



(TK-8th)
School Safety Plan
2024 Version

647 E. St.,
Chula Vista, CA 91910
619 934-0300

**Howard Gardner Community School
School Safety Plan
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I. The School Safety Plan Overview

This School Safety Plan has been prepared to fulfill the obligation of Howard Gardner Community School as set forth in its charter petition, pursuant to Education Code section 47605(c)(5)(F), to develop a school safety plan addressing the safety topics listed in subparagraphs (A) to (L) of paragraph (2) of subdivision (a) of Education Code section 32282, as applicable. It will be reviewed and updated annually by March 1 by a School Site Council.

- Development of this version of the School Safety Plan took place in September 2024
- A hearing will be held on the School Safety Plan on October 16, 2024 at the HGCS, in the auditorium.
- The most current copy of the plan will be available in the school office for public review in a redacted form, with all tactical responses, lockdown, and bomb threat procedures removed from the publicly available version.

For additional information on school safety programs, policies, or procedures and how you may become involved locally, please contact:

Kat Shaw, Executive Director
619 934 0300
kshaw@hgcschool.org
647 E. St, Chula Vista, CA 91910

Reviewed and approved by the undersigned members of the Howard Gardner Community School Site Council:

Authorized Representative Signature	Date
<hr/>	<hr/>
[Name], [Title]	
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[Name], [Title]	
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[Name], [Title]	
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[Name], [Title]	
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Representative of Law Enforcement Agency (Optional)	
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Representative of Fire Department (Optional)	

II. General School Information

School Profile

2024-25 enrollment: [185]

Grades: TK-8

Certificated teachers (Admin included): [13]

Classified staff: [27]

Safe School Mission

Students and staff will have a safe and secure campus where they are free from physical and psychological harm. The administration and staff are committed to maximizing school safety and to creating a positive learning environment that teaches strategies for violence prevention and emphasizes high expectations for student conduct, responsible behavior, and respect for others.

School Site Council/Safety Committee:

Our SSC is made up of 4 parents, admin, 2 teachers, 1 classified staff. We meet 5 times a year to discuss and approve funding, events, and programs.

III. Emergency Response Plan

Emergency Situation Parent Communication

In an emergency situation, the Executive Director will gather members of the Safety Response Team immediately to draft a plan to communicate with families. When deemed necessary, the Safety Response Team will use school messenger and PBIS parent messenger, to send out an urgent alert text message and phone call to every parent registered on the platform.

Emergency Supplies

Emergency Backpack Location

- Each classroom (including music room, art room, intervention room, wellness room, etc.)
- PE closet
- Cafeteria
- Each office area
- Front office

Emergency Backpack Supplies

Item	Recommended Quantity
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Backpack	1
Flashlight	1
Batteries	2
Pair of scissors	1
First Aid instruction summary sheet	1
Pad of paper (for name tags, etc.)	1
Pen	1
Pencil	1
Light stick	1
Whistle	1
Sewing kit	1
Package of safety pins	1 package
Package of plastic trash bags	6 packages
Package of small paper bags	2 packages
Package of paper cups	2 packages
Package of pre-moistened towelettes	1 package
Bottle of hydrogen peroxide	1
Small package of Tylenol	2 packages
Package of Tums	1 package
Ammonia inhalants	4
Ziploc sandwich bags	2
Box of Telfa pads	1
Box of Band-Aids	1
Cold packs	2
Roll of adhesive tape	1
Pair of disposable gloves	10

Box of toilet tissue	1
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Emergency Response Plans

The safety coordinator is responsible for assigning staff to the safety response team, and for ensuring that the list is updated regularly. It is required by fire codes to exhibit an evacuation map specific to the school site in each and every classroom and office room by the door, as well as by each fire extinguisher and fire exits.

Please note: make sure to share the procedures with and collect contact information for any after-school staff. Please instruct any night custodial staff to assist after-school staff with emergency supplies as needed.

