

# ALVINA ELEMENTARY CHARTER SCHOOL DISTRICT CHARTER RENEWAL APPLICATION 2010 - 2015



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## I. FOUNDATIONAL SUMMARY OF OUR CHARTER

The Alvina Elementary School District was originally established in an unincorporated farming area just outside the town of Caruthers, California in 1912. Caruthers is located in the Central San Joaquin Valley approximately fifteen miles south of Fresno. Caruthers is home to a diverse farming community and prides itself in small town living. Education and higher learning opportunities are heavily valued and nurtured by the local community.

Alvina, a small, single site school district, converted to a charter school in August of 2000 as a result of the district stakeholder's intent to remain independent and reform the current school system. Our charter school founders were committed to the task of creating an environment that would (1) provide individualized attention toward student needs, (2) personalize the school experience through limiting and maintaining small class sizes in grades K-8, (3) provide a safe, caring, and nurturing school environment the school community takes pride in, (4) and provides parents a school of choice they felt would best nurture the developmental needs of their individual child. With these values setting the foundation of the school district, the school staff takes great pride in meeting the needs of **all** its students, and as a result, the district has overwhelming support of its parents, teachers, support staff, students, and community members.

Alvina currently has an enrollment of 210 students with a possible maximum of 225 students. The limited student enrollment capacity makes us the smallest charter school district in the State. The Alvina student population consists of a unique mixture of students representative of the local diversity in the community. The student body consists of children of farmers, farm workers, business owners, professionals, homemakers, the self-employed, and retirees. Every aspect of the local community is reflected within the district. We believe this diversity truly adds to the uniqueness of the school district.

The district places an emphasis on fostering a secure, safe, nurturing and friendly environment in which students can experience a wide variety of learning activities through growing technologies, experimental science activities, an art and music program, intense interventions, a competitive sports program, along with the fundamentals of basic education. From academics to the arts, we believe as a charter school we offer students a well-rounded educational experience, which fosters a love for learning and encourages students to become life-long learners.

At Alvina, parents, staff, students, and administration frequently work together on school issues and projects, including consistently analyzing school structure, curriculum, programs, environment, growth, and many other varieties of activities aimed at student success. We believe, through this charter, the district enters into partnership with parents and students to enable success. As outlined in our Charter District/Parent/Student Compact (Attachment B), it is the responsibility of not only the school district, but a responsibility of the parent and student to work in a partnership to ensure maximum growth and achievement of each individual student.

Since the original conversion to a charter school district, Alvina has experienced growth in ADA, increased test scores, expanded programs such as the music program, increased

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services, and has seen an enthusiasm by the community for the overall educational experience offered at Alvina. We truly believe this is a strong indicator of the strength and success of the school program offered to children in our community.

At Alvina, we take extreme pride in the student lives we have touched, healed, and renewed by offering students a place they could call home. Many of the students who enroll at Alvina are students who in one way or another struggle either academically, socially, or emotionally at other districts and are looking for a change in their educational experience and environment. We believe that the caring, nurturing, and openness of our staff provides a strong foundation for the overall well-being of all our students and the strength and success of our educational program provides the structure desired in leading students to academic success. At Alvina, students feel loved and supported, regardless of their struggles, as we prepare them for their future endeavors. It is with great pride that we see Alvina graduates succeed in a variety of areas such as entering the Caruthers High School Doctors Academy, becoming accomplished student/athletes, graduating as Valedictorians/Salutatorians, continuing as outstanding recognized musicians, getting involved in the performing arts, and continuing their education beyond high school entering two and four year colleges.

The charter petition renewal proposal that we place before you is a reflection of the continued support expressed by the district's parents, students, staff, and citizens of the Alvina Charter School District Community. This proposal is also a reflection of the continued efforts set forth by the district to ensure that our students are productive citizens of our ever-changing society. Our district motto, "A Commitment to Excellence" is engrained in the hearts of each and everyone one of our school community members. The role everyone plays in the lives of our children is never taken lightly. We believe through our continued efforts between the school, parents, students, and community members in assessing and redirecting our charter, we will only continue to perfect the opportunities we give our children in being competitive participants in today's global society.

We continue to embrace the belief of the original stakeholders that being a charter school sets the Alvina Elementary Charter School District apart by being able to provide students of our local community an educational program that is well-rounded and focused on the individual student. Additionally, by limiting class size, we make the statement that each student matters to us. As a charter we value the opportunity to have increased flexibility with programs, staffing, embracing technology, a high quality music program, and a competitive sports program. These elements continue to be vital in the development of the well-rounded educated participant of tomorrow's society. The five-year charter petition renewal is a direct challenge to the school district to continue their efforts in placing the needs of children first and developing the child as a whole. The district, along with parents, students, and staff, will continue to evaluate, redirect, and monitor our educational programs to ensure that all aspects of our program are of the highest quality and serve the needs of our children.

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## II. EDUCATIONAL MISSION, PHILOSOPHY, AND PROGRAM

### Mission Statement

In collaboration with our community, it is the mission of Alvina Elementary Charter School to recognize the value and spirit of each and every one of our students. With complete dedication, it is our goal to:

- Promote Academic Student Success.
- Recognize the Value of Each Child.
- Inspire a Partnership with the Home.
- Develop Student Learning to its Fullest Potential.
- Enable Students to Develop a Love for Learning.

### Educational Philosophy

Alvina Elementary Charter School District takes great pride in providing students a rich and nurturing family-based small school environment that we strongly believe enriches a student academically, socially, and emotionally. With ten teachers and a focus on keeping our primary classes under twenty and our elementary classes under twenty-five, we strive to make the learner the central focus of our program. Our commitment to providing students the individualized attention they deserve is made apparent in our staffing. Along with the teachers, we currently have assigned an instructional assistant in each classroom. This, along with other staff members who are dedicated to our students, create an overall seven to one student adult ratio which we feel is essential to our overall philosophy.

Alvina Elementary Charter School District is sustained by the commitment, relationships, and energy put forth each and every day by the students, parents, and staff. As mentioned before, we are an intentionally small school in which all students are known and loved by all staff members. We highly value these relationships and find that this is what sets Alvina apart in the perspective of our stakeholders. By having an understanding of who the child truly is, we are much more able to nurture and enrich the student as a whole. These relationships among students and staff, and the commitment that is given by the parents, allow us to educate students as a team and not as separate individuals. This team effort that places the child as its central focus is one of the true cornerstones of our program.

At Alvina we aim to create and maintain a calm, safe, caring, and nurturing environment which we whole-heartedly believe stimulates each child's distinctive strengths and qualities, thereby establishing the foundation that allows their academic abilities to blossom. It is a set priority that all students, regardless of their struggles, are seen as equals in the eyes of the staff and it is assured they receive the utmost care in their academic, social, and emotional development. We believe that the critical component in nurturing the child as a whole is not only the programs, although important, but the people that interact with our children on a daily basis. Our school community is proud in calling Alvina "a second home".

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**Students Served and Attendance**

Alvina Charter School District seeks to serve all students, grades K-8, who wish to attend the school and who meet the criteria and procedures for enrollment as set by school board policy. Our school board has currently stipulated that student enrollment in grades K-3 will not exceed an average of 20 students per classroom and will not exceed an average of 25 students per classroom in grades 4-8. Presently, we have 207 students enrolled and a school wide average of 21 students per classroom. Of those students, 107 (52%) are from within the Alvina Charter School boundaries, while 100 (48%) come from outside of the district. The predicted maximum enrollment is 225 students based on school board policy and number of classrooms available for instruction. Alvina Charter School District is nonsectarian and nondiscriminatory by gender, ethnicity, religion, national origin, ability, disability, or place of residence. After attending Alvina, students matriculate to Caruthers High School, in Caruthers Unified School District.

Alvina Charter Elementary School District serves a varied and diverse ethnic student population which is representative of the geographic area in which it is situated: 59% Hispanic, 31% Caucasian, 5% American Indian or Alaska Native, 3% Asian Indian, and 2% Black.

Alvina School provides 180 days of direct instruction to students. The minimal instructional minutes per school year includes 36,000 minutes for kindergarten students, 50,400 minutes for student in grades 1-3, and 54,000 for students in grades 4-8. Alvina regularly achieves more than these minimum requirements. Regular student attendance is one of the essential factors for student success in school. We are committed to our students maintaining 95% attendance per school year. Excessive absences are deemed a factor for retention, ineligibility for sponsored school activities, and/or denial for continued enrollment.

**Plan for Students Who Are Academically Low Achieving**

Alvina Charter School District meets the needs of academically low achieving students through a variety of instructional strategies and interventions. Students who are in need of these strategies or interventions are identified by the Student Study Team (see attachment **D**). This team of staff members and parents utilizes a variety of methods in determining who is best served with what interventions. Methods for identification may include teacher or parent observations, academic grades, standardized test scores, benchmark test results, curriculum-centered measurements and other school approved diagnostic or screening criteria. Strategies and accommodations are determined on an individual basis and include altering the physical and social environment, modifying the format for direct instruction, altering design and use of curriculum materials, providing one-on-one tutoring or small group assistance, altering teaching techniques, and altering given assignments. Academically low achieving students receive specially designed instruction to target areas in which students are encountering problems.

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**Plan for Students Who Are Academically High Achieving**

Classroom teachers have the initial responsibility in identifying academically high achieving students through assessment, academic data analysis, observation or other recognized methods. Academically high achieving students are challenged to excel beyond the key instructional content standards adopted for each classroom. Alvina Charter School District meets the educational needs of these students through instructional strategies including but not limited to differentiated instruction, and self-paced instruction. Assigned projects and activities nurture independent learning. Teachers provide guidance and individual assistance on a regular basis.

**Plan for Special Education**

Alvina Elementary Charter School District will continue to be members of, and provide services through the Fresno County Special Education Local Plan Area (SELPA). A concerted effort is made to promote early identification and intervention to address student's special needs. Students who qualify for special education will be provided those services in the least restrictive environment through existing Resource Specialist Program and Special Day Class Programs, or through other county services as determined by the Individualized Education Plan process. A concerted effort is made to assure that special education students are placed and included in regular education classes for the greatest possible amount of time as specified in their Individualized Education Plan. Special education students and students with special needs are monitored closely by the classroom teacher, classroom aide, and support personnel such as the school psychologist, speech therapist and/or resource specialist when appropriate. Assistance from the on-site FCOE special education staff will be provided to all teachers with special education students assigned to their classrooms. Each student's progress, both academic and social, will be monitored to ensure growth, safety, and help to foster friendship and acceptance from each student's peers. The progress of all special education students and students with special needs is to be reported to the superintendent/principal on a regular basis.

**Plan for English Learners/English Language Development**

Alvina Elementary Charter School District makes a concerted effort to provide a comprehensive program for all English Learner (EL) students in grades K-8. All State mandated guidelines for identification of EL students are followed, beginning with the home-language survey and ending with the CEDLT test for final identification.

Once identified, further diagnosis is completed by the classroom teacher and our bilingual support provider. They determine appropriate placement of students in our English Language Development (ELD) program. ELD classes are structured so that students are grouped by language level for instructional purposes.

All regular classroom teachers have met certificated requirements for teaching English Language Learners. In addition, they have identified the instructional strategies (ELD/SDAIE) to be used with ELL students throughout the school day.

The primary grades use the Hampton Brown/Avenues Series in conjunction with the ELL state adopted materials. In grades 4-8, the High Point Series is used. For these students, diagnosis is completed and students are subsequently placed in one of four levels. The

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program is very “fluid” with students able to move from one level to the next as progress dictates.

Our bilingual support provider maintains constant contact with our parents of ELL students. She is kept aware of academic or social concerns that the children may be having. This is supported by surveys and interviews throughout the year, so that adjustments can be made as needed.

