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(e) Within three schooldays after the hearing, the hearing officer or administrative panel shall determine whether to recommend the expulsion of the pupil to the governing board of Method Schools. If the hearing officer or administrative panel decides not to recommend expulsion, the expulsion proceedings shall be terminated and the pupil immediately shall be reinstated and permitted to return to the classroom instructional program from which the expulsion referral was made, unless the parent, guardian, or responsible adult of the pupil requests another school placement in writing. Before the placement decision is made by the parent, guardian, or responsible adult, the superintendent of schools or the superintendent's designee shall consult with Method Schools personnel, including the pupil's teachers, and the parent, guardian, or responsible adult regarding any other school placement options for the pupil in addition to the option to return to his or her classroom instructional program from which the expulsion referral was made. If the hearing officer or administrative panel finds that the pupil committed any of the acts specified in subdivision (c) of Section 48915, but does not recommend expulsion, the pupil shall be immediately reinstated and may be referred to his or her prior school or another comprehensive school, or, pursuant to the procedures set forth in Section 48432.5, a continuation school of Method Schools. The decision not to recommend expulsion shall be final.

(f) (1) If the hearing officer or administrative panel recommends expulsion, findings of fact in support of the recommendation shall be prepared and submitted to the governing board of Method Schools. All findings of fact and recommendations shall be based solely on the evidence adduced at the hearing. If the governing board of the Method Schools accepts the recommendation calling for expulsion, acceptance shall be based either upon a review of the findings of fact and recommendations submitted by the hearing officer or panel or upon the results of any supplementary hearing conducted pursuant to this section that the governing board of Method Schools may order.

(2) The decision of the governing board of Method Schools to expel a pupil shall be based upon substantial evidence relevant to the charges adduced at the expulsion hearing or hearings. Except as provided in this section, no evidence to expel shall be based solely upon hearsay evidence. The governing board of Method Schools or the hearing officer or

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

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

(h) (1) Technical rules of evidence shall not apply to the hearing, but relevant evidence may be admitted and given probative effect only if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. A decision of the governing board of Method Schools to expel shall be supported by substantial evidence showing that the pupil committed any of the acts enumerated in Section 48900.

(2) In hearings that include an allegation of committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or to commit a sexual battery as defined in subdivision (n) of Section 48900, evidence of specific instances, of a complaining witness' prior sexual conduct is to be 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 the person conducting the hearing makes the determination on whether extraordinary circumstances exist requiring that specific instances of a complaining witness' prior sexual conduct be heard, the complaining 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.

(i) (1) Before the hearing has commenced, the governing board of Method Schools issue subpoenas at the request of either the superintendent of schools or the superintendent's designee or the pupil, for the personal appearance of percipient witnesses at the hearing. After the hearing has commenced, the governing board of Method Schools or the hearing officer or administrative panel may, upon request of either the county superintendent of schools or the superintendent's designee or the pupil, issue subpoenas. All subpoenas shall be issued in accordance with Sections 1985, 1985.1, and 1985.2 of the Code of Civil Procedure. Enforcement of subpoenas shall be done in accordance with Section 11455.20 of the Government Code.

(2) Any objection raised by the superintendent of schools or the superintendent's designee or the pupil to the issuance of subpoenas may be considered by the governing board of Method Schools in closed session, or in open session, if so requested by the pupil before the meeting. Any decision by the governing board of Method Schools in response to an objection to the issuance of subpoenas shall be final and binding.

(3) If the governing board of Method Schools hearing officer, or administrative panel determines, in accordance with subdivision (f), that a percipient witness would be subject to an unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as provided for in subdivision (f).

(4) Service of process shall be extended to all parts of the state and shall be served in accordance with Section 1987 of the Code of Civil Procedure. All witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the state or any political subdivision of the state, shall receive fees, and all witnesses appearing pursuant to subpoena, except the parties, shall receive mileage in the same amount and under the same circumstances as prescribed for witnesses in civil actions in a superior court. Fees and mileage shall be paid by the party at whose request the witness is subpoenaed.

