

SUNRISE SUSPENSION AND EXPULSION POLICY

Suspension and Expulsion – Last Resort

Sunrise Middle School views suspension and expulsion as the last resort for inappropriate student behavior, and expects to keep such administrative actions to a minimum through the implementation of Positive Behavior Interventions and Supports, counseling where needed, and daily meditation. This is based on our belief that inappropriate student behavior is usually caused by: 1) insufficient training of students in the appropriate manner in which to behave, or insufficient encouragement and acknowledgement of positive behaviors; 2) students' reaction to trauma, stress, and other challenging issues in their personal lives; or 3) insufficient time for quiet reflection.

We explain the basic school rules in person to students and their parents when they come to apply at our school. In addition, they are given a student handbook, which includes the code of conduct for our school. This is a list of expectations for our students, which is used on a school-wide basis to teach them positive behavior and to establish clear, consistent and enforceable guidelines for student conduct. Each student and their parent or guardian sign a form indicating they have reviewed and understand the policies during the first week of school. Elements of the code of conduct are then reviewed on a regular basis in school-wide meetings, individual student conferences, etc., and students are acknowledged on a consistent basis for adhering to the code.

Administrators and teachers have developed an agreement regarding which behaviors are to be handled within the classroom (minor problem behaviors that may require verbal re-direction, teacher consequence, and reminders about expected behavior), and which behaviors are to be handled by the office (significant issues that are having a negative impact on instructional time). All major problem behaviors are recorded and tracked in the school's student data information system in an effort to track behavior referrals. Staff meet regularly to discuss this behavior data and to move forward with interventions where necessary. Parents are also involved in the process. They are notified of our behavioral expectations and are informed both when they are being met by their student and when they are not. They also are asked for input on how to resolve their students' issues. At times they may be encouraged to visit the school and observe what is taking place.

Our behavior plan attempts to help our students engage in positive behaviors and to recognize, understand, and eliminate inappropriate ones. We recognize that students may need to experience both the positive and negative consequences of inappropriate behavior in addition to being taught about positive behavior.

The positive behaviors that we teach and uphold include:

- Showing up at school every day on time
- Dressing and speaking appropriately
- Completing schoolwork

- Telling the truth
- Respecting others and their property
- Staying clean and sober
- Living with courage
- Caring
- Learning from every experience
- Making a difference

We at Sunrise Middle School also maintain that the school can do much to reduce the occurrence of inappropriate behavior by providing students with group and/or individual sessions to release feelings about anger or grief resulting from trauma in their personal lives. We recognize that many of our students have emotional needs that may distract them at school and keep them from behaving appropriately and performing at their regular ability level. For this reason, we offer one-on-one and group counseling to these students, when needed. This school's founding director is a certified educational counselor and oversees the student counseling program, which also draws on community resources.

Finally, we believe that giving students time each day for silence and reflection – something that often is not possible at their homes – greatly reduces their likelihood to fight, be disruptive in class, or act out in other negative ways.

Nevertheless, there are still times when students need to realize consequences for serious violations of our code of conduct. Parents are notified and consulted – in person, if at all possible – after each of these violations.

Sunrise Middle School has established a comprehensive set of discipline, suspension and expulsion policies. These policies are informed by applicable federal constitutional, statutory, and case law and by non-charter school laws governing suspensions and expulsions in school districts (Education Code sections 48900 et. seq.) and are in accord with the procedures described below. These rules and procedures are printed and distributed as part of the Student Handbook and clearly describe discipline expectations. At no time will corporal punishment be used as a disciplinary measure against any student.

Grounds for Suspension and Expulsion of Students

A student may be suspended or expelled for the prohibited misconduct if the act is related to school activity or at any other school: (a) while on school grounds; (b) while going to or coming from school; (c) during the lunch period, whether on or off the school campus; (d) during, going to, or coming from a school-sponsored activity.

The Sunrise Middle School Executive Director, or a designee, makes final decisions regarding suspensions and makes recommendations to an Administrative Panel appointed by the Board of Directors regarding expulsions, subject to the required notification and hearing procedures set forth below. In general, the Executive Director

attempts to balance the rights of the offending student, bearing in mind that he/she is still very young, along with the rights of any victim and the need to protect the safety of the entire student population.

Sunrise Middle School follows Section 504 of the Rehabilitation Act, Individuals with Disabilities in Education Act (IDEA), the Americans with Disabilities Act (ADA) of 1990 and all federal and state laws when imposing any form of discipline on a student identified as an individual with disabilities or for whom the school has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students.

Discretionary Suspension Offenses:

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

- a) Caused, attempted to cause, or threatened to cause physical injury to another person.
- b) Willfully used force or violence upon the person of another, except in self-defense.
- c) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property.
- g) Stole or attempted to steal school property or private property.
- h) Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5

- k) Knowingly received stolen school property or private property.
- l) Possessed an imitation firearm, i.e., a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- m) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.
- n) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- o) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- p) Engaged in, or attempted to engage in hazing. For purposes of this offense, "hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this offense, "hazing" does not include athletic events or school-sanctioned events.
- q) Made terroristic threats against school officials and/or school property. For purposes of this offense, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school property, or the personal property of the person threatened or his or her immediate family.
- r) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this offense, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment.
- s) Caused, attempted to cause, threatened to cause, or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code.

t) Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading student rights by creating an intimidating or hostile educational environment.

