



Darnall Charter School
Board Policy
#5007
Pupil Suspension and Expulsion

Introduction and Background

Darnall Charter School believes that maintaining a safe and secure learning environment is crucial to student success. This is achieved when the school promotes a culture of responsibility, respect, and integrity, recognizes and rewards responsible student behavior, assures that all students have at least one adult on campus who knows them well, and implements fair and consistent discipline practices. These discipline practices may include but are not limited to a referral, phone call home, lunch or after-school detention, parent/guardian conference, alternate class placement with another teacher, mediation, loss of privileges, and as a last resort, suspension or expulsion.

This Board Policy on Pupil Suspension and Expulsion ("Policy") has been established in order to promote learning and protect the safety and well-being of all students. When this Policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. However, Darnall Charter School will first attempt to correct a student's specific misbehavior through means of correction other than punitive measures such as suspension and expulsion. To this end, the Executive Director or administrative designee may use discretion to provide alternatives to suspension or expulsion that are age-appropriate and designed to address and correct the student's specific misbehavior.

Darnall Charter School's goal is to keep students in class and in school so that they can benefit from the instructional program provided. Staff will enforce disciplinary rules and procedures fairly and consistently amongst all students. Each school year, the Executive Director or administrative designee will ensure that all students and parents/guardians are notified of all school rules related to discipline, including grounds for suspension/expulsion.

Darnall Charter School will follow Section 504, the IDEA, the Americans with Disabilities Act of 1990 ("ADA"), and all applicable federal and state laws when imposing any form of discipline on a student identified as an individual with disabilities or for whom Darnall Charter 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. A student identified as an individual with disabilities or for whom Darnall Charter School has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Act ("IDEA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for suspension and expulsion and is accorded the same due process

procedures applicable to regular education students, except when federal and state law mandates additional or different procedures.

Suspension

The definition of suspension is the temporary removal of a student from ongoing instruction for adjustment purposes. Suspension does not mean any of the following:

- Reassignment to another class at Darnall Charter School where the student will receive continuing instruction for the remainder of the school day.
- Referral to a certificated employee designated by the Executive Director to advise students.
- Removal from the class, but without reassignment to another class, for the remainder of the class period or school day.

While suspended, the pupil may not loiter on or about any school grounds at any time, nor attend or participate in any school activity at any time, no matter where such activity is taking place. Violation may result in further disciplinary action.

Pursuant to California Education Code section 48900.5, suspension shall be imposed only when other means of correction fail to bring about proper conduct and shall be used as a last resort when all other alternative disciplinary interventions have been documented and implemented without success. Prior to recommending suspension, the Executive Director or designee shall ensure that other means of correction have been attempted and documented, including but not limited to the implementation of Multi-Tiered Systems of Support (MTSS) such as restorative justice practices, trauma-informed practices, social and emotional learning supports, positive behavior interventions and supports (PBIS), counseling services, parent/guardian conferences, behavior contracts, mentoring, community service, referrals to appropriate support services, and other age-appropriate interventions designed to address and correct the student's specific behavior. The Executive Director or designee shall maintain documentation of all alternative interventions attempted prior to suspension, except in cases where the student's presence poses an immediate threat to the safety of students or staff, or when the offense constitutes a mandatory suspension offense under law.

The Executive Director or designee may suspend a student for a period not to exceed five (5) consecutive school days, unless the suspension is extended pending the expulsion process. A student may not be suspended or expelled for any of the acts enumerated in this Policy unless the act is related to a school activity. However, the offense may occur at any time, including, but not limited to:

- While on school grounds.
- While going to or coming from school.
- During the lunch period, whether on or off the school campus.

- During, or while going to or coming from, any school-sponsored activity.

Pursuant to California Education Code sections 48900(k)(2) and 48900(k)(3) and 48900.5, students shall not be suspended from school or recommended for expulsion for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties. When a student is referred to administration for willful defiance or disruption, the Executive Director or designee shall respond through alternative means of correction including, but not limited to, restorative justice practices, positive behavior interventions and supports, trauma-informed practices, social and emotional learning supports, parent/guardian conferences, counseling services, or other age-appropriate disciplinary measures designed to address the student's specific misbehavior. Within five (5) business days of such a referral, the Executive Director or designee will document in writing the specific interventions provided and inform the referring staff member of the measures taken. This does not limit the Executive Director's or designee's authority to suspend or recommend expulsion for any other offense enumerated in Education Code section 48900 or this Policy, provided such action complies with all applicable legal requirements and grade-level restrictions.