Surveys and interviews are conducted with each parent to assess each parent concerns about their child’s program, with an emphasis on acquiring information about what they feel their child needs. We feel this is a very unique situation.

All ELL students, including all reclassified ELL’s, proficient in English language, receive special academic tutoring. The bilingual support provider and the classroom teachers are continuously monitoring progress regarding students who are tutored.

### **Program Elements**

The essential elements of the Alvina Elementary Charter are:

1. A strong partnership between parents, the school, and the community including:
  - a. A strong parent role in governance and program development through the participation of a variety of parent committees.
  - b. A parent volunteer group commitment.
  - c. Embracing high expectations for all staff members, students, and parents.
  - d. Maintaining an environment in which students, staff, and parents feel safe in their learning environment.
2. An academic and social conduct contract for students that define the student’s responsibility as a learner, his responsibilities to the school, and outline a high standard for conduct and behavior. Additional responsibilities of both the home and school are included.
  - a. Promoting the six pillars of Character Counts (Josephson Institute of Ethics) Respect, Responsibility, Trustworthiness, Caring, Fairness, and Good Citizenship.
3. The development of high standards for all students through a curriculum that is:
  - a. State Standards based.
  - b. Differentiated in order to best meet the needs of each child.
  - c. Research based.
  - d. Supported by high quality standard based instructional materials for all student access.
  - e. Employ technology in ways that enhance learning, teaching, and problem-solving skills.
  - f. Uses both formative and summative assessments and regular analysis of data to drive instruction and meet the needs of all students.
4. Access to school assistance programs for students and families:
  - a. Academic support including diagnostic and support services based on a parent or teacher referral. (Student Study Team)

- b. Behavioral and emotional support through the on-site FCOE school psychologist/counselor.
  - c. Health services support including the FCOE on-site school nurse and additional access to public health services.
5. Continuation of teacher collaboration time for data analysis, curriculum development, team meetings, and professional development focused on student needs. Will continue with flexible scheduling to build in continuous and ongoing planning time.
6. Continuation of the use of differential staffing, such as instructional assistants in each classroom, to assist with instruction providing essential one-on-one time for students.
7. Access to technology within all classrooms and the media center supporting teaching and learning which prepares students to research, manipulate, and organize information using appropriate methods.
8. The ongoing partnership with the Fresno County Office of Education, colleges and universities to facilitate assistance, provide professional development, promote research based practices, train upcoming teachers, and strengthen the overall effectiveness of the program.

**Curriculum and Instructional Design**

The Alvina Elementary Charter School District uses curriculum that is aligned with the California State Content Standards and Frameworks. Each adopted curriculum has gone through a thorough adoption process involving the administration and teachers of the district with an emphasis on the needs of our students. Teachers at each grade level provide every child a rigorous, well-balanced standards-aligned core program consistent with the design of our original charter. Listed below is our current adopted curriculum.

<b>STATE APPROVED ADOPTED CURRICULUM</b>			
<b>Language Arts</b>	<b>Mathematics</b>	<b>History</b>	<b>Science</b>
SRA Open Court Reading (2002) K-3	Harcourt Brace Mathematics (2009) K-5	Scott Foresman (2007) K-5	Delta Education FOS Kits (2008) 4-5
Harcourt Brace Reading (2002) 4-5	Harcourt Brace Mathematics (2009) 6-8	McGraw-Hill Glencoe (2007) 6-8	Delta Education Publishers (6-8) 6-8
Holt, Rinehart, and Winston (2002) 6-8			
<b>ADDITIONAL SUPPORT MATERIALS (NON-STATE APPROVED)</b>			
Reading A-Z Leveled Readers	Kim Sutton Math Sutton Publishing	California Studies Weekly American Legacy Publishing	
Saxon Phonics Saxon Publishers	Renaissance Learning Math Products		

Step Up To Writing Sopris West	Accelerated Math Renaissance Learning		
Skill Sharpeners Evan-Moor Publishing	Math Facts In A Flash Renaissance Learning		

Along with a strong curriculum, the Alvina Elementary Charter School District has implemented a Diagnosis & Prescription approach, which is used to best identify the needs of each individual student. At the commencement of each year, each student is assessed through a variety of diagnostic assessments such as DIBELS, the STAR Early Reader Assessment, San Diego Quick, Accelerated Math Screener, along with other curriculum based diagnostic assessments to be able to pin-point the individual needs of each child. With these results, each teacher is required to develop and implement an individual Academic Improvement Plan (Attachment M) for each student who is not at the proficient level. These results are then shared with the Superintendent/Principal during Student Performance Meetings within the first four weeks of the school year. An additional three Student Performance Meetings are held throughout the year to monitor student progress and make instructional program adjustments.

Along with teacher created assessments and curriculum-based assessments, the Alvina Elementary Charter School District requires teachers to give a writing, reading, and mathematic benchmark at the end of every eight week period. The data collected through these assessments, with the use of DataDirector, is used in a variety of formats to target three main areas: 1) identify student strengths and weaknesses, 2) identify instructional interventions 3) and assess the overall effectiveness and direction of the instructional program. After each benchmark, the results are shared during scheduled Cycle of Inquiry Staff Meetings. The purpose of these meetings is too closely analyze results as it pertains to the instructional improvement of the district. By placing a focus on high priority achievement gaps and posing questions about the causes of these gaps, we are much more able to identify and implement effective strategies to continue incremental growth. The district believes that this cycle of data collection is essential to the overall effectiveness of the instructional program, as we believe that district improvement is accomplished through continual incremental growth that is data based.

To support the instructional program, the district has implemented the Renaissance Learning Program Accelerated Reader school-wide from grades second through eighth. A certificated staff member has been placed as the resource teacher to assist administration and teachers in the effective implementation of the program. Along with this program, teachers have a variety of resources available to them based on student needs identified by assessment data. The implementation of these supplemental intervention programs will be based on the identified needs according to the Academic Improvement Plans (Attachment M) created by teachers. These programs include Read Naturally, the Six-Minute Solution, Rewards, Phonics For Reading in Language Arts and Accelerated Math, and Math Facts in a Flash as Mathematic interventions.

Additional student support is available through the charter school district in the form of teacher led after school tutoring for targeted student and/or parent interest, homework assistance through the after school program, and teacher led supplemental instruction each Monday for targeted students during early release days.

### III. MEASURABLE STUDENT OUTCOMES AND OTHER USES OF DATA

#### Measurable Student Outcomes

In keeping with our educational philosophy, Alvina Elementary Charter School District places high expectations on academic achievement and character development through a challenging curriculum, individualized and small group instruction, support from our parents, and a safe and nurturing environment. Assessment of student progress is the driving force of our instructional program. We use assessments to measure both how students progress through the implementation of our program and also to compare to students at the state and national level. The district uses a variety of tools to measure student progress. These measures include, but are not limited to, the California Standards Tests (CST), district Benchmark Assessments, and Curriculum based measures and assessments. The Alvina Elementary Charter School District Academic Goals for the next five years are listed below:

#### Academic Achievement Goals

All students will progress towards achieving the state content standards at a proficient level or above as measured by the Statewide Testing and Reporting (STAR) program on the California Standards Tests in Language Arts, Mathematics, Science, and Social Studies at the grade levels determined by the State.

Description of Academic Achievement Goals	Timeline	Person(s) Involved
Students will demonstrate academic growth incrementally each year as required by NCLB attaining proficiency or better in reading and mathematics by 2013-2014. This will be measured by the yearly Adequate Yearly Progress (AYP) Report.	Annually	Administration & Teachers
Student subgroups will make appropriate growth in reading and mathematics as required by NCLB. District subgroups include Hispanic and Socioeconomically Disadvantaged Students. This will be measured by the yearly Adequate Yearly Progress (AYP) Report.	Annually	Administration & Teachers
All English Language Learners will advance one fluency level per year in English as measured by the CELDT.	Annually	Administration, Teachers, & EL Liaison
Students will meet or exceed the Academic Performance Growth Schoolwide Targets.	Annually	Administration & Teachers
Students will meet or exceed the Academic Performance Growth Subgroup Targets.	Annually	Administration & Teachers
In 2009, 43.2% of all students scored proficient or advanced in Language Arts. Our district will increase the percentage of all students reaching proficiency or better in each of the next five years by 10% until 90% proficiency is reached.	Annually With An Overall Five Year Goal	Administration, Teachers, & Support Services Staff
In 2009, 48.6% of all students scored proficient or advanced in Mathematics. Our district will increase the percentage of all students reaching proficiency or better in each of the next five years by 10% until 90% proficiency is reached.	Annually With An Overall Five Year Goal	Administration, Teachers, & Support Services Staff
In 2009, 50% of fifth grade students scored proficient in Science. Our district will increase the percentage of all students reaching	Annually With An Overall	Administration, Teachers, &

proficiency or better in each of the next five years by 8% until 90% proficiency is reached.	Five Year Goal	Support Services Staff
In 2009, 15% of eighth grade students scored proficient in Science. Our district will increase the percentage of all students reaching proficiency or better in each of the next five years by 8% until 90% proficiency is reached.	Annually With An Overall Five Year Goal	Administration, Teachers, & Support Services Staff
In 2009, 19% of eighth grade students scored proficient in Social Studies. Our district will increase the percentage of all students reaching proficiency or better in each of the next five years by 8% until 90% proficiency is reached.	Annually With An Overall Five Year Goal	Administration, Teachers, & Support Services Staff
<p>Eighth Grade Graduation Requirements:</p> <ul style="list-style-type: none"> <li>• Maintain a 2.0 Grade Point Average.</li> <li>• Maintain an Attendance Rate of 95% or greater.</li> <li>• Complete a Community Service Project.</li> <li>• Successfully Complete the U.S. Constitution Course.</li> <li>• Complete a Character Analysis Speech.</li> </ul>	Annually	Eighth Grade Teacher

**Academic Performance Index**

The Alvina Elementary Charter School District implemented plan for achieving the Academic Performance Index (API) school-wide and subgroup targets include:

Description of API Growth Achievement Goals	Timeline	Person(s) Involved
A school calendar is created with built in <u>Cycle of Inquiry</u> meetings designed to analyze data, pose questions, identify priorities, and implement effective strategies.	Every Eight Weeks	Administration & Teachers
A school calendar is created with built in <u>Student Performance Meetings</u> designed to allow for collaboration between administrator and teacher to identify individual teacher instructional priorities and to monitor instructional progress.	Four Meetings A Year	Administration & Teachers
Implementation of the <u>Diagnosis &amp; Prescription Approach</u> . This includes the use of diagnostic student assessment to identify student needs and the creation of an <u>Academic Improvement Plan</u> to insure student success by providing effective interventions.	On-going	Administration & Teachers
Provide <u>researched based diagnostic screeners</u> such as the Dynamic Indicators of Basic Early Literacy Skills (DIBELS), San Diego Quick, STAR Early Reader, and the Accelerated Math Screener.	On-going	Teachers
Provide <u>researched based interventions</u> such as Rewards, Phonics for Reading, Six Minute Solution, Accelerated Reader, Accelerated Math, and Math Facts in a Flash as determined by the student's Academic Improvement Plans.	On-going	Teachers
Allow for weekly <u>Teacher Collaboration Meetings</u> to analyze student data, share best instructional practices, revisit instructional priorities, and assess instructional strategies.	Weekly	Administration & Teachers
Review and revise district <u>Benchmark Assessments</u> to ensure alignment with content standards and district priorities.	On-going	Administration & Teachers
On-going <u>Professional Development</u> for staff members, which supports district instructional needs and priorities. (Attachment L)	At A Minimum, 3	Administration & Teachers

	PD Per Year	
Continued <u>Professional Dialogue</u> with Fresno County Office of Education, The Early Reader Diagnostic Center, and Fresno Pacific University based on districts instructional needs.	On-going	Administration

**Methods of Assessment and Data Gathering**

The assessment of student progress is the core of any instructional program evaluation. Assessments should measure the effectiveness of the overall instructional program, analyze student academic progress, and compare student’s performance with state/national norms and expectations. It is our intent to use a variety of assessment tools to measure student progress as well as tools to make instructional adjustments through the analysis of data. The district makes adjustments and modifications for methods of assessment as deemed appropriate to improve the quality of the instructional program.

