and his or her parent and, whenever practicable, the teacher, supervisor or school employee who referred the student to the Principal. 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 pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense, in accordance with Education Code Section 47605(b)(5)(J)(i).

This conference shall be held within two (2) school days, unless the pupil 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 pupil for failure of the pupil's parent or guardian to attend a conference with school officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference.

2. Notice to Parents/Guardians

At the time of the 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. This notice shall state the specific offense committed by the student. In addition, the notice may also state the date and 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.

3. Suspension Time Limits/Recommendation for Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension.

Upon a recommendation of expulsion by the Principal, the pupil and the pupil's parent/guardian or representative will be invited to a conference to determine if the suspension for the pupil 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 pupil or the pupil's parents, unless the pupil and the pupil's parents fail to attend the conference.

This determination will be made by the Principal upon either of the following determinations: 1) the pupil's presence will be disruptive to the education process; or 2) the pupil poses a threat or danger to others. Upon either determination, the pupil's suspension will be extended pending the results of an expulsion hearing.

D. Authority to Expel

As required by Education Code Section 47605(b)(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 GCC Board following a hearing before it or by the GCC Board upon the recommendation of a neutral and impartial Administrative Panel to be assigned by the GCC Board as needed. The Administrative Panel shall consist of at least three members; containing neither a teacher of the pupil nor a board member. Each entity shall be presided over by a designated neutral hearing chairperson. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense, and the Board of Directors shall make the final determination.

E. Expulsion Procedures

Students recommended for expulsion are entitled to a hearing to determine whether the student should be expelled. Unless postponed for good cause, the hearing shall be held within thirty (30) school days after the Principal or designee determines that the pupil has committed an expellable offense.

The expulsion hearing will be presided over by the GCC Board President, his or her designee, or the chair of the Administrative Panel. In the event an Administrative Panel hears the case, it will make a recommendation to the GCC 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 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 pupil. 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 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 school to any other school GCC 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 an advocate;
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 pupil.

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 his/her right to (a) receive five day notice of his/her scheduled testimony, (b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she 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 hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which he or she 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 he/she 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 him or her 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 his or her discretion to remove a person from the hearing whom he or she believes 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 pupil being expelled, the complaining witness shall have the right to have his/her 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 person 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.

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 and sworn declarations may be admitted as testimony from witnesses of whom the GCC 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 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 Administrative Panel shall be in the form of a written recommendation to the GCC Board who will make a final determination regarding the expulsion. The final decision by the GCC Board shall be made within ten (10) school days following the conclusion of the hearing. The decision of the GCC Board is final.

If the Administrative Panel decides not to recommend expulsion, the pupil shall immediately be returned to his/her educational program.

I. Written Notice to Expel

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

1. Notice of the specific offense committed by the student.
2. Notice of the student's or parent/guardian's obligation to inform any new GCC in which the student seeks to enroll of the student's status with the School.

The Principal or designee shall send written notice of the decision to expel to the Student's GCC of residence, and the GCC. This notice shall include the following:

1. The student's name
2. The specific expellable offense committed by the student

J. Disciplinary Records

The School shall maintain records of all student suspensions and expulsions at the School. Such records shall be made available to the Authorizer upon request.

K. No Right to Appeal

The pupil shall have no right of appeal from expulsion from the Charter School as the GCC Board's decision to expel shall be final.

L. Suspended and Expelled Pupils/Alternative Education

The Charter School shall ensure that pupils suspended from the Charter School are provided with an appropriate alternative educational program (class work and homework assignments, etc.) during the period of the pupil's suspension from school.

Whenever a pupil is expelled from the Charter School, the Charter School shall notify the pupil and the pupil's parents or guardians in writing of the pupil's duty to attend the public school GCC in which the residency of either the parent or legal guardian is located. The Charter School shall also notify the public school GCC in which the residency of either the parent or legal guardian is located whenever a pupil is expelled from the Charter School.

M. Rehabilitation Plans

Students who are expelled from the School shall be given a rehabilitation plan upon expulsion as developed by the GCC 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.

N. Readmission

The decision to readmit a pupil or to admit a previously expelled pupil from another school GCC or charter school shall be in the sole discretion of the GCC Board following a meeting with the Principal and the pupil and parent/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 Principal shall make a recommendation to the GCC Board following the meeting regarding his or her determination. The Board shall then make a final decision regarding readmission 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 pupil's readmission is also contingent upon the School's capacity at the time the student seeks readmission.

O. Notice to Teachers

The Charter School shall notify teachers of each pupil 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.

P. Special Procedures for the Consideration of Suspension and Expulsion 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 who the Charter School 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 (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, and relevant members of the IEP/504 Team shall review all relevant information in the student's file, including the child's IEP/504 Plan, any teacher observations, and any relevant information provided by the parents to determine:

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

If the Charter School, 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 the Charter School, 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 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 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, 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 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 or the Charter School, the hearing officer shall determine whether 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 USC 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 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 Principal 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; or

- c) 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 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 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 of 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.

STUDENT TECHNOLOGY ACCEPTABLE USE AGREEMENT

Computer Use

When students use GCC technology, they agree to follow the directions of teachers and school staff, rules of the school and school GCC, and rules of any computer network they access.

Students also agree to be considerate and respectful of other users and to follow these rules:

- Use school technology for school-related education and research only.
- Do not alter any software or documents (except collaborative school work).
- Do not produce, distribute, access, use, or store information which: is prohibited by law, GCC or school rules; violates copyright laws; is obtained by trespassing in private or confidential files; would subject the GCC or individual to liability; is obscene, pornographic, or sexually explicit; causes delay, disruption, or harm to systems, programs, networks, or equipment; and is otherwise prohibited on a school campus.

