



California Online Public Schools

Comprehensive School Safety Plan

*To comply with AB 1747
And including elements from
Ed.Code Section 32282 (a)(2)(A) through (H)*

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Introduction

California Online Public Schools (CalOPS) are online public charter schools. This plan will apply to all of the California Online Public Schools operated by the California Online Public Schools governing board.

We have two business offices and do not have any physical school locations or classroom facilities. We do host in person state testing, field trips, and other such face to face socialization events at venues we contract with throughout the state. This plan is written to provide a safe environment at both of the offices and at any off-site event.

Child Abuse Reporting Procedures

It is our policy to ensure the safety and well-being of all children participating in activities sponsored by us, and to report suspected cases of child abuse and neglect consistent with the requirements of state law. We will not knowingly place an employee in a position that causes him or her to come into contact with children where the employee has been accused and/or convicted of crimes against children, child abuse, or child neglect. We ensure that individuals who come into contact children have passed appropriate background screening measures. (see also the CalOPS Employee Handbook)

AWARENESS OF POSSIBLE ABUSE/NEGLECT

All individuals participating in activities affiliated with us that include children are responsible for being alert to possible abuse or neglect. We provide training to employees who interact with children on Child Abuse and Neglect, which includes guidelines for identifying and procedures for reporting any suspected child abuse or neglect, and employees must comply with the procedures established in this training.

Non-Imminent Danger Reporting Protocols

School staff of California Online Public Schools should follow reporting protocols for non-imminent danger if there are concerns for students and there are not immediate risks for personal safety for them or their family members.

Non-imminent danger situations are concerning, but the student is **not in immediate danger or in a life-threatening situation** that would require a call to emergency services.

Non-imminent danger situations could be discovered through submitted assignments, email messages, or phone calls with students, or it may be second-hand or hearsay. Concerns of non-imminent danger require a follow-up from the counselor or school leader.

School Staff Responsibilities:

1. Log the contact. Normal logging protocol should be followed. Due to the sensitive content, the Log should be marked as "Confidential."
2. Inform the school leader or counselor from a separate phone or via instant message.
3. Email school leader and Hazel Eng with a summary of the situation and request for review as well as follow up instructions.

4. The school leader and/or counselor will determine if the reporting staff member should make a report to children's services.
 - a. If so, the reporting staff member should contact children's services as the person who initiated the student concern.
 - b. Search online for "children's services in city/county" where the student lives.
 - c. In the email, note the incident number and the agency actions, e.g. if they will open an investigation.

Imminent Danger Reporting Protocols

School Staff associated with California Online Public Schools should follow reporting protocols for imminent danger if a student or family member has an immediate risk to their personal safety.

Imminent danger refers to first-hand, real-time reported information versus second-hand/ hearsay, and is an **immediate threat of harm**.

It is considered imminent danger when a student's apparent perpetrator intends to cause harm, or such danger exists which could reasonably be expected to cause death or serious physical harm.

Students can also engage in imminent danger towards themselves or others. The term imminent or its equivalent (e.g., immediate, threatening, emergent, crisis) is short-term, rather than long-term, danger to self or others. When deciding if a situation is imminent, consider the specific nature or conduct, magnitude, probability, or frequency of harm.

School Staff Responsibilities

1. Upon receipt of the concern, the staff member will do one or both of the following:
 - a. Make a report with local children's services.
 - i. Search online for "children's services in city/county" where the student lives.
 - ii. Note the incident number and the agency actions, e.g. if they will open an investigation. You will add this information to an email in the subsequent steps of the process.
 - b. Contact 911 if it is recommended by the agency or if the student requires immediate medical attention.
 - i. Call 911, either locally or in the city and state, in which the situation is occurring. Have the student's name and address ready.
 - ii. Keep the student engaged in conversation and confirm his or her address or other information that will assist emergency services in locating them.
 - iii. Remain on the line with 911 until emergency personnel arrives at the student's location or as otherwise instructed by the 911 operator.
 2. Inform the school leader from a separate phone or via instant message.
 - a. If the school leader is not available, contact Hazel Eng.
 3. Log the contact. Normal logging protocol should be followed. Due to the sensitive content, the Log should be marked as "Confidential."
 4. Email school leader and Hazel Eng with a summary of the situation and request for review as well as follow up instructions.
 5. Your School Leader and/or Counseling team will follow through on next steps. They will contact you if any further actions or details are needed.
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Disaster and Criminal Incident Procedures

The welfare of the students and staff will always be the priority in any given emergency. Whatever action might need to be taken should put the health and safety of students and staff first.

Preparation/Preventative Measures:

- Upon booking the event staff will request a copy of the evacuation route(s) from the venue and request if there is an onsite security guard. If possible, also request the location of fire extinguishers and/or a copy of their emergency plan.
- When available staff will bring the following to each event:
 - An **emergency kit** with
 - Emergency Folder
 - The school emergency action plan, outlined below
 - The site manager name/contact, site address/number, testing room number(s), security guard name/contact (if applicable), and school emergency contacts
 - A sheet with onsite staff names and contact information
 - A paper copy of parent emergency contact numbers by student
 - Copies of Accident/Injury Reports Forms
 - Copies of Incident Report Forms
 - A first aid kit
- On the day of an event, staff will make a note of emergency exits, location(s) of fire extinguishers, and fire alarms. Additionally, onsite staff will determine the designated rally point.
 - Rally point - A location, most likely in the parking lot, located a safe distance from the venue where if staff were to be separated that is where they will meet
- Families will be informed that in the event of an emergency, students will not be released to family members until a roll call is completed to ensure all students are safe and accounted for.

Emergency	Action Plan
Evacuation	<p>Fire alarm, flood, bomb threat, or any emergency that requires evacuation from the building</p> <ul style="list-style-type: none">• Immediately, all onsite staff will assist with evacuating all students outside calmly and safely.<ul style="list-style-type: none">◦ A staff member should lead the students, another should be in the middle, and the others should be behind the students◦ No running should be permitted to avoid trampling and/or other potential injuries◦ Always use the stairs if on an upper floor• Once students are at a safe distance outside, on site staff will do a roll call to ensure that all students are accounted for, including staff.• If families are onsite during the emergency, staff SHOULD NOT release students until after roll call

	<ul style="list-style-type: none"> • Staff should follow-up with students to ensure that there were no injuries during evacuation and that no emergency assistance is required. • Depending on the severity of the emergency, at the discretion of a school principal or designee, the event will continue, or the students will be dismissed.
Medical Emergency	<p>In the event of a medical emergency</p> <ul style="list-style-type: none"> • Call 911 <ul style="list-style-type: none"> ◦ Provide the nature of the emergency ◦ Provide the site address & specific location • The onsite staff must isolate and secure the area or affected student(s) to avoid panic and/or further injuries <ul style="list-style-type: none"> ◦ If a student is severely injured, he or she SHOULD NOT be moved unless otherwise instructed by the emergency response team. • Staff identifies the individual(s) injured and contacts the caretaker(s) immediately • On site staff informs the school leader, and venue manager of the emergency immediately • NEVER leave injured student(s) alone. If an ambulance ride is required and the caretaker is not onsite, a staff member should accompany the student(s), if possible • If an ambulance ride is required, the staff should make a note of the hospital the student(s) is/are being transferred to and follow-up with the family immediately • Staff MUST complete the Accident/Injury Report and send it to the school leader as soon as possible. • The event may continue for the uninjured parties. If students are impacted and unable to continue after the incident, they should be dismissed
Assault/Fights	<p>Among students</p> <ul style="list-style-type: none"> • Staff should ensure the safety of all students and staff • Staff should de-escalate and diffuse the situation • Staff should call 911 if necessary <ul style="list-style-type: none"> ◦ Immediately call 911 if weapons are visible/involved • On site staff should call 911 if a student or students are severely injured and follow the action plan for medical emergencies • The on-site staff will notify the school leader <ul style="list-style-type: none"> ◦ An administrator will notify the caretakers of the students involved • The on-site staff completes an Incident Report & Accident/Injury Report <ul style="list-style-type: none"> ◦ Ask victim(s) and/or witness(es) for their account of the incident ◦ Submit an incident report to the school leader <p>Among Caretakers</p>

