



Wildflower Open Classroom

K-8 Tuition-Free, Public Charter School

Annual Notices 2017-2018

Table of Contents	
Notification of Rights Under FERPA	1
Attendance Policy	3
Behavior Expectations	4
Suspension and Expulsion Policy	6
Concern and Conflict Resolution Process	15
Megan's Law	15
Technology and Internet Safety Policy	16
Non-Discrimination/Harassment Policy	19

Notification of Rights Under FERPA

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day Wildflower Open Classroom receives a request for access.

Parents or eligible students should submit to the school director [or appropriate school official] a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask Wildflower Open Classroom to amend a record should write the school director [or appropriate school official], clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official also may include a volunteer or contractor outside of the school who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the school discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer. [NOTE: FERPA requires a school district to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request.]

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Wildflower Open Classroom to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Notification of Rights Under FERPA

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

See the list below of the disclosures that elementary and secondary schools may make without consent.

FERPA permits the disclosure of PII from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, §99.32 of the FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student –

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1))
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency in the parent or eligible student's State (SEA). Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35)
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4))
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to §99.38. (§99.31(a)(5))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31(a)(6))

Notification of Rights Under FERPA

- To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))
- Information the school has designated as “directory information” under §99.37. (§99.31(a)(11))

Attendance Procedures

ATTENDANCE PHILOSOPHY

Daily attendance is an integral part of ensuring your child receives the maximum benefit of a Wildflower educational experience. If a student misses even the first few moments of a school day they miss out on critical classroom instruction. Research shows there is a direct correlation between consistent attendance and success in school. Poor attendance in early elementary and middle school has a direct connection with decreased performance and higher drop out rates in high school. Attendance in a public school is compulsory in California. It is recorded each day and becomes part of your child's cumulative school record.

EXCUSED ABSENCES

Excused absences are defined as absences due to medical, dental, optometric, or chiropractic appointments, and/or due to contagious or debilitating illness, the death or funeral of a close family member, or a court appointment. Parents/guardians must contact the office **before** the start of the school day a child is absent by means of a phone call, written note, fax, email, or voicemail from the parent/guardian explaining the reason for the student's absence. If a student is ill for more than three days in a row, a doctor's note is required for their absences to continue to be excused. We understand children get sick, and special circumstances may arise, these situations will be taken into account with the attendance staff.

UNEXCUSED ABSENCES

Any absence for reasons other than those defined as excused are considered **unexcused**. Also, any absence of which the school is not properly notified and provided documentation in the proper timeframe is considered **unexcused**, even if the absence would be considered an excused one otherwise.

TARDIES

Students will be marked tardy if they arrive at school after the scheduled start time. Students arriving after 8:30 must check in at the office. Tardies may be excused with a note explaining the reason for their late arrival; excusable tardies are due to doctor, dentist, optometrist, or chiropractic appointments, the death or funeral of a close family member, or a court appointment.

ARRIVAL

School starts at 8:30. Wildflower has a yard duty supervisor on duty starting at 7:45 every morning for families to drop their students off. If your child is not at school by 9:30am, an attendance staff member will be calling to discern the reason for his/her absence. Once a month every family will receive a letter in the mail with a current year to date attendance count. When thresholds for absences or tardies are reached, family contact will be made as follows:

Step 1: 4 Unexcused Absences ~or~ 8 Excused Absences ~or~ 4 Tardies

Meeting will be held with the student, parent/guardian, and student's teacher if a student has exceeded one or a combination that totals 8. The purpose of this meeting is to communicate the attendance policies, offer support to families, and help set goals to ensure maximum attendance.

Step 2: 8 Unexcused Absences ~or~ 16 Excused Absences ~or~ 8 Tardies

Meeting will be held with the addition of another teacher, one office staff member, and the school director when a student has exceeded one or a combination that totals 16. The purpose of this meeting

Attendance Procedures

is to communicate the attendance policies, offer support to families, and help set personalized goals to ensure maximum attendance.

Step 3: 12 Unexcused Absences ~or~ 24 Excused Absences ~or~ 12 Tardies

Meeting will be held when a student has exceeded one or a combination that totals 24 to discuss possible retention of grade level with the student, parent/guardian, student's teacher, additional teacher, one office staff member, and school director.

