

Suspension and Expulsion Policy

Region(s): CA

When disciplinary infractions occur on campus, our Principals are expected to respond in accordance with our Student Discipline Policy, which encourages positive behavioral interventions and supports and outlines available in-school disciplinary actions. Suspension should only be considered in cases of egregious behavioral infractions, in accordance with all applicable state and federal laws, as we believe that our students are best served when they are present at school every day. Recommendations for expulsion should not be pursued except in the most extreme cases, in accordance with state law, as our policy is to do whatever it takes to serve every student who enrolls in a Rocketship school.

If a situation does arise where a Principal feels that the student should be suspended and/or recommended for expulsion, this policy was written to guide the process. The policy has been written in accordance with relevant federal and state laws and regulations and after review of Education Code Section 48900 *et seq.*, which describes the noncharter schools' list of offenses and procedures to establish its list of offenses and procedures for suspensions and expulsions. The language of the Rocketship policy closely mirrors the language of Education Code Section 48900 *et seq.* It addresses grounds for suspension and expulsion; suspension and expulsion procedures; the maintenance of disciplinary records; student appeal rights; rehabilitation and readmission; and special procedures for the consideration of suspension and expulsion of students with disabilities. This policy may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements.

Rocketship administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline and involuntary disenrollment policies and procedures. The notice shall state that this policy is available on request at the Principal's office.

A student identified as an individual with disabilities or for whom Rocketship has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to general education students except when federal and state law mandates additional or different procedures. Rocketship will follow all applicable federal and state laws including but not limited to the California Education Code, when imposing any form of discipline on a student identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students. Note that no student shall be involuntarily removed by a Rocketship school for any reason unless the parent or guardian of the student has been provided written notice of intent to remove the student no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the student or the student's parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder, and shall inform him or her of the basis for which the student is being involuntarily removed and the right to request a hearing to challenge the involuntary removal. If the student's parent, guardian, or educational rights holder requests a hearing, Rocketship shall utilize the same hearing procedures specified below for expulsions, before the effective date of the action to

involuntarily remove the student. If the student's parent, guardian, or educational rights holder requests a hearing, the student shall remain enrolled and shall not be removed until the School 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 suspensions or expulsions as enumerated below.

Grounds for Suspension and Expulsion

A student may be disciplined, suspended or expelled for prohibited misconduct if the act is related to school activity or school attendance occurring at a Rocketship school or at any other school or a school-sponsored event at any time including but not limited to: while on school grounds; while going to or coming from school; during the lunch period, whether on or off the school campus; and during, going to, or coming from a school-sponsored activity. Students may also be subject to disciplinary action for off-campus behavior if it creates a substantial disruption to the school environment or interferes with another student's ability to participate in the school program.

Discretionary Suspension or Expellable Offenses

A student may be suspended or expelled for any of the following acts when it is determined that the student:

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force of violence upon the person of another, except self-defense.
2. Possessed, sold, or otherwise furnished any type of knife or blade unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Principal/Administrator or designee's concurrence.
3. Unlawfully possessed, used, or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code §§ 11053-11058, alcoholic beverage, or intoxicant of any kind.
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code §§ 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
5. Committed or attempted to commit robbery or extortion.
6. Caused or attempted to cause damage to school property or private property, which includes but is not limited to, electronic files and databases.
7. Stole or attempted to steal school property or private property, which includes but is not limited to, electronic files and databases.
8. Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a student.
9. Committed an obscene act or engaged in habitual profanity or vulgarity.
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code § 11014.5.

11. Knowingly received stolen school property or private property, which includes but is not limited to, electronic files and databases.
12. 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.
13. 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.
14. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
15. Engaged in or attempted to engage in hazing of another. For the purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, "hazing" does not include athletic events or school-sanctioned events.
16. Aiding or abetting as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to suspension or expulsion.
17. Made terrorist threats against school officials and/or school property, which includes but is not limited to, electronic files and databases. For purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of \$1000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school property, which includes but is not limited to, electronic files and databases, or the personal property of the person threatened or his or her immediate family.
18. Committed sexual harassment, as defined in EC § 212.5. For the purposes of this section, the conduct described in § 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section does not apply to students in grades K-3.
19. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section does not apply to students in grades K-3.
20. 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 classwork, 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 does not apply to students in grades K-3.

21. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261 of the Education Code, directed specifically toward a student or school personnel.

- A) “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
- i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student’s or those students’ person or property.
 - ii. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
 - iii. Causing a reasonable student to experience substantial interference with his or her academic performance.
 - iv. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.
- B) “Electronics Act” means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
- i. A message, text, sound, video, or image.
 - ii. A post on a social network Internet Web site including, but not limited to:
 - a. Posting to or creating a burn page. A “burn page” means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
 - b. Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (1) above. “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
 - c. Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.

- iii. An act of cyber sexual bullying.
 - a. For purposes of this clause, “cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
 - b. For purposes of this clause, “cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
- C) Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

Non-Discretionary Suspension and Expellable Offenses

In California, in accordance with Education Code Section 48915, a student must be suspended and recommended for expulsion for any of the following acts when it is determined that the student:

1. Possessed, sold or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certified school employee, with the Principals or designee’s concurrence.
2. Brandishing a knife at another person.
3. Unlawfully selling a controlled substance listed in Health and Safety Code Section 11053, et seq.
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900(n).

If it is determined by the Academic Affairs Committee 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 dangerous device on campus, the student shall be expelled for one year, pursuant to the Federal Gun Free Schools Act of 1994. In such instances, the student shall be provided due process rights of notice and a hearing as required by this policy.

The term “firearm” means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

The term “destructive device” means (A) any explosive, incendiary, or poison gas, including but not limited to: (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces,

(iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, or (vi) device similar to any of the devices described in the preceding clauses.

Suspension Procedures

A suspension is a temporary dismissal of a student from the regular school program and school-sponsored events for the allotted time assigned by a school administrator. Suspensions can range from one to five school days, depending on the seriousness of the violation. Students are expected to complete all work assigned while they serve their suspension.

Suspensions at Rocketship will adhere to the following procedures:

Conference. When feasible, suspension may be preceded by a conference conducted by the Principal or designee with the student and his/her parent and, whenever practical, the teacher, supervisor, or school employee who referred the student to the Principal. The conference may be omitted if the Principal or designee determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or school personnel. If a student is suspended without this conference due to an emergency situation, both the parent/guardian and student shall be given the opportunity to conference within two school days.

At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her and shall be given the opportunity to present his/her version and evidence in his/her defense in accordance with Education Code Section 47605(b)(5)(J)(i).

Absent an emergency situation, the Principal will attempt to hold the conference before the student is sent home on suspension.

No penalties may be imposed on a student for failure of the student's parent/guardian to attend a conference with school officials. Reinstatement of the suspended student shall not be contingent upon attendance by the student's parent or guardian at the conference.

Notice to Parents/Guardians. At the time that the decision is made to suspend a student, the Principal or designee shall make a reasonable effort to contact the student's parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall also be notified in writing of the suspension, the reason for the suspension, the length of the suspension, the student's right to return to school at the end of the suspension, and any conditions for that return (i.e. a return conference with the parent/guardian) and the date of return following suspension. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent/guardian respond to such requests without delay.

A copy of this notice will also be filed in the student's cumulative folder in the school.

Suspension Time Limits/Recommendation for Expulsion. Suspensions, when not including a recommendation for expulsion, shall not exceed five consecutive school days per suspension. In calculating days of suspension, days served will not include days when school is not in session for students, including but not limited to school closure days, school holidays, spring break, and summer break. If the student leaves school on the day that the suspension was imposed, this day

will be counted as part of the suspension if the student was denied class participation prior to 12 noon of that day. The suspension shall terminate at midnight on the day listed as the last day of the suspension.

Upon a recommendation of expulsion by the Principal or Principal's designee, the student and the student's parent/guardian or representative will be invited to a second conference to determine if the suspension for the student should be extended pending an expulsion hearing. In such instances when the School has determined a suspension period shall be extended, such extension shall be made only after a conference is held with the pupil or the pupil's parents, unless the pupil and the pupil's parents fail to attend the conference.