	<ul style="list-style-type: none"> • Staff should ensure the safety of all students and staff and move students away from the location of the incident • For verbal altercations, staff at their discretion can attempt to de-escalate or diffuse the situation <ul style="list-style-type: none"> ◦ If an altercation escalates staff should immediately call 911 • For physical altercations, DO NOT attempt to de-escalate <ul style="list-style-type: none"> ◦ If an onsite security guard is not available, contact 911 • Call 911 immediately if <ul style="list-style-type: none"> ◦ Weapons are visible/involved ◦ Someone threatens another's life ◦ Unable to de-escalate and altercation is escalating • On site staff will notify the school leader • On site staff completes an Incident Report & Accident/Injury Report <ul style="list-style-type: none"> ◦ Ask victim(s) and/or witness(es) for their account of the incident ◦ Submit an incident report to the school leader within 24 hours.
Active Shooter	<p>Annually all CalOPS staff will</p> <ul style="list-style-type: none"> • Sign up for an active shooter training course • Sign up to receive local emergency alerts and register work and personal contact information with any work sponsored alert system • Make a site-specific plan with administrators and expected onsite staff, and ensure everyone knows what they would do if confronted with an active shooter <ul style="list-style-type: none"> ◦ Understand the plans for individuals with disabilities or other access and functional needs • Describe expectations • Describe accountability process • Be trained to <ul style="list-style-type: none"> ◦ Be aware of their environment and any possible dangers ◦ Look for the two nearest exits ◦ Outline an escape path ◦ Identify hiding places ◦ Say something if suspicious <ul style="list-style-type: none"> ▪ Alert venue manager ▪ Alert local authority <p>In general, how staff should respond to an active shooter will be dictated by the specific circumstances of the encounter.</p> <p>Active Shooter Outside/Inside the Building</p> <ul style="list-style-type: none"> • CALL 911 immediately <ul style="list-style-type: none"> ◦ Try to communicate with police as quietly as possible <ul style="list-style-type: none"> ▪ If you cannot speak, leave the line open and allow the dispatcher to listen ◦ If you were able to see the offender(s), give a description of the person(s) ◦ If you heard any gunshots or explosions, provide a description and location or approximate location

- If you observed any victims, give a description of the location and number of victims
- If you observed any suspicious devices, provide the location and a description
- Follow dispatchers' instructions
- **If possible**, notify onsite staff and with their assistance
 - Notify other staff and venue manager (*if possible*)
 - Quickly and safely lock and barricade all doors and windows
 - Turn off the lights, close the blinds, and block windows
 - Turn off devices that emit sounds
 - Silence cell phones (make sure they won't vibrate)
 - Quick Head Count - Count the number of students in the room
 - Moving forward this will be the group of students you will be keeping track of
 - If able, write number on hand
- Remain calm and keep students calm
- If there is an opportunity to escape, do so!
 - Quickly and quietly away from the intruder
 - Leave your belongings behind
 - If shooter is close do not attempt, instead run to the nearest room then lock and barricade the door
- Don't hide in groups- spread out along walls or hide separately to make it more difficult for the shooter
- Keep everyone out of plain sight and take cover/protection behind
 - Concrete walls
 - thick tables
 - filing cabinets
- Remain absolutely quiet!
 - If you need to seek help communicate silently ensuring that no light or sounds give away your location
- Stay in place until law enforcement gives you the all clear
 - Your hiding place should be out of the shooter's view and provide protection if shots are fired in your direction.
- Attacking an armed or violent individual is not recommended but is a personal choice when there are no other apparent options

After the incident

Know that law enforcement's first task is to end the incident and apprehend the offender(s) and/or suspect(s) to ensure everyone's safety. Officers may be armed with rifles, shotguns, and/or handguns and may use pepper spray or tear gas to control the situation.

- Keep hands visible and empty
 - Universal surrender position, hands empty, palms up and fingers spread
- Officers will shout commands and may push individuals to the ground for their safety

	<ul style="list-style-type: none"> • Follow law enforcement instructions and evacuate in the direction they come from, unless otherwise instructed • Take care of yourself first, and then you may be able to help the wounded before first responders arrive • Apply direct pressure to wounded areas • Turn wounded people onto their sides if they are unconscious and keep them warm • Attempt to keep wounded alert and conscious by talking to them • Do a head count to ensure your group is accounted for <ul style="list-style-type: none"> ○ Take a roster of students and call the school office ○ Report any injuries ○ Do not leave students alone ○ After the head count if students are missing notify the authorities and have the school notify the caretaker(s) • If possible, attempt to reunite at the agreed meeting spot • Attempt to contact onsite staff if separated • School notifies the school leader and HR/legal department immediately
Fire	<p>If a staff member sees</p> <ul style="list-style-type: none"> • fire • smoke • or smells a gas odor <ol style="list-style-type: none"> 1. Pull the fire alarm and evacuate students and staff, following the steps in the evacuation action plan. 2. Staff must not re-enter the building until the fire service personnel or authorities have declared the building safe.
Weapons or Suspicious Objects/Persons	<p>Observation of, or suspicion of, weapons or threatening objects or persons</p> <p>Suspicion</p> <ul style="list-style-type: none"> • If a student or parent is suspected of having a weapon or object on his or her person, DO NOT search • Immediately notify all present staff, the principal, and venue manager <p>Confirmed</p> <ul style="list-style-type: none"> • Confirmed weapon(s) or hostile persons - DO NOT confront, notify the authorities immediately and follow the instructions from the dispatcher <ul style="list-style-type: none"> ○ Attempt to gather as much information as possible to provide to dispatcher such as: <ul style="list-style-type: none"> ▪ Weapon/Threatening Object <ul style="list-style-type: none"> ▪ Description ▪ Location ▪ Hostile Person(s) <ul style="list-style-type: none"> ▪ Description of individual(s) ▪ Location of individual(s) or incident

	<ul style="list-style-type: none"> ▪ Direction of travel of individual(s) ▪ Vehicle License Plate, if appropriate and possible • Immediately notify all staff present, the principal, and venue manager • Weapon/Threatening Object <ul style="list-style-type: none"> ○ Stop the event and safely evacuate students and staff, following the evacuation action plan • Hostile Person(s)/Intruder <ul style="list-style-type: none"> ○ Stop the event immediately and GET AWAY <ul style="list-style-type: none"> ▪ If you can safely evacuate with students, do so, following the evacuation action plan ▪ Staff must always accompany students ▪ All groups are unable to safely evacuate together reunite at agreed meeting point ○ HIDE & LOCK DOWN <ul style="list-style-type: none"> ▪ Quickly and safely move to a secure area, lock down the room and lock and cover any windows ▪ Move students away from doors and windows ▪ Remain quiet and maintain lock down until notified by an emergency response official or venue manager that it is safe to move ▪ If it applies, follow the active shooter emergency action plan
Missing Student	<ul style="list-style-type: none"> • Immediately notify all staff present and stop all activity • With assistance from onsite staff notify the principal and venue manager • With the assistance of the venue manager, lockdown the venue immediately • One staff member should stay with the students on-site. The others should actively search all areas and surrounding areas of the site for the missing student(s) • If the student(s) is not found or reached by phone, staff must contact the local authorities and the caretaker(s) <ul style="list-style-type: none"> ○ Follow instructions from dispatcher and/or authorities
Severe Storm	<p>In the event of a severe storm, stop all testing and keep students calm</p> <p>Tornadoes, Hurricanes, or Severe Storms</p> <ul style="list-style-type: none"> • Move all students and staff away from doors and windows • Find a secure place or hall with no windows, glass, and objects that may fall on individuals • Monitor the storm • When appropriate, duck and cover • Contact school office immediately <ul style="list-style-type: none"> ○ After the incident, administration will determine the next steps • Follow the medical emergency plan if any students or staff members are severely injured

