

## **Discipline Rules**

California Education Code Section 35291.5 authorizes each school to develop discipline rules and procedures. The following rules and procedures shall apply to all Cornerstone Prep School students, parents, and school staff. Students are subject to these rules; while on school grounds, while going to or coming from school, during lunch period, and during any school sponsored event.

### **Parent and Guardian Responsibilities**

Parents and/or guardians are solely responsible for the behavior of their child while attending Cornerstone Prep School. Parents and/or Guardians are responsible for making sure that their child is dressed properly in the school uniform and arrives at school on time.

If a student has disrupted school activities or otherwise defied the valid authority of a teacher or administrator, committed an obscene act, or engaged in habitual profanity or vulgarity, the school may require that the parent/guardian attend school in his or her child's classroom.

### **Student Rights and Responsibilities**

While student rights and responsibilities allow for growth and development of the individual, nowhere is it stated or even implied in this document, that the school relinquishes its authority and responsibility. The Principal has the responsibility and authority for maintaining an orderly educational process. Students have rights and responsibilities relative to the knowledge and observation of school and Board rules; attendance; respect for persons and property; assembly and free speech; and student publications.

### **Right to Search**

In order to ensure a safe learning environment for all students, CPS maintains the right to search both school owned and student owned property on campus. Students' storage areas or lockers, provided by the school, are subject to search. In addition, students' personal belongings, such as backpacks, purses, binders, and clothing are subject to search.

### **Conduct Expectations**

Students are expected to be on task, follow rules, and demonstrate behaviors that do not interfere with the learning environment. When a student is disturbing others and/or interrupting instruction, changes have to be made. CPS is a school where learning is the mission. Manners and courtesy are the norm at all times.

*Conduct grades will be determined by the teacher over each nine-week period and reported on report cards.*

### **Items Prohibited from the School**

Items deemed by the CPS administration to be distractions to the learning environment, targets of theft, inducement to misconduct, or otherwise inappropriate for possession at school are not allowed on campus.

### Drugs, Tobacco, & Alcohol

Alcohol, tobacco and nicotine products (such as cigarettes, chew, or other related products) are prohibited and students found in possession of, or to have used, such products under school jurisdiction, will receive specified consequences ranging from suspension to expulsion. Possession of drugs at school may also constitute a crime and will be reported to local law enforcement officials.

### Electronic Devices

The use of pagers or electronic signaling devices by students on campus is prohibited during school hours. Also, the use of electronic audio, video, or game devices is not allowed during school hours.

### Cellular Phones

A student may have a cellular phone at school but the cellular phone must, at all times, be turned off and kept in their backpacks. If a student is observed using a cellular phone during school hours the phone will be confiscated until redeemed by a parent or guardian. Exception to this policy may be granted by the Principal for purposes relating to the health needs of a student.

### Firearms, Weapons, and Other Dangerous Objects

The school maintains a "Zero Tolerance Policy" for any type of dangerous object. Therefore, school staff will take immediate appropriate action against any student found in possession of a dangerous object. Dangerous objects include, but are not limited to, knives (including Swiss Army-style knives, exacto knives, utility knives), razor blades, martial arts combat equipment, clubs, brass knuckles, explosives, and any type of firearm or BB/Pellet gun (including replica guns).

Pursuant to the Federal Gun Free Schools Act, and in accordance with California law, any student found in possession of a firearm shall be expelled.

### Other Items not allowed on campus include

- Large sums of money
- Pokemon, Yu-gee-oh, or other trading cards or objects
- Pets
- Sports equipment, except as needed by CPS team members
- Skateboards or other similar transportation devices
- Gum

### **Grounds for Disciplinary Action**

The following list is intended to serve only as examples of the kind of student actions that would require the school to take discipline action. It is not intended to be all encompassing.