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

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

i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student's or those students' person or property.

ii. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.

iii. Causing a reasonable student to experience substantial interference with his or her academic performance.

iv. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by Sunrise.

2) "Electronic Act" means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

i. A message, text, sound, or image.

ii. A post on a social network Internet Web site including, but not limited to:

(a) Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.

(b) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (1) above. "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.

(c) Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.

iii. Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

v) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1).

w) Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess.

Non-Discretionary Suspension Offenses:

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

a) Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Executive Director's or designee's concurrence.

Discretionary Expellable Offenses:

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

a) Caused, attempted to cause, or threatened to cause physical injury to another person.

b) Willfully used force or violence upon the person of another, except self-defense.

- c) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.
- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property.
- g) Stole or attempted to steal school property or private property.
- h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- k) Knowingly received stolen school property or private property.
- l) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- m) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.
- n) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
- o) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- p) Engaged in, or attempted to engage in hazing. For purposes of this offense, "hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which

is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this offense, "hazing" does not include athletic events or school-sanctioned events.

q) Made terroristic threats against school officials and/or school property. For purposes of this offense, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school property, or the personal property of the person threatened or his or her immediate family.

r) Committed sexual harassment, as defined in Education Code Section 212.5. For purposes of this offense, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment.

s) Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code.

t) Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading student rights by creating an intimidating or hostile educational environment.

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

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

i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student's or those students' person or property.

ii. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.

iii. Causing a reasonable student to experience substantial interference with his or her academic performance.

iv. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by Sunrise.

2) "Electronic Act" means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

i. A message, text, sound, or image.

ii. A post on a social network Internet Web site including, but not limited to:

a. Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1) above.

b. Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (1) above. "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.

c. Creating a false profile for the purpose of having one or more of the effects listed in subparagraph (1) above. "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.

iii. Notwithstanding subparagraphs (1) and (2) above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

v) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the

victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1).

w) Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Executive Director or designee's concurrence.

Non-Discretionary Expellable Offenses:

Students must be recommended for expulsion for any of the following acts when it is determined pursuant to the procedures below that the pupil:

a) Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Executive Director's or designee's concurrence.

If it is determined by the Executive Director and/or Administrative Panel that a student has brought a fire arm or destructive device, as defined in Section 921 of Title 18 of the United States Code, on to campus or to have possessed a firearm or dangerous device on campus, the student shall be expelled for one year, pursuant to the Federal Gun Free Schools Act of 1994. In such instances, the pupil shall be provided due process rights of notice and a hearing as required in this policy.

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

The term "destructive device" means (A) any explosive, incendiary, or poison gas, including but not limited to: (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, or (vi) device similar to any of the devices described in the preceding clauses.

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

Suspension Procedure

Suspensions shall be initiated according to the following procedures:

Authority to Suspend:

Only the Executive Director or his/her designee may suspend a student.

Informal conference:

Suspension shall be preceded by an informal conference conducted by the Executive Director or designee and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the Executive Director.

At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her and shall be given the opportunity to present his/her version and evidence in his/her defense orally and in writing.

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

Notice to Parents/Guardians:

At the time of the suspension, the Executive Director or designee shall make a reasonable effort to contact the parent/guardian by phone, by email, or in person. The parent/guardian shall also be notified in writing of the suspension. This notice shall state the specific offense committed by the student, and the date and time when the student may return to school. This notice shall state the specific offense committed by the students. If the Executive Director or designee wishes 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.

Suspension Time Limit:

Suspensions, when not including a recommendation for expulsion, shall not exceed five consecutive school days per suspension. Sunrise Middle School does not provide appeals of suspensions. If a suspension is extended, the student may be suspended pending an expulsion hearing.

Upon a recommendation of expulsion by the Executive Director or designee, the student and parent/guardian will be invited to a conference to determine if the suspension for the student should be extended pending an expulsion hearing. The Executive Director will make a decision upon either of the following determinations: (1) the student's presence may be disruptive to the education process; or (2) the student poses a threat or danger to others. Upon either finding, the student may be placed in an alternative setting pending the results of the expulsion hearing.

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

Students with Disabilities or Section 504 Services:

A student with an IEP or receiving Section 504 services may be suspended for up to ten days total in a school year. An IEP team meeting shall be convened within ten days of any decision to change the placement of disabled student for disciplinary reasons. If the IEP team determines the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability, or the conduct was the direct result of Sunrise Middle School's failure to implement the IEP, then the conduct shall be deemed a manifestation of the student's disability and the IEP team shall either conduct a functional behavioral assessment and implement a behavioral intervention plan, or review and modify an existing plan. The student shall be returned to the same placement unless Sunrise and the parent agree to change of placement. If the IEP team determines the conduct was not a manifestation of the student's disability or the result of Sunrise's failure to implement the IEP, then Sunrise may apply the relevant disciplinary procedures in the same manner as applies to students without disabilities.