Earthquakes

- Have students and staff stay indoors and seek shelter
 - Each pupil and staff member take cover under a table or desk, dropping to his or her knees, with head protected by the arms, and the back to the windows
 - Or stand in a corner or secure location away from shelving or moving objects/furniture
- Stay inside until the shaking is over and then evacuate the building watching for falling items or glass

Reminder steps to complete after an incident:

- If possible, grab the emergency kit provided which contains emergency action plans, rosters, first-aid kit, and contacts
- If possible, meet at the designated rally point
- Roll call, staff should always maintain a head count and confirm all students and onsite staff are present and not harmed
 - Contact the school office for assistance, if needed
- Staff should always contact the school and inform of incident within 24 hours.
- Depending on the severity of the emergency, at the discretion of the school leader, the event will continue or the students will be dismissed and rescheduled
 - On site staff should document, if not the exact start and end times, the approximate start and end times of the incident.
- If students are to be dismissed, onsite staff should assist students with contacting their families to arrange for pickup
 - Office staff and administration should also assist with contacting families

Procedures to Allow Use of School Buildings for Emergency Shelters

The school office locations will allow a public agency, including the American Red Cross, to use school offices and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The school shall cooperate with the public agency in furnishing and maintaining the services as the agency may deem necessary to meet the needs of the community and will also cooperate with the authorizing district so that the school offices can be used if needed by the authorizing district if they are called upon to provide resources during a disaster or emergency.

Opioid Overdose Response Protocol

STEP 1: Evaluate for Signs of Overdose.

- All employees will be trained to recognize the following signs of an opioid overdose:

- Unconsciousness or inability to awaken;
- Slow or shallow breathing or breathing difficulty, such as choking sounds or a gurgling/snoring noise from a person who cannot be awakened; and
- Fingernails or lips turning blue/purple.
- If any person is suspected of suffering an overdose, any employee shall first attempt to stimulate the person by:
 - Calling the person's name;
 - Then, vigorously grinding knuckles into the sternum (breastbone) or rub knuckles on the person's upper lip.
- If the person responds, assess whether he or she can maintain responsiveness and breathing.
- Continue to monitor the person, including breathing and alertness, and try to keep the person awake and alert.
- If unresponsive, call 911, provide rescue breathing if the person is not breathing on their own, and otherwise follow 911 operator instructions until emergency responders arrive.

STEP 2: Call 911. Calling 911 at the appropriate time is an essential step to getting someone with medical expertise to care for the person suspected of experiencing an opioid overdose. If no emergency medical services (EMS) or other trained personnel are on campus, activate the 911 emergency system immediately. All that needs to be reported is "Someone is unresponsive and not breathing" and then report the specific address and/or description of the location on the campus where the person is located. After relaying this information, follow the dispatcher's instructions. If appropriate, the 911 operator will instruct you to begin CPR and implement rescue breathing. Follow these and all instructions given by 911 operators until emergency responders arrive.

STEP 3: Support the Person's Breathing. Supporting breathing is an important intervention and may be lifesaving on its own. Rescue breathing can be very effective in supporting respiration, and chest compressions can provide ventilatory support.

- Rescue breathing for adults involves the following steps:
 - Be sure the person's airway is clear (check that nothing inside the person's mouth or throat is blocking the airway).
 - Place one hand on the person's chin, tilt the head back, and pinch the nose closed.
 - Place your mouth over the person's mouth to make a seal and give two slow breaths.
 - Watch for the person's chest (but not the stomach) to rise.
 - Follow up with one breath every 5 seconds.
- Chest compressions for adults involve the following steps:
 - Place the person on his or her back.
 - Press hard and fast on the center of the chest.
 - Keep your arms extended.

STEP 4: Assist Emergency Responders. After emergency responders arrive on site, assist them with any requests they may have while tending to the individual experiencing the overdose. Keep other students and unnecessary persons out of the way and make sure the path is clear to the individual needing emergency assistance and back to an ambulance, if necessary. Continue to comply with 911 operator instructions until told to hang up.

DO's and DON'T's:

DO attend to the person's breathing and cardiovascular support needs by administering oxygen or performing rescue breathing and/or chest compressions.

DO put the person in the “recovery position” on the side, if you must leave the person unattended for any reason.

DO stay with the person and keep them warm.

DON'T slap or forcefully try to stimulate the person; it will only cause further injury. If you cannot wake the person by shouting, rubbing your knuckles on the sternum, or light pinching, the person may be unconscious.

DON'T put the person into a cold bath or shower. This increases the risk of falling, drowning, or going into shock.

DON'T inject the person with any substance (e.g., saltwater, milk, stimulants). The only safe and appropriate treatment is naloxone.

DON'T try to make the person vomit drugs that may have been swallowed. Choking or inhaling vomit into lungs can cause a fatal injury.

Discipline and Due Process for Students

The school’s discipline, suspension, expulsion, and involuntary removal policies are in accordance with students’ rights and with applicable law. As a charter school, the delineated suspension and expulsion offenses contained in California Education Code Section 48900 *et seq.* are not applicable to the school. However, the Board has reviewed those sections of California Education Code and utilized similar guidelines when they were deemed appropriate to the desired disciplinary environment of the school.

Board Policies

CalOPS follows formal due process procedures to deal with the discipline of students. Students are guaranteed due process of law. The discipline policies have been developed to identify the types of conduct subject to discipline, to offer an opportunity for a hearing in which the student may present evidence to defend his/her actions, and to ensure due process for the student. Discipline policies are approved by the Board and are reviewed regularly. The Board reviews the policies to be sure they are within all current legal guidelines and that they are consistent with the school’s mission and educational program.

Suspensions or expulsions for children designated as exceptional follow all appropriate state and federal policies, regulations, and laws. If a student with a disability violates a code of conduct, he or she will be disciplined according to the discipline measures described herein for up to 10 days. Upon subsequent violations that result in suspensions that exceed 10 days per school year or upon any recommendation for expulsion, the school will determine if the behavior manifested from the student’s disability. If the school determines that the violation is not a manifestation of the student’s disability, the school will apply the discipline procedures to the student in the same manner and for the same duration as the procedures would be applied to students without disabilities. However, if it is determined that the violation manifested from the student’s disability, the school will conduct a functional behavior assessment and develop a behavior plan to address the behavior violation so that it does not recur.

Suspended or expelled students shall be excluded from all school and school-related activities unless otherwise agreed during the period of suspension or expulsion.

A student identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability pursuant to the IDEA or who is qualified for services under 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 requires additional or different procedures. CalOPS will follow all applicable federal and state laws including but not limited to the applicable provisions of the Education Code, when imposing any form of discipline on a student identified as an individual with disabilities, for whom CalOPS has a basis of knowledge of a suspected disability, or who is otherwise qualified for such services or protections in according due process to such students.

No student shall be involuntarily removed by CalOPS for any reason unless the parent/guardian of the student has been provided written notice of intent to remove the student no less than five (5) school days before the effective date of the action. The written notice shall be in the native language of the student or the student's parent/guardian and shall inform the student, and the student's parent/guardian of the basis for which the student is being involuntarily removed, and the student's parent/guardians right to request a hearing to challenge the involuntary removal. If a student's parent, guardian requests a hearing, CalOPS shall utilize the same hearing procedures specified below for expulsions, before the effective date of the action to involuntarily remove the student. If the student's parent/guardian requests a hearing, the student shall remain enrolled and shall not be removed until CalOPS issues a final decision. As used herein, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include removals for misconduct which may be grounds for suspension or expulsion as enumerated below. Students may be involuntarily removed for reasons including, but not limited to, failure to comply with the terms of the student's independent study Master Agreement pursuant to Education Code Section 51747(c)(4).