Definitions:

- “Executive Director’s designee” is one or more administrators at the charter school site who has been designated by the Executive Director to assist with disciplinary procedures. In the event that there is not an administrator in addition to the Executive Director at the charter school site, a certificated employee (teacher, school psychologist, counselor, etc.) may be specifically designated by the Executive Director, in writing, as an Executive Director designee to assist with disciplinary procedures.
- “Reasonable student” means a student, including, but not limited to, an exceptional needs student, who exercises average care, skill, and judgment in conduct for a person of their age, or for a person of their age with their exceptional needs.

If the Executive Director or designee determines that a student committed one or more of the offenses listed below, and/or any other offense identified in Education Code section 48900, the student may be suspended.

Suspendable Offenses Include:

- Caused physical injury to another person or willfully used force or violence upon the person of another, except in self-defense.
- Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained

written permission to possess the item from an authorized certificated school employee, with the Executive Director or designee's written concurrence.

- Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code sections 11053-11058 (including, but not limited to, opiates, hallucinogenic substances, stimulants, depressants, and narcotic drugs), alcoholic beverage or intoxicant of any kind. Pupils who voluntarily disclose their use of a controlled substance, alcohol, tobacco or nicotine products, or an intoxicant of any kind in order to seek help through services or support shall not be suspended solely for that disclosure.
- 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 the same as a controlled substance, alcoholic beverage or intoxicant.
- Committed or attempted to commit robbery or extortion.
- Caused or attempted to cause damage to school property or private property.
- Stole or attempted to steal school property or private property (as used in this policy, "school property" includes but is not limited to electronic files and databases).
- Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, betel, and e-cigarettes, whether or not they contain tobacco. This does not prohibit the use or possession by a student of his or her own prescription products. Pupils who voluntarily disclose their use of a controlled substance, alcohol, tobacco or nicotine products, or an intoxicant of any kind in order to seek help through services or support shall not be suspended solely for that disclosure.
- Committed an obscene act or engaged in habitual profanity or vulgarity.
- Unlawfully possessed or offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code section 11014.5.
- Knowingly received stolen school property or private property.

- Possessed an imitation firearm, i.e., a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- Committed a sexual assault as defined in Penal Code sections 261, 266c, 286, 288, 288a, 289, or former section 288a, or committed a sexual battery as defined in Penal Code section 243.4.
- Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- Unlawfully offered, arranged to sell, negotiated to sell or sold the prescription drug Soma.
- Engaged in, or attempted to engage in hazing. “Hazing” means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current or prospective student. “Hazing” does not include athletic events or school-sanctioned events.
- Engaged in an act of bullying, meaning 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 as defined in Education Code sections 48900.2, 48900.3, or 48900.4, directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
 - Placing a reasonable student or students in fear of harm to that student’s or those students’ person or property.
 - Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
 - Causing a reasonable student to experience substantial interference with his or her academic performance.
 - 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 school.

“ Electronic act ” means the creation or transmission originated on or off the charter 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:

- A message, text, sound, video, or image.
- A post on a social network Internet Web site, including, but not limited to:
 - Posting to or creating a burn page. “Burn page” means an Internet Web site created for the purpose of having one or more of the listed bullying effects listed above in this policy.
 - Creating a credible impersonation of another actual student for the purpose of having one or more of the effects listed above in this policy. “Credible impersonation” means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.
 - Creating a false profile for the purpose of having one or more of the effects listed above in this policy. “False profile” means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.

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 student to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described above in this policy.

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.

For purposes of this Policy, “cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or Darnall Charter School sanctioned activities.

- Made terrorist threats against school officials and/or school property. For the purpose of this Policy, “Terroristic threat” shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her

own safety or for his or her immediate family's safety, or for the protection of Darnall Charter School property, District property, or the personal property of the person threatened or his or her immediate family.

- Committed sexual harassment as defined in Education Code section 212.5. The conduct 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.
 - A student enrolled in transitional kindergarten, or in kindergarten through grade three may not be suspended for this offense.
- Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code section 233(e), applying only to students enrolled in grades 4 through 8, inclusive.
- Intentionally engaged in harassment, threats, or intimidation, directed against school personnel or students, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or students by creating an intimidating or hostile educational environment.
- Aiding or abetting, as defined in section 31 of the Penal Code, in the infliction or attempted infliction of physical injury to another person.

