



The Mission Preparatory School Suspension and Expulsion Policies Updated 2018-19

In accordance with **California Education Code § 48900-48927**, the school maintains clear, systematic policies governing suspension and expulsion. These policies are reviewed at least annually and modified as necessary. In preparing the list of suspension and expulsion offenses and procedures, the school consulted the California Education Code and the policies of public school districts in California. Certain offenses result in in-school suspensions while other more serious violations result in out-of-school suspensions. Only the most egregious violations – those that put students and/or the school in grave physical danger – will be considered grounds for expulsion. Suspended students are responsible for completing all missed work in a timely fashion.

The suspension and expulsion policy is based upon CA Education Code requirements and the policies governing discipline at other high-performing urban charter schools. The Board of Directors will approve the policy; administrators and teachers will communicate the policy to parents and students. A student may be recommended for suspension or expulsion for any of the following reasons, as specified in the **Education Code Section 48900**:

- Caused, attempted to cause, or threatened to cause physical injury to another person
- Willfully used force or violence upon the person of another, except in self-defense
- Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, which is concurred by the Head of School or a designee of the Head of School
- Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind
- Unlawfully offered, arranged, or negotiated to sell any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material 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 (includes, but is not limited to, electronic files and databases)
- Stole or attempted to steal school property or private property (includes, but is not limited to, electronic files and databases)
- Possessed or used tobacco, or any products containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel (exception made for use or possession by a student of his or her own prescription products)
- Committed an obscene act or engaged in habitual profanity or vulgarity
- Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code
- Knowingly received stolen school property or private property (includes, but is not limited to, electronic files and databases)
- Possessed an imitation firearm
- Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code
- Harassed, threatened, or intimidated a student who is a complaining witness or a witness in a school disciplinary proceeding for the purpose of either preventing that student from being a witness or retaliating against that student for being a witness, or both
- Engaged in, or attempted to engage in, hazing as defined in Section 32050
- Aided or abetted, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person (suspension only)
- Committed sexual harassment (grades 4-12)
- Caused, attempted to cause, threatened to cause, or participated in the act of hate violence (grades 4-12)
- Engaged in harassment, threats, or intimidation directed against school personnel or students (grades 4-12), that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of either school personnel or students by creating an intimidating or hostile educational environment
- Made terrorist threats against school officials, school property, or both

Students may be expelled for any of the following reasons, as specified in the **Education Code Section 48915**:

- Causing serious physical injury to another person
- Possession of any firearm, knife, explosive, or other dangerous object
- Unlawful possession of any controlled substance listed in Chapter 2 of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind
- Robbery or extortion
- Assault or battery upon any school employee
- Committing or attempting to commit a sexual assault or sexual battery as defined **Section 48900** of the Education Code

Students are subject to mandatory expulsion from The Mission Preparatory School for any of the reasons as specified in the **Education Code Section 48915(c)** and the Federal Gun-Free Schools Act of 1994. It is a federal mandate that a school expel, for a period of not less than one year (except on a case-by-case basis), any student who is determined to have brought a firearm to school.

Procedures for Suspension and/or Expulsion

To protect student rights, we have established fair and thorough procedures to ensure a comprehensive and consistent due process for suspension and expulsion.

1. **Family conference:** Suspension shall be preceded by a conference conducted by the Head of School with the student and his/her parent. The conference may be omitted if the Head of School 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 the student is suspended without conference, the parent/guardian shall be notified of the suspension and a conference will be requested by The Mission Preparatory School as soon as possible.
2. **Notice to parents/guardians:** At the time of suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person to be followed up with a written notification. This notice will state the specific offense committed by the student. In addition, the notice may also state the date and time the student may return to school. If the school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may note that the parents are required to respond to this request without delay, and violations of school rules can result in expulsion from the school.
3. **Length of suspension:** The length of suspension for students may not exceed a period of 10 continuous days unless an administrative recommendation has been made and agreed to by the student's parent/guardian. If a student is recommended for a period of suspension exceeding 10 continuous days, a second conference will be scheduled between the parent/guardian to discuss the progress of the suspension upon the completion of the 10th day of suspension. Arrangements may be made to provide the student with classroom material and current assignments to be completed at home during the length of the suspension.
4. **Recommendations for expulsion:** Students will be recommended for expulsion if the Head of School finds that one of the reasons for expulsion has occurred and at least one of the following findings is substantiated:
 - Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
 - 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.

