



Suspension & Expulsion Policy

Method Schools BP 5030

Revised November 2021, Board Approval Date: 11/16/2021

In order to promote learning and protect the safety and well-being of all students, Method Schools adheres to the Suspension and Expulsion guidelines established by California Education Code Section 48900. When a student interferes with the learning, safety, and well-being of students, it may be necessary to suspend or expel a student from regular classroom instruction or activity. Method Schools staff shall enforce disciplinary rules and procedures fairly and consistently amongst all students.

No student shall be involuntarily removed from Method Schools unless, and until, Method satisfies all applicable procedures within Ed. Code 47605(c)(5)(J)(iii).

If a Method Schools administrator does recommend expulsion for a specified offense, a student is entitled to a hearing within 30 school days after that determination, unless the student or parents or guardians request in writing that the hearing be postponed. It is important to note that suspension for students in grades kindergarten to grade eight, inclusive, for disruption or defiance (*EC* Section 48900[k]) is prohibited, and expulsion for students in kindergarten to grade twelve, inclusive, is also prohibited.

Upon enrollment of the school, Method Schools' teachers ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension and expulsion.

Pursuant to *EC* Section 48900 paragraphs (v) and (w) Method Schools will encourage other means of correction, rather than suspension or expulsion, be used to bring about proper conduct as part of a Multi-Tiered System of Supports. This Multi-Tiered System of Supports includes restorative justice practices, trauma-informed practices, social and emotional learning, and schoolwide positive behavior interventions and support, which may be used to help pupils gain critical social and emotional skills, receive support to help transform trauma-related responses, understand the impact of their actions, and develop meaningful methods for repairing harm to the school community. This also includes referral to a School Attendance Review Board for students who are habitually insubordinate or disorderly during attendance at school (*EC* Section 48263).

However, in the case that suspension is recommended, at the discretion of school administration the student's suspension may be extended pending expulsion. Pursuant to *EC* 47605(c)(5)(j) If such extended suspension exceeds 10 days, and for any suspension exceeding 10 days, the following procedures must be followed: 1) The Executive Director shall provide timely, written

notice of the charges against the student and an explanation of the student's basic rights; 2) Method Schools will provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the student has a fair opportunity to present testimony, evidence and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel. At this hearing, it will be determined whether the presence of the student at the School would cause a danger to persons or property or a threat of disrupting the instructional process pending the results of an expulsion hearing.

If the proposed extended suspension is under 10 days, a meeting is held within 5 school days of the student's suspension to extend the suspension. The student and his/her parent/guardian are invited to attend this meeting with the Director of Student Services or his/her designee. The Chief Academic Officer or Chief Executive Officer may also be present.

At this meeting, the offense and the repercussions are discussed. An extension of the suspension may be granted only if the Method's administration has determined, after the meeting, that the presence of the student at the School would cause a danger to persons or property or a threat of disrupting the instructional process. If the student has committed an offense that requires a mandatory expulsion recommendation, this is discussed so that it is understood by all parties. The purpose of the meeting is to decide upon the extension of the suspension order and may be held in conjunction with the initial meeting with the parents after the suspension.

Pursuant to *EC* 48915(c), Method Schools will recommend **mandatory** expulsion in the event that the following acts are committed at school or during a school activity:

1. Firearm
 - a. Possessing firearm when a district employee verified firearm possession and when student did not have prior written permission from a certificated employee which is concurred with by the principal or designee.
 - b. Selling or otherwise furnishing a firearm.
2. Brandishing a knife at another person.
3. Unlawfully selling a controlled substance listed in *Health and Safety Code* Section 11053 et. seq.
4. Committing or attempting to commit a sexual assault as defined in subdivision (n) of *EC* 48900 or committing sexual battery as defined in subdivision (n) of 48900.
5. Possession of an explosive.

Pursuant to *EC* Section 48915 (a) an administrator shall **recommend** expulsion for the following violations [except for subsections (c) and (e)] unless the administrator finds that expulsion is inappropriate due to a particular circumstance:

1. Causing serious physical injury to another person, except in self-defense. *EC* Section 48915(a)(1).
2. Possession of any knife, explosive, or other dangerous object of no reasonable use to the pupil. *EC* Section 48915 (a)(2).
3. Possession and/or use of any substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the *Health and Safety Code*, except for the first offense for possession of not more than one avoirdupois ounce of marijuana other than concentrated

cannabis.

4. Robbery or extortion. *EC* Section 48915 (a)(4).
5. Assault or battery, or threat of, on a school employee.

The recommendation for expulsion shall be based on one or both of the following:

1. Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
2. Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others [see Section 48915 (b)].

Method Schools will abide by **discretionary** expulsion guidelines pursuant *EC* 48900 in circumstances where acts committed at school or school activity or on the way to and from school or school activity, including:

- a. Inflicted physical injury†
- b. Possessed dangerous objects
- c. Possessed drugs or alcohol (policy determines which offense)
- d. Sold look alike substance representing drugs or alcohol
- e. Committed robbery/extortion
- f. Caused damage to property‡
- g. Committed theft
- h. Used tobacco (policy determines which offense)
- i. Committed obscenity/profanity/vulgarity
- j. Possessed or sold drug paraphernalia
- k. Disrupted or defied school staff
- l. Received stolen property
- m. Possessed imitation firearm
- n. Committed sexual harassment
- o. Harassed, threatened or intimidated a student witness
- p. Sold prescription drug Soma
- q. Committed hazing
- r. 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, directed specifically toward a pupil or school personnel.

The recommendation for expulsion shall be based on one or both of the following:

1. Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
2. Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others [see Section 48915 (b)].