Procedures to Suspend a Student:

- *Conduct Investigation.* The Executive Director or designee shall investigate the incident and determine whether or not it merits suspension.
- *Provide Opportunity for Informal Conference.* Pursuant to California Education Code section 48911, a suspension shall be preceded by an informal conference with the student conducted by the Executive Director or designee.
 - The conference may include the student's teacher or other school employee who referred the student for possible disciplinary action.
 - At the conference, the student shall be given the opportunity to present their version of the incident and evidence in their defense.
 - The student shall be informed of the evidence against them and the specific offense(s) that is(are) the basis for any disciplinary action.
 - The Executive Director or designee may suspend a student without affording the student an opportunity for a conference if the Executive Director or designee determines that an emergency situation exists.

- “Emergency situation” means a situation determined by the Executive Director or designee to constitute a clear and present danger to the life, safety, or health of a student or school personnel.
 - If a student is suspended without a conference before suspension, both the student and their parent/guardian shall be notified of the student’s right to a conference and the student’s right to return to the charter school for the purpose of a conference.
 - The conference shall be held within two (2) school days, unless the student waives this right or is physically unable to attend for any reason, including, but not limited to, incarceration or hospitalization. The conference shall then be held as soon as the student is physically able to return to the charter school for the conference.
- *Make Decision to Suspend.* The Executive Director or designee makes the decision to suspend and determines the appropriate length of suspension. At the time of the suspension, a Darnall Charter School employee shall make a reasonable effort to contact the parent/guardian by telephone, in-person, and/or by other means to inform them of the suspension and the reasons therefore.
- *Provide Notice of Suspension.* The Executive Director or designee fills out a Notice of Suspension Form and provides copies to the parent/guardian and cumulative file.
 - The Notice of Suspension Form shall state the fact of suspension, its duration, and the specific offense committed by the student.
 - A written explanation of or documentation of other means of correction that were attempted before imposing suspension, if applicable, shall be provided to the parent/guardian along with the Notice of Suspension Form.
 - If Darnall Charter School officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request the parent/guardian to respond to such requests without delay.
 - No penalties shall be imposed on a student for failure of the student’s parent/guardian to attend a conference with the school.
 - Reinstatement of the suspended student shall not be contingent upon attendance by the student’s parent/guardian at the conference.
- *If Appropriate, Report to Law Enforcement.* The Executive Director or designee determines whether the offense should be reported to law enforcement. Examples of offenses that should be reported, at the discretion of the Executive Director or designee include:
 - Assault with a deadly weapon.

- Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance.
- Unlawfully offered, arranged, or negotiated to sell a controlled substance.
- Possessing, selling, or otherwise furnishing a firearm.
- Brandishing a knife at another person.
- Committing or attempting to commit a sexual assault.
- Possession of an explosive.

When the Executive Director or designee releases a minor student to a peace officer for the purpose of removing the minor from the school premises, the Executive Director or designee shall take immediate steps to notify the parent, guardian or responsible relative of the minor regarding the release of the minor to the officer and regarding the place to which the minor is reportedly being taken, unless the minor has been taken into custody as a victim of suspected child abuse. The Executive Director or designee shall provide the peace officer with the address and telephone number of the minor's parent or guardian.

- *Provide Homework Upon Request.* Upon request, a teacher shall provide homework for students suspended for two or more school days that the student would otherwise have been assigned.
 - If a homework assignment that is requested and turned in to the teacher by the student either upon the student's return to school from suspension or within the timeframe originally prescribed by the teacher, whichever is later, is not graded before the end of the academic term, that assignment shall not be included in the calculation of the student's overall grade in the class.
- *Schedule Reentry Meeting.* The Executive Director or designee may require the student and parent/guardian to attend a reentry meeting or sign a behavior contract.

Appeals:

Parents/guardians have ten (10) school days from the first day of the suspension to file a written appeal to the disciplinary action taken to the Executive Director.

- The Executive Director or designee shall review the suspension and issue a written decision within ten (10) school days of receiving the appeal.
- After considering the request, the Executive Director or designee shall render a written decision that shall be in the best interest of the student and the charter school.
- Depending on the results of the appeal, the charter school may let the suspension remain on the student's record, remove the record of suspension by the end of the school year if no other offenses occur, or remove the record of suspension immediately without conditions.