Behavior Expectations

Building self discipline, establishing a sense of order and rhythm and understanding the consequences of behavior are important elements of a quality education. These qualities aid in the development of a healthy individual and assist students in learning that there are consequences for their actions. The Wildflower Open Classroom (WOC) behavior expectations and discipline policy were created to meet both the individual needs of the student and the overall needs of the student body. When a child knows what is expected of him/her and parents/guardians and teachers work together, most problems can be resolved.

The Wildflower staff will make every effort to create a peaceful, orderly and respectful environment that is most conducive to the learning process. Students are expected to treat with respect their peers, parents/guardians, staff and the whole school environment. A reasonable set of classroom expectations are established by each classroom teacher at the beginning of the academic year. If these expectations are breached by the student, logical consequences will occur. If the expectations are consistently breached by a student, a conference will be called between parents/guardians, school staff and student. A behavior modification plan will be devised and implemented.

Wildflower staff will strive to handle discipline in a manner that allows the student to learn from their experiences, and will only resort to formal discipline (suspension and/or expulsion) after utilizing alternative methods of discipline. It is important and expected that parents/guardians cooperate by communicating with school staff and work to help improve problem behavior. When formal discipline becomes necessary, WOC will follow the procedures set forth under the Suspension and Expulsion Due Process Policy.

Students will support the learning environment by agreeing to follow the behavior expectations, completing quality work and responding appropriately to what is asked of them by Wildflower staff and volunteers. Students will complete their commitments and work cooperatively and in a timely manner. Parents/guardians are asked to support and reinforce the Wildflower behavior expectations both at home and while volunteering at school. Wildflower students are expected to adhere to the following behavior standards:

- Use appropriate, polite and intelligent language
- Actively listen to those speaking
- Respectfully respond and follow directions
- Take care of the classroom and school environment
- Be kind and inclusive
- Support the learning environment and school community
- Complete quality work in a timely manner

FIELD TRIP BEHAVIOR EXPECTATIONS

Field trips and a connection with the larger community are an integral part of the Wildflower philosophy. In addition to the Behavior Expectations listed above, students are expected to exhibit their very best behavior when on field trips. Additional expectations related to a specific field trip may be needed and will be communicated in advance of each outing.

Please note, if during a field trip a student does not follow both the Wildflower behavior expectations and/or any additional expectations specific to the field trip they will not be allowed to participate in the next scheduled field trip. If a student's behavior is deemed to be unacceptable or unsafe, the parent(s)/guardian(s) of the student will be contacted and asked to immediately pick up their child at the field trip location.

Behavior Expectations

SEVERE BEHAVIOR

If in the event that any of the following behaviors are exhibited by a student either at school or at a school sponsored event or activity the school may utilize the Suspension and Expulsion Due Process Policy articulated below.

DEFIANT & DISRUPTIVE BEHAVIOR

Defiant and disruptive behavior will not be tolerated at Wildflower. This includes behaviors that disrupt the learning environment or school community and/or students who willfully defied the valid authority of supervisors, teachers, administrators and other school staff engaged in the performance of their duties.

VIOLENT & DESTRUCTIVE BEHAVIOR

Violent and destructive behavior will not be tolerated at Wildflower. Violent behavior can be defined as, but not limited to: hitting, pushing, kicking and harassment. Stolen or defaced property will be replaced at parental/guardian expense.

HARASSMENT & BULLYING

Harassment of students is prohibited, and will not be tolerated. This includes inappropriate conduct by all persons in the school environment, including employees, board members, parents/guardians, guests, contractors, vendors and volunteers. It is the policy of the school to provide a safe and nurturing educational environment for all its students. This policy applies to all activities on school property and to all school sponsored activities whether on or off school property.

Harassment is defined as inappropriate conduct that is repeated enough, or serious enough, to negatively impact a student's educational, physical or emotional well-being. This would include harassment based on any legally protected characteristics, such as sex, race, color, national origin, religion, height, weight, disability or sexual orientation. This policy, however, is not limited to these legal categories and includes any harassment that would negatively impact students. This would include such activities as stalking, bullying, name-calling, taunting, hazing or other disruptive behaviors.