- Disrupted school activities or otherwise willfully defied the valid authority of teachers, administrators, or other school personnel engaged in the performance of their duties
- Intentionally engaged in harassment, threats, or intimidation, directed against school personnel or pupils, that are sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment
- Committed an obscene act or engaged in habitual profanity or vulgarity

- Failure to properly wear the school uniform
- Cheating
- Caused, attempted to cause, or threatened to cause physical injury to another person
- Willfully used force or violence upon the person of another
- Aided or abetted the infliction or attempted infliction of physical injury to another person
- Caused or attempted to cause damage to school property or private property
- Stole or attempted to steal school property or private property
- Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal/designee
- Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind
- Unlawfully offered, arranged, or negotiated to sell any controlled substance, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant
- Committed or attempted to commit robbery or extortion
- Possessed or used tobacco, or any products containing tobacco or nicotine products, including but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel
- Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code
- Knowingly received stolen school property or private property
- Possessed an imitation firearm. As used in this section, "imitation firearm" means 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
- Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 288, 288a or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code
- Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both
- Unlawfully offered, arranged to sell, negotiated to sell, or sold a prescription drug
- Engaged in, or attempted to engage in, hazing as defined in Section 32050
- Committed sexual harassment, as defined in California Education Code Section 212.5
- Caused, attempted to cause, threatened to cause, or participated in an act of hate violence, as defined in subdivision (e) of Section 233
- Made terrorist threats against school officials or school property, or both.

### **Suspension/Expulsion**

Cornerstone Prep School will adhere to well-defined regulations of suspension and expulsion based on equality and the right to due process. The rights of students shall be maintained during disciplinary actions including the right to counsel, the right to present evidence, and the right to confront and cross-examine adverse witnesses.

Students who violate the school policies may be subject to, but not limited to, the following:

- Warning
- Loss of Privileges
- Notices to parents by telephone or letter
- Referral to the administrator
- Request for parent conference
- In-school suspension
- Suspension
- Expulsion

#### Grounds for Suspension

Pursuant to E.C. 48900, A student shall not be suspended from school or recommended for expulsion, unless the school administrator determines that the student has committed an act as defined pursuant to any of subdivisions (a) to (q), inclusive:

- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person.  
(2) Willfully used force or violence upon the person of another, except in self-defense.
- (b) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the administrator or the designee of the administrator.
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- (d) Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
- (e) Committed or attempted to commit robbery or extortion.
- (f) Caused or attempted to cause damage to school property or private property.
- (g) Stolen or attempted to steal school property or private property.
- (h) Possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.
- (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
- (l) Knowingly received stolen school property or private property.
- (m) Possessed an imitation firearm. As used in this section, "imitation firearm" means 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.
- (n) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.

(o) Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.

(p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

(q) Engaged in, or attempted to engage in, hazing. For 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 mental harm to a former, current, or prospective pupil.

A student shall not be suspended or expelled for any of the acts enumerated in this section, unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of Cornerstone Prep School or occurring within any other school district. A student may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following:

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

A student who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, pursuant to this section, except that a student who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a). As used in this section, "school property" includes, but is not limited to, electronic files and databases.

Cornerstone Prep School administrator may use his or her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a student subject to discipline under this section. Alternatives to suspension or expulsion will be imposed against a student who is truant, tardy, or otherwise absent from school activities.

#### Procedure for Suspension

Suspension shall be preceded by an informal conference conducted by the school administrator with the student and his/her parent/guardian. At the conference the student will be informed of the reason for the disciplinary action and the evidence against him or her and will be given the opportunities to present his/her version and evidence in his/her defense. The conference may be omitted if the school administrator 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. In the event the student is suspended without conference, the parent/guardian shall be notified of the suspension and a conference will be requested as soon as possible.

#### Notice to Parents/Guardians

At the time of suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. It will be followed up with a written notification, which will state the specific offense committed by the student. In addition, the notice may also specify

the date and time the student is expected to return to school. The written notice may request a meeting with the parent/guardian to discuss the causes and the duration of the suspension.