- The decision of the Executive Director or designee shall be final.

Expulsion

Expulsion means removal of a student from the immediate supervision and control, or the general supervision, of charter school personnel.

A student may be expelled either by the Darnall Charter School Board of Directors (“Board”) following a hearing before it, or by the Board upon a recommendation of an Administrative Panel (made up of three or more certificated persons, none of whom is a member of the Board or employed on the staff of the charter school in which the student is enrolled) to be assigned by the Executive Director as needed. The Panel, composed of members including staff from other charter schools or other local educational agencies, may recommend the expulsion of any student found to have committed an expellable offense.

Pursuant to California Education Code section 48915(a), if the Executive Director or designee determines that a student committed one or more of the offenses listed above as the “Grounds for Suspension,” the student may also be recommended for expulsion. In addition, if a student is suspended for more than ten (10) days in a school year for offenses that involve physical fighting, the student may be recommended for expulsion.

Before recommending expulsion for a discretionary offense under Education Code section 48915(a), the Executive Director or designee shall consider whether other means of correction are feasible and appropriate, taking into account the specific circumstances of the offense, the student's disciplinary history, and the potential for rehabilitation. If the Executive Director or designee recommends expulsion for a discretionary offense, the written recommendation shall either include findings that other means of correction are not feasible or have repeatedly failed to bring about proper conduct, or, due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others. The Executive Director or designee may, as an alternative to expulsion recommendation, implement other appropriate disciplinary measures and interventions designed to address the student's conduct and promote rehabilitation, provided such measures adequately address the safety and educational needs of the school community.

If the Executive Director or designee determines that a student committed one or more of the offenses listed below, the student must be immediately suspended and recommended for expulsion:

- Possessed, sold, or otherwise furnished a firearm, unless, in the case of possession of a firearm, the student had obtained written permission to possess the firearm from the Executive Director.

- Brandished a knife, regardless of size, at another person.
- Unlawfully sold a controlled substance listed in Health and Safety Code section 11053.
- Committed or attempted to commit a sexual assault as defined in Penal Code sections 261, 266c, 286, 288, 288a, or 289 or committed a sexual battery as defined in Penal Code section 243.4.
- Possessed an explosive.

Procedures to Expel a Student:

- **Conduct investigation.** The Executive Director investigates the incident and determines whether the student should be recommended for expulsion.
- **If appropriate, extend suspension.** At the discretion of the Executive Director or designee, a student's suspension may be extended pending expulsion. An extension of the suspension may be granted only if the Executive Director or designee has determined, after a meeting, that the presence of the student at the charter school would cause a danger to persons or property or a threat of disrupting the instructional process. Prior to this decision, the student and their parent/guardian will be invited to attend a meeting with the Executive Director and/or designee.
 - If the student is a foster child, the Executive Director or designee shall also invite the student's attorney and an appropriate representative of the county child welfare agency to participate in the meeting.

The purpose of the meeting is to discuss the offense(s) and their impact on the school environment, and decide whether the suspension should be extended pending the expulsion process. This meeting may be held in conjunction with the initial suspension meeting with the parents, if appropriate.

- **Provide notice of expulsion hearing.** Darnall Charter School shall send written notice to the student and parent/guardian regarding the expulsion hearing.
 - The notice shall be sent via certified mail to the address reflected in the student's file at least ten (10) calendar days before the date of the hearing.
 - The notice shall include:
 - The date, time, and place of the expulsion hearing
 - A statement of the specific facts and charges upon which the proposed expulsion is based.

- A copy of Darnall Charter School's disciplinary rules relating to the alleged violation.
- Notification of the parent/guardian's or student's obligation to notify the school where the student next enrolls of the student's discipline status.
- The opportunity to appear in person and/or to employ and be represented by counsel or a nonattorney advisor.
- The right to inspect and obtain copies of all documents to be used at the hearing.
- The opportunity to confront and question all witnesses who testify at the hearing, to question all other evidence presented, and to present oral and documentary evidence on the student's behalf, including witnesses.

The expulsion hearing shall be held within thirty (30) school days after the date the Executive Director or designee determines that the student has committed any of the above-listed expellable offenses, unless the student requests, in writing, that the hearing be postponed. The Executive Director or designee may grant one or more requests for postponement of the hearing.