Any student that believes that she/he has been a victim of harassment should immediately report the situation to his/her teacher or the school director. Every student should, and every staff member must, report any situation that he/she believes to be harassment of a student. Reports may be made to the school director. Complaints will be investigated in a timely manner.

Suspension and Expulsion Policy

This Pupil Suspension and Expulsion Policy has been established in order to promote learning and protect the safety and well being of all students at WOC. When the policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction.

Staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This Policy and its procedures will clearly describe discipline expectations, and it will be printed and distributed as part of the Student Handbook which is sent to each student at the beginning of the school year. WOC administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline policies and procedures. Discipline includes but is not limited to advising and counseling students, conferring with parents/guardians, detention during and after school hours, use of alternative educational environments, suspension and expulsion. Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of or willfully causing the infliction of physical pain on a student. For purposes of the Policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to school property.

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

A student identified as an individual with disabilities or for whom WOC has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act of 2004 ("IDEIA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to regular education students except when federal and state law mandates additional or different procedures. WOC will follow all applicable federal and state laws when imposing any form of discipline on a student identified as an individual with disabilities or for whom WOC 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 and shall notify the District of the same.

A. Grounds for Suspension and Expulsion of Students

A student may be suspended or expelled for prohibited misconduct if the act is 1) related to school activity, 2) school attendance occurring at WOC or at any other school, or 3) a WOC sponsored event. A pupil may be suspended or expelled for acts that are enumerated below and related to school activity or attendance that occur at any time, including, but not limited to, and of the following: a) while on school grounds; b) while going to or coming from school; c) during the lunch period, whether on or off the school campus; or d) during, going to, or coming from a school-sponsored activity.

B. Enumerated Offenses

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

1. Caused, attempted to cause, or threatened to cause physical injury to another person.
2. Willfully used force of violence upon the person of another, except self defense.
3. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained

Suspension and Expulsion Policy

written permission to possess the item from a certificated school employee, with the Director or designee's concurrence.

4. 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.
5. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
6. Committed or attempted to commit robbery or extortion.
7. Caused or attempted to cause damage to school property or private property.
8. Stole or attempted to steal school property or private property.
9. 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.
10. Committed an obscene act or engaged in habitual profanity or vulgarity.
11. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5.
12. 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.
13. Knowingly received stolen school property or private property.
14. 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.
15. 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.
16. 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.
17. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
18. Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, "hazing" means a method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or

Suspension and Expulsion Policy

mental harm to a former, current, or prospective pupil. For purposes of this section, "hazing" does not include athletic events or school-sanctioned events.

19. Made terrorist threats against school officials and/or school property. For purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family.
20. Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades four to eight, inclusive.
21. Caused, attempted to cause, threaten to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades four to twelve, inclusive.
22. Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading student rights by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades four to eight, inclusive.
23. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261 of the California Education Code, directed specifically toward a pupil or school personnel.

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

C. Suspension Procedure

Suspensions shall be initiated according to the following procedures:

1. Conference

Suspension shall be preceded, if possible, by a conference conducted by the Director or the Director's designee with the student and his or her parent/guardian and, whenever practical, the teacher, supervisor or school employee who referred the student to the Director. The conference may be omitted if the Director or designee determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or school personnel. If a student is suspended without this

Suspension and Expulsion Policy

conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference.

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

This conference shall be held within two school days, unless the pupil waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with school officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference.

2. Notice to Parents/Guardians

At the time of suspension, the Director or designee 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 and the date of return following suspension. This notice shall state the specific offense committed by the student. In addition, the notice may also state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent/guardian respond to such requests without delay.

3. Suspension Time Limits/Recommendation for Placement/Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension. Upon a recommendation of Placement/Expulsion by the Director or Director's designee, the pupil and the pupil's guardian or representative will be invited to a conference to determine if the suspension for the pupil should be extended pending an expulsion hearing. This determination will be made by the Director or designee upon either of the following determinations: 1) the pupil's presence will be disruptive to the education process; or 2) the pupil poses a threat or danger to others. Upon either determination, the pupil's suspension will be extended pending the results of an expulsion hearing.