Fire Emergency

Fire Emergency Response - Staff Members and Safety Response Team Combined	
Step 1 Fire Alarm	<ul style="list-style-type: none"> If there is a fire and the alarm has not been set off, any member witnessing the fire may initiate the fire alarm.
Step 2 Announcement	<ul style="list-style-type: none"> Safety Response Team Member will announce via phone speaker and walkie talkie <i>"Attention please, leave the building. Evacuate the building. Leave the building. Evacuate the building and listen for further instructions."</i>
Step 3 Walkie Talkie and backpacks	<ul style="list-style-type: none"> If walkie talkies are not already on, turn on walkie talkies to Channel 1. Classroom teachers to take Emergency Backpack and Emergency Contact Roster
Step 4 Evacuate	<ul style="list-style-type: none"> Staff and students will evacuate the building in a quiet and orderly fashion using emergency exit routes. We will meet at the Emergency Meeting Area: <ul style="list-style-type: none"> Parking lot Safety Response Team will ensure all classrooms, hallways, cafeteria, kitchen, restrooms and offices are empty. Safety Response Team will search for any missing students and staff.
Step 5 Take roll	<ul style="list-style-type: none"> Once you arrive at the Emergency Meeting Area, take roll, and notify the Safety Response Team of any missing students. Stay in meeting area for further instruction.
Step 6 Further instructions & Return	<ul style="list-style-type: none"> Await further instructions from the Fire Department

Earthquake Emergency

Earthquake Emergency Response - Staff Members and Safety Response Team Combined	
Step 1 Announcement	<ul style="list-style-type: none"> At the onset of an earthquake, Safety Response Team Member will announce via phone speaker and walkie talkie: <i>"Earthquake. Duck and cover. Earthquake. Duck and cover. Earthquake. Duck and cover."</i>
Step 2 Immediate response	<p>If indoors...</p> <ul style="list-style-type: none"> Turn away from windows, suspended objects or outside walls Drop to the floor, take cover under a desk, table or against an interior wall. Make your body as small as possible; cover head and neck while protecting chest. Hold position until the ground stops shaking or the Safety Response Team has announced over radios to begin Evacuation.

	<ul style="list-style-type: none"> If an aftershock occurs while you are exiting the building, “Drop, Cover and Hold On” until the shaking stops. <p>If outdoors...</p> <ul style="list-style-type: none"> Teachers get to a clear space (away from buildings, poles, overhead wires and other tall objects) call out to student, “Duck and cover” Students drop to the ground and cover their head and neck with arms. Watch for dangers that may demand movement. Be prepared to duck and cover again due to aftershocks. Hold position until the ground stops shaking or the Safety Response Team has announced over radios to begin Evacuation.
Step 3 Walkie Talkie and backpacks	<ul style="list-style-type: none"> If walkie talkies are not already on, turn on walkie talkies to Channel 1. Classroom teachers to take Emergency Backpack and Emergency Contact Roster
Step 4 Evacuate	<ul style="list-style-type: none"> Staff and students will evacuate the building in a quiet and orderly fashion using emergency exit routes. We will meet at the Emergency Meeting Area: <ul style="list-style-type: none"> Parking lot Safety Response Team will ensure all classrooms, hallways, cafeteria, kitchen, restrooms and offices are empty. Safety Response Team will search for any missing students and staff.
Step 5 Take roll	<ul style="list-style-type: none"> Once you arrive at the Emergency Meeting Area, take roll, and notify the Safety Response Team of any missing students. Stay in the meeting area for further instruction.
Step 6 Further instructions & Return	<p>If there is minimal damage:</p> <ul style="list-style-type: none"> Safety Response Team will announce <i>“All Clear. All Clear. Please return to your normal activity.”</i> Staff and students will return to classrooms in a quiet and orderly fashion. <p>If there is damage to the campus:</p> <ul style="list-style-type: none"> Safety Response Team will enact the Reunification Plan at the site of evacuation, or where a Law Enforcement Agency indicates.

Other Emergency Situations

Flood/Severe Weather

Warnings of severe weather are usually received via public radio or the State Warning Center. If time and conditions permit, students may be sent home. However, if the weather conditions develop during school hours, without sufficient warning, students should be held at school.

1. Executive Director will assess the situation.
2. Safety Response Team will make an announcement over the phone speaker and walkie talkie to evacuate, stand by, stay indoors or may release students to go home.
3. Safety Response Team will listen to the battery or crank-operated radio for further emergency information.