Description of the Different Methods of Data Gathering Through Assessments	Timeline	Person(s) Involved
Statewide Mandated Assessments: Students will be assessed with all state mandated assessments in the Statewide Testing and Reporting (STAR) Program, California English Language Development Test, and the Physical Performance Test.	Annually	Administrator, Teachers, & EL Liaison
District Reading, Writing, and Mathematic Benchmark Assessments.	Every Eight Weeks	Teachers
Dynamic Indicator of Basic Early Literacy Skills (K-6).	By Trimester	Teachers
San Diego Quick Reading Assessment.	By Trimester	Teachers
STAR Early Literacy Assessment.	By Trimester	Teachers
State Adopted Curriculum Assessments.	On-going	Teachers
Accelerated Reader/Math Diagnostic Assessment Reports.	On-going	Teachers
Standard-Based Progress Reports and Report Cards.	Every 6 weeks	Teachers
Student Study Team Student Assessment as initiated by Student, Parent, or Teacher.	As Needed	Administrator, Teacher, and Support Services Staff
Collection of Daily Work and Homework	On-going	Teachers
Parent, Teacher, and Student Surveys distributed, collected, analyzed, and reported annually.	End of School Year	Administration
DataDirector Data Management System. Program used to provide longitudinal tracking and reporting of student assessment data, student demographic data, student grades, and teacher data.	On-going	Teachers

**Use of Instructional Data**

Analysis of student performance data is an ongoing process used to improve the total educational program so all students can progress to meet the district proficiency goals.

Description of the Different Uses of Data	Timeline	Person(s) Involved
<u>Diagnosis &amp; Prescription Approach</u> : Data is used to identify student needs and to insure the appropriate instructional interventions are in place to promote student success.	On-going	Administration & Teachers

<u>Academic Improvement Plans</u> : Screening data allows for the appropriate academic interventions to be implemented to insure students progress toward being on grade level.	On-going	Administration & Teachers
<u>Cycle of Inquiry Meetings</u> : Collected STAR, Benchmark, and Curriculum-Based Assessment Data create the foundation for productive staff discussions to analyze the overall effectiveness of the instructional program.	Every Eight Weeks	Administration & Teachers
<u>Student Performance Meetings</u> : Collected diagnostic data is collected through the use of district available screeners to best identify student needs and to insure appropriate interventions are put into place. These meetings allow for productive one-on-one teacher/administrator discussion to analyze best instructional practices.	Four Meetings per Year	Administrator & Teachers
<u>Teacher Collaboration Meetings</u> : Meetings to analyze benchmark and classroom assessment data. Data is used to monitor student progress, revise instructional strategies/interventions, and plan collaboratively to meet the needs of all students.	Weekly	Administration & Teachers
<u>Student Study Teams</u> : Data is used to determine as to whether or not a learning disability may be affecting a students academic progress. It is through this process that students may be assessed for special education services.	As Needed	Administration, Teachers, & Support Services Staff
<u>DataDirector Data Management System</u> : Data is used to identify instructional gaps within classroom instruction allowing teachers to develop appropriate interventions to best fill these existing gaps.	On-going	Teachers

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#### IV. GOVERNANCE STRUCTURE

The foundational governing structure of The Charter District will remain intact, retaining existing terms, historical election boundaries and qualifications for the Board of Trustees. The Board of Trustees consists of three (3) members, James David Hill (Clerk of the Board), Mark Sorenson, and William Yamamoto. The ultimate authority for the governance of The Charter District remains with this elected Board of Trustees. Policies will continue to be enacted at monthly public board meetings and board procedures will remain the same.

The Superintendent/Principal is directly responsible to the Board of Trustees and under its authority. He/she will report the progress towards the identified goals to the Board on a regular basis. He/she remains the instructional leader of the school site and maintains all duties and responsibilities as before the conversion to charter school status to carry our established goals, Board Policies, and to manage the operations of the Charter District.

Certificated and classified employees are directly responsible to the Superintendent/Principal or his/her designee. Each will report the progress towards the identified goals to the Superintendent and/or designee on a regular and/or as needed basis. Employees will maintain all duties and responsibilities as before the conversion to charter school status or according to revised job descriptions.

The **School Site Advisory Council** will be maintained, consisting of an equal number of parents/community members and staff elected by their peers. The advisory council shall:

- Annually review and monitor the charter's education program and the school's Program Improvement Plan.
- Consult with parents and teachers regarding the school's educational program.
- Monitor categorical budget as appropriate.

Other planned governance structures include:

The **Staff Leadership Team** will be comprised of three certificated staff members, two classified employees, the superintendent/principal, and one other member of the management team. They will plan, review, and collaborate about the operation of the school pertaining to curriculum, staff development, scheduling, availability of resources and other related areas pertaining to the educational program.

The **State Superintendent of Public Instruction** and the **State Board of Education** will share responsibility for renewing this charter proposal. Following approval, they will be responsible for the oversight of this charter district.

The Alvina Elementary Charter School District will remain an independent legal entity – operating within the intent of the approval charter, the Board of Trustees will have all other authority for the operation of the District.

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## V. HUMAN RESOURCES

### Qualification of School Employees

The Board of Trustees is committed to employ a most highly qualified and professional staffs in order to (1) improve student achievement (2) operate the district efficiently, and (3) maintain stability in providing an optimal learning environment. The District has established the following standards towards these ends. All employees must meet the applicable provision of appropriate laws as set for their job classification.

- **Superintendent/Principal**  
The Superintendent/Principal must hold a valid California administrative credential and must clear a criminal background check pursuant to Education Code 44830.1. This person is directly accountable to the Board of Trustees for the overall operation of the Charter District and the implementation of Board Policies and Procedures. This person should possess the knowledge and skills necessary to oversee both the instructional program and business operations of the Charter District.
- **Project Director**  
This director must hold a valid California administrative credential and clear a background check performed pursuant to Education Code 44830.1. This person must have the skills and experience necessary to fulfill assigned responsibilities. The director performs a variety of administrative duties related of support services (i.e. food service, buildings and grounds, categorical programs, extracurricular activities, classified work schedules, supervision of assigned staff, etc.).
- **Teachers**  
Classroom teachers must hold a valid California teaching credential for their designated teaching assignment and must clear a criminal background check pursuant to Education Code 44830.1. In addition they must meet the requirements of a highly qualified teacher as prescribed by No Child Left Behind. Teachers plan for and provide instruction for students assigned to their classroom. During the life of the charter the administration has the flexibility to hire non-certificated instructors for the non-core courses of art and computer literacy on a contractual basis where such instructors have demonstrated their competency through experience or education. Such instructors must also clear a background check as prescribed by the State.
- **Classified Personnel**  
All classified personnel must meet the qualifications and standards established for employment by the Board of Education. These employees must also clear the criminal background check requirement as established by the State. In addition, paraprofessionals who serve as instructional assistance to a teacher or who provide intervention services to students must meet the highly qualified requirements of No Child Left Behind. Duties and responsibilities for classified personnel will be dictated by the job descriptions for their position classification.

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**Compensation and Benefits**

This Charter District provides employer contributions to the State Teacher Retirement System (STRS), Publics Employee Retirement System (PERS), and Federal Social Security System, for all new and existing employees as deemed appropriate. Employees are required to contribute to STRS or PERS at the established rates. Employees, who are not members of STRS, make the necessary contributions to the Social Security System. This Charter District also makes the necessary contributions to Worker’s Compensation insurance, unemployment insurance, and other payroll obligations of an employer.

**Employee Representation**

Employees will retain all rights and privileges as outlined in current governing school Board policies and regulations. All staff are employees of the Charter District, unless individually choosing to leave the employment of the district.

All employees of the District prior to the establishment of the Charter District were offered the opportunity to work in the Charter District. Once the employee signed the charter agreement, that employee became a Charter District employee. If the charter agreement is revoked or rescinded, employees will become District employees. Any new employees are deemed to be Charter District employees since Alvina School is the only school site in the district.

**Rights of School District Employees**

It is acknowledged that all current employees have agreed to work under the charter at Alvina Elementary Charter School District. The charter will continue to pertain to all district staff for the duration of the charter’s term. The all-district charter’s term will be for five (5) years, unless voluntarily surrendered by the district’s Board of Trustees or revoked by action of the State Board of Education and State Superintendent of Public Instruction prior to its expiration. All new employees are informed, before hiring, of the charter status of the district. Once a new employee signs a contract with the district, having been given that information, that employee is deemed to be an employee of Alvina Elementary Charter School District. If the charter is voluntarily surrendered or revoked, all employees will revert to their status as employees of the non-charter public Alvina Elementary School District.

**Dispute Resolution**

The Charter School District will maintain its current policies and procedures pertaining to dispute resolution. The Board of Trustees of the Alvina Elementary Charter School District agrees to refer all complaints regarding the school’s operations to the school’s administrator for resolution in accordance with the school’s adopted policies. Upon request, parents, students, board members, volunteers, and staff at the charter school will be provided with a copy of the school’s policies and dispute resolution process and will agree to work within it. In the event that the school’s adopted policies and processes fail to resolve the dispute, the written complaint will be referred to the Board of Trustees.

The procedures to be followed by this charter district and the entity granting the charter to resolve disputes relating to provisions of the charter, as required by Education Code section 47605(b)(5)(N), include at a minimum that:

1. Alvina Elementary Charter School District recognizes the fact that the State Board of Education is not a local education agency.
2. The costs of the dispute resolution process, if needed, will be shared by the charter district and the State Board of Education.
3. Because it is not a local education agency the State Board of Education may choose to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, provided that if the State Board of Education intends to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, it must first hold a public hearing to consider arguments for and against the direct resolution of the dispute instead of pursuing the dispute resolution process specified in the charter.
4. If the substance of dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with Education Code section 47604.5, the matter will be addressed at the State Board of Education's discretion in accordance with that provision of law and any regulations pertaining thereto.

### **Health and Safety**

The Alvina Charter School District has established board policies and procedures to ensure the health and safety of students and staff. In addition, all employees and student are subject to standards mandated by Federal and State laws. Monthly facility inspections are made by designated staff in an effort to prevent any problems pertaining to health and safety. Alvina has a current School Safety Plan that is updated annually. (Available upon request.) In summary our charter district maintains and/or monitors the following:

- Require that all students upon enrollment provide records documenting immunization.
- Contract with Fresno county Office of Education, nurse services, to perform vision, hearing, and scoliosis screenings for students.
- School Safety Plan outlining procedures in response to a natural disaster.
- Staff development required related to the prevention of blood-borne pathogens.
- Administrative regulation in administering prescription drugs and other medicines.
- Enforcement of policy that the school functions as a drug, alcohol, and tobacco free workplace.
- Enforcement of requirement that the school functions as a drug, alcohol, and tobacco free workplace.
- Enforcement of requirement that employees submit to a criminal background check and furnish proof of an examination for tuberculosis.
- Adherence to rules and regulations pertaining to building codes, site safety transportation and food preparation.

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## VI. STUDENT ADMISSIONS, ATTENDANCE, AND SUSPENSION/EXPULSION

### *Student Admission Policies and Procedures*

The District identifies the following admission requirements and parameters:

- The District is non-sectarian and does not discriminate based upon race, religion or creed.
- Tuition is not charged.
- Pupils are considered for admission without regard to ethnicity, national origin, gender, disability, or achievement level.
- Students must satisfy all state and locally required immunizations.
- All special needs students with an active IEP are admitted per State and Federal Laws.
- If the number of pupils who wish to attend a school within the District exceeds the school's capacity, except for existing pupils of the District, enrollment is determined by a public random drawing. Preference shall be extended to District Enrollment Guidelines (Attachment **A**) adopted by the Board of Trustees.