(j) Whether an expulsion hearing is conducted by the governing board of Method Schools or before a hearing officer or administrative panel, final action to expel a pupil shall be taken only by the governing board of Method Schools in a public session. Written notice of any decision to expel or to suspend the enforcement of an expulsion order during a period of probation shall be sent by the superintendent of schools or his or her designee to the pupil or the pupil's parent or guardian and shall be accompanied by all of the following:

(1) Notice of the right to appeal the expulsion to the county board of education.

(2) Notice of the education alternative placement to be provided to the pupil during the time of expulsion.

(3) Notice of the obligation of the parent, guardian, or pupil under subdivision (b) of Section 48915.1, upon the pupil's enrollment in a new school, to inform that school district of the pupil's expulsion.

(k) (1) The governing board of Method Schools shall maintain a record of each expulsion, including the cause for the expulsion. Records of expulsions shall be nonprivileged, disclosable public records.

(2) The expulsion order and the causes for the expulsion shall be recorded in the pupil's mandatory interim record and shall be forwarded to any school in which the pupil subsequently enrolls upon receipt of a request from the admitting school for the pupil's school records.

## Tobacco-Free Schools

Method Schools takes the use of tobacco, drugs, or alcohol by any student seriously. Students involved in the possession, sale and/or use of behavior affecting substances shall be subject to disciplinary procedures which may result in suspension or expulsion. Method Schools is committed to taking positive action through education, counseling, parental involvement, medical referral, and police referral in the handling of incidents in the schools involving the possession, sale, and/or use of behavior affecting substances and drug paraphernalia. These substances shall include but not be limited to marijuana, LSD, glue, alcohol, and barbiturates.

School properties may be inspected by school authorities in the interest of maintenance, health and safety. Inspections for the location of drugs, narcotics, liquor, weapons, poisons, and missing properties are matters relating to health and safety and may be regarded as reasonable purposes for inspection by school personnel; so long as such inspections are conducted in accordance with constitutional requirements of applicable state law relating to searches and seizures.

#### Use of Possession

1. No internal medication is to be administered to students by school personnel except as prescribed by a doctor.
2. Dangerous and narcotic drugs which a student has on prescription for ingestion as prescribed by a doctor must be in their original containers and kept in the nurse's or Director/Principal's office, whichever provides greater security
3. Whenever any staff member has reason to believe that a student may be under drug influence, he/she shall immediately notify the Director/Principal. The Director/Principal, if in agreement, shall notify the parent to come for the student and to remove the student to his/her home, to the jurisdiction of the police, and/or the paramedics.
4. In severe cases, if the parents or the doctor cannot or will not come to the school, the Director/Principal is authorized to call an ambulance to remove the student to a hospital. Parents will be notified of this action and shall be responsible for the incurred expenses.
5. In any first offense in which students illegally use or possess prescription or nonprescription drugs, including alcohol, marijuana, or inhalants, at school or at school activities, the following will result:
  - a. Suspension from school for at least five (5) days.
  - b. Referral to the proper police authority.
  - c. A parent conference.
  - d. A schedule of regular appointments with a school counselor or other school official.

In addition, the following action may be taken:

- a. Transfer to another school or alternative education program as appropriate.
- b. Recommendation for expulsion.



6. A second incidence of use or possession of illegal drugs within one year at any school or school activity will result in a recommendation for expulsion as provided for in Education Code 48900. Selling or Providing

When there is reason to believe that a student is selling or is in possession of drugs, the following procedures listed below will be followed:

1. The school administrator shall advise the local juvenile narcotics officer or law enforcement personnel. Juvenile authorities will make the decision as to whether they or the school will notify the parent.
2. The school administrator will escort the student to the school office and confront him/her with the suspicion. The administrator may notify the police before taking the student to the office. The student should be removed from a classroom by a school administrator or designee when there is reasonable cause.
3. For reasonable cause, a search for drugs may be made by the administrator. This may include searching the student's locker and/or other School-owned facilities such as science drawers, shop lockers, etc. Such search should be conducted by the administrator with at least one other certificated person as witness. No school staff member should search a student, but may ask a student to volunteer for self search. In cases when a personal search seems to be in order, the administrator should call for a law enforcement officer to make the search. Repeated attempts shall be made to notify the student's parent/guardian before the personal search is made.
4. The student may be questioned by the school administrator without notifying the student of his/her rights, but if the administrator believes that a law has been broken, the police will be notified. When there is good evidence that a student has actually used, sold or is in possession of narcotics or drug paraphernalia on or about school premises or at school-sponsored functions, the police must be notified. Regardless of any legal action taken by the police, the School must immediately suspend the student according to the provisions of BP/AR 5144.1 – Suspension and Expulsion/Due Process. The school administrator may, at his/her discretion, recommend expulsion to the Governing Board.