D. Authority to Expel

A student may be expelled either by the WOC Board of Directors following a hearing before the Board or by the WOC Board of Directors upon the recommendation of an Administrative Panel to be assigned by the Board as needed. The Administrative Panel should consist of at least three members who are certificated and neither a teacher of the pupil or a Board member of the WOC Board of Directors. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense.

E. Expulsion Procedures

Students recommended for expulsion are entitled to a hearing to determine whether the student should be expelled. Unless postponed for good cause, the hearing shall be held within thirty (30) school days after the Director or designee determines that the pupil has committed an expellable offense. In the event an administrative panel hears the case, it will make a recommendation to the WOC Board of Directors for a final decision whether to expel. The hearing shall be held in closed

Suspension and Expulsion Policy

session unless the pupil makes a written request for a public hearing three (3) days prior to the hearing. Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least ten (10) calendar days before the date of the hearing. Upon mailing the notice, it shall be deemed served upon the pupil. The notice shall include:

1. The date and place of the expulsion hearing;
2. A statement of specific facts, charges and offenses upon which the proposed expulsion is based;
3. A copy of WOC's disciplinary rules which relate to the alleged violation;
4. Notification of the student's or parent/guardian's obligation to provide information about the student's status at the school to any other school district or school to which the student seeks enrollment;
5. The opportunity for the student or the student's parent/guardian to appear in person or to employ and be represented by counsel or a non-attorney advisor;
6. The right to inspect and obtain copies of all documents to be used at the hearing;
7. The opportunity to confront and question all witnesses who testify at the hearing;
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses.

F. Special Procedures Involving Sexual Assault or Battery Offenses

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

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

Suspension and Expulsion Policy

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

G. Record of Hearing

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

H. Presentation of Evidence

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

Suspension and Expulsion Policy

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

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

The decision of the Administrative Panel shall be in the form of written findings of fact and a written recommendation to the WOC Board of Directors who will make a final determination regarding the expulsion. The final decision by the WOC Board of Directors shall be made within ten (10) school days following the conclusion of the hearing. The decision of the WOC Board of Directors is final. If the expulsion hearing panel decides not to recommend expulsion, the pupil shall immediately be returned to his/her educational program.

I. Written Notice to Expel

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

1. Notice of the specific offense committed by the student.
2. 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 WOC.

The Director or designee shall send a copy of the written notice of the decision to expel to the student's district of residence. This notice shall include the following:

1. The student's name.
2. The specific expellable offense committed by the student.

J. Disciplinary Records

WOC shall maintain records of all student suspensions and expulsions at WOC. Such records shall be made available to the District upon request.

K. No Right to Appeal

The pupil shall have no right of appeal from expulsion from WOC as the WOC Board of Directors decision to expel shall be final.

L. Expelled Pupils/Alternative Education

Pupils who are expelled shall be responsible for seeking alternative education programs including, but not limited to, programs within the county or their school district of residence.

M. Rehabilitation Plans

Suspension and Expulsion Policy

Students who are expelled from WOC shall be given a rehabilitation plan upon expulsion as developed by WOC Board of Directors at the time of the expulsion order, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date not later than one (1) year from the date of expulsion when the pupil may reapply to WOC for readmission.

N. Readmission

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

O. Special Procedures for Students with Disabilities

1. Notification of District

WOC shall immediately notify the District and coordinate the procedures in this policy with the District the discipline of any student with a disability or student who WOC or District would be deemed to have knowledge that the student had a disability who is suspended for more than ten (10) school days during a school year.

2. Services During Suspension

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

3. Procedural Safeguards/Manifestation Determination

Within ten (10) school days of a recommendation for expulsion or any decision to change the placement of a child with a disability because of a violation of a code of student conduct, WOC, the parent/guardian, and relevant members of the IEP team shall review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents/guardians to determine:

- A. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- B. If the conduct in question was the direct result of the local educational agency's failure to implement the IEP.

If WOC, the parent/guardian, and relevant members of the IEP team determine that either of the above is applicable for the child, the conduct shall be determined to be a manifestation

Suspension and Expulsion Policy

of the child's disability. If WOC, the parent/guardian, and relevant members of the IEP team make the determination that the conduct was a manifestation of the child's disability, the IEP team shall:

- A. Conduct a functional behavioral assessment or a functional analysis assessment, and implement a behavioral intervention plan for such child, provided that WOC had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;
- B. If a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and
- C. Return the child to the placement from which the child was removed, unless the parent/guardian and WOC agree to a change of placement as part of the modification of the behavioral intervention plan.