Prior to students and parents being admitted into the District, they are required to:

- Understand the District's educational program and philosophy. Sign a parent/student Charter compact/master agreement. The purpose of this compact/master agreement is to encourage the development of responsibility and respect in the students, encouraging each one to become a lifelong learner and productive citizens of the community. (Attachment **B**)

### *Non-Discrimination*

The Alvina Elementary Charter District is non-sectarian in its programs, admissions policies, employment practices, and all other operations. The Charter District shall not charge tuition and shall not discriminate against any pupil on the basis of ethnicity, national origin, gender or disability.

### *Public School Attendance Alternative*

Students residing within the historical attendance area of the District are not required to attend the Alvina Elementary Charter School. The District shall offer attendance alternative (Attachments **G & H**) to pupils who choose not to participate or who choose not to adhere to the student/parent contract.

The District will assist with an interdistrict transfer for pupils pursuant to Education Code Section 46600 and agreements entered into between the District and the Monroe Elementary School District and the Raisin City School District in which these school districts unequivocally agree to accept the District's students who are in compliance with receiving interdistrict transfers. All students will be afforded due process as outlined in the Education Code Section 48918.

### *Pupil Suspension and Expulsion*

The Board of Trustees has established policies and standards for student behavior in order to promote learning and protect the safety and well-being of students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular

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classroom instruction. The grounds for suspension and expulsion and the procedures for considering recommending and/or implementing suspension and expulsion are specified in board policies and administrative regulations (BP 5144.1, BP 5144.2(d), AR 5144.1 and AR 5144.2(d)) (Attachment **N**). A student's enrollment may be discontinued for noncompliance with the terms of the master agreement/compact.

If in the opinion of the Superintendent/Principal a student should be recommended for an expulsion hearing, or a hearing needs to be scheduled to consider discontinuation of enrollment, the case may be referred to the Student Review Committee for their consideration.

The committee will review the student's records, solicit information, hear testimony about the case, and make a recommendation to the Board of Trustees regarding the disposition of the student.

In those cases where suspension, expulsion, or discontinuation of enrollment are proposed as a consequence for student behavior, the student and his/her parents will be afforded due process rights as described in charter district's administrative regulations (AR 5144.1) and the California Education Code (EC 48915-48919).

If a pupil is expelled or leaves the charter district without graduating or completing the school year for any reason, the charter district shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information.

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## VII. FINANCIAL PLANNING, REPORTING, AND ACCOUNTABILITY

The **Fresno County Office of Education (FCOE)** will continue to provide fiscal oversight and assist the Board of Trustees and administration in the preparation of the annual budget, interim reports, and end of the year reports pertaining to the fiscal operation. Our FCOE representative will periodically confer with the Superintendent/Principal and teachers pertaining to identified staff development needs.

### **Budget**

The Alvina Charter Elementary School District's budget is developed in accordance with standards and criteria for fiscal accountability adopted by the State Board of Education (E.C. 33129). The annual budget is prepared by the Superintendent/Principal in consultation with our assigned financial consultant from the Fresno County Office of Education and our Leadership Committee. A balanced; operating budget is approved by the Board of Trustees as part of the annual budgetary process, including reasonable estimates of anticipated revenue and expenditures. The Fresno County Office of Education also provides oversight and monitors our charter district's budgetary process and financial conditions. A review of our financial documents indicate that operational budgets are prepared and implemented on average daily attendance projections and other identified legitimate assumptions (i.e. staff level needed). These documents also indicate that this Charter District has a stable cash flow and is projected to be financially solvent for this school year and two subsequent years (Attachment **E**).

### **Financial Reporting**

The accounting of Alvina Elementary Charter School District's budgets, revenues and expenditures are conducted in accordance to the Board of Trustees' Policies and Administrative Regulations. The board contracts an independent outside auditor to conduct the annual audit of fiscal and programmatic operations and report findings to the board. The district complies with state financial reporting regulations by submitting the 1<sup>st</sup> and 2<sup>nd</sup> interim report, unaudited actuals, end of year projection and budget report. These reports are submitted to CDE through the county office of education which monitors the fiscal health of the district in accordance with AB 1200.

### **Audits**

The Board of Trustees for Alvina Charter Elementary School District oversees the selection of an independent auditor, ensuring that the selected auditor has experience in education finance. The audit verifies the accuracy of the Charter District's financial statements, attendance and enrollment accounting practices, and reviews internal controls. The audit is conducted in accordance with generally accepted accounting principals applicable to the Charter District. To the extent required under applicable federal law, the audit scope is expanded to include items and processes specified in any applicable Office of Management and Budget circulars. The annual audit is completed within six months of the close of the fiscal year and a copy of the auditor's findings is forwarded to the Superintendent/Principal. Audit exceptions or deficiencies are reported to the Board of Trustees with recommendations on how to resolve them.

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### **Insurance**

Alvina Elementary Charter School District acquires general liability, worker's compensation and other necessary insurance coverage through carriers approved by the district. (Please see Attachment **F** pertaining to liability coverage.)

### **Administrative Services**

The elected Board of Trustees and the Superintendent govern this charter district. They hold the lead responsibility for administering the District under policies adopted by the governing board. The Superintendent/Principal works in cooperation with the support staff to provide necessary administrative services, personnel services, instructional services, as well as other support services needed for school separation.

### **Facilities**

Alvina Charter Elementary School District encompasses only one school, Alvina Charter School, serving students enrolled in Kindergarten through the eighth grade. The campus is approximately nine acres in size and is located at 295 W. Saginaw Avenue near the town of Caruthers in Fresno County. Our two main buildings house six classrooms, an office and administrative area. Our multipurpose cafeteria/kitchen area is located adjacent to these main buildings. Since the original construction of these facilities in 1955, we have added six portable classrooms which include one county-operated classroom, a library/computer lab, and four classrooms, and a student support center.

### **Transportation**

The Alvina Elementary Charter School District has entered into a joint power agreement with the Southwest Transportation Agency to provide home-to-school transportation for those students who reside within the District's geographic boundaries. This transportation system functions under the guidelines of the California Department of Education's Office of School Transportation. Parents or guardians of students who reside outside the district are responsible for transportation to and from school.

### **Closure Protocol**

Alvina has been a school district since 1912. If Alvina Elementary Charter School District determines the necessity of disbanding (closing) its charter, the district will revert to its previous designation as a regular elementary school district, non-charter status. Should that be necessary, the following procedures will be conducted:

1. The District Superintendent will be responsible to conduct activities to disband the charter.
2. The Superintendent will recommend disbanding the charter to the authorizing entity, the District Board of Trustees.
3. Following board approval to disband, the Superintendent will notify the parents/guardian of students attending at the time the school disbands its charter. Students who live outside of the district boundaries who are in attendance at the time of the charter being withdrawn will be welcome to stay in the district through their 8<sup>th</sup> grade year. The students' districts of residence will also be notified as well as the Fresno County Office of Education, the Fresno County SELPA, the State Teacher's Retirement system, the Social Security Office and the California Department of Education with the following information:
  - a. The effective date of closure/disbanding

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- b. The Superintendent's name and contact information
  - c. The student's school district of residence
  - d. The manner in which parents/guardians may obtain copies of student records should they choose to leave Alvina
  - e. All relevant pupil records, etc. will be forwarded to the student's new school upon request
4. A list of students in each grade level and the classes they have completed together with information on the students district of residence.

**School Management Contracts**

The Superintendent/Principal or designee may enter into contracts on behalf of the district. All contracts must be approved by our governing board. All contracts between our charter district and outside agencies shall conform to standards required by laws (i.e. nondiscrimination clause). Currently Alvina Charter School District's maintains contracts with the Fresno County Office of Education for financial oversight functions, nursing services and special education services.

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## **VIII. IMPACT OF THE CHARTER AUTHORIZER**

The Charter district is reviewed and evaluated annually by the Board of Trustees of the Alvina Elementary Community Charter District. The board's assessment of the District includes but is not limited to:

- Compliance with stated goal and objectives
- Implementation of charter provisions
- Student academic progress
- Management of personnel and other resources
- Community support
- Future plans and development

The superintendent submits an annual "end of year" report to the California State Board of Education based on findings of the Board of Trustees. If the State Board of education has any questions regarding these findings, they will notify the district in writing and Alvina Elementary Charter School District will respond accordingly. We have been a public school since 1912 and if we close as a Charter School, we will revert to our original status.

The term of this Charter is for five years following the adoption by the Board of Trustees and approved by the State Board of Education and the State Superintendent of Public Instruction, unless revoked by the State Board of Education and the State Superintendent of Public Instruction or rescinded by the Board of Trustees prior to the expiration of the Charter.

When considering changes to the proposed Charter the State Board of Education contact person will determine if the proposed change is a material revision. Any material revisions must be approved by a majority of certificated teachers and the Alvina Charter School District Board of Trustees and require approval by the State Board of Education and the State Superintendent of Public Instruction.

This charter district agrees to indemnify, defend, and save harmless the state, its officers, agents, and employees from any and all claims and losses occurring or resulting to any person, firm, or corporation who may be injured or damaged during the period of this charter.

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## **Enrollment Guidelines**

Our charter requires us to have a series of lotteries once a year whenever the number of out-of-district students interested in attending Alvina exceeds the intended capacity for the grade level.

### **Lottery Process**

1<sup>st</sup> - Children of district employees will be entered into a lottery for ranking.

2<sup>nd</sup> – Siblings of current Alvina Students will be entered into a lottery for ranking.

3<sup>rd</sup> – All out of district students will be entered into a lottery for ranking.

A class will be filled in the ranked order 1<sup>st</sup> of the district employee's students, 2<sup>nd</sup> the siblings of current students, 3<sup>rd</sup> the out of district students.

After the Lottery has been held, enrollment will be on a first come, first served basis, pending the availability of space.

- This lottery will take place at the regularly scheduled June school board meeting. The purpose of the lottery will be to rank order all students in that category. Should a lottery be necessary, parents will initially be notified of their child's enrollment status no later than June 30<sup>th</sup> each year.
- Once an applicant has gone through the lottery process they will remain ranked on the waiting list. They will not need to go through the lottery process again.
- After the yearly lottery, subsequent applicants will be admitted in the order the enrollment application is accepted and approved by the superintendent.
  - If no room becomes available all subsequent applicants will be required to go through the yearly lottery for ranking.
- No out-of-district applicants will be enrolled after the second trimester and will be required to go through the lottery process for admittance for the next school year.
- If a student lives in the Alvina Elementary School District they must be admitted regardless of the class capacity.

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**Alvina Elementary Charter School District**  
**School - Family Compact**

It is important that families and schools work together to help students achieve high academic standards. We, at Alvina Elementary Charter School District, work to provide a supportive and successful climate for all students. Through a process that includes teachers, families, and students, the following are agreed upon roles and responsibilities that we, as partners, will carry out to support student success in school.

**Staff Pledge:**

*I agree to carry out the following responsibilities:*

1. Endeavor to motivate my students to learn.
2. Have high expectations and help every child to develop a love of learning.
3. Teach classes through interesting and challenging lessons that promote student achievement.
4. Communicate regularly with families about student progress.
5. Provide a warm, safe, and caring learning environment.
6. Provide meaningful classwork/homework assignments to reinforce and extend learning.
7. Participate in professional development opportunities that improve teaching and learning.
8. Support the formation of partnerships with families and community which help each student achieve the school's highest academic standards.
9. Respect the school, students, staff, and families.
10. Serve as role models in demonstrating core ethical values.