Procedures

A. Grounds for Suspension and Expulsion of Students

A student may be suspended or expelled for prohibited misconduct if the act is related to school activity or school attendance occurring at 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; or d) during, going to, or coming from a school-sponsored activity.

B. Enumerated Offenses

1. Discretionary Suspension Offenses. Students may be suspended when it is determined the student:

- a. Caused, attempted to cause, or threatened to cause physical injury to another person.
- b. Willfully used force or violence upon the person of another, except self-defense.
- c. Unlawfully possessed, used, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
- d. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e. Committed or attempted to commit robbery or extortion.
- f. Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases.

- g. Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.
- h. Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of a student's own prescription products by a student.
- i. Committed an obscene act or engaged in habitual profanity or vulgarity.
- j. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. This section shall only apply to students in any of grades 9-12, inclusive.
- l. Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.
- m. 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.
- 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 policy, "hazing" means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. For purposes of this policy, "hazing" does not include athletic events or school-sanctioned events.
- q. Made terroristic threats against school officials and/or school property, which includes but is not limited to, electronic files and databases. For purposes of this policy, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for their own safety or for their immediate family's safety, or for the protection of school property, which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or their immediate family.
- r. Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this policy, 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 provision shall apply to students in any of grades 4 to 12, inclusive.

- s. Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in Education Code Section 233(e). This provision shall apply to students in any of grades 4 to 12, inclusive.
- t. Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading the rights of either school personnel or volunteers and/or student(s) by creating an intimidating or hostile educational environment. This provision shall apply to students 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.
 - i. "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:
 - 1. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of their age, or for a person of their age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
 - 2. Causing a reasonable student to experience a substantially detrimental effect on their physical or mental health.
 - 3. Causing a reasonable student to experience substantial interference with their academic performance.
 - 4. Causing a reasonable student to experience substantial interference with their ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
 - ii. "Electronic Act" means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
 - 1. A message, text, sound, video, or image.
 - 2. 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 (ii) above.
 - b. Creating a credible impersonation of another actual student for the purpose of having one or more of the effects listed in subparagraph (ii) above. "Credible impersonation" means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.
 - c. Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (ii) above. "False profile" means a profile of a fictitious student or a profile using the likeness or

attributes of an actual student other than the student who created the false profile.

3. An act of cyber sexual bullying.
 - a. For purposes of this policy, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (1) to (4), inclusive, of paragraph (ii). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
 - b. For purposes of this policy, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
- iii. Notwithstanding subparagraphs (ii) and (iii) 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 student who aids or abets, as defined in Penal Code Section 31, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a student who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1)(a)-(b).
- w. Possessed, sold, or otherwise furnished any knife or other dangerous object of no reasonable use to the student unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Executive Director or designee's concurrence.

2. Non-Discretionary Suspension Offenses: Students must be suspended and recommended for expulsion when it is determined the student:

- a. Possessed, sold, or otherwise furnished any firearm, explosive, or other destructive device unless, in the case of possession of any device of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Superintendent or designee's concurrence.
- b. Brandished a knife at another person.
- c. Unlawfully sold a controlled substance listed in Health and Safety Code Section 11053, *et seq.*
- d. Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289 or former Section 288a of the Penal Code, or committed a sexual battery as defined in Penal Code Section 243.4.

3. Discretionary Expellable Offenses: Students may be recommended for expulsion when it is determined the student:

- a. Caused, attempted to cause, or threatened to cause physical injury to another person.
- b. Willfully used force or violence upon the person of another, except self-defense.

- c. Unlawfully possessed, used, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
- d. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e. Committed or attempted to commit robbery or extortion.
- f. Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases.
- g. Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.
- h. Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of a student's own prescription products by a student.
- i. Committed an obscene act or engaged in habitual profanity or vulgarity.
- j. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k. Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.
- l. Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- m. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- n. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- o. Engaged in, or attempted to engage in hazing. For the purposes of this policy, "hazing" means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. For purposes of this policy, "hazing" does not include athletic events or school-sanctioned events.
- p. Made terroristic threats against school officials and/or school property, which includes but is not limited to, electronic files and databases. For purposes of this policy, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for their own safety or for their immediate family's safety, or for the protection of school

property, which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or their immediate family.

- q. Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this policy, 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 provision shall apply to students in any of grades 4 to 12, inclusive.
- r. Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in Education Code Section 233(e). This provision shall apply to students in any of grades 4 to 12, inclusive.
- s. Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading the rights of either school personnel or volunteers and/or student(s) by creating an intimidating or hostile educational environment. This provision shall apply to students in any of grades 4 to 12, inclusive.
- t. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
 - i. "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:
 1. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of their age, or for a person of their age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
 2. Causing a reasonable student to experience a substantially detrimental effect on their physical or mental health.
 3. Causing a reasonable student to experience substantial interference with their academic performance.
 4. Causing a reasonable student to experience substantial interference with their ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
 - ii. "Electronic Act" means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
 1. A message, text, sound, video, or image.
 2. 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 (i) above.
 - b. Creating a credible impersonation of another actual student for the purpose of having one or more of the effects listed in subparagraph

- (i) above. "Credible impersonation" means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated.
 - c. Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (i) above. "False profile" means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.
- 3. An act of cyber sexual bullying.
 - a. For purposes of this policy, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (1) to (4), inclusive, of paragraph (i). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
 - b. For purposes of this policy, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
- iii. Notwithstanding subparagraphs (i) and (ii) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
- u. A student who aids or abets, as defined in Penal Code Section 31, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a student who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (3)(a)-(b).
- v. Possessed, sold, or otherwise furnished any knife or other dangerous object of no reasonable use to the student unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Superintendent or designee's concurrence.

4. Non-Discretionary Expellable Offenses: Students must be recommended for expulsion when it is determined pursuant to the procedures below that the student:

- a. Possessed, sold, or otherwise furnished any firearm, explosive, or other destructive device unless, in the case of possession of any device of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Superintendent or designee's concurrence.
- b. Brandished a knife at another person.

- c. Unlawfully sold a controlled substance listed in Health and Safety Code Section 11053, *et seq.*
- d. Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 287, 288, or 289 or former Section 288a of the Penal Code, or committed a sexual battery as defined in Penal Code Section 243.4.

If it is determined by the Administrative Panel and/or Board of Directors that a student has brought a firearm 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 destructive device on campus, the student shall be expelled for one year, pursuant to the Federal Gun Free Schools Act of 1994. In such instances, the student shall be provided due process rights of notice and a hearing as required in this policy.

CalOPS will use the following definitions:

- The term "knife" means (A) any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing; (B) a weapon with a blade fitted primarily for stabbing; (C) a weapon with a blade longer than 3½ inches; (D) a folding knife with a blade that locks into place; or (E) a razor with an unguarded blade.
- 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 a term does not include an antique firearm.
- The term "destructive device" means any explosive, incendiary, or poison gas, including but not limited to: (A) bomb; (B) grenade; (C) rocket having a propellant charge of more than four ounces; (D) missile having an explosive or incendiary charge of more than one-quarter ounce; (E) mine; or (F) device similar to any of the devices described in the preceding clauses.

C. Suspension Procedure

Suspensions shall be initiated according to the following procedures:

1. Conference

Suspension shall be preceded, if possible, by a conference conducted by the Superintendent or designee with the student and the student's parent/guardian and, whenever practical, the teacher, supervisor or CalOPS employee who referred the student to the Superintendent or designee.

The conference may be omitted if the Superintendent or designee determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or CalOPS personnel. If a student is suspended without this conference, both the parent/guardian and the student shall be notified of the student's right to return to school for the purpose of a conference.