This determination will be made by the Principal or designee upon either of the following determinations: (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.

Students who are suspended shall be excluded from all school and school-related activities unless otherwise agreed during the period of suspension.

Authority to Expel

An expulsion is the permanent dismissal of a student from the Rocketship program, subject to any rehabilitation plan as further described below. If an expulsion is approved, the parent/guardian has the responsibility to place the student in another school. As required by Education Code Section 47605(b)(5)(J)(ii), students recommended for expulsion are entitled to a hearing adjudicated by a neutral officer to determine whether the student should be expelled. The procedures herein provide for such a hearing and the notice of said hearing, as required by law.

The full authority of the Rocketship governing Board of Directors ("the Board") to hear and conduct expulsions shall be granted to the neutral and impartial Academic Affairs Committee, a committee of the Board. The neutral and impartial Academic Affairs Committee shall consist of three board members. A student may be expelled either by the Academic Affairs Committee following a hearing before it or upon the recommendation of a neutral and impartial administrative panel as described below. The Academic Affairs Committee will pre-appoint a panel of at least five certificated Rocketship staff members, each from different Rocketship school sites. Should any of the persons appointed to the panel be employed by the staff of the school in which the student is enrolled, he/she will recuse him/herself from the proceedings.

Expulsion Procedures

Hearing: Students recommended for expulsion are entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 20 school days after the Principal or designee determines that the student has committed an expellable offense, unless the student requests, in writing, that the hearing be postponed.

In the event an administrative panel hears the case, it will, within 10 calendar days of the hearing, make a recommendation to the Academic Affairs Committee for a final decision whether or not to expel. The hearing shall be held in closed session unless the student makes a written request for a public hearing three 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 before the date of the hearing and at least five school days before the date of the hearing or any effective date of any expulsion or involuntary removal. No student shall be involuntarily removed unless the parent or guardian of the student has received this notice of intent at least five days before the hearing or any effective date of expulsion or involuntary removal. Upon mailing the notice, it shall be deemed served upon the student. The notice shall include:

- The date and place of the expulsion hearing;
- A statement of the specific facts, charges and offenses upon which the proposed expulsion is based, along with a summary of the evidence against the student;
- A copy of Rocketship's disciplinary rules which relate to the alleged violation;
- Notification of the student's or parent/guardian's obligation to provide information about the student's status at the school to any other school district or school to which the student seeks enrollment;
- 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;
- The right to inspect and obtain copies of all documents to be used at the hearing;
- The opportunity to confront and question all witnesses who testify at the hearing;
- The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses;
- The written notice shall be in the native language of the pupil or the pupil's parent or guardian, and shall inform him or her of the right to initiate the procedures specified above, before the effective date of the involuntary removal.
- The student shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this policy, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspension.

Special Procedures for Expulsion Hearings Involving Sexual Assault or Battery Offenses

Rocketship may, upon a finding of good cause, determine that the disclosure of either the identity of the witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations that shall be examined only by the Charter School or the hearing officer. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the pupil.

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

or she may leave the hearing room.

4. The Administrative Panel or the Academic Affairs Committee may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.
5. The entity conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
6. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the Administrative Panel or the Academic Affairs Committee from removing a support person whom the presiding person finds is disrupting the hearing. The entity conducting the hearing may permit any one of the support persons for the complaining witness to accompany him or her to the witness stand.
7. If one or both of the support persons is also a witness, the Charter School must present evidence that the witness' presence is both desired by the witness and will be helpful to the Charter School. The entity presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising his or her discretion to remove a person from the hearing whom he or she believes is prompting, swaying, or influencing the witness.
8. The testimony of the support person shall be presented before the testimony of the complaining witness and the complaining witness shall be excluded from the room during that testimony.
9. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in public at the request of the pupil being expelled, the complaining witness shall have the right to have his/her testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.
10. Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the entity conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstance can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

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.

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 or Academic Affairs Committee 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 Academic Affairs Committee 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 his or her testimony heard in a session closed to the public.

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

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

Written Notice to Expel

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

- notice of the specific offense committed by the student and
- notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with Rocketship.
- notice of the right to appeal and the process
- information regarding rehabilitation and readmission
- information regarding alternative education.