**Student Pledge:**

*I agree to carry out the following responsibilities to the best of my ability:*

1. Come to school on time ready to work and learn.
2. Bring necessary materials, completed assignments, and homework.
3. Know and follow school and class rules.
4. Communicate regularly with my parents and teachers about school experiences so they can help me be successful in school.
5. Participate in the classroom.
6. Respect the school, classmates, and staff.
7. Demonstrate the core ethical values of Character Counts – Caring, responsibility, respect, trustworthiness, fairness, and good citizenship.

**Family/Parent Pledge:**

*I agree to carry out the following responsibilities to the best of my ability:*

1. Provide a quiet time and place for homework and monitor TV viewing time.
2. Read to my child or encourage my child to read everyday.
3. Ensure that my child attends school every day and is on time.
4. Regularly monitor my child's progress in school.
5. Participate at school and attend parent teacher conferences.
6. Communicate the importance of education and learning to my child.
7. Respect the school, staff, students, and families.

\_\_\_\_\_  
Parent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Student

\_\_\_\_\_  
Date

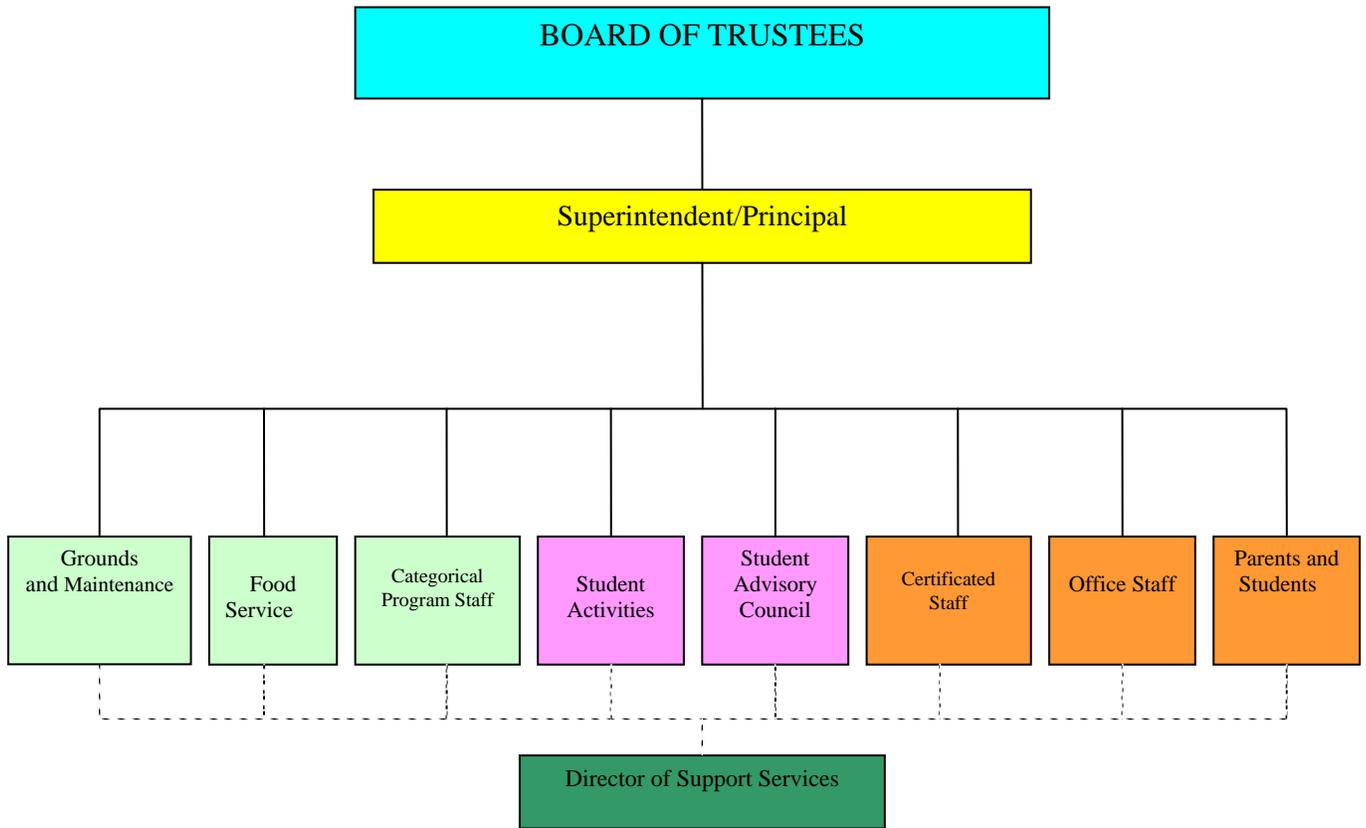
\_\_\_\_\_  
Teacher

\_\_\_\_\_  
Date

**ALVINA ELEMENTARY CHARTER SCHOOL DISTRICT**

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# ORGANIZATIONAL CHART



## Staff Development

Date	Name	Type of Training/Committee
8/11/2008	Certificated Staff	Data Director Training
9/2/2008	<b><u>Certificated Staff:</u></b> Ted Davis, Sabrina Turmon, Mike Iribarren, Larry Wilson <b><u>Parent Volunteers:</u></b> Carol Morse, Rebecca Reyes, Beth Alvarado, Shelley Coito, Cheryl Young	School Site Council
9/23/2008	Mike Iribarren	EL Academy
9/24/2008	Ted Davis, Sabrina Turmon	ERIA Workshop
10/6/2008	All Certificated Staff	Teacher's Meeting
10/08/2008	David Morris, Sabrina Turmon	ERIA Workshop
10/9/2008	Larry Wilson, Kathy Bagwell, Maria Suarez, Mike Iribarren	School Services of California-Building a Better Budget
10/13/2008	All Certificated Staff	Teacher's Meeting
10/22/2008	All After School Program Staff	Staff Meeting
10/23/2008	Mike Iribarren, Rita Segal Parents	ELAC Meeting
10/27/2008	Certificated Staff	Accelerated Readers Training
10/28/2008	<b><u>Certificated Staff:</u></b> Ted Davis, Sabrina Turmon, Mike Iribarren, Larry Wilson <b><u>Parent Volunteers:</u></b> Carol Morse, Rebecca Reyes, Beth Alvarado, Shelley Coito, Cheryl Young	School Site Council
10/29/2008	Mike Iribarren, Kathy Bagwell, Larry Wilson	Build a Better Budget
10/29/2008	David Morris	Fresno County Office of Education - BTSA
10/30/2008	Mike Iribarren, Rita Segal Parents	ELAC Meeting
11/3/2008	All Certificated Staff	Teacher's Meeting

## Staff Development

11/05/2008	David Morris, Sabrina Turmon	Fresno County Office of Education - BTSA
11/12/2008	Instructional Aides	Staff Meeting
11/18/2008	<p><b><u>Certificated Staff:</u></b> Diana Braga, Erin Pickle, Gery Carrle, Rita Segal, Larry Wilson, Mike Iribarren</p> <p><b><u>Classified Staff:</u></b> Delia Davila, Lisa Newquist, Kathy Bagwell, Maria Suarez,</p> <p><b><u>Parent Volunteers:</u></b> Beth Alvarado, Rebecca Reyes, John Alves</p>	Charter Renewal Meeting
11/24/2008	<p><b><u>Certificated Staff:</u></b> Diana Braga, Reggie George Mike Iribarren</p> <p><b><u>Classified Staff:</u></b> Kelli Simmons, Lisa Newquist,</p>	Accelerated Reader Training
11/25/2008	<p><b><u>Certificated Staff:</u></b> Ted Davis, Sabrina Turmon, Mike Iribarren, Larry Wilson</p> <p><b><u>Parent Volunteers:</u></b> Carol Morse, Rebecca Reyes, Beth Alvarado, Shelley Coito, Cheryl Young</p>	School Site Council
12/01/2008	Certificated Staff	Accelerated Readers Training
12/3/2008	Sabrina Turmon, David Morris	Fresno County Office of Education-Publishers Showcase
12/8/2008	<p><b><u>Certificated Staff:</u></b> Diana Braga, Erin Pickle, Gery Carrle, Rita Segal, Larry Wilson, Mike Iribarren</p> <p><b><u>Classified Staff:</u></b> Delia Davila, Lisa Newquist, Kathy Bagwell, Maria Suarez,</p> <p><b><u>Parent Volunteers:</u></b> Beth</p>	Charter Renewal Meeting

## Staff Development

	Alvarado, Rebecca Reyes, John Alves	
12/19/2008	Terry Hemman, Jose Licea	Asbestos Training
1/14/2009	Mike Iribarren, Kathy Bagwell, Maria Suarez, Larry Wilson	ACSA- Budget Advisory
1/15/2009	Ted Davis, Sabrina Turmon	Diagnostic Center Training
1/16/2009	Lucy Ferrer, Mike Iribarren	STAR Pre-ID Workshop
1/20/2009	<b><u>Certificated Staff:</u></b> Diana Braga, Erin Pickle, Gery Carrle, Larry Wilson, Mike Iribarren	Charter Renewal Meeting
1/22/2009	Mike Iribarren, Sabrina Turmon, Ted Davis, Gery Carrle	ERIA Workshop
1/28/2009	David Morris	Fresno County Office of Education-BTSA
2/5/2009	Diana Braga	Renaissance Learning- Introduction to Accelerated Reader
2/23/2009	<b><u>Certificated Staff:</u></b> Diana Braga, Erin Pickle, Gery Carrle, Rita Segal, Larry Wilson, Mike Iribarren <b><u>Classified Staff:</u></b> Delia Davila, Lisa Newquist, Kathy Bagwell, Maria Suarez, <b><u>Parent Volunteers:</u></b> Beth Alvarado, Rebecca Reyes, John Alves	Charter Renewal Meeting
2/24/2009	<b><u>Certificated Staff:</u></b> Ted Davis, Sabrina Turmon, Mike Iribarren, Larry Wilson <b><u>Parent Volunteers:</u></b> Carol Morse, Rebecca Reyes, Beth Alvarado, Shelley	School Site Council

## Staff Development

	Coito, Cheryl Young	
2/26/2009	<b><u>Certificated Staff:</u></b> Gery Carrle, Ted Davis, Sabrina Turmon, Mike Iribarren	Leadership Meeting
3/13/2009	Lucy Ferrer, Delia Davila	After School Program Training
3/23/2009	<b><u>Certificated Staff:</u></b> Diana Braga, Erin Pickle, Gery Carrle, Rita Segal, Larry Wilson, Mike Iribarren <b><u>Classified Staff:</u></b> Delia Davila, Lisa Newquist, Kathy Bagwell, Maria Suarez, <b><u>Parent Volunteers:</u></b> Beth Alvarado, Rebecca Reyes, John Alves	Charter Renewal Meeting
3/26/2009	<b><u>Certificated Staff:</u></b> Gery Carrle, Ted Davis, Sabrina Turmon, Mike Iribarren	3/26/2009
3/30/2009	All Certificated Staff Lucy Ferrer, Lisa Newquist	STAR Testing meeting
3/31/2009	Christine Licata, Reggie George, Mike Iribarren	Supplemental Counseling for 7 <sup>th</sup> grade students
4/1/2009	Christine Licata, David Morris, Mike Iribarren	Supplemental Counseling for 8 <sup>th</sup> grade students
4/15/2009	All Instructional Aides	STAR Testing meeting
4/20/2009	All Certificated Staff	Teacher's Meeting
4/27/2009	All Certificated Staff	Teacher's Meeting
5/4/2009	All Certificated Staff	Teacher's Meeting
5/5/2009	<b><u>Certificated Staff:</u></b> Gery Carrle, Ted Davis, Sabrina Turmon, Mike Iribarren	Leadership Meeting
5/11/2009	All Certificated Staff	Teacher's Meeting
5/18/2009	All Certificated Staff	Teacher's Meeting
5/21/2009	All Certificated Staff	Open House
5/22/2009	All Certificated Staff	Teacher's Meeting
5/22/2009	Instructional Aides	Training