At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against the student and shall be given the opportunity to present their version and evidence in their defense, in accordance with Education Code Section 47605(c)(5)(J)(i). This conference shall be held within two (2) school days, unless the student waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. The conference shall be held as soon as the student is physically able to return to school for the conference. Penalties shall not be imposed on a student for failure of the student's parent or guardian to attend a conference with Charter School officials.

Reinstatement of the suspended student shall not be contingent upon attendance by the student's parent/guardian at the conference.

2. Notice to Parents/Guardians

At the time of the suspension, an administrator or designee shall make a reasonable effort to contact the parent/guardian in person, by email, or by telephone. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension and the date of return following suspension. This notice shall state the specific offense(s) committed by the student as well as the date the student may return to school following the suspension. If CalOPS officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent/guardian respond to such requests without delay.

3. Suspension Time Limits/Recommendation for Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension. Upon a recommendation of expulsion by the Superintendent or designee, the student and the student's parent/guardian shall be invited to a conference to determine if the suspension for the student should be extended pending an expulsion hearing. In such instances when CalOPS has determined a suspension period shall be extended, such extension shall be made only after a conference is held with the student and the student's parent/guardian, unless the student and the student's parent/guardian fail to attend the conference.

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

4. Homework Assignments During Suspension

In accordance with Education Code Section 47606.2(a), upon the request of a parent, a legal guardian or other person holding the right to make education decisions for the student, or the affected student, a teacher shall provide to a student in any of grades 1 to 12, inclusive, who has been suspended from school for two (2) or more school days, the homework that the student would otherwise have been assigned.

In accordance with Education Code Section 47606.2(b), if a homework assignment that is requested pursuant to Section 47606.2(a) and turned into the teacher by the student either upon the student's return to school from suspension or within the timeframe originally prescribed by the teacher, whichever is later, is not graded before the end of the academic term, that assignment shall not be included in the calculation of the student's overall grade in the class.

D. Authority to Expel

As required by Education Code Section 47605(c)(5)(J)(ii), students recommended for expulsion are entitled to a hearing adjudicated by a neutral officer to determine whether the student should be expelled. The procedures herein provide for such a hearing and the notice of said hearing, as required by law.

A student may be expelled either by the neutral and impartial CalOPS Board of Directors following a hearing before it or by the CalOPS Board of Directors upon the recommendation of a neutral and impartial Administrative Panel, to be assigned by the Board of Directors as needed. The Administrative Panel shall consist of at least three (3) members who are certificated and neither a teacher of the student nor a member of the CalOPS School Board of Directors. Each entity shall be presided over by a designated neutral hearing chairperson. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense, and the Board of Directors shall make the final determination.

E. Expulsion Procedures

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

In the event an Administrative Panel hears the case, it will make a recommendation to the Board for a final decision whether to expel. The hearing shall be held in closed session (complying with all student confidentiality rules under the Family Educational Rights and Privacy Act ("FERPA")) unless the student makes a written request for a public hearing in open session three (3) days prior to the date of the scheduled hearing.

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least ten (10) calendar days before the date of the hearing. Upon mailing the notice, it shall be deemed served upon the student. 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 CalOPS 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 CalOPS to any other school district or school to which the student seeks enrollment;
5. The opportunity for the student and/or the student's parent/guardian to appear in person or to employ and be represented by counsel or a non-attorney advisor;
6. The right to inspect and obtain copies of all documents to be used at the hearing;
7. The opportunity to confront and question all witnesses who testify at the hearing;
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses.

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

CalOPS 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 CalOPS or the hearing officer. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the student.

- a. The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of their right to (a) receive five (5) days' notice of their scheduled testimony; (b) have up to two (2) adult support persons of their choosing present in the hearing at the time the complaining witness testifies, which may include a parent/guardian, or legal counsel; and (c) elect to have the hearing closed while testifying.
- b. CalOPS must also provide the victim a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.
- c. At the discretion of the entity conducting the expulsion hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which the complaining witness may leave the hearing room.
- d. The entity conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.

- e. The entity conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours the complaining witness is normally in school, if there is no good cause to take the testimony during other hours.
- f. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the entity presiding over the hearing from removing a support person whom the presiding person finds is disrupting the hearing. The entity conducting the hearing may permit any one of the support persons for the complaining witness to accompany the complaining witness to the witness stand.
- g. If one or both of the support persons is also a witness, CalOPS must present evidence that the witness' presence is both desired by the witness and will be helpful to CalOPS. The entity presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising their discretion to remove a person from the hearing whom they believe is prompting, swaying, or influencing the witness.
- h. 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.
- i. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in public at the request of the student being expelled, the complaining witness shall have the right to have their 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.
- j. Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the entity conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstances can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

G. Record of Hearing

A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made.

H. Presentation of Evidence

While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A recommendation by the Administrative Panel to expel must be supported by substantial evidence that the student committed an expellable offense. Findings of fact shall be based

solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay. Sworn declarations may be admitted as testimony from witnesses of whom the Board or Administrative Panel determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

If, due to a written request by the expelled student, the hearing is held at a public meeting, and the charge is committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900, a complaining witness shall have the right to have their testimony heard in a session closed to the public.

I. Expulsion Decision

The decision of the Administrative Panel shall be in the form of written findings of fact and a written recommendation to the Board of Directors, which will make a final determination regarding the expulsion. The Board of Directors shall make the final determination regarding the expulsion within ten (10) school days following the conclusion of the hearing. The decision of the Board of Directors is final.

If the Administrative Panel decides not to recommend expulsion, or the Board of Directors ultimately decides not to expel, the student shall immediately be returned to their previous educational program.

J. Written Notice to Expel

The Superintendent or designee, following a decision of the Board of Directors to expel, shall send written notice of the decision to expel, including the Board of Directors' adopted findings of fact, to the student and student's parent/guardian. This notice shall also include the following: (a) Notice of the specific offense committed by the student; and (b) Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the Charter School.

The Superintendent or designee shall send a copy of the written notice of the decision to expel to the chartering authority. This notice shall include the following: (a) The student's name; and (b) The specific expellable offense committed by the student.

K. Disciplinary Records

CalOPS shall maintain records of all student suspensions and expulsions at CalOPS. Such records shall be made available to the chartering authority upon request.

L. No Right to Appeal

The student shall have no right of appeal from expulsion from CalOPS as the CalOPS Board of Directors' decision to expel shall be final.

M. Expelled Students/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. CalOPS 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.

N. Rehabilitation Plans

Students who are expelled from CalOPS shall be given a rehabilitation plan upon expulsion as developed by the Board of Directors at the time of the expulsion order, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The

rehabilitation plan should include a date not later than one (1) year from the date of expulsion when the student may reapply to CalOPS for readmission.

O. Readmission or Admission of Previously Expelled Student

The decision to readmit a student after the end of the student's expulsion term or to admit a previously expelled student from another school district or charter school who has not been readmitted/admitted to another school or school district after the end of the student's expulsion term, shall be in the sole discretion of the Board of Directors following a meeting with the Superintendent or designee and the student and student's parent/guardian to determine whether the student has successfully completed the rehabilitation plan and to determine whether the student poses a threat to others or will be disruptive to the school environment. The Superintendent or designee shall make a recommendation to the Board of Directors following the meeting regarding the Superintendent's or designee's determination. The Board shall then make a final decision regarding readmission or admission of the student during the closed session of a public meeting, reporting out any action taken during closed session consistent with the requirements of the Brown Act. The student's readmission is also contingent upon CalOPS's capacity at the time the student seeks readmission or admission to CalOPS.

F. Notice to Teachers

CalOPS shall notify teachers of each student who has engaged in or is reasonably suspected to have engaged in any of the acts listed in Education Code Section 49079 and the corresponding enumerated offenses set forth above.