Electrical/Gas/Water Failure

1. Executive Director will notify the electrical company at 800-336-7383, water utility company at 619-420-1413 and/or the Fire Department at 619-691-5055
2. Safety Response Team will make an announcement over the PA or megaphone to evacuate or stand by.
3. Office staff and classroom teachers turn off computers and other equipment that might be damaged by a power surge when the service is restored.

Chemical Spill/Biological Threat

If substance released indoors:

1. Safety Response Team will make an announcement over the intercom speaker or walkie talkie to evacuate the building.
2. Safety Response Team will call 911 and the local fire department.
3. Safety Response Team locks or ropes off area – DO NOT TOUCH ANYTHING.
4. Evacuate room and TURN OFF air conditioning system.
5. If N95 masks are accessible, all staff and students should place them over their noses and mouths.
6. Any persons who contacted the substance should wash with soap and water in the bathroom. Contaminated clothing should be immediately removed. Contaminated persons should remain in the bathroom separate from the general school population. A list of contaminated persons should be provided to the Executive Director.
7. Safety Response Team should check for chemical safety data to determine clean-up procedure with custodians.

If substance released outdoors:

1. Upon hearing of a chemical leak (usually from the fire department or other city office) the Executive Director will determine if students should be evacuated.
2. Safety Response Team will make an announcement over the PA or megaphone to evacuate the building or stay indoors.
3. Close doors and windows and TURN OFF air conditioning / HVAC system.
4. If N95 masks are accessible, all staff and students should place them over their nose and mouth.
5. If it is necessary to leave the site, move crosswind, never more directly with or against the wind which may carry fumes.
6. Any persons who contacted the substance should wash with soap and water in the bathroom. Contaminated clothing should be immediately removed. Contaminated persons should remain in the bathroom separate from the general school population. A list of the contaminated people should be provided to the Executive Director.
7. Give first aid.
8. Do not reopen the school campus until ALL CLEAR response is activated by the Safety Response Team.

Explosion

If explosion is indoors on school campus:

1. All drop down to the floor and DROP AND COVER.
2. Turn away from the windows.
3. Take cover under a desk or table or against an interior wall.
4. Cover head with arms or hold to the cover.

5. After the initial blast, the Safety Response Team will consider the possibility of another imminent explosion, call 911 and elect the appropriate response which may include staying indoors or evacuating the building.
6. Once safely assembled in the Emergency Meeting Area, Teachers will take roll and report missing persons to the Safety Response Team.

If explosion is outdoors in surrounding areas:

1. Safety Response Team will activate STAY INDOORS.
2. Safety Response Team will call 911.
3. All remain indoors until the ALL CLEAR signal is given by the Safety Response Team.

Death/Suicide

1. Board Leadership and the Executive Director will be notified in the event of a death or suicide on campus.
2. Safety Response Team will phone 911 and the County Office of Education.
3. Safety Response Team will activate STAY INDOORS.
4. Executive Director will control and organize media.
5. Safety Response Team and/or Executive Director will notify relatives where the victim(s) have been taken and not divulge unnecessary details.
6. Assigned person(s) will ensure that counseling services are available as soon as possible.

Adaptation for Students with Disabilities

Students with known disabilities should have emergency response accommodations noted in their 504 or IEP to indicate additional assistance that may need to be implemented in case of various emergencies covered by this safety plan. Students with known disabilities will also have a pre-designated location in their classrooms that are reserved for them during lockdown, shelter-in-place, and earthquakes.

In the event of an emergency, students with disabilities may have an additional staff person assigned to their classroom to carry out accommodations and assistance with disaster response procedures. The additional staff person will assist the student and teacher during the emergency response.

General Strategies for Assisting Individuals with Disabilities During an Evacuation

The needs and preferences of non-ambulatory individuals will vary. Those at ground floor locations may be able to exit without help. Others may have minimal ability to move, and lifting may be dangerous. Some non-ambulatory people also have respiratory complications. Remove them from smoke and vapor immediately.

To alert visually impaired individuals

- ❑ Announce the type of emergency.
- ❑ Offer your arm for guidance.
- ❑ Tell the person where you are going, obstacles you encounter.

When you reach safety, ask if further help is needed.

To alert individuals with hearing limitations

- ❑ Turn lights on/off to gain a person's attention -OR-
- ❑ Indicate directions with gestures -OR-

Write a note with **EVACUATION** directions.