## Staff Development

5/27/2009	<b><u>Certificated Staff:</u></b> Ted Davis, Sabrina Turmon, Mike Iribarren, Larry Wilson <b><u>Parent Volunteers:</u></b> Carol Morse, Rebecca Reyes, Beth Alvarado, Shelley Coito, Cheryl Young	School Site Council
5/28/2009	<b><u>Certificated Staff:</u></b> Gery Carrle, Ted Davis, Sabrina Turmon, Mike Iribarren	Leadership Meeting
6/5/2009	<b><u>Certificated Staff:</u></b> Gery Carrle, Ted Davis, Sabrina Turmon, Mike Iribarren	Leadership Meeting
8/06/2009	Rita Segal & Delia Davila	CEDLT Workshop
8/10/2009	Sabrina Turmon & Sandra Alves	Diagnostic Center- Assisting Struggling Readers
8/24/2009	K-5 Teachers	HSP Math In-service
8/25/2009	Certificated and Classified Staff	Fresno County Office of Education-Healthy Services- Epi-Pen Training
8/31/2009	All Staff	CPR/First Aid
9/08/2009	Erin Pickle	ERIA Training
9/10/2009	Erin Pickle & Sabrina Turmon	ERIA Training
9/11/2009	Sabrina Turmon	ERIA Training
9/14/2009	All Certificated Staff	Teacher's Meeting
10/06/2009	David Morris	Fresno County Office of Education -Vertical Math
10/06/2009	Sabrina Turmon	ERIA Training
10/20/2009	Sabrina Turmon & Ted Davis	REWARDS Training
11/6/2009	Kathy Bagwell, Lisa Newquist, Maria Suarez, Larry Wilson, Mike Iribarren	School Innovations and Advocacy
11/24/2009	<b><u>Certificated Staff:</u></b> Gery Carrle, David Morris, Reggie George, Mike	School Site Council

## Staff Development

	Iribarren, Larry Wilson <u><b>Parent Volunteers:</b></u> Christina Polanco, Diana Garcia, Reyes, Beth Alvarado, Shelley Coito, Cheryl Young	
12/2/2009	<u><b>Certificated Staff:</b></u> Gery Carrle, David Morris, Reggie George, Mike Iribarren, Larry Wilson <u><b>Parent Volunteers:</b></u> Christina Polanco, Diana Garcia, Reyes, Beth Alvarado, Shelley Coito, Cheryl Young	School Site Council
1/15/2010	Larry Wilson & Mike Iribarren	School Innovations- Budget Perspectives Workshop
1/15/2010	David Morris	Fresno County Office of Education -Vertical Math
1/19/2010	All Certificated Staff	Teacher's Meeting Laptop Training
1/21/2010	Lucy Ferrer, Mike Iribarren	STAR Testing Workshop
1/25/2010	<u><b>Certificated Staff:</b></u> Gery Carrle, David Morris, Reggie George, Mike Iribarren, Larry Wilson <u><b>Parent Volunteers:</b></u> Christina Polanco, Diana Garcia, Reyes, Beth Alvarado, Shelley Coito, Cheryl Young	School Site Council
1/28/2010	Instructional Aides	Training
2/23/2010	<u><b>Certificated Staff:</b></u> Gery Carrle, Ted Davis, Sabrina Turmon, Mike Iribarren	Leadership Meeting
2/23/2010	Erin Pickle	Fresno County Office of Education- BTSA
2/25/2010	David Morris	Fresno County Office of

## Attachment L **Staff Development**

		Education -Vertical Math
3/22/2010	<b><u>All Certificated Staff:</u></b> And Lisa Newquist	DataDirector Training
5/28/2010 - planned	Certificated and Classified Staff	Staff Development Planning for 2010-11 School year



ALVINA ELEMENTARY CHARTER SCHOOL DISTRICT  
"Commitment to Excellence"  
Est. 1912

Academic Improvement Plan  
HOME / SCHOOL COMPACT

I. Student Name: \_\_\_\_\_ II. Teacher: \_\_\_\_\_ III. Grade: \_\_\_\_\_

IV. Program Participation:

- RSP                       Title I                       Speech                       English Only
- English Learner                       FEP                       EL Reclassification     Other: \_\_\_\_\_

V. Identified Area of Concern:

- Language Arts                       Mathematics

V: Description of Academic Need (Diagnostic Results In Area of Need):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

VI. Additional At-Risk Factors:

- STAR Scores                       Benchmark Scores Below 70%                       Grade Level Assessments
- Grades                       Tardiness/Leaving Early                       Attendance
- Effort                       Behavior

VIII. Possible Strategies/Modifications/Interventions:

- Special Education Resource Teacher                       After School Tutoring
- Modified Curriculum                       Instructional Assistant
- Teacher Adopted Intervention                       Supplemental One-on-One Instruction

Strategies/Modifications/Interventions

Anticipated Student Goals

1. \_\_\_\_\_

\_\_\_\_\_

2. \_\_\_\_\_

\_\_\_\_\_

3. \_\_\_\_\_

\_\_\_\_\_

1. \_\_\_\_\_

\_\_\_\_\_

2. \_\_\_\_\_

\_\_\_\_\_

3. \_\_\_\_\_

\_\_\_\_\_

X. Parent Input:

\_\_\_\_\_

\_\_\_\_\_

Parent Signature \_\_\_\_\_ Date \_\_\_\_\_

Teacher Signature \_\_\_\_\_ Date \_\_\_\_\_

## **Attachment N**

### **Students**

BP 5144.1(a)

### **SUSPENSION AND EXPULSION/DUE PROCESS**

The Governing Board has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.

*(cf. 5144 - Discipline)*

Suspended or expelled students shall be denied the privilege of participation in all extracurricular activities during the period of suspension or expulsion.

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

Except where suspension for a first offense is warranted in accordance with law, suspension shall be imposed only when other means of correction fail to bring about proper conduct. (Education Code 48900.5)

Expulsion is an action taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion shall be used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to self or others.

The grounds for suspension and expulsion and the procedures for considering, recommending and/or implementing suspension and expulsion shall be those specified in law and/or administrative regulation.

### **Student Due Process**

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent/Principal or designee shall comply with procedures for notices and appeals as specified in administrative regulation and/or law. (Education Code 48911, 48915, 48915.5)

*(cf. 5119 - Students Expelled from Other Districts)*

*(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))*

### **Supervised Suspension Classroom**

The Superintendent/Principal or designee shall establish a supervised classroom suspension program which meets the requirements of law for students suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, who pose no imminent danger or threat at school, and for whom an expulsion action has not been initiated.

BP 5144.1(b)

## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

The Superintendent/Principal or designee shall examine alternatives to off-campus suspension and may establish a suspension program which involves progressive discipline during the school day on campus; use of conferences between staff, parents/guardians and students; detention; student study teams or other assessment-related teams; and/or referral to school support services staff. The use of such alternatives does not preclude off-campus suspensions.

### **Required Parental Attendance**

The Board believes that parental involvement plays an important role in the resolution of classroom behavior problems. The Board expects that teachers will communicate with parents/guardians when behavior problems arise.

Whenever a student is suspended from class by a teacher because he/she committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities, or otherwise willfully defied valid staff authority, the teacher of the class from which the student was removed may provide that the student's parent/guardian attend a portion of a school day in the class from which the student was suspended. (Education Code 48900.1)

Before requiring parental attendance, the teacher shall make reasonable efforts to have the parent/guardian visit the class voluntarily. The teacher also may inform the parent/guardian about available resources and parent education opportunities. Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the student and the parent/guardian and to improve classroom behavior.

The teacher shall apply this policy uniformly to all students within the classroom. This policy shall apply only to a parent/guardian who lives with the student. (Education Code 48900.1)

When a teacher requires parental attendance, the Superintendent/Principal shall send a written notice to the parent/guardian stating that his/her attendance is pursuant to law. (Education Code 48900.1)

The notice shall specify that the attendance may be on either the date the student is scheduled to return to class or within one week thereafter.

A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the Superintendent/Principal or designee. (Education Code 48900.1)

BP 5144.1(c)

## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

The Superintendent/Principal or designee shall contact a parent/guardian who does not respond to the request to attend school. The Board recognizes that parent/guardian compliance with this policy may be delayed, modified, or prevented for reasons such as serious illness/injury/disability, absence from town, or inability to get release time from work.

District regulations and school rules for student discipline shall include procedures for implementing parental attendance requirements. Parents/guardians shall be notified of this policy prior to its implementation. (Education Code 48900.1)

### **Decision Not to Enforce Expulsion Order**

On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Board pursuant to the requirements of law.

#### *Legal Reference:*

##### EDUCATION CODE

212.5 Sexual harassment

1981 Enrollment of students in community school

17292.5 Program for expelled students

35146 Closed sessions (re suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48660-48667 Community day schools

48900-48927 Suspension and expulsion

48950 Speech and other communication

49073-49079 Privacy of student records

##### CIVIL CODE

47 *Privileged communication*  
48.8 *Defamation liability*  
CODE OF CIVIL PROCEDURE  
1985-1997 *Subpoenas; means of production*  
GOVERNMENT CODE  
11455.20 *Contempt*  
54950-54963 *Ralph M. Brown Act*  
HEALTH AND SAFETY CODE  
11014.5 *Drug paraphernalia*  
11053-11058 *Standards and schedules*  
LABOR CODE  
230.7 *Discharge or discrimination against employee for taking time off to appear in school on behalf of a child*

*Legal Reference continued: (see next page)*

BP 5144.1(d)

## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

*Legal Reference: (continued)*

PENAL CODE  
31 *Principal of a crime, defined*  
240 *Assault defined*  
241.2 *Assault fines*  
242 *Battery defined*  
243.2 *Battery on school property*  
243.4 *Sexual battery*  
245 *Assault with deadly weapon*  
245.6 *Hazing*  
261 *Rape defined*  
266c *Unlawful sexual intercourse*  
286 *Sodomy defined*  
288 *Lewd or lascivious acts with child under age 14*  
288a *Oral copulation*  
289 *Penetration of genital or anal openings*  
626.2 *Entry upon campus after written notice of suspension or dismissal without permission*  
626.9 *Gun-Free School Zone Act of 1995*  
626.10 *Dirks, daggers, knives, razors or stun guns*  
868.5 *Supporting person; attendance during testimony of witness*  
WELFARE AND INSTITUTIONS CODE  
729.6 *Counseling*  
UNITED STATES CODE, TITLE 18  
921 *Definitions, firearm*  
UNITED STATES CODE, TITLE 20  
7151 *Gun free schools*

COURT DECISIONS

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4<sup>th</sup> 1267

Woodbury v. Dempsey (2003) 108 Cal. App. 4<sup>th</sup> 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H., (2001) 85 Cal.App.4th 1321

Garcia v. Los Angeles Board of Education (1991) 123 Cal.App.3d 807

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 146 (2001)

80 Ops.Cal.Atty.Gen. 91 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997)

*Management Resources:*

WEB SITES

CSBA: <http://www.csba.org>

California Attorney General's Office: <http://www.caag.state.ca.us>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office of Safe and Drug-Free Schools:

<http://www.ed.gov/about/offices/list/osdfs/index.html>

Policy **ALVINA CHARTER ELEMENTARY SCHOOL DISTRICT**  
adopted: September 20, 2007 Caruthers, California  
**Students** AR 5144.1(a)

**SUSPENSION AND EXPULSION/DUE PROCESS**

**Definitions**

*Suspension from school* means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)

1. Reassignment to another education program or class where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level
2. Referral to a certificated employee designated by the Superintendent/Principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the Superintendent/Principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five school days.