Expulsion Procedure

Authority to Expel:

Only the Executive Director or designee may recommend expulsion or refer a student for an expulsion hearing. A student may be expelled by an Administrative Panel assigned by the Board of Directors, as needed. In lieu of an Administrative Panel, the Board may designate a single hearing officer to serve in that role (a "Hearing Officer"), so long as that person is neutral (i.e., has no connection to or independent knowledge of the incident.) If an Administrative Panel is used, it should consist of at least three individuals, including one teacher who is NOT the student's teacher, a school administrator, and at least one Board member. The decision of the charter school's Administrative Panel or Hearing Officer is final.

Procedure:

Students recommended for expulsion are entitled to a due process hearing to determine whether the student should be expelled. Unless postponed for good cause, the hearing shall be held within thirty school days after the Executive Director or designee determines that the student has committed an expellable offense. The hearing will be presided over by the Administrative Panel or Hearing Officer .

Written notice of the hearing shall be forwarded to the student and parent/guardian at least ten (10) calendar days before the date of the hearing. The notice shall include: the date, time and place of the expulsion hearing; a statement of specific facts, charges and offenses; a copy of the school's disciplinary rules; notice of the student's or parent/guardian's obligation to provide information about the student's status at the school to any other school district or school to which the student seeks enrollment; the opportunity for the student and parent/guardian to appear in person and to be represented by counsel or a non-attorney advisor; the right to inspect and obtain all documents used at the hearing; the opportunity to question all witnesses testifying at the hearing; and the right to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses. The hearing shall be conducted in a confidential, private setting.

Record of Hearing:

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

Presentation of Evidence:

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

Finding of facts shall be based solely on the evidence at the hearing. While no evidence shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

The decision of the Administrative Panel or Hearing Officer shall be in the form of an expulsion determination, which shall be the final determination regarding the expulsion. If the Administrative Panel or Hearing Officer decides against expulsion, the pupil shall immediately be returned to his/her educational program.

The student and his family may appeal the administrative panel's or hearing officer's decision to the school's Board of Directors.

Written Notice to Expel:

Following a decision of the Administrative Panel or Hearing Officer to expel, the Executive Director or designee shall send written notice of the decision to the student and parent/guardian that includes: notice of the specific offense committed by the student; and notice that the student is obligated to inform any new district or school in which he/she seeks to enroll of his/her status with Sunrise.

If a student is expelled or leaves the charter school without completing the school year for any reason, the charter school shall notify the superintendent of the district of the student's last known address within thirty days and shall, upon request, provide that school district with a copy of the cumulative record of the student, including a transcript of grades or report card, and health information. Upon expulsion from the charter school, students will attend school pursuant to the procedure of their district of residence pertaining to expelled students.

Rehabilitation and Readmission:

Students who are transferred or expelled from Sunrise Middle School may be given a rehabilitation plan, as developed by the Administrative Panel or Hearing Officer at the time of the expulsion order, that shall allow for periodic review for readmission. The

rehabilitation plan should include a date not later than one year from the date of expulsion when the pupil may reapply to Sunrise for readmission.

The decision to readmit a student shall be at the discretion of the Sunrise Middle School Executive Director or Board, following a meeting with the student and parent/guardian or representative to determine whether the student has successfully completed the rehabilitation plan and to determine whether the student poses a threat to others or will be disruptive in the school environment. The student's readmission is also contingent upon Sunrise's capacity at the time the student seeks readmission.

Special Education/Section 504 Expulsion Policy:

If a student who has been recommended for expulsion has an IEP or receives Section 504 services, a manifestation determination meeting of the IEP team hearing will be held to determine if the expellable offense was a manifestation of the student's disability or due to Sunrise Middle School's failure to implement the student's IEP, as discussed above.

Procedures for Students Not Yet Eligible for Special Education Services:

A student who has not been identified as an individual with disabilities pursuant to IDEA and who has violated the school's disciplinary procedures may assert the procedural safeguards under this policy only if the school knew or should have known that the student was disabled before the behavior occurred.

Sunrise Middle School shall be deemed to have that knowledge if the parent or a teacher had expressed concern about a disability and/or had requested an evaluation. Sunrise shall not be deemed to have that knowledge if the parent had not allowed an evaluation or refused services, or if the student has been evaluated and determined to not be eligible.

Involuntary Removal:

Notwithstanding any of the foregoing procedures, no student shall be involuntarily removed by Sunrise Middle School for any reason unless the parent or guardian of the student has been provided written notice of intent to remove the student no less than five school days before the effective date of the action. The written notice shall be in the native language of the student or the student's parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder, and shall inform him or her of the right to request a hearing adjudicated by a neutral officer before the effective date of the action. As used herein, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions or expulsions pursuant to the suspension and expulsion procedures described above.

Approved by unanimous vote of the Sunrise Board of Directors on September 11, 2018

Marilyn Pimentel, Board Secretary