## Uniform Complaint Procedures

The Board of Directors of Method Schools recognizes that it is responsible for complying with applicable laws and regulations governing educational programs. This document contains rules and instructions about the filing, investigation and resolution of a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by a local educational agency of state laws or regulations governing educational programs, including allegations of unlawful discrimination, harassment, intimidation, and bullying.

This policy outlines Method Schools' UCP and provides a comprehensive approach to resolution on any complaint. A complaint is a written and signed statement by a complainant alleging a

violation of state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation, bullying and charging pupil fees for participation in an educational activity. A complainant is any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of state laws or regulations, including allegations of unlawful discrimination, harassment, intimidation, bullying and noncompliance with laws relating to pupil fees. If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, Method Schools shall assist the complainant in the filing of the complaint.

A pupil fee is a fee, deposit, or other charge imposed on pupils, or a pupil's parents or guardians, in violation of state codes and constitutional provisions which require educational activities to be provided free of charge to all pupils without regard to their families' ability or willingness to pay fees or request special waivers. Educational activities are those offered by a school, school district, charter school, or county office of education that constitute a fundamental part of education, including, but not limited to, curricular and extracurricular activities.

A pupil fee includes, but is not limited to, all of the following:

- A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
- A security deposit, or other payment, that a pupil is required to make to obtain any school equipment or supplies.
- A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity. This document also applies to the filing of complaints which allege unlawful discrimination, harassment, intimidation, and bullying against any protected group as identified under Education Code section 200 and 220 and Government Code section 11135, including those with actual or perceived characteristics such as age, ancestry, color, ethnic group identification, gender expression, gender identity, gender, disability, nationality, national origin, race or ethnicity, religion, sex, sexual orientation, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by a local agency, which is funded directly by, or that receives or benefits from any state financial assistance.

The following complaints shall be referred to other agencies for appropriate resolution and are not subject to our UCP process set forth in this document unless these procedures are made applicable by separate interagency agreements:

1. Allegations of child abuse shall be referred to County Dept. of Social Services (DSS), Protective Services Division or appropriate law enforcement agency (or equivalent in the State of Tennessee.)
2. Health and safety complaints regarding a Child Development Program shall be referred to Dept. of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities (or equivalent in the State of Tennessee.)

3. Employment discrimination complaints shall be sent to the State Dept. of Fair Employment and Housing (DFEH, or equivalent in the State of Tennessee.)
4. Allegations of fraud shall be referred to the Legal, Audits and Compliance Branch in the California Department of Education.

#### The responsibilities of Method Schools

Method Schools has the primary responsibility to insure compliance with applicable state laws and regulations. We shall investigate complaints alleging failure to comply with applicable state laws and regulations and/or alleging discrimination, harassment, intimidation, bullying and charging pupil fees for participation in an educational activity and seek to resolve those complaints in accordance with our UCP procedures. In regards to complaints of noncompliance with laws relating to pupil fees, if Method

Schools finds merit in a complaint a remedy will be provided to all affected pupils, parents and guardians, that, where applicable, will include reasonable efforts by Method Schools to ensure full reimbursement to all affected pupils, parents and guardians. Our UCP policies shall ensure that complainants are protected from retaliation and that the identity of a complainant alleging discrimination, harassment, intimidation, and bullying remain confidential as appropriate.

The person responsible for receiving and investigating complaints and ensuring our compliance with state laws and regulations is:

Method Schools  
ATTN:  
24620 Jefferson Ave  
Murrieta, CA  
92562

We ensure that the person above, who is responsible for compliance and/or investigations, is knowledgeable about the laws/programs that he/she is assigned to investigate. Complaints of noncompliance with laws relating to pupil fees are filed with a principal of a school. We shall annually notify in writing our pupils, employees, parents or guardians of our pupils, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties of our UCP process regarding an alleged violation by a local agency or state law or regulations governing educational programs, including allegations of unlawful discrimination, harassment, intimidation, bullying and noncompliance with laws relating to pupil fees. The UCP Annual Notice will be disseminated to all of the six required groups each year and will include information on how to appeal to the CDE. An appeal is a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body's decision.