#### Length of Suspension

The length of suspension for students may not exceed a period of five (5) consecutive school days unless an administrative recommendation has been made and agreed to by the student's parent/guardian. If a student is recommended for a period of suspension exceeding five (5) consecutive school days, a second conference will be scheduled between the parent/guardian to discuss the progress of the suspension upon the completion of the fifth (5th) day of suspension. All reasonable arrangements will be made to provide the student with classroom material and current assignments to be completed at home during the length of the suspension. As required by E.C. 48903.(a) the total number of days for which a student may be suspended from school shall not exceed 20 schooldays in any school year.

For the suspension of students with disabilities IDEA 2004 regulations will be followed. According to IDEA 2004, a student with a disability who has an IEP in effect can be disciplined like any other student who violates the school code of conduct. Special circumstances will be handled with the decisions of the school IEP team with the involvement of the parent.

Additional provisions of the law allows schools to seek to remove a student for up to 45 school days if the school believes that returning the student to the same educational placement is substantially likely to result in injury to the student or other students. The school must do this by making a request to a hearing officer, who, among other requirements, is not employed by the state education agency or local school district involved in educating the child; has specialized knowledge and skills related to IDEA; and has no interests that conflict with his objectivity in the hearing process. The student will remain in the interim alternative educational setting, unless the parent and the state agree otherwise or the time period for the infraction (e.g., 45 school days for special circumstances or duration applied to non-disabled students) has expired. The interim alternative educational settings will be determined by the IEP team with the involvement of the parent.

#### Appeal of Suspension

The parent or guardian of a suspended student or the suspended student himself or herself may appeal the suspension decision within 5 working days directly to the administrator. The administrator will expeditiously review the case with the parent and/or student in question within 5 working days of receipt of the appeal. If the administrator determines that the student has not violated one of the rules in the student handbook as agreed to by the student and parent or believes that extenuating circumstances should mitigate the consequences of such an action, then the suspension decision may be reversed. This process will be amended as the administrative structure changes with the growth of the school and will be defined in the student handbook. Final appeals are to the local School Site Council.

#### Grounds for Expulsion

Pursuant to E.C. 48915, the school administrator shall recommend the expulsion of a student for any of the following acts committed at school or at a school activity off school grounds:

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

- Robbery or extortion.
- Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.

Upon recommendation by the school administrator, Cornerstone Prep School Board may order a student expelled.

A decision to expel shall be based on a finding of one or both of the following:

- Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
- Due to the nature of the act, the presence of the student causes a continuing danger to the physical safety of the student or others.

The school administrator shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a student that he or she determines has committed any of the following acts at school or at a school activity off school grounds:

- Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the student had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the administrator or the designee of the administrator. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district.
- Brandishing a knife at another person.
- Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
- Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.
- Possession of an explosive.

Cornerstone Prep School Board shall order a student expelled upon finding that the student committed an act listed above, and shall refer that student to a program of study that meets all of the following conditions:

- Is appropriately prepared to accommodate students who exhibit discipline problems.
- Is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school.
- Is not housed at the school site attended by the student at the time of suspension.
- As used in this section, "knife" means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3 1/2 inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.
- As used in this section, the term "explosive" means "destructive device" as described in Section 921 of Title 18 of the United States Code.

As required by The Gun-Free Schools Act (GFSA), a student who is determined to have brought a weapon to school will be expelled from school for a period of not less than one year.

#### Recommendation for Expulsion

Students will be recommended for expulsion if the school administrator finds that at least one of the following findings may be substantiated:

- That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
- That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others.
- If the findings above are not determinable, Cornerstone Prep School Board of Directors will form a committee to evaluate the situation thoroughly and make a recommendation to the board.

*Expulsion Hearing and Written Notice to Expel*

A student recommended for expulsion is entitled to a hearing in order to determine whether he/she should be expelled. The hearing will be held within thirty (30) days after the school administrator determines that an act listed under “Grounds for Mandatory Expulsion”, “Grounds for Discretionary Expulsion” has occurred. The hearing will be presided over by Cornerstone Prep School Board of Directors or a Charter School Board-appointed impartial administrative panel of three or more persons, none of whom are a member of Cornerstone Prep School Board of Directors or employed by the school in which the student is enrolled.