5. **Expulsion hearing:** Students recommended for expulsion are entitled to a hearing to determine whether the student should be expelled. The hearing will be held within 30 days after the Head of School determines that an act subject to expulsion has occurred. The hearing may be presided over by the Board of Directors or an administrative hearing panel appointed by the Board.

Written notice of the hearing will be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. This notice will include:

- Date and place of the hearing.
- Statement of the specific facts, charges and offense upon which the proposed expulsion is based.
- Copy of The Mission Preparatory School disciplinary rules that relate to the alleged violation.
- Opportunity for the student or the student's parent/guardian to appear in person at the hearing.

Written notice of expulsion a student will be sent by the Head of School to the parent/guardian of any student who is expelled. This notice will include the following:

- Specific offense committed by the student for any of the acts listed in "Reasons for Suspension and/or Expulsion."
- Notice of the student or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with The Mission Preparatory School.

Appeal of Suspension or Expulsion

The suspension of a student will be at the discretion of the Head of School of The Mission Preparatory School or the Head of School's designee. Expulsion of a student will be recommended by the Head of School and must be approved by the Board of Directors. Parents and/or guardians will be notified in advance to enactment of the suspension or expulsion and can appeal a student's suspension or expulsion. A suspension appeal will be heard by the Head of School, and upon consideration the Head of School's decision is final. An expulsion may be appealed within five working days of the date the expulsion has been finalized by Board of Directors or an administrative hearing panel appointed by the Board. The student will be considered suspended until a meeting is convened to hear the appeal (within 10 working days) at which time the parent(s) must attend to present their appeal. The appeal will be heard by a fair and impartial panel of representatives assigned by The Mission Preparatory School Board of Directors. The decision of the panel of representatives of the Board and Head of School will be final.

In the event of a decision to expel a student from The Mission Preparatory School, the school will work cooperatively with the district of residence, county, and/or private schools to assist with the appropriate educational placement of the student who has been expelled. Any incident of violent and/or serious student behavior shall be communicated to the district/school to which the student matriculates.

Rehabilitation Plans

Pupils who are expelled from The Mission Preparatory School shall be given a rehabilitation plan upon expulsion as developed by the charter school's governing 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 Mission Preparatory School for readmission.

The decision to readmit a pupil or to admit a previously expelled pupil from another school district or charter school shall be at the sole discretion of The Mission Preparatory School's governing board upon consultation with the pupil and guardian or representative, to determine whether the pupil has successfully completed the rehabilitation plan and to determine whether the pupil poses a threat to others or will be disruptive to the school environment. The pupil's readmission is also contingent upon the enrollment capacity of The Mission Preparatory School at the time the pupil seeks readmission.

The Mission Preparatory School will provide enrollment information to pupils who have been expelled and their families. Students may choose to attend other public schools in their district of residence or pursue an inter-district transfer in accordance with existing enrollment and transfer policies of the district.

Special Education Discipline

In the case of a special education student, or a student who receives 504 accommodations, the school will ensure that it makes the necessary adjustments to comply with the mandates of State and federal laws, including the IDEA and Section 504 of the Rehabilitation Plan of 1973, regarding the discipline of students with disabilities. Prior to recommending expulsion for a Section 504 student or special education student, the Head of School will convene a review committee to determine: whether the student's misconduct was a manifestation of his or her disability; whether the student was appropriately placed and receiving the appropriate services at the time of the misconduct; and/or whether behavior intervention strategies were in effect and consistent with the student's IEP or 504 Plan. If it is determined that the student's misconduct was not a manifestation of his or her disability, that the student was appropriately placed and was receiving appropriate services at the time of the

misconduct, and that the behavior intervention strategies were in effect and consistent with the students IEP, the student may be expelled.