Our UCP Annual Notice shall also advise the recipient of any civil law remedies that may be available under state discrimination, harassment, intimidation, and bullying laws, if applicable, and

of the appeal pursuant to Education Code section 262.3. Our UCP Annual Notice shall be in English and in the primary language, pursuant to section 48985 of the Education Code, or mode of communication of the recipient of the notice. A copy of this UCP complaint policies and procedures document shall be available free of charge. Filing a complaint with the Method Schools Emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misassignments, and complaints that allege discrimination, harassment, intimidation, and bullying, any individual, public agency or organization may file a written complaint with our district superintendent or his or her designee alleging a matter which, if true, would constitute a violation by our LEA of - or state law or regulation governing a program. A complaint of noncompliance with laws relating to pupil fees may be filed with the principal of a school under the Uniform Complaint Procedures and may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to pupil fees.

An investigation of alleged unlawful discrimination, harassment, intimidation, and bullying shall be initiated by filing a complaint no later than six months from the date the alleged discrimination, harassment, intimidation, or bullying occurred, or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, and bullying. The time for filing may be extended in writing by our district superintendent or his or her designee, upon written request by the complainant setting forth the reasons for the extension. The period for filing may be extended by our superintendent or his or her designee for good cause for a period not to exceed 90 calendar days following the expiration of the six-month time period. Our superintendent shall respond immediately upon a receipt of a request for extension. The complaint shall be filed by one who alleges that he or she has personally suffered unlawful discrimination, harassment, intimidation, and bullying or by one who believes an individual or any specific class of individuals has been subjected to discrimination, harassment, intimidation, and bullying prohibited by this part.

An investigation of a discrimination, harassment, intimidation, and bullying complaint shall be conducted in a manner that protects confidentiality of the parties and maintains the integrity of the process. Within 60 calendar days from the date of the receipt of the complaint, we shall conduct and complete an investigation of the complaint in accordance with our UCP policies and procedures and prepare a written Decision; also known as a final report. This time period may be extended by written agreement of the complainant.

The investigation shall include an opportunity for the complainant, or the complainant's representative, or both, to present the complaint(s) and evidence or information leading to evidence to support the allegations of non-compliance with state laws and/or regulations. Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or

engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

Refusal by Method Schools to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

We shall issue a Decision based on the evidence. The Decision shall be in writing and sent to the complainant within 60 calendar days from receipt of the complaint by the local educational agency. The Decision should contain:

- (i) the findings of fact based on the evidence gathered,
- (ii) conclusion of law,
- (iii) disposition of the complaint,
- (iv) the rationale for such disposition,
- (v) corrective actions, if any are warranted,
- (vi) notice of the complainant's right to appeal our LEA Decision to the CDE, and (vii) procedures to be followed for initiating an appeal to the CDE.

Nothing in this document shall prohibit anyone involved in the complaint from utilizing alternative methods to resolve the allegations, such as mediation. Nor are we prohibited from resolving complaints prior to the formal filing of a written complaint. Mediation is a problem solving activity whereby a third party assists the parties to the dispute in resolving the complaint.

Method Schools reserves the right to modify locations for receipt of forms as necessary.

#### COMMUNITY COMPLAINT FORM

Name :

Address:

Telephone:

1. 1 School site and person you are filing a complaint against:

Policy Manual 385

2. 2 Has this been discussed with him/her?

Y \_\_\_ N \_\_\_ Date:

3. 3 Has the complaint been discussed with the principal or supervisor?

Y \_\_\_ N \_\_\_ Date:

Description of Complaint: Please include all important information such as location, names, dates, who was present, and to whom it was reported. Please use additional paper if more space is needed.

What remedy or action do you suggest?

Signature \_\_\_\_\_

Date \_\_\_\_\_

Date received by Method Schools Corporate Office

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