Right to Appeal

The student/family shall have the right to appeal the decision to expel the student from Rocketship directly to the Academic Affairs Committee. If the Academic Affairs Committee made the final decision on the expulsion, the appeal shall go directly to the Executive Committee of the Board. The request to appeal must be made in writing and shall be submitted to the Academic Affairs Committee or Executive Committee within five business days of being made aware of the decision to expel the student. The appeal shall be heard by the Academic Affairs Committee or Executive Committee within 15 calendar days of receipt of the appeal. Any decision made on appeal shall be final.

Expelled Students/Alternative Education

With the exception of students with disabilities under IDEA, students who are expelled shall be responsible for seeking alternative education programs including, but not limited to, programs within their school district of residence. The Charter School shall work cooperatively with parents/guardians to assist with locating alternative placements during expulsion.

Rehabilitation and Readmission

At the time of the expulsion order, students who are expelled shall be given a rehabilitation plan, to be developed by the Academic Affairs Committee in conjunction with Rocketship staff, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date not later than one year from the date of expulsion when the student may be reviewed for readmission to a Rocketship school.

The decision to readmit a pupil who has been expelled from a Rocketship school shall be in the sole discretion of the Board following a meeting with the Principal and the pupil and guardian or representative to determine whether the pupil has successfully completed the rehabilitation plan and to determine whether the pupil poses a threat to others or will be disruptive to the school environment. The Principal shall make a recommendation to the Board following the meeting regarding his or her determination. The pupil's readmission is also contingent upon RSED's capacity at the time the student seeks readmission.

The decision to admit a pupil who has previously been expelled from another school, school district or charter school shall be in the discretion of the Principal following a meeting with the pupil and guardian or representative to determine whether the pupil poses a threat to others or will be disruptive to the school environment. Where applicable, the Principal may also consider whether the pupil has completed any rehabilitation plan or other improvement measures prescribed by the pupil's previous school. The Principal shall make a recommendation following the meeting regarding his or her determination. The pupil's admission is also contingent upon RSED's capacity at the time the student seeks admission.

Notice to Teachers

Rocketship 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.

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

Services During Suspension

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

Procedural Safeguards/Manifestation Determination

Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, a manifestation determination shall take place. "Change of Placement" includes a recommendation for expulsion or a cumulative removal of more than 10 school days in a school year.

If Rocketship, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team will (a) conduct a functional behavioral assessment and implement a behavioral intervention plan for such child, provided that the school had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement; (b) if a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and (c) return the child to the placement from which the child was removed, unless the parent and the school agree to a change of placement as part of the modification of the behavioral intervention plan.

The conduct will be considered a manifestation of the child's disability if it is determined that (a) the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or (b) the conduct in question was the direct result of the local educational agency's failure to implement the IEP/504 Plan.

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

Due Process Appeals

The parent of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or the school believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request an expedited administrative hearing through the Special Education Unit of the Office of Administrative Hearings.

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or the school, 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 45 day time period provided for in an interim alternative educational setting, unless the parent and the school agree otherwise. . Rocketship shall comply with 20 U.S.C. Section 1415(k)(2), which states that interim alternative educational setting shall be determined by the IEP team.

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

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

Special Circumstances

Rocketship personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct. The Principal or designee may remove a student to an interim alternative educational setting for not more than 45 days without regard to whether the behavior is determined to be a manifestation of the student's disability in cases where a student: a) carries or possesses a weapon, as defined in 18 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.

Interim Alternative Educational Setting

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

Procedures for Students Not Yet Eligible for Special Education Services

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

Rocketship shall be deemed to have knowledge that the student had a disability if one of the following conditions exists prior to the behavior at issue:

- The parent of the child expressed concern in writing to supervisory or administrative personnel of Rocketship, or a teacher of the child, that the child is in need of special education and related services;
- The parent of the child requested an evaluation of the child; or
- The teacher of the child, or other Rocketship personnel, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education of the agency or to other supervisory personnel of the agency.

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

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

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

Approved by Rocketship Education Board of Directors, Inc. 8/30/2016

Revised: 12/3/2019