*Expulsion* means removal of a student from the immediate supervision and control, or the general supervision, of school personnel. (Education Code 48925)

*Day* means a calendar day unless otherwise specifically provided. (Education Code 48925)

*School day* means a day upon which the school of the district is in session or weekdays during the summer recess. (Education Code 48925)

*Student* includes a student's parent/guardian or legal counsel. (Education Code 48925)

*Superintendent/Principal's designee* means one or more administrators or, if there is not a second administrator, a certificated person specifically designated by the Superintendent/Principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the Superintendent/Principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the Superintendent/Principal's office. (Education Code 48911)

*School property*, for the purposes described in Education Code 48900, includes, but is not limited to, electronic files and databases. (Education Code 48900(s))

### **Notice of Regulations**

At the beginning of each school year, the Superintendent/Principal shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension and expulsion. (Education Code 48900.1, 48980)

AR 5144.1(b)

### **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

(cf. 5144 - Discipline)

(cf. 5145.6 - Parental Notifications)

### **Grounds for Suspension and Expulsion**

A student may be subject to suspension or expulsion when it is determined that he/she:

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense. (Education Code 48900(a))

A student who aids or abets the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31, may be suspended, but not expelled. However, a student may be suspended or expelled pursuant to Education Code 48900(a) once he/she has been adjudged by a juvenile court to have

- committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury. (Education Code 48900(s))
2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Superintendent/Principal or designee's concurrence. (Education Code 48900(b))

*(cf. 5131 - Conduct)*

*(cf. 5131.7 - Weapons and Dangerous Instruments)*

3. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind. (Education Code 48900(c))

*(cf. 5131.6 - Alcohol and Other Drugs)*

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, alcohol beverage, or intoxicant. (Education Code 48900(d))
5. Committed or attempted to commit robbery or extortion. (Education Code 48900(e))
6. Caused or attempted to cause damage to school property or private property. (Education Code 48900(f))
7. Stole or attempted to steal school property or private property. (Education Code 48900(g))

AR 5144.1(c)

#### **SUSPENSION AND EXPULSION/DUE PROCESS** (continued)

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 restriction shall not prohibit a student from using or possessing his/her own prescription products. (Education Code 48900(h))
9. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900(i))
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5. (Education Code 48900(j))

11. 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. (Education Code 48900(k))
12. Knowingly received stolen school property or private property. (Education Code 48900(l))
13. 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. (Education Code 48900(m))
14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4. (Education Code 48900(n))
15. 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. (Education Code 48900(o))
16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (Education Code 48900(p))
17. Engaged in, or attempted to engage in, hazing as defined in Penal Code 245.6. (Education Code 48900(q))
18. Made terrorist threats against school officials and/or school property. (Education Code 48900.7)

AR 5144.1(d)

#### **SUSPENSION AND EXPULSION/DUE PROCESS** (continued)

A student in grades 4-12 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

19. Committed sexual harassment as defined in Education Code 212.5 (Education Code 48900.2)

*(cf. 5145.7 - Sexual Harassment)*

20. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233 (Education Code 48900.3)

*(cf. 5145.9 - Hate-Motivated Behavior)*

21. Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment (Education Code 48900.4)

*(cf. 5145.3 - Nondiscrimination/Harassment)*

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at school under the jurisdiction of the Superintendent/Principal or within any other school district, including but not limited to the following circumstances: (Education Code 48900)

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus
4. During, going to, or coming from a school-sponsored activity

The Superintendent/Principal may use his/her discretion to provide alternatives to suspension or expulsion for a student subject to discipline under this administrative regulation, including, but not limited to, counseling and an anger management program. (Education Code 48900(r))

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

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

AR 5144.1(e)

## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

*(cf. 5113 - Absences and Excuses)*

*(cf. 5113.1 - Truancy)*

### **Removal from Class by a Teacher/Parental Attendance**

A teacher may suspend any student from his/her class for the remainder of the day and the following day for any act listed in “Grounds for Suspension and Expulsion” above. (Education Code 48910)

A teacher also may refer a student to the Superintendent/Principal or designee for consideration of suspension from school. (Education Code 48910)

When removing a student from his/her class, the teacher shall immediately report this action to the Superintendent/Principal or designee and send the student to the Superintendent/Principal or designee for appropriate action. The student shall be appropriately supervised during the class periods from which he/she has been removed. (Education Code 48910)

As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. (Education Code 48910)

A student removed from class shall not be returned to class during the period of removal without the approval of the teacher of the class and the Superintendent/Principal. (Education Code 48910)

A student removed from class shall not be placed in another regular class during the period of removal. However, if a student is assigned to more than one class per day, he/she may be placed in any other regular classes except those held at the same time as the class from which the student was removed. (Education Code 48910)

The teacher of any class from which a student is removed may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

Pursuant to Board policy, a teacher may provide that the parent/guardian of a student whom the teacher has removed attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the Superintendent/Principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law. (Education Code 48900.1)

AR 5144.1(f)

**SUSPENSION AND EXPULSION/DUE PROCESS** (continued)

### **Suspension by Superintendent/Principal or Designee**

The Superintendent/Principal or designee may suspend a student from school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)

The Superintendent/Principal or designee shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915)

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife, as defined in Education Code 48915(g), at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
5. Possessing of an explosive as defined in 18 USC 921

Suspension also may be imposed upon a first offense if the Superintendent/Principal or designee determines that the student violated items #1-5 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)

A student may be suspended from school for not more than 20 school days in any school year, unless for purposes of adjustment the student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48911, 48912)

The Superintendent/Principal or designee may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903)

## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

Suspensions shall be initiated according to the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the Superintendent/Principal with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the Superintendent/Principal. At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her; the student shall be given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911)

This conference may be omitted if the Superintendent/Principal determines that an emergency situation exists. An emergency situation involves a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

2. **Administrative Actions:** All requests for student suspension are to be processed by the Superintendent/Principal or designee.
3. **Notice to Parents/Guardians:** At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (Education Code 48911)

This notice shall state the specific offense committed by the student. (Education Code 48900.8)

In addition, the notice may state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.

4. **Parent/Guardian Conference:** Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved and any other pertinent matter. (Education Code 48914)

AR 5144.1(h)

## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

While the parent/guardian is required to respond without delay to a request for a conference about a student's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied readmission solely because the parent/guardian failed to attend. (Education Code 48911)

5. Extension of Suspension: If the Board is considering the expulsion of a suspended student from school or the suspension of a student for the balance of the semester from continuation school, the Superintendent/Principal or designee may, in writing, extend the suspension until such time as the Board has made a decision. (Education Code 48911(g))

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension. Extension of the suspension may be made only if the Superintendent/Principal or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

### **Suspension by the Board**

The Board may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above and within the limits specified in "Suspension by Superintendent/Principal or Designee" above. (Education Code 48912)

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts listed in "Grounds for Suspension and Expulsion" occurred. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold closed sessions if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

*(cf. 9321 - Closed Session Purposes and Agendas)*

AR 5144.1(i)

## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by certified mail. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

### **Authority to Expel**

A student may be expelled only by the Board. The Board shall expel, as required by law, any student found to have committed any offense listed below under "Mandatory Recommendation and Mandatory Expulsion."

The Board may also order a student expelled for any of the acts listed above under "Grounds for Suspension and Expulsion" upon recommendation by the Superintendent/Principal, hearing officer or administrative panel, based on either or both of the following finding(s): (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

### **Mandatory Recommendation for Expulsion**

Unless the Superintendent/Principal or designee finds that expulsion is inappropriate due to particular circumstances, he/she shall recommend a student's expulsion for any of the following acts: (Education Code 48915(a))

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife as defined in Education Code 48915(g), explosive, or other dangerous object of no reasonable use to the student

3. Unlawful possession of any controlled substance, as listed in Health and Safety Code 11053-11058, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

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### **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

#### **Mandatory Recommendation and Mandatory Expulsion**

The Superintendent/Principal or designee shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code 48915(c))

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the Superintendent/Principal or designee's concurrence
2. Brandishing a knife as defined in Education Code 48915(g) at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
5. Possessing an explosive as defined in 18 USC 921

Upon finding that the student committed any of the above acts, the Board shall expel the student. (Education Code 48915)

#### **Student's Right to Expulsion Hearing**

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the Superintendent/Principal or

designee determines that one of the acts listed under “Grounds for Suspension and Expulsion” has occurred. (Education Code 48918(a))

The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (Education Code 48918(a))

If the Board finds it impractical during the school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent/Principal or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))

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## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

### **Rights of Complaining Witness**

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental or emotional needs of a student who is the complaining witness. (Education Code 48918.5)

Whenever the Superintendent/Principal or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to: (Education Code 48918.5)

1. Receive five days' notice of his/her scheduled testimony at the hearing

2. Have up to two adult support persons of his/her choosing present in the hearing at the time he/she testifies
3. Have a closed hearing during the time he/she testifies

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent/Principal or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 48918.5)

### **Written Notice of the Expulsion Hearing**

Written notice of the expulsion hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48900.8, 48918(b))

1. The date and place of the hearing.
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based.

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### **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

3. A copy of district disciplinary rules which relate to the alleged violation.
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

*(cf. 5119 - Students Expelled from Other Districts)*

5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney advisor.

*Legal counsel* means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

*Nonattorney advisor* means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case, and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

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.

**Alternative Expulsion Hearing: Hearing Officer or Administrative Panel**

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. Alternatively, the Board may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff. (Education Code 48918(d))

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures as apply to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing." (Education Code 48918(d))

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**SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the student shall be immediately reinstated. The Superintendent/Principal or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student's teachers and with the student's parent/guardian. (Education Code 48918(e))

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (Education Code 48918(f))

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion for a period of one year. (Education Code 48917)

The Board shall make its decision about the student's expulsion within 40 school days after the date of the student's removal from school unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

### **Final Action by the Board**

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel, the final action to expel shall be taken by the Board at a public meeting. (Education Code 48918(j))

*(cf. 9321.1 - Closed Session Actions and Reports)*

If the Board conducts the hearing and reaches a decision not to expel, this decision shall be final and the student shall be reinstated immediately.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to the district school. For a student expelled for an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during the summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

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### **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review as well as assessment of the student at the time of review for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, and other rehabilitative programs

With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (Education Code 48916.5)

### **Written Notice to Expel**

The Superintendent/Principal or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed in Education Code 48900, 48900.2, 48900.3, 48900.4, 48900.7, or 48915 (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board of Education (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. 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 expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

#### **Decision Not to Enforce Expulsion Order**

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion, the Board shall take into account the following criteria:

1. The student's pattern of behavior

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#### **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

2. The seriousness of the misconduct
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program

The suspension of the enforcement of an expulsion shall be governed by the following: (Education Code 48917)

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's

- determination as to whether the student has satisfactorily completed the rehabilitation program.
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status.
  3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under “Grounds for Suspension and Expulsion” above or violates any of the district's rules and regulations governing student conduct.
  4. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.
  5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in the district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings.
  6. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board of Education.
  7. The Superintendent/Principal or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the County Board of Education. (Education Code 48918(j)).