To evacuate individuals using crutches, canes or walkers

- ❑ **Evacuate** these individuals as injured persons.
- ❑ Assist and accompany to **EVACUATION** site, if possible -OR-
- ❑ Use a sturdy chair (or one with wheels) to move person -OR-

Help carry individuals to safety.

To evacuate individuals using wheelchairs

- ❑ Give priority assistance to wheelchair users with electrical respirators.
- ❑ Most wheelchairs are too heavy to take downstairs; consult with the person to determine the best carry options.

Reunite the person with the wheelchair as soon as it is safe to do so.

Reunification Plan

After an emergency situation is resolved, if deemed necessary, we will initiate the reunification process where all students must be picked up by a parent, guardian, or authorized caregiver.

Reunification from Classrooms

Step 1 Return	<ul style="list-style-type: none"> • Teachers will lead their students to return to homeroom classrooms quietly.
Step 2 Role Assignment	Safety Response Team will assign members to the following roles: <ul style="list-style-type: none"> • (1) Identifier: to located at Point of Entry, equipped with a list of students and their parents • (2) Runners: to retrieve students from classrooms • (1) Guard at Point of Exit: to prevent unauthorized entrance
Step 3 Area Designation	The Safety Response Team will designate the following areas and mark with signage <ul style="list-style-type: none"> ○ Point of Entry - Front gate ○ Reunification Point - Classrooms ○ Point of Exit – Side gate ○ First Aid Station - Office
Step 4 Student Release Procedure	<ul style="list-style-type: none"> • Parents will come to the Point of Entry and fill out a Student Release Form with the student name, grade and class and provide proof of identity. • The Identifier on the Safety Response Team will be at the Point of Entry with a list of students and their parents, and will verify all information.

	<ul style="list-style-type: none"> Once identity is verified, a Runner will collect the Student Release Form and retrieve the student from their classroom and bring them to the Reunification Point. The parent will be directed to the Reunification Point as well. Support Services will be available at the Reunification Point Once the parent and the student are ready to leave, they will be escorted through the Point of Exit.
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Reunification from Evacuation Point

Step 1 Line-up	<ul style="list-style-type: none"> Students will line up with their homeroom teacher and sit quietly. Classes will be lined up according to grade.
Step 2 Role Assignment	<p>Safety Response Team will assign members to the following roles:</p> <ul style="list-style-type: none"> (1) Identifier: to located at Point of Entry, equipped with a list of students and their parents (2) Runners: to retrieve students from classrooms (1) Guard at Point of Exit: to prevent unauthorized entrance
Step 3 Area Designation	<p>The Safety Response Team will designate the following areas and mark with signage</p> <ul style="list-style-type: none"> ○ Point of Entry - Front gate ○ Reunification Point - Classrooms ○ Point of Exit - Side gate ○ First Aid Station - Office
Step 4 Student Release Procedure	<ul style="list-style-type: none"> Parents will come to the Point of Entry and fill out a Student Release Form with the student name, grade and class and provide proof of identity. The Identifier on the Safety Response Team will be at the Point of Entry with a list of students and their parents, and will verify all information. Once identity is verified, a Runner will collect the Student Release Form and retrieve the student from their classroom and bring them to the Reunification Point. The parent will be directed to the Reunification Point as well. Support Services will be available at the Reunification Point Once the parent and the student are ready to leave, they will be escorted through the Point of Exit.

Safety Response Team Members

Name	Role
Name: Kat Shaw	Role/Title: Executive Director
Name: Joy Wash	Role/Title: Site Facilitator
Name: Marisol Cortes	Role/Title: Director of Operations
Name: Hala Robin	Role/Title: Registrar
Name: Lori Rapp	Role/Title: Admin Assistant/Health office
Name:	Role/Title:

Emergency Drill Schedule

It is the Operations Team's responsibility to schedule emergency drills throughout the year and record the date and time of each drill. The following drills are required:

- Fire Drill:** At least once per quarter, a fire drill should be conducted in which all pupils, teachers, and other employees are required to vacate the building. The fire alarm should be tested every month, but this can be completed while students are off site in months when a fire drill is not performed.

- **Earthquake Drop & Cover Drill:** This drill should be performed twice per school year.
- **Major Disaster Drill:** This drill should be performed twice per school year so personnel are oriented to the School's Major Disaster Plan.
- **Lock Down Drill:** This drill should be performed twice per school year.