Recording Devices

The use of any electronic listening or recording device in any classroom of without the prior consent of the teacher and the principal of the school disrupts and impairs the teaching process and such use is prohibited by law. Any person, other than a student, who willfully violates this policy will be guilty of a misdemeanor and subject to appropriate discipline. Permission to use such devices may be given to promote educational purposes.

Overview and Purpose

GCC provides Internet access to all students and staff on GCC grounds. Internet access allows classrooms and individuals to have access to information, software, news and opinion, and communication by electronic mail that originates from any point in the world. All users must agree to this document to have access to the Internet.

Our network system has been established for educational purposes including classroom activities, direct and independent learning activities, individual and collaborative writing and publishing, career development, personal productivity, and other high-quality learning activities. GCC has the right to place reasonable restrictions on the students who can access the network system and the material they may post on the network system. All users shall not hold the GCC or any GCC staff responsible for the failure of any technology protection measures, violations of copyright restrictions, or users' mistakes or negligence. All users shall agree to indemnify and hold harmless the GCC and GCC personnel for any damages or costs incurred.

Limitations of Liability: Personal Gain

GCC technology may not be used for commercial purposes, financial gain, personal business, product advertisement or political lobbying activities. Advertising on GCC or school websites may be accepted under the same restrictions and conditions set forth in law, Board Policy, and administrative regulations pertaining to advertising in GCC and school-sponsored publications.

Personal Safety

Students should not post Personal Identifiable Information (PII) about themselves or other people on the GCC network. PII includes one's full name, address, telephone number, school address, work address, etc. Students should not agree to meet with someone he/she has met online without parent/guardian approval.

Student Data Privacy

GCC complies with State Assembly Bill 1584, relative to student data confidentiality. System accounts will be created for each student except when the student's parent/guardian has notified the GCC in writing to not allow an account to be created.

Unauthorized Access

- No students will attempt to gain unauthorized access to the GCC network or any GCC computer, or go beyond authorized access. This includes attempting to log on through another person's account.
- No person may use any device or software to gain unauthorized access to another person's files or private information.
- No student will attempt to disrupt the GCC network system, destroy data by spreading computer viruses or by any other means, or attempt to obtain another student's logon information.
- No student may use the GCC network to engage in any illegal act, such as arranging for a drug sale, engaging in criminal gang activity, threatening the safety of another person, and engaging in gambling activities.

It is the policy of Gateway Community Charters to: (a) prevent user access over its computer network to, or transmission of, inappropriate materials via Internet, electronic mail, or other forms of direct electronic communications; (b) prevent unauthorized access and other unlawful online activities; (c) prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and (d) comply with the Children's Internet Protection Act [Pub. L. No. 106-554 and 47 USC 254(h)].

Access to Inappropriate Material

To the extent practical, technology protection measures (or "Internet filters") shall be used to block or filter Internet, or other forms of electronic communications, access to inappropriate information.

Specifically, as required by the Children's Internet Protection Act, Blocking shall be applied to visual depictions of material deemed obscene or child pornography, or to any material deemed harmful to minors.

Subject to staff supervision, technology protection measures may be disabled for adults or, in the case of minors, minimized only for bona fide research of other lawful purposes.

Inappropriate Network Usage

To the extent practical, steps shall be taken to promote the safety and security of users of the Gateway Community Charters online computer network when using electronic mail, Chat rooms, instant messaging, and other forms of direct electronic communications. Specifically, as required by the Children’s Internet Protection Act, prevention of inappropriate network usage includes:

(a) unauthorized access, including so called ‘hacking,’ and other unlawful activities; and (b) unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

Education, Supervision and Monitoring

It shall be the responsibility of all members of the GCC staff to educate, supervise, and monitor appropriate usage of the online computer network and access to the Internet in accordance with this policy, the Children’s Internet Protection Act, the Neighborhood Children’s Internet Protection Act, and the Protecting Children in the 21st Century Act. Procedures for the disabling or otherwise modifying any technology protection measures shall be the responsibility of the Superintendent or their designee. The site level administrator will ensure or provide age-appropriate training for students who use the GCC Internet. The training provided will be designed to promote the GCC commitment to:

- a) The standards and acceptable use of Internet services
- b) Student safety with regard to
 - a. safety on the Internet;
 - b. appropriate behavior while online, on social networking Web sites, and in chat rooms; and
 - c. cyber bullying awareness and response
 - d. anti-bullying awareness and response
- c) Compliance with the E-rate requirements of the Children’s Internet Protection Act (“CIPA”).

Opt-Out of Photographs or Interviews - Optional Form

There are many positive accomplishments and activities that our students are involved in each school year. The news media and the GCC Community and Family Engagement Department occasionally photograph or film these events for the purpose of sharing information about our programs and highlighting positive activities in our schools. These images may be used in GCC or school newsletters, GCC handbook, GCC or school websites, other promotional materials, or by the news media.

If you do not want your child's likeness used, please fill out this form and mail it to the GCC Community Engagement Department, 5112 Arnold Ave Ste A, McClellan, CA 95652

- ☐ I request that my child's photo not be used in any GCC or media publications or presentations.
- ☐ I understand that this request may prevent my child from participating in some activities.
- ☐ I agree to also notify my child's teacher and principal to ensure that they are aware of my preference.
- ☐ I will instruct my child to avoid photo and media situations or to tell an adult should their photograph be taken.

Student's Name:

Parent or Guardian Name:

Signature:

Date_____

School: _____