If the student facing expulsion is a foster student, Darnall Charter School shall also send notice of the hearing to the student's attorney and a representative of an appropriate child welfare agency at least ten (10) calendar days prior to the hearing. If the student facing expulsion is a homeless student, Darnall Charter School shall also send notice of the hearing to the school liaison for homeless students at least ten (10) calendar days prior to the hearing. Any notice for these purposes may be provided by the most cost-effective method possible, including by email or a telephone call.

- **Conduct expulsion hearing.** The Board or an Administrative Panel will conduct the expulsion hearing. The Executive Director or designee will present their recommendation for expulsion at the hearing, which may include, but is not limited to, presentation of documentary evidence and/or witness testimony. The Administrative Panel or the Board may, upon a finding that good cause exists, determine that the disclosure of either the identity of a 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 Board or Administrative Panel.

Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the student. 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. While the technical rules of evidence do not apply to expulsion hearings, evidence may be admitted

and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A decision by the Board to expel must be supported by substantial evidence that the student committed an expellable offense. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay evidence, except as otherwise permitted in this Policy.

The expulsion hearing shall be conducted in a session closed to the public, unless the student requests, in writing, at least five (5) calendar days before the date of the hearing, that the hearing be conducted in a public session. Regardless of whether the expulsion hearing is conducted in a closed or public session, the Board or Administrative Panel may meet in closed session for the purpose of deliberating and determining whether the student should be expelled. If the Board or Administrative Panel admits any other person to a closed session, the parent/guardian of the student, the student, and the counsel/advisor of the student also shall be allowed to attend the closed session. If the hearing involves charges of committing or attempting to commit a sexual assault or sexual battery, the hearing must comply with the additional hearing procedures in Darnall Charter School's charter.

- **Make final decision.** The Board and/or the Administrative Panel will make its final decision.
 - Final decisions shall be in the form of written findings of fact, which shall be based solely on evidence produced at the hearing.
 - If an Administrative Panel conducts the hearing, pursuant to Education Code 48918, the Administrative Panel shall decide whether to recommend expulsion within three (3) school days following the conclusion of the hearing.
 - The Board shall decide whether to accept the Administrative Panel's recommendation within thirty (30) school days of the hearing.
 - If the Board conducts the hearing, the Board shall decide whether to expel the student within thirty (30) school days following the conclusion of the hearing.
 - The Board's action to expel must be taken in open session, while complying with all applicable state and federal laws protecting student privacy.
 - If compliance by the Board with these time requirements is impracticable, the Executive Director or designee may, for good cause, extend the time period for the holding of the expulsion hearing and/or considering the Administrative Panel's recommendation for an additional ten (10) school days.
 - Students who are expelled from Darnall Charter School shall be given a rehabilitation plan as approved by the Board at the time of the expulsion order, which may include, but is not limited to, a 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 student may reapply to the school for readmission.
 - If the Administrative Panel decides not to recommend expulsion or the Board decides not to expel the student, the student shall immediately be returned to his/her educational program.
 - Darnall Charter School's decisions regarding expulsions shall be final. There is no right to appeal.
- **Provide notice of expulsion.** If the Board takes action to expel, written notice shall be sent to the student or parent/guardian, including the written findings of fact, and shall be accompanied by all of the following:
 - Notice that the decision of the Board is final. There is no right to appeal the expulsion to the District or County.
 - Notice of the education alternative placement to be provided to the student during the time of expulsion.
 - Notice of the obligation of the parent/guardian or student, upon the student's enrollment in a new school, to inform that school of the student's expulsion.
- **Notify school district of residence.** If the Board takes action to expel, Darnall Charter School shall notify the superintendent of the school district of the student's last known address within thirty (30) calendar days after the expulsion, and shall, upon request, provide that school district with a copy of the cumulative record of the student, including report cards or a transcript of grades, and health information.
- **Compile record of expulsion.** If the Board takes action to expel, a record of the expulsion, including the cause for the expulsion, shall be compiled, placed in the student's file, and forwarded to any school in which the student subsequently enrolls upon receipt of a request from the admitting school for the student's records.