Written notice of the hearing will be forwarded to the student and the student's parent/guardian at least ten (10) calendar days before the date of the hearing. This notice will include:

- The date and place of the hearing.
- A statement of the specific facts, charges and offense upon which the proposed expulsion is based.
- A copy of Cornerstone Prep School's disciplinary rules, which relate to the alleged violation.
- Notification of the student's parent/guardian's obligation to provide information about the student's status in LAUSD to any other district in which the student seeks enrollment if the student is expelled. This notification will be included in the expulsion notification letter.
- The opportunity for the student or the student's parent/guardian to appear in person or to employ and be represented by a non-attorney or counsel at the sole cost and expense of the parent/guardian of the student recommended for expulsion.
- The right to inspect and obtain copies of all documents to be used at the hearing.
- The opportunity to confront and question all witnesses who testify at the hearing.
- The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses.

The administrator or designee, following a decision by Cornerstone Prep School Board of Directors to expel, shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

- The specific offense committed by the student; and
- Notice of the student's or parent/guardian's obligation to inform any new school or district in which the student seeks to enroll of the student's status with Cornerstone Prep School.
- The reinstatement eligibility review date
- A copy of the rehabilitation plan
- The type of educational placement during the period of expulsion
- Appeal procedures/protocol.

The Administrator or designee shall send written notice of the decision to expel to the student's district of residence and the County Office of Education. This notice shall include the following:

- Student's name; and
- Specific offense committed by the student.
- In the event of a decision to expel a student from Cornerstone Prep School, the school administration will work cooperatively with the district of residence, county, and/or private schools to assist with the appropriate educational placement of the student who has been expelled. If the decision is not to expel, the student will continue at Cornerstone Prep School.

### Appeal of Expulsion

A request for appeal of expulsion must be received within five (5) working days after the written notice received by the parent/guardian. The appeal itself will occur within ten (10) working days after the written notice received by the parent/guardian, and must be attended by parent(s)/guardian(s). In the case of expulsion, a fair and impartial panel of representatives appointed by Cornerstone Prep School's Board of Directors will hear the appeal, and its decision will be final.

### Rehabilitation Plans

Pupils who are expelled from Cornerstone Prep School shall be given a rehabilitation plan upon expulsion as developed by Cornerstone Prep School's governing board 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 year from the date of expulsion when the pupil may reapply to Cornerstone Prep School for readmission.

### Readmission

The decision to readmit a pupil or to admit a previously expelled pupil from another school district or charter school shall be in the sole discretion of Cornerstone Prep School's governing board 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 pupil's readmission is also contingent upon the capacity of Cornerstone Prep School at the time the pupil seeks readmission.

### Special Education Students

In the case of a special education student, or a student who receives 504 accommodations, Cornerstone Prep School will ensure that it makes the necessary adjustments to comply with the mandates of State and federal laws, including the IDEA and Section 504 of the Rehabilitation Plan of 1973, regarding the discipline of students with disabilities. Prior to recommending expulsion for a Section 504 student or special education student, the Cornerstone Prep School administrator will convene a review committee to determine whether the student's misconduct was a manifestation of his or her disability; whether the student was appropriately placed and receiving the appropriate services at the time of the misconduct; and/or whether behavior intervention strategies were in effect and consistent with the student's IEP or 504 Plan. If it is determined that the student's misconduct was not a manifestation of his or her disability, that the student was appropriately placed and was receiving appropriate services at the time of the misconduct, and that the behavior intervention strategies were in effect and consistent with the students IEP, the student may be expelled.

### Interim Alternative Education Setting

A setting other than the one in which the student's behavior occurred that is deemed appropriate by the IEP team will be provided by the school administration. These settings include, but are not necessarily limited to, alternative classes, in-house supervision and special

classes, tele-teaching, home tutoring, provision of videotaped classes, a day treatment program. Access to the general education curriculum will be a part of the interim educational setting.

Outcome Data

Outcome data will be maintained including:

- Suspensions
- Expulsions & Expulsion Placements
- Reinstatements
- Out of District Expellees