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

4. Due Process Appeals

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

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent/guardian or WOC, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, whichever occurs first, unless the parent/guardian and WOC agree otherwise.

5. Special Circumstances

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

- A. Carries or possesses a weapon, as defined in 18 USC 930, to or at school, on school premises, or to or at a school function;
- B. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or

Suspension and Expulsion Policy

- C. Has inflicted serious bodily injury, as defined by 20 USC 1415(k)(7)(D), upon a person while at school, on school premises, or at a school function.

6. Interim Alternative Educational Setting

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

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

A student who has not been identified as an individual with disabilities pursuant to IDEIA and who has violated WOC's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if WOC had knowledge that the student was disabled before the behavior occurred. WOC shall be deemed to have knowledge that the student had a disability if one of the following conditions exists:

- A. The parent/guardian has expressed concern in writing, or orally if the parent/guardian does not know how to write or has a disability that prevents a written statement, to WOC supervisory or administrative personnel, or to one of the child's teachers, that the student is in need of special education or related services.
- B. The parent/guardian has requested an evaluation of the child.
- C. The child's teacher, or other WOC personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education or to other WOC supervisory personnel.

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

If WOC had no basis for knowledge of the student's disability, it shall proceed with the proposed discipline. WOC shall conduct an expedited evaluation if requested by the parents/guardians; however, the student shall remain in the education placement determined by WOC pending the results of the evaluation. WOC shall not be deemed to have knowledge that the student had a disability if the parent/guardian has not allowed an evaluation, refused services, or if the student has been evaluated and determined to not be eligible.

Concern and Conflict Resolution Process

The purpose of the Concern and Conflict Resolution Process is to address and resolve concerns and conflicts as they arise in an amicable and fair manner. It is important that concerns, questions and conflicts are addressed as they arise and in a timely fashion. Please, go to the source of your concern and make every effort to resolve the concern in a reasonable and peaceful manner. If a board member is contacted regarding a conflict or concern the board member will contact the school director and direct the individual to the Concern & Conflict Resolution Process.

If a concern or conflict arises, please:

- A. Go to the source. Work with the individuals directly involved. Classroom and instructional issues should be directed to the classroom teacher. Policy or whole school issues should be directed to the school director.
- B. If initial attempts to resolve an issue are not successful, please contact the school director or a mutually agreed teacher to assist in an informal resolution process.
- C. If informal resolution is not effective, please contact the school director and put concerns in writing. The school director will make every effort to resolve the concern or conflict in manner consistent with the issue. The document should contain the following:
 1. A description of the concern or conflict.
 2. Particulars concerning why the initial attempts at resolution were not successful.
 3. Ideas and suggestions relating to a reasonable solution to the concern.
- D. If previous steps do not satisfy or resolve the concern, contact the chair of the Board of Directors, so that the matter can be placed on the agenda for the next scheduled board meeting. The school director must be informed in advance of this action. The disputing party is required to submit to the board a written document containing information as listed in step (c), along with any other relevant information. School director shall submit to the Board of Directors and the complaining party a written report of their position and the justification for taking the action/inaction in the prior steps. Based on the written submissions of the parties and any argument presented at the meeting, the board shall make a decision on the complaint and communicate that decision to the complaining party and school director. The Board of Directors decision shall be final.

Concerns and questions directed toward instructional staff should be addressed outside of instructional hours.

Megan's Law [PC 290 et seq.]

Information about registered sex offenders in California can be found on the California Department of Justice's website: <http://meganlaw.ca.gov/>. The website also provides information on how to protect yourself and your family, facts about sex offenders, frequently asked questions, and sex offender registration requirement for California.