G. Involuntary Removal for Truancy

In accordance with Education Code Section 51747 and the CalOPS's Board policy on independent study, after missing the number of assignments indicated on the Master Agreement, an evaluation is held to determine whether it is in the best interest of the student to remain in independent study. If it is determined that it is not in the student's best interest to remain in independent study, CalOPS may involuntarily remove the student after CalOPS follows the requirements of the Missed Assignment Policy or similar and only after providing notice and an opportunity for a parent, guardian, educational rights holder to request a hearing prior to any involuntary removal as forth herein. Students who are involuntarily removed for truancy shall be given a rehabilitation plan and shall be subject to the readmission procedures set forth herein.

H. Special Procedures for the Consideration of Suspension and Expulsion or Involuntary Removal of Students with Disabilities

1. Notification of SELPA

- a. CalOPS 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 that CalOPS or the SELPA would be deemed to have knowledge that the student had a disability.

2. Services During Suspension

- a. Students suspended for more than ten (10) school days in a school year shall continue to receive services so as to enable the student to continue to participate in the general education curriculum, although in another setting (which could constitute a change of placement and the student's IEP would reflect this change), and to progress toward meeting the goals set out in the child's IEP/504 Plan; and receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur. These services may be provided in an interim alternative educational setting.

3. Procedural Safeguards/Manifestation Determination

- a. 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, CalOPS, the parent/guardian 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
- b. any relevant information provided by the parent/guardian to determine:
 - i. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
 - ii. If the conduct in question was the direct result of the local educational agency's failure to implement the IEP/504 Plan.

If CalOPS, the parent/guardian, 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 CalOPS, the parent/guardian, 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:

- i. Conduct a functional behavioral assessment and implement a behavioral intervention plan for such child, provided that the Charter School had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;
- ii. 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
- iii. Return the child to the placement from which the child was removed, unless the parent/guardian and CalOPS agree to a change of placement as part of the modification of the behavioral intervention plan.

If the CalOPS, the parent/guardian, and relevant members of the IEP/504 Team determine that the behavior was not a manifestation of the student's disability and that the conduct in question was not a direct result of the failure to implement the IEP/504 Plan, then CalOPS may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.

4. Due Process Appeals

The parent/guardian of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or CalOPS 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/guardian or CalOPS the student shall remain in the interim alternative educational setting pending the decision of the hearing officer in accordance with state and federal law, including 20 U.S.C. Section 1415(k), until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, unless the parent/guardian and CalOPS agree otherwise.

In accordance with 20 U.S.C. Section 1415(k)(3), if a parent/guardian disagrees with any decision regarding placement, or the manifestation determination, or if CalOPS believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, the parent/guardian, or CalOPS may request a hearing.

In such an appeal, a hearing officer may: (1) return a child with a disability to the placement from which the child was removed; or (2) order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.

5. Special Circumstances

CalOPS personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct.

The Superintendent or designee may remove a student to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability in cases where a student:

- a. Carries or possesses a weapon, as defined in 18 U.S.C. Section 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 U.S.C. Section 1415(k)(7)(D), upon a person while at school, on school premises, or at a school function.

6. Interim Alternative Educational Setting

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

7. Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been identified as an individual with disabilities pursuant to IDEA and who has violated the CalOPS's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if CalOPS had knowledge that the student was disabled before the behavior occurred.

CalOPS 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 CalOPS 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/guardian has requested an evaluation of the child.
- c. The child's teacher, or other CalOPS personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education or to other CalOPS supervisory personnel.

If CalOPS knew or should have known the student had a disability under any of the three (3) circumstances described above, the student may assert any of the protections available to IDEA-eligible children with disabilities, including the right to stay-put.

If CalOPS had no basis for knowledge of the student's disability, it shall proceed with the proposed discipline. CalOPS shall conduct an expedited evaluation if requested by the parents; however, the student shall remain in the education placement determined by CalOPS pending the results of the evaluation.

CalOPS shall not be deemed to have knowledge that the student had a disability if the parent/guardian has not allowed an evaluation, refused services, or if the student has been evaluated and determined to not be eligible.

Notification of Dangerous Pupils

In accordance with state law, the Superintendent shall inform the teacher of a student who has committed any acts which constitute grounds for suspension or expulsion. Any information received by a teacher shall remain confidential and shall not be further disseminated.

Preventing Workplace Harassment

We unequivocally prohibit the harassment or intimidation of our employees based on age, race, color, religion, sex, pregnancy, gender identity, national origin, physical or mental disability, sexual orientation, marital status, veteran status, protected genetic information, or any other category protected by federal, state, or local law. We do not tolerate harassment or hostile actions in the workplace and take prompt action to correct any such situation.

Harassment is a form of discrimination that occurs when someone engages in unwelcome and reasonably offensive conduct based on a protected characteristic, and that conduct could adversely affect an employee's working conditions. This Policy applies to harassment of any employee by another employee, by a supervisor or manager, or by any other individual with whom an employee interacts in the course of his or her employment, including but not limited to customers, clients, vendors, suppliers, contractors, or other similar individuals.

Further, no employee will be punished or treated unfavorably because he or she refuses to submit to or participate in sexual harassment, and no employee will be rewarded or treated favorably because he or she submits to or participates in such conduct.

DEFINITION

Harassment can result from a broad range of actions, including, but not limited to:

- Verbal conduct: comments that could be considered harassing if they are likely to offend a reasonable person
- Visual conduct: visual materials that contribute to a hostile work environment by their sexually explicit or derogatory nature
- Physical conduct: touching that a reasonable person would find offensive
- Sexual Harassment: any unwelcome or unwanted conduct of a sexual nature, whether verbal, nonverbal, or physical, where:
 - It is expressed or implied that an employee's submission to or refusal of the conduct will have any effect on his or her employment, job assignment, wages, evaluation, promotion, training, future job opportunities, or other terms or condition of

employment, or where such submission or refusal is used as a factor in decisions relating to the person's employment; or

- The conduct substantially interferes with an individual's employment by creating an intimidating, hostile, or offensive work environment.

Some examples of sexually harassing conduct include, but are not limited to, the following:

- Unwanted sexual advances, or requests or demands for sexual favors or sexual acts;
- Verbal or physical conduct of a sexual nature that is not welcomed by another employee, such as repeated sexual flirtation, advances, innuendo, propositions, gestures, jokes, or mockery;
- The display or distribution of sexually-oriented objects, pictures, or literature, including illustrations, drawings or cartoons, including materials downloaded from computer systems via the internet, electronic mail, or other sources; or
- Any uninvited and unwelcome physical contact.

This Policy applies in the workplace and in any other work-related settings, such as business trips, sales meetings, conventions, or business-related social events: we expect employees to conduct themselves in a professional manner in the workplace and at any other time they are representing us. Such conduct is essential to promote quality work, and to ensure a work environment free of discrimination. Physical conduct of a sexual nature, even if welcomed by another employee, is prohibited in the workplace, or in any work-related setting.

Please refer to the online Harassment Training provided at the start of your employment for more detailed information on all forms of harassment and our policies on harassment.

INTERACTION WITH STUDENTS

Any employee who interacts with students in the course of their job should be familiar with and comply with the policies contained within the School Handbook as it pertains to harassment or treatment of students. Harassment or treatment of a student that is prohibited by the School Handbook is not tolerated and any employee who violates the policies in the School Handbook may receive disciplinary action.

SANCTIONS

Any employee, supervisor, or manager, at any level, who violates this Policy, will be subject to discipline up to and including termination of employment.

COMPLAINT PROCEDURE

We encourage employees who believe they are being harassed to initially, where possible, inform the offender that his or her behavior is unwelcome, and ask the individual to stop the conduct. In addition, however, we encourage any employees who believe that they are being harassed or have been harassed to report the harassing conduct to Human Resources. In this way, we will be able to take action to stop the harassment before it becomes severe or pervasive.

If an employee believes that he or she is being or has been harassed, he or she should report the matter to Human Resources.