† Section 48900 (s) (Statutes of 2001) states a pupil who aids or abets in infliction of physical injury to another, as defined in *Penal Code* 31, may suffer suspension, but not expulsion. However, if a student is adjudged by a court to have caused, attempted to cause, or threatened personal injury, the student may be expelled.

‡ Section 48900 (t) "school property" includes, but is not limited to, electronic files and databases.

Hearing & Due Process

Pursuant to *EC* 48918, Method Schools will hold hearings that will include, but are not necessarily limited to, all of the following:

(a) (1) The pupil shall be entitled to a hearing to determine whether the pupil should be expelled. An expulsion hearing shall be held within 30 schooldays after the date the principal or the superintendent of schools determines that the pupil has committed any of the acts enumerated in Section 48900, unless the pupil requests, in writing, that the hearing be postponed. The adopted rules and regulations shall specify that the pupil is entitled to at least one postponement of an expulsion hearing, for a period of not more than 30 calendar days. Any additional postponement may be granted at the discretion of the governing board of the school district.

(2) Within 10 schooldays after the conclusion of the hearing, the governing board of Method Schools shall decide whether to expel the pupil, unless the pupil requests in writing that the decision be postponed.

(3) If the hearing is held by a hearing officer or an administrative panel, or if the governing board of the school district does not meet on a weekly basis, the governing board of the school district shall decide whether to expel the pupil within 40 schooldays after the date of the pupil's removal from his or her school of attendance for the incident for which the recommendation for expulsion is made by the principal or the superintendent of schools, unless the pupil requests in writing that the decision be postponed.

(4) If compliance by the governing board of Method Schools with the time requirements for the conducting of an expulsion hearing under this subdivision is impracticable during the regular school year, the superintendent of schools or the superintendent's designee may, for good cause, extend the time

period for the holding of the expulsion hearing for an additional five schooldays. If compliance by the governing board of the school district with the time requirements for the conducting of an expulsion hearing under this subdivision is impractical due to a summer recess of governing board meetings of more than two weeks, the days during the recess period shall not be counted as schooldays in meeting the time requirements. The days not counted as school days in meeting the time requirements for an expulsion hearing because of a summer recess of governing board meetings shall not exceed 20 schooldays, as defined in subdivision (c) of Section 48925, and unless the pupil requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days before the first day of school for the school year. Reasons for the extension of the time for the hearing shall be included as a part of the record at the time the expulsion hearing is conducted. Upon the commencement of the hearing, all matters shall be pursued and conducted with reasonable diligence and shall be concluded without any unnecessary delay.

(b) Written notice of the hearing shall be forwarded to the pupil at least 10 calendar days before the date of the hearing. The notice shall include all of the following:

(1) The date and place of the hearing.

(2) A statement of the specific facts and charges upon which the proposed expulsion is based.

(3) A copy of the disciplinary rules of Method Schools that relate to the alleged violation.

(4) A notice of the parent, guardian, or pupil's obligation pursuant to subdivision (b) of Section

48915.1.

(5) Notice of the opportunity for the pupil or the pupil's parent or guardian to appear in person or to be represented by legal counsel or by a nonattorney adviser, to inspect and obtain copies of all documents to be used at the hearing, to confront and question all witnesses who testify at the hearing, to question all other evidence presented, and to present oral and documentary evidence on the pupil's behalf, including witnesses. In a hearing in which a pupil is alleged to have committed or attempted to commit a sexual assault as specified in subdivision (n) of Section 48900 or to have committed a sexual battery as defined in subdivision (n) of Section 48900, a complaining witness shall be given five days' notice before being called to testify, and shall be entitled to have up to two adult support persons, including, but not limited to, a parent, guardian, or legal counsel, present during his or her testimony. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential. This subdivision shall not preclude the person presiding over an expulsion hearing from removing a support person whom the presiding person finds is disrupting the hearing. If one or both of the support persons is also a witness, the provisions of Section 868.5 of the Penal Code shall be followed for the hearing. This section does not require a pupil or the pupil's parent or guardian to be represented by legal counsel or by a nonattorney adviser at the hearing.

(A) For purposes of this section, "legal counsel" means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

(B) For purposes of this section, “nonattorney adviser” means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case, and has been selected by the pupil or pupil’s parent or guardian to provide assistance at the hearing.

(c) (1) Notwithstanding Section 35145, the governing board of Method Schools shall conduct a hearing to consider the expulsion of a pupil in a session closed to the public, unless the pupil requests, in writing, at least five days before the date of the hearing, that the hearing be conducted at a public meeting. Regardless of whether the expulsion hearing is conducted in a closed or public session, the governing board of Method Schools may meet in closed session for the purpose of deliberating and determining whether the pupil should be expelled.

(2) If the governing board of the Method Schools or the hearing officer or administrative panel appointed under subdivision (d) to conduct the hearing admits any other person to a closed deliberation session, the parent or guardian of the pupil, the pupil, and the counsel of the pupil also shall be allowed to attend the closed deliberations.

(3) If the hearing is to be conducted at a public meeting, and there is a charge 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, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.

(d) Instead of conducting an expulsion hearing itself, the governing board of Method Schools may contract with the county hearing officer, or with the Office of Administrative Hearings pursuant to Chapter 14 (commencing with Section 27720) of Part 3 of Division 2 of Title 3 of the Government Code and Section 35207 of this code, for a hearing officer to conduct the hearing. The governing board of Method Schools may also appoint an impartial administrative panel of three or more certificated persons, none of whom is a member of the governing board of Method Schools or employed on the staff of the school in which the pupil is enrolled. The hearing shall be conducted in accordance with all of the procedures established under this section.

(e) Within three school days 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.