Technology and Internet Safety Policy

I. PURPOSE

- A. The Governing Board (Board) of Wildflower Open Classroom Charter School (WOC) recognizes that staff and students have the right to work and be educated in a positive learning environment with clear rules for conduct for staff and students.
- B. WOC provides and encourages the use of online resources for students, faculty, and staff. This policy attempts to ensure against improper system user exposure, retain data confidentiality, and maintain system security to the highest degree possible without preventing access to successful education practices, methods and materials.
- C. Therefore, it is the policy of the Governing Board of Wildflower Open Classroom to:
 - i. ensure that students are educated about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, cyber bullying awareness, and response;
 - ii. prevent user access over its computer network to, or transmission of, inappropriate material via Internet, electronic mail, or other forms of direct electronic communications;
 - iii. prevent unauthorized access and other unlawful online activity; prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and comply with the Children's Internet Protection Act [Pub. L. No. 106-554 and 47 USC 254(h)].

II. RESPONSIBILITIES

- A. The Director shall develop and implement appropriate documentation, training programs, and procedures to ensure compliance with this policy.
- B. Staff shall clearly convey school computer system procedures and rules to students, as well as the consequences of violation.
- C. Parents shall be provided a student Acceptable Use Policy to read with their students and ensure that the parents and students understand the importance of proper computer system use and conduct.

III. ACCESS TO INAPPROPRIATE MATERIAL

- A. To the extent practical, technology protection measures (or "Internet filters") shall be used to block or filter Internet, or other forms of electronic communications, access to inappropriate information.
- B. Specifically, as required by the Children's Internet Protection Act, blocking shall be applied to visual depictions of material deemed obscene or child pornography, or to any material deemed harmful to minors.
- C. Subject to staff supervision, technology protection measures may be disabled for adults or, in the case of minors, minimized only for bona fide research or other lawful purposes.

IV. INAPPROPRIATE NETWORK USE

Appendix D: Technology and Internet Use Expectations continued.

- A. To ensure the safety and security of our system users, the public posting of personal information shall not occur. Contact information includes such things as name, physical address, telephone number, email address, and websites.
 - i. Chat rooms or other similar places on the internet shall not be visited.
 - ii. Students shall not agree to meet with someone they met online without parent or guardian approval and participation.
 - iii. Students shall promptly disclose to their teacher or other school employee any message they receive or site they visit that is inappropriate or makes them uncomfortable.
- B. To the extent practical, steps shall be taken to promote the safety and security of users of the WOC online computer network when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications.
- C. Specifically, as required by the Children’s Internet Protection Act, prevention of inappropriate network usage includes:
 - i. unauthorized access, including so-called ‘hacking,’ and other unlawful activities; and
 - ii. unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

V. EDUCATION, SUPERVISION AND MONITORING

- A. It shall be the responsibility of all members of the WOC staff to educate, supervise and monitor appropriate usage of the online computer network and access to the Internet in accordance with this policy, the Children’s Internet Protection Act, the Neighborhood Children’s Internet Protection Act, and the Protecting Children in the 21st Century Act.
- B. Procedures for the disabling or otherwise modifying any technology protection measures shall be the responsibility of the Director or designated representatives.
- C. The Director or designated representatives will provide age appropriate training for students who use the WOC Internet facilities. The training provided will be designed to promote WOC’s commitment to:
 - i. The standards and acceptable use of Internet services as set forth in the WOC Internet Safety Policy;
 - ii. Student safety with regard to: safety on the Internet; appropriate behavior while on online, on social networking Web sites, and in chat rooms; and cyber bullying awareness and response.
 - iii. Compliance with the E-rate requirements of the Children’s Internet Protection Act (“CIPA”).
 - iv. Following receipt of this training, the student will acknowledge that he/she received the training, understood it, and will follow the provisions of the District’s acceptable use policies.
- D. The Director or designated representative will provide appropriate training and/or educational materials for staff, parents/guardians, and community members regarding the early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies.

VI. CYBER BULLYING

- A. Cyber Bullying includes the transmission of communications, postings of harassing messages, direct threats, or other harmful texts, sounds, or images on the internet, social networking sites, or other

Appendix D: Technology and Internet Use Expectations continued.

digital technologies using a telephone, computer, or any wireless communication device. Cyber bullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

- B. The Board desires to prevent bullying and cyber bullying by establishing a positive, collaborative school climate and clear rules for student's conduct.
- C. WOC will provide students with instruction, in the classroom or in other settings, about appropriate online behavior and strategies to prevent and respond to bullying and cyber bullying.
- D. WOC staff will receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies. Parents/guardians, students and community members may also be provided with similar information.
- E. Any student who engages in cyber bullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline in accordance with school policies and regulations. If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Director or designee may file a complaint with the internet site or service to have the material removed.