All complaints of harassment will be kept confidential to the extent reasonable and possible under the circumstances, and will be investigated promptly, thoroughly, and impartially.

If an investigation substantiates allegations of harassment, we will take immediate and appropriate corrective action that is designed to address, stop, and remedy the harassment, and to ensure that the harassment does not recur.

Any manager or supervisor who becomes aware of allegations of harassment must bring the allegations to the attention of Human Resources.

INVESTIGATION PROCEDURE

When an investigation is being conducted, Human Resources representatives will instruct and provide guidance to participants of the investigation regarding confidentiality, and employees are expected to fully comply with these instructions in order to maintain the integrity of the investigation.

An employee who is questioned as part of an investigation must be forthcoming and candid in answering all questions and must not withhold information pertinent to the investigation.

Withholding information or providing false information during an investigation is a serious violation of this Policy and will subject an individual to disciplinary action, up to and including termination.

PROTECTION AGAINST RETALIATION

We prohibit any form of retaliation against an individual who makes a bona fide complaint of harassment, for assisting in a complaint investigation, for providing information in a complaint investigation, or for making any determination necessary under this Policy. Retaliation is a serious violation of this Policy, and any individual found to have retaliated against another person in violation of this Policy will be subject to discipline, up to and including termination of employment.

FALSE ACCUSATIONS OF MISCONDUCT

False and malicious complaints of harassment, as opposed to complaints which, even if erroneous, are brought in good faith, will result in appropriate discipline, up to and including termination.

AUTHORITY AND RESPONSIBILITY

If a supervisor or manager learns that an employee is suffering potentially harassing behavior, the supervisor or manager must act promptly to ensure that the harassing behavior is investigated, and if necessary, promptly stopped. All supervisors and managers are responsible for preventing employees from being subjected to harassment, and for reporting any complaint or incident of harassment to Human Resources immediately and at the very least within twenty-four (24) hours using the procedures outlined above. If an incident is not reported, but a manager is aware of potential harassment, this must also be reported immediately and at the very least within twenty-four (24) hours to Human Resources.

Supervisors, must immediately report any allegations of harassment that are learned of, even if the allegations are against themselves.

Once a supervisor learns of potentially harassing behavior, we have a legal duty to take prompt and effective action. This duty remains even if the complaining employee asks the supervisor to keep the matter confidential and to do nothing, especially if the alleged harassment is severe, ongoing, or potentially harmful to others.

Supervisors cannot promise to maintain complete confidentiality. Instead, supervisors must ensure that the potentially harassing behavior is reported to the appropriate officials as soon as possible. If the employee does not want to report the issue him or herself, the supervisor must do so.

Supervisors should address the employee's concerns and assure him or her that, while the supervisor cannot promise complete confidentiality, the matter will be kept as private as possible and that the employee will be protected from retaliation.

Supervisors should follow up with the employee periodically during the investigative process, as well as after the investigation has been completed, to ensure that he or she is not experiencing retaliation or further harassment.

WHISTLEBLOWER POLICY

A whistleblower as defined by this Policy is an employee who reports an activity that he/she considers to be illegal or dishonest to one or more managers of the employer. Examples of illegal or dishonest activities are violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact his/her immediate supervisor and Human Resources. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

The confidentiality of the whistleblower will be maintained to the extent that is reasonable. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. We prohibit retaliation against a whistleblower.

NON-RETALIATION

No employee will be retaliated against for reporting in good faith potential violations of any policy, or for filing, testifying, assisting with, or participating in any investigation, proceeding, or hearing conducted by the company or by a federal or state enforcement agency. Prohibited retaliation includes, but is not limited to, demotion, suspension, failure to give equal consideration in making employment decisions, failure to make employment recommendations impartially, adversely affecting working conditions, or otherwise denying an employment benefit.

Any individual who retaliates or attempts to retaliate will be subject to appropriate disciplinary action, up to and including termination of employment. If you feel that you have been retaliated against you should report this in writing to Human Resources.

It should be noted that frivolous complaints that have no merit upon investigation or which are made in clear and direct response to disciplinary actions against an employee with documented performance issues or policy violations will not protect the employee against further disciplinary action up to and including termination. However, such actions must clearly be directly related to the employee's own documented performance issues or policy violations.

ISSUE RESOLUTION PROCESS

We encourage open and direct lines of communication between employees at all levels of the organization. We respect the intelligence of our employees and their ability to speak for themselves.

It benefits everyone when employees feel free to bring questions, suggestions and concerns directly to their managers. Examples of issues that should be handled through this resolution process include: concerns about the application of school policies and procedures within the school to school staff, parents and students; concerns about personnel decisions directly involving an individual or decisions affecting other individuals at the school; work conditions; questions about the competence and overall fitness of a colleague or a supervisor; and regulatory compliance.

Employees should follow the resolution process detailed below. Employees should always contact Human Resources immediately to deal with issues of discrimination or harassment as described in the Preventing Workplace Harassment policy of this handbook.

STEPS IN THE PROCESS

1. If the issue does not involve a violation of school policy or an ethical or regulatory requirement, meet with at least two levels of management. An employee must, in good faith, make every attempt to resolve the issue with his or her immediate manager and, if that is not successful, then with his or her next level manager. Fear of retaliation is not a legitimate reason to skip this step. If the issue does involve a violation of school policy or an ethical or regulatory requirement, then the employee should proceed directly to step 2.
2. If the immediate manager or the next level manager cannot resolve the issue, or if the issue involves a violation of school policy or an ethical or regulatory requirement, it is important to describe the issue, the desired result, and your proposed solution to the issue. This step should occur as soon as possible after the occurrence of the problem.
3. If the issue relates to a personnel matter or work condition, contact Human Resources. After an employee fully describes the issue, Human Resources will help them and their manager consider how policies, procedures, and practices relate for the issue. Often, the policies in this handbook will dictate a resolution to the issue. If the issue involves a school policy or an ethical or regulatory requirement, contact a member of the school management team. Human Resources can provide you with the name of the appropriate contact or you can ask them to contact the appropriate individual on your behalf.
4. If your issue is not resolved by either Human Resources or School Services, you can request that your matter be presented to your school's governing body (if applicable) for final consideration or you can contact them directly. The contact information for your school's governing body is located on your school's web site.

(see also the CalOPS Employee Handbook)

Dress Code (including Gang-Related Apparel)

Any clothing worn or displayed at a school sponsored event that could reasonably be determined to threaten the health and safety of the school environment will be prohibited. Such determination will be made by on site administration or other school staff.

Safe and Orderly Environment

Required Student Safety Trainings for School Staff

CalOPS takes student safety and well-being very seriously, and believes that students should be able to learn in a safe and comfortable environment. Therefore, in addition to the comprehensive set of required courses and trainings for school staff that focus on educational practices, teachers are required to take two courses that focus specifically on student safety:

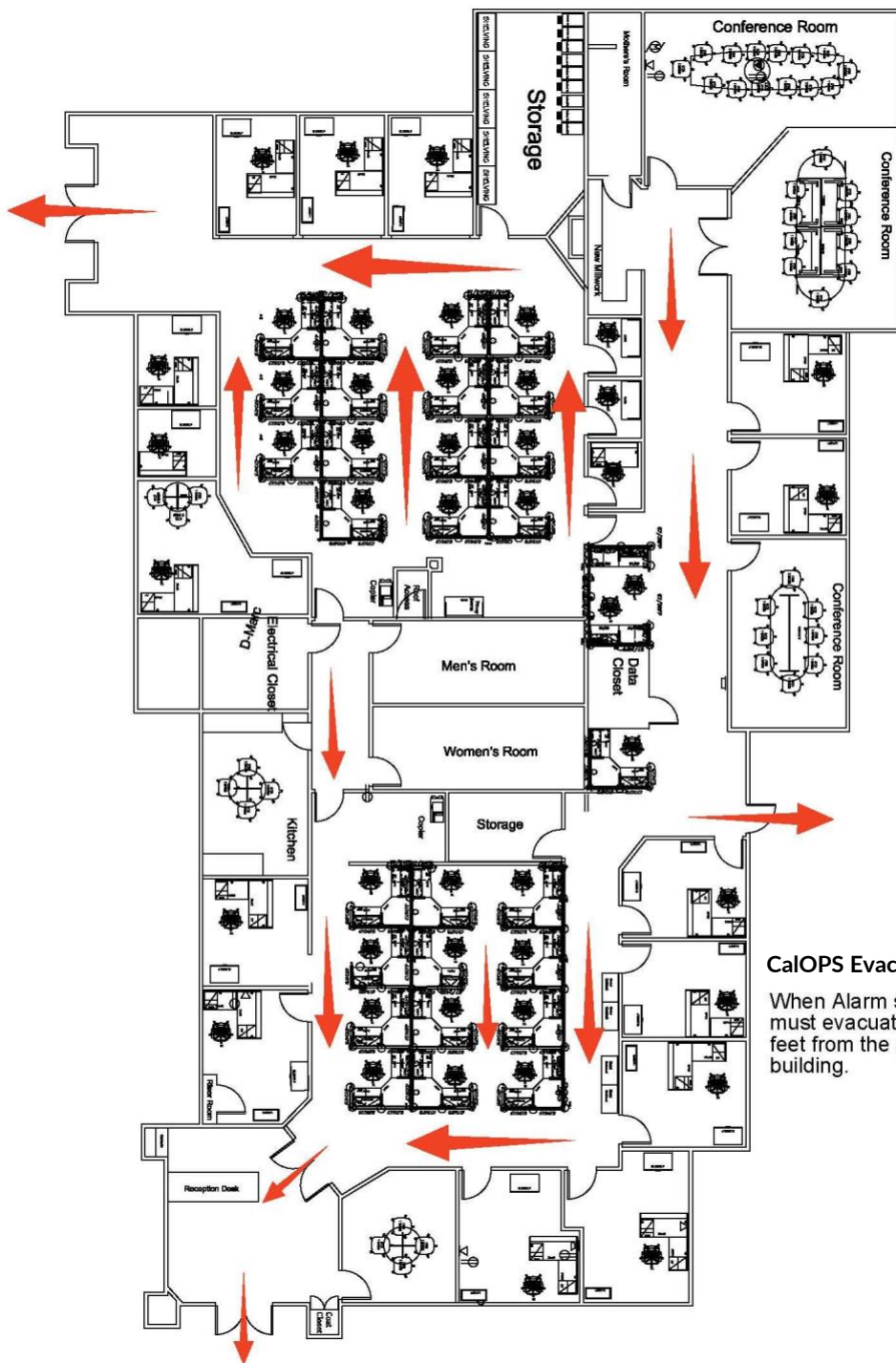
- Internet Safety: This course provides valuable information about practicing safe behaviors online.
- Students in Distress: Recognizing and Responding: This course is designed to ensure teachers and other school staff are familiar with the signs of student distress and know how to respond promptly and professionally when they observe such signs or behaviors.

All members of school staff must complete the trainings at the beginning of the school year, and refer to the trainings throughout the year as needed. School leadership tracks staff completion of these trainings to ensure all staff members have completed the trainings in the required time frame. Caretakers and Learning Coaches are asked to communicate and collaborate with teachers and other school staff as they work to fulfill their professional roles in supporting student safety and well-being. They are asked to involve additional parties as appropriate to address concerns, and to always keep student safety and well-being at the center of the conversation.

(see also the CalOPS Students Handbook)

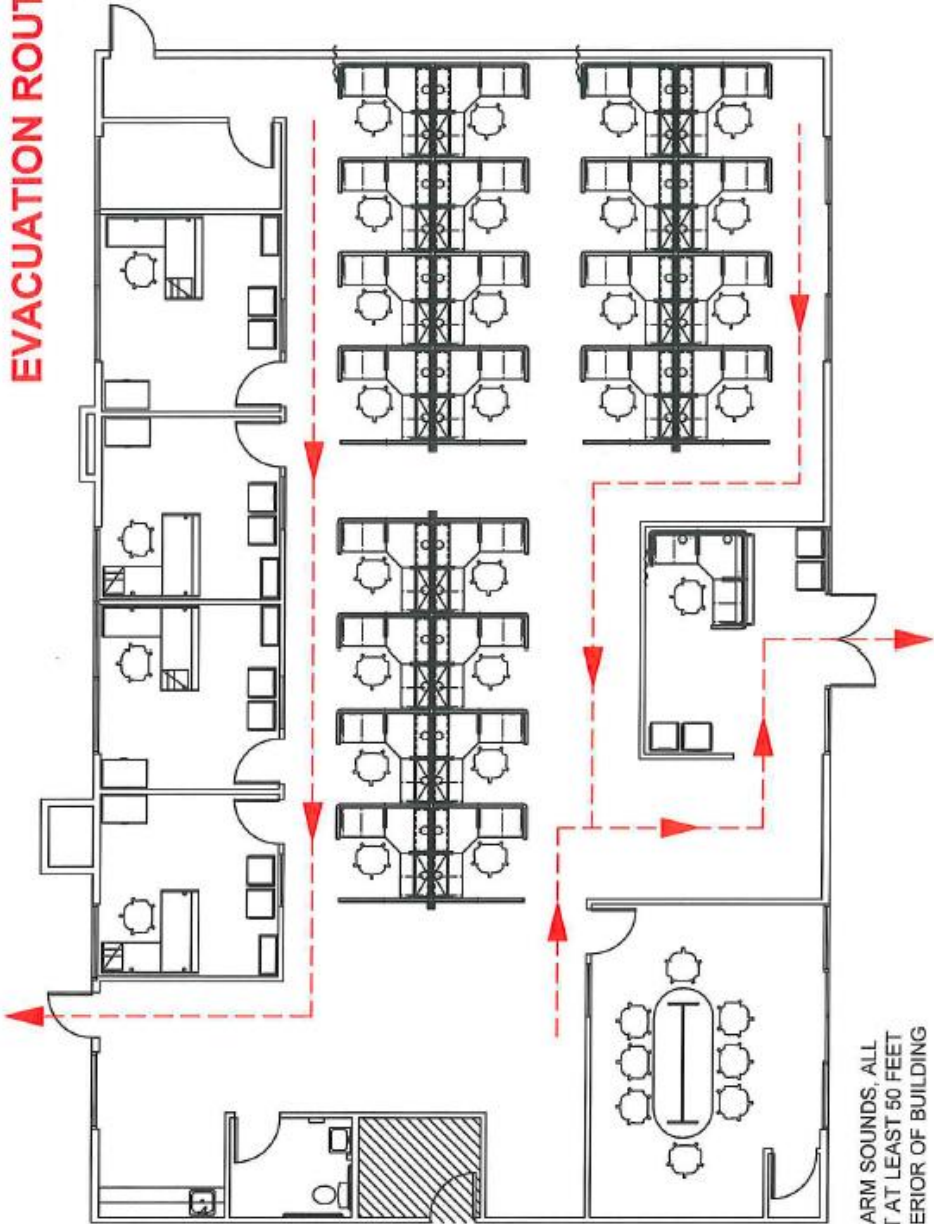
Safe Ingress and Egress

California Online Public Schools, Southern California Office
33272 Valle Road, San Juan Capistrano, CA 92675



CalOPS Evacuation Plan
When Alarm sounds you must evacuate at least 50 feet from the exterior of the building.

**CALOPS
EMERGENCY
EVACUATION ROUTES**



WHEN ALARM SOUNDS, ALL
MUST EXIT AT LEAST 50 FEET
FROM EXTERIOR OF BUILDING

DO NOT USE ELEVATORS IN
THE EVENT OF AN EVACUATION