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## **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

### **Right to Appeal**

The student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board of Education. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion action is suspended and the student is placed on probation. (Education Code 48919)

The student shall submit a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board of Education. The district shall provide the student with

these documents within 10 school days following the student's written request. (Education Code 48919)

### **Notifications to Law Enforcement Authorities**

Prior to the suspension or expulsion of any student, the Superintendent/Principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The Superintendent/Principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the Superintendent/Principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering or sale of controlled substances, alcohol or intoxicants of any kind. (Education Code 48902)

### **Post-Expulsion Placements**

The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at such a site
3. Not housed at the school

*(cf. 6185 - Community Day School)*

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### **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

When the placement described above is not available, and when the County Superintendent of Schools so certifies, students expelled for acts described in items #6-13 and #18-21 under "Grounds for Suspension and Expulsion" above may be instead referred to a program of study that is provided at another comprehensive middle, junior, or senior high school, or at an elementary school. (Education Code 48915)

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12. (Education Code 48916.1)

### **Readmission After Expulsion**

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student. (Education Code 48916)
2. The Superintendent/Principal or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the Superintendent/Principal or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
3. The Superintendent/Principal or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073-49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.
4. If the readmission is granted, the Superintendent/Principal or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding re-admission.
5. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)
6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school. (Education Code 48916)

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### **SUSPENSION AND EXPULSION/DUE PROCESS (continued)**

7. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This

notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

### **Maintenance of Records**

The Board shall maintain a record of each expulsion, including the specific cause of the expulsion. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon receipt of a written request by the admitting school. (Education Code 48900.8, 48918(k))

The Superintendent/Principal or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

*(cf. 5119 - Students Expelled from Other Districts)*

*(cf. 5125 - Student Records)*

### **Outcome Data**

The Superintendent/Principal or designee shall maintain the following data: (Education Code 48900.8, 48916.1)

1. The number of students recommended for expulsion
2. The specific grounds for each recommended expulsion
3. Whether the student was subsequently expelled
4. Whether the expulsion order was suspended
5. The type of referral made after the expulsion
6. The disposition of the student after the end of the expulsion period

Regulation  
approved: September 20, 2007  
**Students**

**ALVINA CHARTER ELEMENTARY SCHOOL DISTRICT**  
Caruthers, California  
AR 5144.2(a)

**SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH  
DISABILITIES)**

A student identified as an individual with disabilities pursuant to the Individuals with Disabilities Education Act (IDEA) is subject to the same grounds for suspension and expulsion which apply to students without disabilities.

(*cf. 5144.1 - Suspension and Expulsion/Due Process*)

### **Procedures for Students Not Yet Eligible for Special Education Services**

A student who has not been officially identified as a student with disabilities pursuant to IDEA and who has engaged in behavior that violated the district's code of student conduct may assert any of the protections under IDEA only if the district *had knowledge* that the student is disabled before the behavior that precipitated the disciplinary action occurred. (20 USC 1415(k)(5); 34 CFR 300.534)

The district shall be deemed to *have knowledge* that the student has a disability if one of the following conditions exists: (20 USC 1415(k)(5); 34 CFR 300.534)

1. The parent/guardian has expressed concern to district supervisory or administrative personnel in writing, or to a teacher of the student, that the student is in need of special education or related services.
2. The parent/guardian has requested an evaluation of the student for special education pursuant to 34 CFR 300.300-300.311.

(*cf. 6164.4 - Identification of Individuals for Special Education*)

3. The teacher of the student or other district personnel has expressed specific concerns directly to the district's director of special education or to other supervisory district personnel about a pattern of behavior demonstrated by the student.

The district would be deemed to *not have knowledge* that a student is disabled if the parent/guardian has not allowed the student to be evaluated for special education services or has refused services. In addition, the district would be deemed to *not have knowledge* if the district conducted an evaluation pursuant to 34 CFR 300.300-300.311 and determined that the student was not an individual with a disability. When the district is deemed to not have knowledge of the disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(5); 34 CFR 300.534)

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures pursuant to 34 CFR 300.530, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities. (20 USC 1415(k)(5); 34 CFR 300.534)

AR 5144.2(b)

## **SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)** (continued)

### **Suspension**

The Superintendent/Principal or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536. (Education Code 48903; 34 CFR 300.530)

The principal or designee shall monitor the number of days, including portions of days, in which a student with a valid individualized education program (IEP) has been suspended during the school year.

(*cf.* 6159 - Individualized Education Program)

The district shall determine, on a case-by-case basis, whether a pattern of removals of a student from his/her current educational placement for disciplinary reasons constitutes a change of placement. A *change of placement* shall be deemed to have occurred under any of the following circumstances: (34 CFR 300.536)

1. The removal is for more than 10 consecutive school days.
2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
  - a. The series of removals total more than 10 school days in a school year.
  - b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.
  - c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.

If the removal has been determined to be a *change of placement* as specified in items #1-2 above, the student's IEP team shall determine the appropriate educational services. (34 CFR 300.530)

### **Services During Suspension**

Any student suspended for more than 10 school days in the same school year shall continue to receive services during the term of the suspension. School personnel, in

consultation with at least one of the student's teachers, shall determine the extent to which services are needed

AR 5144.2(c)

## **SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)** (continued)

as provided in 34 CFR 300.101(a), so as to enable the student to continue to participate in the general education curriculum in another setting and to progress toward meeting the goals as set out in his/her IEP. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

If a student with disabilities is excluded from school bus transportation, the student shall be provided with an alternative form of transportation at no cost to the student or his/her parent/guardian, provided that transportation is specified in his/her IEP. (Education Code 48915.5)

*(cf. 3541.2 - Transportation for Students with Disabilities)*

### **Interim Alternative Educational Placement Due to Dangerous Behavior**

The district may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard to whether the behavior is a manifestation of the student's disability, when the student commits one of the following acts while at school, going to or from school, or at a school-related function: (20 USC 1415(k)(1)(G); 34 CFR 300.530)

1. Carries or possesses a weapon, as defined in 18 USC 930
2. Knowingly possesses or uses illegal drugs
3. Sells or solicits the sale of a controlled substance as identified in 21 USC 812(c), Schedules I-V
4. Inflicts serious bodily injury upon another person as defined in 18 USC 1365

The student's interim alternative educational setting shall be determined by his/her IEP team. (20 USC 1415(k)(1)(G), 34 CFR 300.531)

On the date the decision to take disciplinary action is made, the parents/guardians of the student shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

A student who has been removed from his/her current placement because of dangerous behavior shall receive services to the extent necessary to allow him/her to participate in the

general education curriculum and to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

AR 5144.2(d)

## **SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)** (continued)

### **Manifestation Determination**

The following procedural safeguards shall apply when a student is suspended for more than 10 consecutive school days, when a series of removals of a student constitutes a pattern, or when a change of placement of a student is contemplated due to a violation of the district's code of conduct:

1. Notice: On the date the decision to take disciplinary action is made, the parents/guardians of the student shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

*(cf. 5145.6 - Parental Notifications)*

*(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)*

2. Manifestation Determination Review: Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

At the manifestation determination review, the district, the student's parent/guardian, and relevant members of the IEP team (as determined by the district and parent/guardian) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians, to determine whether the conduct in question was either of the following: (20 USC 1415(k)(1)(E); 34 CFR 300.530)

- a. Caused by or had a direct and substantial relationship to the student's disability
- b. A direct result of the district's failure to implement the student's IEP, in which case the district shall take immediate steps to remedy those deficiencies

If the manifestation review team determines that a condition in either #a or #b above was met, the conduct shall then be determined to be a manifestation of the student's disability. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

AR 5144.2(e)

### **SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)** (continued)

3. **Determination that Behavior is a Manifestation of the Student's Disability:** When the conduct has been determined to be a manifestation of the student's disability, the IEP team shall conduct a functional behavioral assessment, unless a functional behavioral assessment had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavior intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

The student shall be returned to the placement from which he/she was removed, unless the parent/guardian and district agree to a change of placement as part of the modification of the behavioral intervention plan. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

*(cf. 6159.4 - Behavioral Interventions for Special Education Students)*

4. **Determination that Behavior is Not a Manifestation of the Student's Disability:** If the manifestation determination review team determines that the student's behavior was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

The student shall receive services to the extent necessary to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

*(cf. 6158 - Independent Study)*

*(cf. 6185 - Community Day School)*

## **Due Process Appeals**

If the parent/guardian disagrees with any district decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances) or 34 CFR 300.531 (interim alternative placement), or the manifestation determination under 34 CFR 300.530(e), he/she may appeal the decision by requesting a hearing. The district may request a hearing if the district believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b). (20 USC 1415(k)(3); 34 CFR 300.532)

AR 5144.2(f)

## **SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (continued)**

Whenever a hearing is requested as specified above, the parent/guardian or the district shall have an opportunity for an expedited due process hearing consistent with requirements specified in 34 CFR 300.507, 300.508 (a)-(c), and 300.510-300.514.

If the student's parent/guardian or the district has initiated a due process hearing under 34 CFR 300.532 as detailed above, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and district agree otherwise. (20 USC 1415(k)(4); 34 CFR 300.533)

### **Readmission**

Readmission procedures for students with disabilities shall be the same as those used for all students. Upon readmission, an IEP team meeting shall be convened.

### **Suspension of Expulsion**

The Governing Board's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students. (Education Code 48917)

### **Notification to Law Enforcement Authorities**

Prior to the suspension or expulsion of any student with a disability, the principal or designee shall notify appropriate city or county law enforcement authorities of any act of assault with a deadly weapon which may have violated Penal Code 245. (Education Code 48902)

The Superintendent/Principal or designee also shall notify appropriate city or county law enforcement authorities of acts by any student with a disability which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a suspension or expulsion of a student with disabilities, the Superintendent/Principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any act by the student which may violate Education Code 48900(c) or (d), relating to the possession, use, offering or sale of controlled substances, alcohol or intoxicants of any kind. (Education Code 48902)

*(cf. 5131.7 - Weapons and Dangerous Instruments)*

AR 5144.2(g)

## **SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)** (continued)

### **Report to County Superintendent of Schools**

The Superintendent/Principal or designee shall report to the County Superintendent when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action. (Education Code 48203)

*Legal Reference: (see next page)*

AR 5144.2(h)

**SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH  
DISABILITIES) (continued)**

*Legal Reference:*

EDUCATION CODE

35146 *Closed sessions (re suspensions)*  
35291 *Rules (of governing board)*  
48203 *Reports of severance of attendance of disabled students*  
48900-48925 *Suspension and expulsion*  
56000 *Special education; legislative findings and declarations*  
56320 *Educational needs; requirements*  
56321 *Development or revision of individualized education program*  
56329 *Independent educational assessment*  
56340-56347 *Individual education program teams*  
56505 *State hearing*

PENAL CODE

245 *Assault with deadly weapon*  
626.2 *Entry upon campus after written notice of suspension or dismissal without permission*  
626.9 *Gun-Free School Zone Act*  
626.10 *Dirks, daggers, knives, razors or stun guns*

UNITED STATES CODE, TITLE 18

930 *Weapons*

1365 *Serious bodily injury*

UNITED STATES CODE, TITLE 20

1412 *State eligibility*

1415 *Procedural safeguards*

UNITED STATES CODE, TITLE 21

812(c) *Controlled substances*

UNITED STATES CODE, TITLE 29

706 *Definitions*

794 *Rehabilitation Act of 1973, Section 504*

CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 *Evaluation and placement*

104.36 *Procedural safeguards*

300.1-300.818 *Assistance to states for the education of students with disabilities, especially:*

300.530-300.537 *Discipline procedures*

COURT DECISIONS

*Schaffer v. Weast* (2005) 125 S. Ct. 528

*Parents of Student W. v. Puyallup School District*, (1994 9th Cir.) 31 F.3d 1489

*M.P. v. Governing Board of Grossmont Union High School District*, (1994) 858 F.Supp. 1044

*Honig v. Doe*, (1988) 484 U.S. 305

*Management Resources:*

FEDERAL REGISTER

*Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845*

WEB SITES

*California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>*

*U.S. Department of Education, Office of Special Education Programs:*

*<http://www.ed.gov/about/offices/list/osers/osep/index.html>*

Regulation

approved: September 20, 2007

**ALVINA CHARTER ELEMENTARY SCHOOL DISTRICT**

Caruthers, California