Admitting Previously Expelled Students:

The decision to readmit a student previously expelled from Darnall Charter School or from another school district, charter school, or private school shall be in the sole discretion of the Executive Director following a meeting with the Executive Director, the student, and parent/guardian to determine whether the student has successfully completed the rehabilitation plan and to determine whether the student poses a threat to others or will be disruptive to the school environment. The student's readmission is also contingent upon the school's capacity and any other admission requirements in effect at the time the student seeks admission or readmission.

Suspended Enforcement of Expulsion Order:

The Board, upon voting to expel a student, may suspend the enforcement of the expulsion order for a period of not more than one calendar year and may, as a condition of the suspension of enforcement, require that the student complete a rehabilitation program containing certain conditions as deemed appropriate for the rehabilitation of the student. The rehabilitation program to which the student is assigned may provide for the involvement of the student's parent or guardian in their child's education in ways that are specified in the rehabilitation program. A parent or guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program.

The Board may revoke the suspension of an expulsion order if the student violates any of Darnall Charter School's rules and regulations governing student conduct or otherwise violates the conditions of rehabilitation. When the Board revokes the suspension of an expulsion order, the student may be expelled under the terms of the original expulsion order. Upon satisfactory completion of the rehabilitation program, the Board shall order the expungement of any or all records of the expulsion proceedings.

Special Procedures for the Suspension or Expulsion of Students with Disabilities

Notification of SELPA:

Darnall 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 Darnall Charter School or the SELPA would be deemed to have knowledge that the student had a disability.

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 student's IEP/504 Plan; and receive, as appropriate, a functional behavioral assessment or functional analysis, 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.

Procedural Safeguards/Manifestation Determination:

Within ten (10) school days of a recommendation for expulsion or any decision to change the placement of a student with a disability because of a violation of this Policy, Darnall Charter School, the parent, and relevant members of the IEP/504 Team shall review all relevant

information in the student's file, including the student's IEP/504 Plan, any teacher observations, and any relevant information provided by the parents to determine:

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

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

- Conduct a functional behavioral assessment or a functional analysis assessment, and implement a behavioral intervention plan for such student, provided that Darnall Charter School had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement.
- If a behavioral intervention plan has been developed, review the behavioral intervention plan if the student already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior.
- Return the student to the placement from which the student was removed, unless the parent and Darnall Charter School agree to a change of placement as part of the modification of the behavioral intervention plan.

If Darnall 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 result of the failure to implement the IEP/504 Plan, then Darnall Charter School may apply the relevant disciplinary procedures to a student with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities. On the date on which the decision is made to make a removal that constitutes a change of placement of a student with a disability, Darnall Charter School must notify the parents/guardians of that decision, and provide the parents/guardians with a copy of the procedural safeguards.

Special Circumstances:

Darnall 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 student with a disability who violates this Policy. A student may be removed to an interim alternative educational setting for not more than forty-five (45) days without regard to whether the behavior is determined to be a manifestation of the student's disability in cases where a student:

- Carries or possesses a weapon, as defined in 18 USC 930, to or at Darnall Charter School, on the charter school premises, or to or at an Darnall Charter School function.

- Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at Darnall Charter School, on Darnall Charter School premises, or at a Darnall Charter School function.
- Has inflicted serious bodily injury, as defined by 20 USC 1415(k)(7)(D), upon a person while at Darnall Charter School, on Darnall Charter School premises, or at a Darnall Charter School function.

Interim Alternative Educational Setting:

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

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 this Policy may assert the procedural safeguards afforded to students with disabilities only if Darnall Charter School had knowledge that the student was disabled before the behavior occurred. Darnall Charter School shall be deemed to have knowledge that the student has a disability if one of the following conditions exists:

- 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 Darnall Charter School supervisory or administrative personnel, or to one of the student's teachers, that the student is in need of special education or related services.
- The parent/guardian has requested an evaluation of the student.
- The student's teacher, or other Darnall Charter School personnel, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the director of special education or to other Darnall Charter School supervisory personnel.

If Darnall 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 students with disabilities, including the right to stay-put. If Darnall Charter School had no basis for knowledge of the student's disability, it shall proceed with the proposed discipline. Darnall Charter School shall conduct an expedited evaluation if requested by the parents/guardians; however the student shall remain in the education placement determined by Darnall Charter School pending the results of the evaluation. Darnall Charter School shall not be deemed to have knowledge that the student had a disability if the parent/guardian has not allowed an evaluation, refused services, or if the student has been evaluated and determined to not be eligible.

Board Approval: