

Stockton Collegiate

Comprehensive School Safety Plan

SECTION 1: GENERAL INFORMATION

Commitment to School Safety

This Comprehensive School Safety Plan applies to Stockton Collegiate International School’s charter schools (Stockton Collegiate International Elementary and Stockton Collegiate International Secondary). If there is a conflict between this plan and any other school policy, this plan shall apply.

Stockton Collegiate International Schools (“Stockton Collegiate”) is committed to ensuring that students and staff attend campuses that are safe and secure, and where they are free from physical and psychological harm. Stockton Collegiate believes that a step towards maintaining safer schools is to develop a comprehensive school safety plan that takes into account the school’s staffing, available resources, building design, and other factors unique to the site. Stockton Collegiate staff shall be responsible for developing and annually reviewing and updating the plan by March 1 of each year. The Head of School or designee shall also ensure that the most current comprehensive school safety plan is readily available for inspection by the public.

Content of the Comprehensive Safety Plan

In accordance with AB 1747, the comprehensive safety plan identifies strategies and programs that will provide or maintain a high level of school safety and address the school’s procedures for complying with existing laws related to school safety, including all of the following:

1. Child abuse reporting procedures
2. Routine and emergency disaster procedures, including adaptations for students with disabilities
3. Policies for students who commit acts which would lead to suspension or expulsion
4. Procedures to notify teachers of dangerous students
5. Policies prohibiting discrimination, harassment, intimidation, and bullying
6. Provision of a schoolwide dress code, which defines and prohibits “gang-related apparel”
7. Procedures for safe ingress and egress
8. Policies enacted to maintain a safe and orderly environment conducive to learning

SECTION 2: CHILD ABUSE REPORTING PROCEDURES AND POLICY

Stockton Collegiate is committed to supporting the safety and well-being of all students and desires to facilitate the prevention of and response to child abuse and neglect.

Stockton Collegiate employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect. All mandated reporters shall receive training on child abuse identification and reporting within the first six weeks of each school year, or within the first six weeks of employment if employed after the beginning of the school year.

Stockton Collegiate's instructional program may include age-appropriate and culturally sensitive curriculum in the prevention of child abuse, sexual abuse, sexual assault, and human trafficking. Upon written request of a student's parent/guardian, the student shall be excused from taking such instruction.

Definitions

"Child abuse or neglect" includes the following:

1. A physical injury or death inflicted on a child by another person other than by accidental means
2. The sexual abuse, assault, or exploitation of a child
3. The negligent treatment or maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare, whether the harm or threatened harm is from acts or omissions on the part of the responsible person
4. Willful harming or injuring of a child or the endangering of the person or health of a child where the person responsible for the child's welfare is a licensee, administrator, or employee of any facility licensed to care for children or an administrator or employee of a public or private school or other institution or agency
5. The willful infliction upon a child of any cruel or inhumane corporal punishment or any injury resulting in a traumatic condition

Child abuse or neglect does not include the following:

1. A mutual fight between minors
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment
3. An injury caused by any force that is reasonable and necessary for a person employed by or engaged in a school to accomplish any of the following:
 - a. To stop a disturbance threatening physical injury to people or damage to property
 - b. For purposes of self defense
 - c. To obtain possession of weapons or other dangerous objects within control of a student
 - d. To exercise the degree of control reasonably necessary to maintain order, protect property, protect the health and safety of students, and maintain proper and appropriate conditions conducive to learning
4. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by a student
5. Homelessness or classification as an unaccompanied minor

"Mandated reporters" include, but are not limited to: teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child

attendance; athletic coaches, administrators, and directors; administrators and employees of a licensed child day care facility; Head Start teachers; school security officers; licensed nurses or health care providers; and administrators, presenters, and counselors of a child abuse prevention program.

“Reasonable suspicion” means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. However, reasonable suspicion does not require certainty that child abuse or neglect has occurred, nor does it require a specific medical indication of child abuse or neglect.

Notifications

The Head of School or designee shall provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, their reporting obligations under Penal Code 11166, and their confidentiality rights under Penal Code 11167. Stockton Collegiate also shall provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167.

Before beginning employment, any person who will be a mandated reporter by virtue of his/her position shall sign a statement indicating that he/she has knowledge of the reporting obligations under Penal Code 11166 and will comply with those provisions. The signed statement shall be retained by the Head of School or designee.

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures pursuant to Welfare and Institutions Code 15630-15637.

Mandated Reporter Training

Within the first six weeks of each school year, the Head of School or designee shall provide training on mandated reporting requirements to Stockton Collegiate employees and persons working on their behalf who are mandated reporters. Any school personnel hired during the school year shall receive such training within the first six weeks of employment. Proof of each mandated reporter’s completion of the training shall be maintained by the Head of School or designee.

The Head of School or designee shall use the online training module provided by the California Department of Social Services or other alternative as allowed by law.

The training shall include, but not necessarily be limited to, training in identification and reporting of child abuse and neglect. In addition, the training shall include information that failure to report an incident of known or reasonably suspected child abuse or neglect as required by law is a misdemeanor punishable by imprisonment and/or a fine as specified.

Reportable Offenses

A mandated reporter shall make a report using the established procedures whenever, in his/her professional capacity or within the scope of his/her employment, he/she has knowledge of or observes a child whom the mandated reporter knows, or reasonably suspects, has been the victim of child abuse or neglect.

Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency.

Any Stockton Collegiate employee who reasonably believes that he/she has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury against a victim who is a child under age 14 shall notify a peace officer.

Reporting Responsibility and Liability

The reporting duties of mandated reporters are individual and cannot be delegated to another person.

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report.

Any person not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. No employee shall be subject to any sanction by Stockton Collegiate for making a report unless it can be shown that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report.

No mandated reporter shall be civilly or criminally liable for filing a report of known or suspected child abuse as required or authorized by law. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report.

Reporting Procedures

Reports of known or suspected child abuse or neglect may be filed with any police department (excluding the charter school security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department.

1. Initial Telephone Report

Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to:

Human Service Agency of San Joaquin County, 333 E. Washington Street, Stockton, CA 95202. *TO REPORT CHID ABUSE or NEGLECT, CALL 209-468-1333.*

When the initial telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

2. Written Report

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report, which includes a completed Department of Justice form (SS 8572).

Form SS 8572 may also be accessed through the State of California Department of Justice website at https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss_8572.pdf.

Reports of suspected child abuse or neglect shall include, if known:

- a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter

- b. The student's name and address, present location, and, where applicable, school, grade, and class
- c. The names, addresses, and telephone numbers of the student's parents/guardians
- d. The name, address, telephone number, and other relevant personal information about the person who might have abused or neglected the student
- e. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information

The mandated reporter shall make a report even if some of this information is not known or is uncertain to him/her.

The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made for serious emotional damage pursuant to Penal Code 11166.05.

3. Internal Reporting

The mandated reporter shall not be required to disclose his/her identity to his/her supervisor, or the Head of School or designee.

However, employees reporting child abuse or neglect to an appropriate agency are encouraged, but not required, to notify the Head of School as soon as possible after the initial telephone report to the appropriate agency.

The Head of School so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Board policy, and administrative regulation. At the mandated reporter's request, the Head of School may assist in completing and filing the necessary forms.

Reporting the information to an employer, supervisor, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency.

Complaint of Child Abuse Committed at a School Site

Upon request, the Head of School or designee shall provide parents/guardians with procedures for reporting suspected child abuse occurring at the school site to appropriate agencies. For parents/guardians whose primary language is not English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided.

To file a complaint against a Stockton Collegiate employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee also is obligated pursuant to Penal Code 11166 to file a report himself/herself using the procedures described above for mandated reporters.

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR 4650.

Interview of Student by an Agency Representative

Whenever a representative of police, sheriff's, or county welfare department is investigating suspected child abuse or neglect that occurred within the student's home or out-of-home care facility, the student may be interviewed by an agency representative during school hours, on school premises. The Head of School or designee may give the student the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the student.

A staff member or volunteer aide selected by a student may decline to be present at the interview. If the selected person accepts, the Head of School or designee shall inform him/her of the following requirements:

1. The purpose of the selected person's presence at the interview is to lend support to the student and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the student.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school.

Release of Student to Peace Officer as Victim of Suspected Child Abuse or Neglect

When a student is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the peace officer shall be provided with the address and telephone number of the child's parent/guardian. No employee at Stockton Collegiate shall notify the parent/guardian of the student's release to the peace officer; it is the responsibility of the peace officer to notify the parent/guardian of the situation.

SECTION 3: DISASTER PROCEDURES

Stockton Collegiate will take all necessary measures to protect the lives and well-being of its students and staff through the prompt and timely response of trained school personnel should an emergency affect the school. To meet these objectives, the school has established a comprehensive emergency operations program that includes plans and procedures, training and exercise, and plan review and maintenance. The plan is in alignment and compliance with the Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS). The following sections outline basic responsibilities for all staff for specific incidents (listed in alphabetical order).

Chain of Command

<i>Rank</i>	<i>Title</i>	<i>Name</i>	<i>Responsibilities</i>
1	Head of School / CEO	Scott Luhn	Ensures the safe and orderly implementation of emergency procedures Manages emergency supplies and materials
2	Administrator	Katherine Luu	Manages communication with staff
3	Administrator	Lisa Lee	Liaison between school and public Assists communication with staff
4	Administrators	Katherine Luu Lisa Lee	Manages student accounting and release to parents

The following sections outline basic responsibilities for all staff for specific incidents (listed in alphabetical order).

Biological/Chemical Assault

Biological and chemical assaults typically involve microscopic materials. Biological or chemical weapons can be in powder form, liquid, or vaporous. Pranks using stink bombs should also be considered a chemical weapons attack.

In the event of a biological or chemical assault, follow the Head of School's or designee's instructions for appropriate emergency procedures. These procedures include:

- Head of School or Head of School's designees direct student and staff movements in response to the method and location of delivery of the biological or chemical agent.
- Head of School and Facilities Manager(s) manage HVAC systems as necessary in response to the location of delivery and the type of biological or chemical agent.
- Staff and student responses include the following actions:
 - Staff and students follow directions of Head of School or Head of School's designees as assigned.
 - Teachers take roll and report any missing students to the Head of School or designee.
 - Teachers stay with students.
 - Staff and Students follow directions of Head of School or Head of School's designees as assigned to move to a different location if necessary.
 - Students and staff remain in designated area until notified to leave by the Head of School, Administrator, or Head of School's designee or officers of emergency response agencies.

- Staff immediately report any injuries or illnesses to the Head of School, Administrator, or Head of School's designee or officers of emergency response agencies.

In any situation involving a biological or chemical assault, the Head of School and staff must follow all instructions given by officers of emergency response agencies.

Bomb Threat

Bomb threats are serious until proven otherwise. Threats are usually received as an anonymous telephone call, or arrive as a letter or handwritten note, email, social media posting, or suspicious package.

In the event of a bomb threat, follow the Head of School's or designee's instructions for emergency procedures. These procedures include:

- Staff and student responses include the following actions:
 - Staff and students follow directions of Head of School or Head of School's designees.
 - Teachers take roll and report any missing students to the Head of School or designee
 - Teachers stay with students.
 - Staff and Students follow directions of Head of School or Head of School's designees to move to a different location if necessary.
 - Students and staff remain in designated area until notified to leave by the Head of School, Administrator, or Head of School's designee or officers of emergency response agencies.

Staff that receives a bomb threat shall adhere to the following procedures:

If the bomb threat is received as an *anonymous telephone call*:

- Remain calm. Keep the caller on the line as long as possible. DO NOT HANG UP, even if the caller does.
- Listen carefully. Be polite and show interest.
- Notify a coworker via note or hand signals. Coworker should notify Head of School immediately.
- Write down as many details as can be remembered. Try to use exact words.
- If the telephone has a display, copy the number and/or letters on the display window.
- Attempt to get information on the location of the bomb, and any identifying characteristics of the caller.
- Have the caller repeat the message.
- Immediately upon termination of the call, do not hang up.
- Notify the Head of School immediately
- From a different telephone, call 911.

If the bomb threat is received as a *letter or handwritten note*:

- Handle the letter or note as minimally as possible.
- Notify the Head of School immediately.
- Call 911.

If the bomb threat is received as an *email or social media posting*:

- Do not delete the message.

- If possible, take a picture or snapshot of the message with a camera.
- Notify the Head of School immediately.
- Call 911.

If the bomb threat is received as a *suspicious package or device*:

- Do not touch or approach the device or package.
- Call 911.
- Notify the Head of School immediately.
- Evacuate the immediate areas and wait for the instruction of the Head of School or designee.

Earthquake

In the event of an earthquake, staff shall follow these procedures:

- **When inside the classroom or office:**
 - Staff and students take cover under a table or desk, dropping to their knees, with the head and neck protected by the arms and facing away from the windows.
- **When outside:**
 - Staff and students find shelter away from windows, drop to the ground, place their heads between their knees and cover their head and eyes with arms and hands.
- Teachers take roll and report any missing students to the Head of School or designee.
- Teachers stay with students.
- Staff and Students follow directions of Head of School or Head of School's designees to move to a different location if necessary.
- Students and staff remain in designated area until notified to leave by the Head of School, Administrator, or Head of School's designee or officers of emergency response agencies.

Explosion or Similar Incident

In the event of an explosion or similar incident, staff shall follow these procedures:

Immediate responses include:

- If possible, duck and cover under a desk or table.
- Call 911.
- If necessary, because of fire, building damage etc., evacuate building following exit procedures for fire emergencies.
- Staff and student responses include the following actions:
 - Staff and students follow directions of Head of School or Head of School's designees.
 - Teachers take roll and report any missing students to the Head of School or designee
 - Teachers stay with students.
 - Staff and Students follow directions of Head of School or Head of School's designees to move to a different location if necessary.

- Students and staff remain in designated area until notified to leave by the Head of School, Administrator, or Head of School's designee or officers of emergency response agencies.

Fire Procedures

In the event of a fire, staff shall follow these procedures:

- Sound the fire alarm, if the fire alarm is not already sounding.
- Non-classroom based staff exit the building by the nearest fire exit.
- Non-classroom based staff assist classroom teachers in supervising students.
- Staff and student responses include the following actions:
 - Staff and students follow the directions in Emergency Folder located in each classroom.
 - Teachers take roll and report any missing students to the Head of School or designee
 - Teachers stay with students.
 - Staff and Students follow directions of Head of School or Head of School's designees to move to a different location if necessary.
 - Students and staff remain in designated area until notified to leave by the Head of School, Administrator, or Head of School's designee or officers of emergency response agencies.

Flood

In the event of a flood, follow the Head of School's or designee's instructions for emergency procedures. These procedures include:

- Staff and student responses include the following actions:
 - Staff and students follow directions of Head of School or Head of School's designees.
 - Teachers take roll and report any missing students to the Head of School or designee
 - Teachers stay with students.
 - Staff and Students follow directions of Head of School or Head of School's designees to move to a different location if necessary.
 - Students and staff remain in designated area until notified to leave by the Head of School, Administrator, or Head of School's designee or officers of emergency response agencies.

Hazardous Substance Incident

Hazardous substance means a substance, material, or mixture which is likely to cause illness or injury by reason of being explosive, flammable, poisonous, corrosive, oxidizing, an irritant, or otherwise harmful.

In the event of an explosion or similar incident, staff shall follow these procedures:

- Notify the Head of School or the Facilities Manager.
- Facilities Manager will limit incident site entry to trained personnel with appropriate personal protective equipment.
- Evacuation of facilities or areas will be directed by the Head of School or designee in coordination with SEMS.
- Staff and student responses include the following actions:
 - Staff and students follow directions of Head of School or Head of School's designees.

- Teachers take roll and report any missing students to the Head of School or designee
- Teachers stay with students.
- Staff and Students follow directions of Head of School or Head of School’s designees to move to a different location if necessary.
- Students and staff remain in designated area until notified to leave by the Head of School, Administrator, or Head of School’s designee or officers of emergency response agencies.

Suspicious Mail/Packages

Prudent scrutiny of incoming mail, conducted in a reasonable manner ,can greatly reduce the chance of becoming the victim of attack by mail. Not all mail comes perfectly packaged or with accurate information on it, so it is important that employees handling mail remain sensible in the screening of mail. Not every imperfectly packaged or labeled package warrants treatment as suspicious; however, employees should keep the following indicators in mind.

Indicators of suspicious mail include:

- Unknown sender
- Addressed to someone who no longer works at Stockton Collegiate schools
- Addressed to a current employee but with the wrong title
- Contains several misspelled words on the envelope
- Marked with restrictive endorsements such as “Personal” or “Confidential”
- No return address or an address that cannot be verified
- Excessive postage
- From a foreign country
- Postmark with city or state that does not match the return address
- Odd shape or unusual weight given its size
- Protruding wires, strange odors, or stains
- Powdery substance on the outside
- Unusual amount of tape
- Ticking or making unusual sounds

In the event of suspicious mail, staff shall follow these procedures:

- Do not try to open the package or envelope.
- Do not sniff, taste or shake the package.
- Isolate the package.
- Evacuate the immediate area; close the door.
- Contact supervisor and call 911.
- In addition, in the event of mail suspected of delivering biological/chemical agents in powder form:
 - Do not open an envelope or package with powder on the outside.
 - If powder is spilled from an envelope or package, do not try to clean up the powder.

- Cover the spilled contents immediately with anything (*e.g.*, clothing, paper, trash can).
- Do not remove the cover.
- Leave the room and close the door or otherwise prevent access to the room.
- Notify the Head of School.
- Notify the Facilities Manager.
- Ensure that everyone who had contact with the piece of mail washes his/her hands with soap and hot water.
- Remove heavily contaminated clothing as soon as possible and place inside a plastic bag or some other container that can be sealed. This clothing should be given to the responding emergency response units.
- Shower with soap and water as soon as possible. Do not use bleach or other disinfectant on your skin.
- Make a list of all the people who were in the room or area, especially those who had contact with the envelope or package. Provide this list to the Head of School and the emergency response teams investigating the incident.
- If you are prescribed medicine as a result of this exposure, take it until instructed or until it runs out.

The Head of School or designee should immediately contact the local police (911) or the U.S. Postal Inspection Service (1-877-876-2455).

Active Shooter and Similar Emergencies

If a shooting takes place or a lockdown needs to be in effect (*e.g.*, police announce a threat to campus, stranger on campus, etc.), the first priority is to shelter students and staff. On hearing shots or an announcement from Head of School or designee(s):

- Teachers close and lock all classroom doors and windows immediately.
- Teachers take attendance.
- Teachers calmly direct students to duck under their desks
- If students are outside for recess or for other activities, the students shall immediately go to classrooms designated by staff supervising these students.
- The classroom door is not to be opened by anyone inside the room until the emergency is over.
 - If a student wants to leave a room (*e.g.*, for restroom or other emergency), the teacher must get approval from the Head of School or designee and confirmation that the building is closed and secured.
 - The teacher or another staff member shall escort the student during lockdown. The Head of School or designee shall not allow students or staff to walk outside classrooms if it is unsafe (*e.g.*, shooter on campus).
- Head of School or designee(s) and/or other staff call 911.
- Head of School or designee(s)' assigned person ensure students are not in the hallways or bathrooms. Students found in these areas are immediately escorted to a secure classroom or office
- Office personnel close and lock all office doors and windows immediately.
- Nobody leaves their secure sites until law enforcement/emergency crew members escort them to safety.
- Head of School and an assigned person(s) will control and organize media.
- Assigned person(s) will ensure that counseling services are available as soon as possible.

Possible Use of School Facilities as Disaster Shelter

The Head of School or his/her designee, coordinating with Stockton Collegiate landlords when appropriate, will communicate with public agencies (e.g., American Red Cross, County Office of Emergency Services, etc.) about the use of school facilities for mass care and welfare shelters or other emergencies affecting public health and welfare. The Head of School or his/her designee, coordinating with Stockton Collegiate landlords when appropriate, will ensure Stockton Collegiate cooperates with the public agency in furnishing and maintaining the services as Stockton Collegiate may deem necessary to meet the needs of the community.

**EMERGENCY PROCEDURES
INCLUDING THOSE
FOR SPECIAL NEEDS STUDENTS**

1. Procedures for special needs students may need to be implemented in emergency situations such as fire, earthquake, bomb threats, etc.
2. At the beginning of each school year or as students join the program, an individual emergency procedures plan (IEPP) will be developed to accommodate each student who requires additional assistance due to a disability. This includes students with physical impairments who may require a wheelchair, specialized equipment or physical assistance to evacuate in a timely manner.
3. Each plan requires that support staff be designated as specialized assistants during times of emergency.
4. The Director of Special Education or designee is responsible for:
 - a. Identifying students who will require additional assistance
 - b. Working with the designated staff to ensure that an IEPP be completed for each student.
5. Use the format below to complete an Individual Emergency Procedures Plan for each special needs student. Place a copy of the plans in the Site Emergency Operations Plan and with the individual classroom teacher's emergency materials. (class roster, etc.)

Student:	Room #:	Teacher:
Designated Specialized Assistants:		
Required Equipment or Physical Assistance Needed to Evacuate in a Timely Manner (<i>complete below</i>)		

SECTION 4: SUSPENSION AND EXPULSION PROCEDURES

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, Stockton Collegiate (or 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. Stockton Collegiate 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. This policy shall serve as Stockton Collegiate’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.

When the Policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. Stockton Collegiate staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This Policy and its Procedures will be distributed and will clearly describe discipline expectations. 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 employee, students, staff or other persons or to prevent damage to school property.

Stockton Collegiate administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline policies and procedures. The notice shall state that this Policy and Procedures are available on request at the Head of School’s 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. Definitions (as used in this policy)

- a) “Board” means governing body of the Charter School.
- b) “Expulsion” means disenrollment from the Charter School.
- c) “School day” means a day upon which the Charter School is in session or during a school activity
- d) “Suspension” means removal of a pupil from ongoing instruction for adjustment purposes. However, “suspension” does not mean the following:
 - a. Reassignment to another education program or class at the charter school where the pupil will receive continuing instruction for the length of day prescribed by the Charter School Board for pupils of the same grade level.

- b. Referral to a certificated employee designated by the Head of School to advise pupils.
- c. Removal from the class but without reassignment to another class for the remainder of the class period without sending the pupil to the Director or designee.
- e) "Pupil" includes a pupil's parent or guardian or legal counsel or other representative.
- f) "School" means the Charter School.

B. 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 Stockton Collegiate or at any other school or a Stockton Collegiate 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.

C. 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, sold 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 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.
- g) Stole or attempted to steal school property or private property.
- 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 11014.5.

- k) Knowingly received stolen school property or private property.
- 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) Committed or attempted to commit a sexual assault as defined in Penal code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4.
- n) 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.
- o) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- p) 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.
- q) Made terrorist threats against school officials and/or school property. 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, or the personal property of the person threatened or his or her immediate family.
- r) 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.
- s) 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.
- t) Intentionally harassed, threatened or intimidated 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 student rights by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- u) Engaged in an act of bullying, including, but not limited to, bullying committed by

means of an electronic act.

1) “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:

i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of 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 transmission 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, 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. 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.

v) 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).

Students must be suspended for any of the following acts when it is determined the pupil:

a) 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 students had obtained written permission to possess the item from a certificated school employee, with the Head of School or designee's concurrence.

If it is determined by the 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.

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.

The above list is not exhaustive and depending upon the offense, a pupil may be suspended or expelled for misconduct not specified above. Alternatives to suspension or expulsion will first be attempted with students who are truant, tardy, or otherwise absent from assigned school activities.

D. Suspension Procedure

Only the Head of School or Head of School's designee may suspend a student. Suspensions shall be initiated according to the following procedures.

1) Informal Conference

Suspension shall be preceded, if possible, by an informal conference conducted by the Head of School or Head of School'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 Administrative Director.

The conference may be omitted if the Head of School or Head of School's 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 orally and in writing.

This conference shall be held within two 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 Head of School or Head of School's designee shall make a reasonable effort to contact the parent/guardian by telephone, by email, 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. Stockton Collegiate does not provide appeals of suspensions. If a suspension is extended, the student may be suspended pending an expulsion hearing.

Upon a recommendation of expulsion by the Head of School, the pupil and the pupil's guardian or representative will be invited to a conference to determine if the suspension for the pupil should be extended pending an expulsion hearing. This determination will be made by the Head of School 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.

For suspension of ten days or more, the student will be provided written notice of the charges and an explanation of the student's basic rights and will be provided a hearing adjudicated by a neutral hearing officer within a reasonable number of days. The Head of School may select the hearing officer.

E. Authority to Expel

A student may be expelled by the Head of School or designee. Unless a hearing is timely requested by the student's parent, the Head of School or designee's determination is final.

F. Expulsion Offenses

Students may be expelled for any of the following acts when it is determined the pupil:

Adopted June 26, 2020

- 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, sold 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 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.
- g) Stole or attempted to steal school property or private property.
- 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 11014.5.
- k) Knowingly received stolen school property or private property.
- 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) Committed or attempted to commit a sexual assault as defined in Penal code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4.
- n) 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.
- o) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- p) 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.

q) Made terrorist threats against school officials and/or school property. 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, or the personal property of the person threatened or his or her immediate family.

r) 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.

s) 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.

t) Intentionally harassed, threatened or intimidated 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 student rights by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.

u) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.

1) “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:

i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of 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 transmission 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, 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. 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.

v) 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).

Students must be expelled 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, knife, 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 Head of School or designee's concurrence.

If it is determined by the Governing Board 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.

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. Alternatives to suspension or expulsion will first be attempted with students who are truant, tardy, or otherwise absent from assigned school activities.

G. Expulsion Procedures

The parent(s) or guardian(s) of a student shall have ten days from issuance of a written notice of the Head of School or designee's recommendation for expulsion to file a written request for a hearing to be presided over by neutral officer(s) designated by the Head of School or Board (the "Hearing Officer") who shall not be a parent, guardian or teacher of the student of involved in the student's conduct at issue.

At a minimum, the Hearing Officer will comply with the "hearing adjudicated by a neutral officer" requirements under Education Code section 47605(b)(5)(J)(ii)(II). If no hearing is requested, the expulsion becomes final as of the 11th day following the recommendation for expulsion by the Head of School or designee.

The Hearing Officer shall hold the hearing within 15 days of receipt of a timely request for a hearing. During the hearing, the student shall have the right to representation, the right to present evidence, and the right to question Stockton Collegiate representatives. The hearing shall be held in a closed setting unless the student makes a written request for a public hearing at least three days prior to the 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 Stockton Collegiate'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 district or school to which the student seeks enrollment;

- 5) The opportunity for the student 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 right to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

The student and/or his or her parent(s) or representative must present all written and oral evidence and argument to be considered at the hearing. The school secretary or Hearing Officer's designee shall prepare minutes of the proceeding, which shall become part of the record of the proceeding along with all written evidence or other material submitted to the Hearing Officer. After considering the evidence, including testimony presented at the hearing, the Hearing Officer shall either (1) support the recommendation for expulsion, (2) reject that recommendation, or (3) modify that recommendation.

H. Special Procedures for Expulsion Hearings Involving Sexual Assault or Battery Offenses

The Hearing Officer 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 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 days' 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 Hearing Officer 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 Hearing Officer, 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 Hearing Officer may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.
5. The Hearing Officer 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 Hearing Officer from removing a

support person whom the presiding person finds is disrupting the hearing. The Hearing Officer 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 Hearing Officer 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 Hearing 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 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 Hearing Officer 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.

I. Record of Hearing

A record of the hearing shall be made by minutes taken by the school secretary or Hearing Officer's designee.

J. 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 to expel by the Head of School or designee must be supported by substantial evidence that the student committed an expellable offense.

The Hearing Officer's 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 Hearing Officer determines that disclosure of their

identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

The final decision by the Hearing Officer shall be made within ten school days following the conclusion of the hearing, in the form of written findings of fact. The decision of the Hearing Officer is final. If the Hearing Officer decides against expulsion, the pupil shall immediately be returned to his/her educational program.

K. Written Notice to Expel

Following a decision of the Hearing Officer to expel, Stockton Collegiate shall send written notice of the determination to expel, including the Hearing Officer's findings of fact, to the student and parent/guardian. This notice shall also include the following: notice of the specific offense committed by the student; and notice of the student's or parent/guardian's obligation to inform any new district or school in which the student seeks to enroll of the student's status with the school.

Stockton Collegiate shall send a copy of the written notice of the determination to expel to the school district of the student's last known residence.

L. No Right to Appeal

The Hearing Officer's determination after the expulsion hearing is final.

M. Disciplinary Records

Stockton Collegiate shall maintain records of all student suspensions and expulsions. Such records shall be made available to the authorizer upon request.

N. Expelled Pupils/Alternative Education

Pupils who are expelled shall be responsible for seeking alternative education programs including, but not limited to, programs within the County or their school district of residence. Stockton Collegiate shall work cooperatively with parents/guardians as requested by parents/guardians or by the school district of residence to assist with locating alternative placements during expulsion.

O. Readmission

The Stockton Collegiate Board may adopt rules establishing a procedure for filing and processing requests for readmission and the process for the required review of an expelled pupil for readmission. Upon completion of the readmission process, the Stockton Collegiate Board may readmit the pupil.

P. Involuntary Removal

No pupil shall be involuntarily removed by Stockton Collegiate 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 schooldays before the effective date of the action. The written notice shall be in the native language of

Adopted June 26, 2020

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 him or her of the right to a hearing adjudicated by a neutral officer before the effective date of the action.

If the pupil's parent, guardian, or educational rights holder exercises the right to a hearing, 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 or expulsions.

Q. Special Procedures for the Consideration of Suspension and Expulsion of Students with Disabilities

A student identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement 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 general education students except when federal and state law mandates additional or different procedures. Prior to recommending expulsion in such cases, the school shall conduct a manifestation determination meeting.

Stockton Collegiate will follow all applicable 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.

i. 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 the SELPA would be deemed to have knowledge that the student had a disability

ii. 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, and to progress toward meeting the goals set out in the child's IEP; 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.

iii. 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 or a functional analysis 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 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.

iv. 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 student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, whichever occurs first, unless the parent and the Charter School agree otherwise.

v. 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.

Head of School or designee may remove a student 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:

- 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.

vi. Interim Alternative Educational Setting

The student's interim alternative educational setting shall be determined by the student's IEP team.

vii. 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 to IDEA-eligible students with disabilities 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 Principal 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 students 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 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.

SECTION 5: NOTIFYING TEACHERS OF DANGEROUS STUDENTS

Education Code section 49079 requires the notification of teachers of students assigned to them who, in the last three years, have engaged in, or are reasonably suspected to have engaged in, any of the acts which could constitute grounds for suspension or expulsion, with the exception of the possession or use of tobacco products. This information shall be based upon any records maintained by the school (*i.e.*, discipline referrals, suspension notices), or received from a law enforcement agency.

Teachers shall receive the information in confidence and shall not disseminate it further. The information is available in the student's education records.

SECTION 6: BULLYING & CYBERBULLYING

Stockton Collegiate believes that all students have a right to a safe and healthy school environment. Bullying has a negative effect on the social environment of schools, creates a climate of fear among students, and leads to other antisocial behavior. Recognizing the harmful effects of bullying on student learning and school attendance, school employees have an obligation to promote mutual respect, tolerance, and acceptance.

Stockton Collegiate will not tolerate behavior that infringes on the safety of any student. No individual or group shall intimidate, harass, sexually harass, threaten, cause bodily injury to, or commit hate violence against another student or school personnel through physical, written, verbal, or other means. Such behavior includes: direct physical contact, such as hitting or shoving, or taking or breaking another individual's property; verbal assaults, such as name-calling, taunting, making inappropriate sexual comments, or threatening to cause harm; and social isolation, embarrassment, or manipulation.

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, videos, or images. Cyberbullying can include sharing personal or private information about another student, causing embarrassment or humiliation. Expectations for student and staff behavior, including prohibitions against cyberbullying, are outlined in Stockton Collegiate's Technology Acceptable Use Policy.

As appropriate, Stockton Collegiate may collaborate with law enforcement and community-based organizations and agencies in the development and implementation of strategies to promote safety in schools and the community and to provide services for alleged victims, witnesses, and perpetrators of bullying.

Bullying Intervention

Students are expected to immediately report to the the Head of School, Administrator, or any other available school employee incidents of bullying or when there is suspicion that a student is being victimized on school grounds, while traveling to and from school, during the lunch period, and during a school-sponsored activity. The Head of School or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School employees who witness an act of bullying shall immediately intervene to stop the incident when it is safe to do so.

When appropriate based on the severity or pervasiveness of the bullying, the Head of School, Administrator, or their designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

The Head of School or designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate.

Reporting and Filing of Complaints

Any individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the Head of School, Administrator, or any other available school employee. A school employee who receives a report or is witness of an incident of bullying involving a student shall notify the Head of School, whether or not the alleged victim files a complaint.

Investigation and Resolution of Complaints

All complaints of bullying must be investigated by the Head of School or designee. The Head of School or designee shall take all necessary actions to resolve the complaint. The Head of School or designee will gather a detailed description of the complaint and gather and review evidence in pursuit of a resolution.

Discrimination, harassment, intimidation, and bullying based on actual or perceived status of a student belonging to a protected class is prohibited. If the Head of School or designee, in the course of the investigation, determines that discriminatory harassment, intimidation, or bullying has occurred, the Head of School or designee may inform the student or parent/guardian of the right to file a formal written complaint in accordance with Stockton Collegiate's Uniform Complaint Procedures (UCP).

As part of the investigation, the Head of School or designee shall provide an opportunity for the complainant, or the complainant's representative, or both, to present evidence or information to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation. Refusal by the complainant to provide documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

Interviews of the alleged victim(s), any alleged offenders, and other relevant witnesses shall be conducted privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

All complainants shall be protected from retaliation. For any complaint alleging retaliation or discriminatory harassment, intimidation, or bullying, the Head of School or designee shall keep the identity of the complainant, and/or the subject of the complaint if he/she is different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

As appropriate, interim measures shall be implemented during and pending the result of an investigation and shall remain in place until the Head of School or designee determines they are no longer necessary.

Corrective Actions and Disciplinary Measures

When a complaint is found to have merit, appropriate remedies that may be offered to the victim but not communicated to the offender may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Information regarding available resources and how to report similar incidents or retaliation
5. Separation of the victim from any other individuals involved, provided that the separation does not penalize the victim
6. Follow-up inquiries to ensure that the conduct has stopped and that there has been no retaliation

Corrective actions for a student determined to have committed an act of bullying of any type may include, but are not limited to, the following:

1. Transfer from a class

2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges
7. Disciplinary action, such as suspension, expulsion, or involuntary removal as permitted by law

Any school employee who permits or engages in bullying or retaliation related to bullying shall be subjected to disciplinary action, up to and including dismissal.

SECTION 7: DRESS AND GROOMING

Stockton Collegiate strives to promote a safe educational environment. With that in mind, this dress code is focused on the safety and security of the learning community and does not strive to limit student's creativity, self-expression or gender expression. We also recognize that clothing is often tied to identity and access and will strive to be responsive to the individualized needs and experiences of each community member when monitoring dress code. There are times when students are encouraged or required to dress professionally, and Stockton Collegiate will work with students to ensure they have access to this clothing. With that in mind, the following rules and regulations must be followed to ensure a safe and conducive learning environment:

- No Gang-Related clothing - These may include gang colors, head coverings like a do-rag or hat, jewelry, emblems, or clothing depicting gang symbols or graffiti of any kind
- Appropriate Messages - Clothing promoting alcohol, tobacco, drugs, hate speech, objectification, violence, or weapons is not allowed. This includes offensive words and designs, violence (blood, death, weapons), sex, playboy symbols, hate groups, tobacco products, drugs, and alcohol.
- Inappropriately revealing clothing is not allowed. This includes but is not limited to sheer clothing, clothing that reveals the chest or upper thigh/rear. These requirements apply to students regardless of gender identity.

This dress code is adopted pursuant to Education Code section 35183 in order to foster a safe and healthy learning environment for all students.

SECTION 8: SAFE INGRESS AND EGRESS

Stockton Collegiate is committed to providing a safe and secure environment for all students, parents, and school employees. Stockton Collegiate safety measures and rules governing ingress and egress are designed to specifically address Stockton Collegiate's unique location in downtown Stockton. As such, Stockton Collegiate will take measures to ensure the safe ingress and egress of all students, parents, school employees, and visitors to and from campus by:

1. Conducting periodic reviews of its procedures for ingress and egress, taking into account any input from the community.
2. Ensuring that all passageways to and from school buildings, corridors within school buildings and emergency exits remain clear of all obstruction and hazards to allow flow of pedestrian and vehicular traffic.
3. Collaborating with landlords, local law enforcement agencies, and appropriate city officials to ensure that the Stockton Collegiate's immediate community is safe.
4. Addressing any problems associated with safe ingress and egress immediately.

Arrival and Departure of Students

Stockton Collegiate is a closed campus, meaning that students are not permitted to leave campus during the school day without special permissions on their individualized schedules to allow for jobs, internships, or other administration-approved priorities.

A student will only be released during his/her scheduled session to his/her parent/guardian. If a parent/guardian wishes for an emergency contact to pick up a student early, the parent/guardian must make the request in person or by phone. When picking up students early from school, office staff may require photo identification for verification of parent/guardian/emergency contact identity. The student will only be called out of session when the parent/guardian/emergency contact arrives at the school to pick him/her up. Students 18 years of age or older may sign themselves into and off campus.

Visitors/Outsiders

All visitors to campus, including alumni, parents/guardians, and family members, must have an ID present. Visitors sign in with security and/or the office manager and may be provided with a visitor's badge. Staff may call local law enforcement in the event of any unauthorized persons who are on campus without permission and/or who refuse to leave the school campus.

SECTION 9: NONDISCRIMINATION & HARASSMENT

Stockton Collegiate's 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. Programs and activities shall also be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames.

All individuals shall be treated equitably in the receipt of services. Personal identifiable information collected in the implementation of any program, including, but not limited to, student and family information for the free and reduced-price lunch program, transportation, or any other educational program, shall be used only for the purposes of the program, except when the Head of School or designee authorizes its use for another purpose in accordance with law. Resources and data collected by Stockton Collegiate shall not be used, directly or by others, to compile a list, registry, or database of individuals based on race, gender, sexual orientation, religion, ethnicity, national origin, or immigration status or any other category identified above.

All allegations of unlawful discrimination in Stockton Collegiate's programs and activities shall be investigated and resolved in accordance with the procedures specified in the Uniform Complaint Procedures.

The nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand.

Access for Individuals with Disabilities

Stockton Collegiate's programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act (ADA) and any implementing standards and/or regulations. When structural changes to existing district facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, the Head of School or designee shall develop a transition plan that sets forth the steps for completing the changes.