VII. RULES VIOLATIONS

- A. Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or receive a report of a violation of these standards, to immediately intervene or call for assistance. If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or administrator for further investigation.
- B. Students who violate school internet safety rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, or denial of the privilege of participating in extracurricular or other school activities.
- C. Staff members who violate school internet safety rules and regulations may be subject to discipline, up to and including dismissal.
- D. The Director or designee shall notify local law enforcement as appropriate.
- E. System users also may be subject to discipline, in accordance with law or Board policy, for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or school property, or substantially disrupts school activities.
- F. System users may submit a verbal or written complaint of conduct they consider to be bullying to a teacher or administrator. Complaints of bullying shall be investigated and resolved in accordance with Board Policy 3040 Uniform Complaint Policy.
 - i. When a system user is suspected of or reported to be using electronic or digital communications to engage in cyber bullying against other system users, or to threaten school property, the investigation shall include documentation of the activity, identification of the source, and specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

Appendix D: Technology and Internet Use Expectations continued.

- ii. System users shall be encouraged to save and print any messages sent to them that they feel constitute cyber bullying and to notify a teacher, the director, or other employee so that the matter may be investigated.
- iii. If the system user is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Director or designee may file a complaint with the Internet site or service to have the material removed.

VIII. POSSESSION/USE OF CELLULAR PHONES AND OTHER MOBILE COMMUNICATIONS DEVICES

- A. No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which are limited to health-related purposes.
- B. Students may possess, but not use, on school campus personal electronic devices including, but not limited to, pagers and telephones, digital media players, personal digital assistants, compact disc players, portable game consoles, cameras, digital scanners, and laptop computers unless expressly allowed on special days such as electronics day or as part of an approved class project.
- C. Students using devices such as those mentioned above without permission shall have the devices confiscated and returned at the end of the school day.

Non-Discrimination/Harassment Policy

WOC programs and activities shall be free from discrimination, including harassment, with respect to a student's actual or perceived sex, gender, ethnic group identification, race, national origin, religion, color, physical or mental disability, age or sexual orientation.

The Board of Education shall ensure equal opportunities for all students in admission and access to the educational program, guidance and counseling programs, athletic programs, testing procedures, and other activities. School staff and volunteers shall carefully guard against segregation, bias and stereotyping in instruction, guidance and supervision.

The Board prohibits discrimination, intimidation or harassment of any student by any employee, student or other person in the district. Prohibited harassment includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that is so severe and pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the purpose or effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects the student's educational opportunities.

Staff shall be alert and immediately responsive to student conduct which may interfere with another student's ability to participate in or benefit from school services, activities or privileges.

Students who engage in discrimination or harassment in violation of law, Board policy, or administrative regulation of other students shall be subject to appropriate discipline, up to and including counseling, suspension and/or expulsion. An employee who permits or engages in harassment or prohibited discrimination is subject to disciplinary action, up to and including dismissal.

The Board hereby designates the following position as Coordinator for Nondiscrimination to handle complaints regarding discrimination and harassment and inquiries regarding the district's nondiscrimination policies:

Director
WOC
2414 Cohasset Road, Ste 3
Chico, CA 95926

Phone Number: 530-892-1676

Any student who feels that he/she is being subjected to discrimination or harassment should immediately contact the Coordinator for Nondiscrimination, the director or any other staff member. Any student who observes an incident of discrimination or harassment should report the incident to a school employee.

Employees who become aware of an act of harassment shall immediately report the incident to their immediate Supervisor or the Coordinator for Nondiscrimination. Upon receiving a complaint of discrimination or harassment, the immediate Supervisor or Coordinator shall immediately investigate the complaint. Where the immediate Supervisor or Coordinator finds that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim.

The immediate Supervisor or Coordinator shall also advise the victim of any other remedies that may be available. The immediate Supervisor or Coordinator shall file a report with the Superintendent or designee and refer the matter to law enforcement where required.