Below is the drill schedule for our 2024-25 school year:

Drill	Date	Day	Time
Fire 1	8/28/24	wed	TBD
Lock Down 1	9/18/24	wed	TBD
Fire 2	9/18/24	wed	TBD
Fire 3	10/18/24	fri	TBD
Bomb Threat	11/1/24	fri	TBD
Earthquake 2	1/17/25	fri	TBD
Fire 4	2/12/25	wed	TBD
Lockdown 2	3/24/25	mon	TBD
Fire 5	4/23/25	wed	TBD

**Dates and times are subject to change.*

Training

We provide training on emergency drills to teachers and staff during our beginning of the year professional learning week as well as on the professional learning day on each Friday before the drill. We also send out email reminders on the drill procedures one day before the drill to remind the teachers.

Teachers conduct training for students according to their own schedule.

Safety Response Team developed checklists for every type of drill. We consolidate feedback for improvement after each drill, update our drill procedures as needed, and re-train the teachers and students accordingly.

Emergency Contact Datasheet

Emergency Phone Numbers

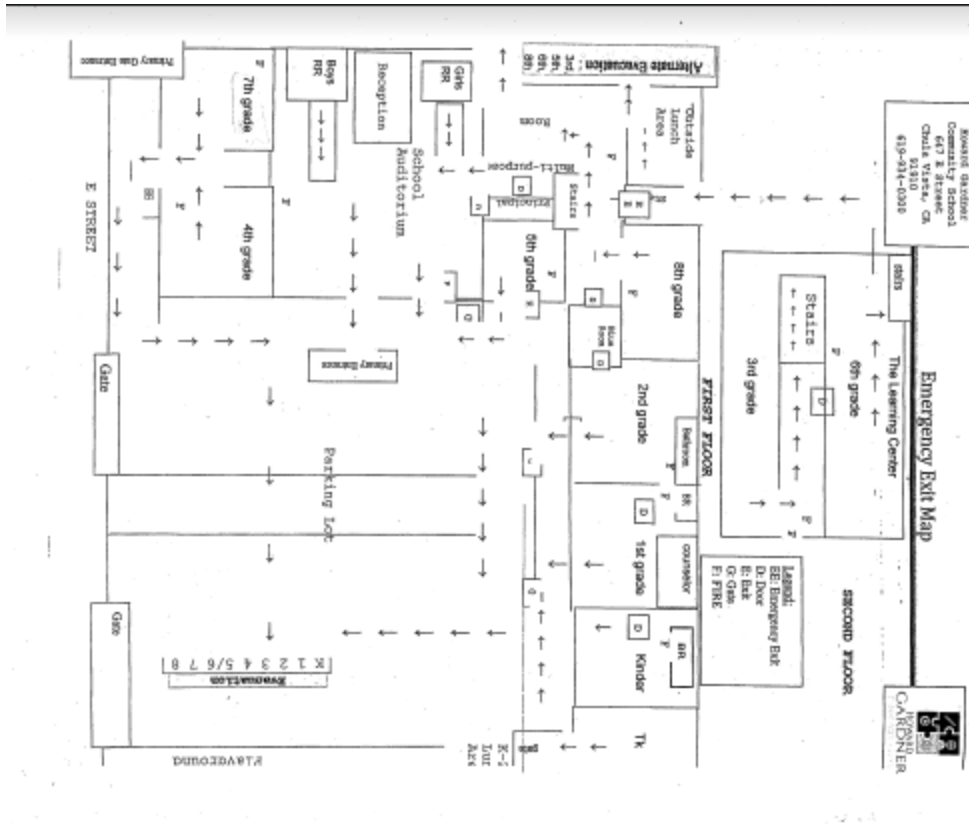
Entity	Number
Emergency	911
CVPD Police Department	619.691.5151
CVPDFire Department	619.691.5055
American Red Cross, Chula Vista	800-733-2767
County Sheriff, Div. of Emergency Mgmt.	###-###-####
Identify local hospital(s) for emergency services	###-###-####

Electric Utility	800.336.7383
Water Utility	619.420.1413
Identify a local poison control hotline	(800) 222-1222

Emergency Broadcast Stations

- AlertSanDiego
- Genasys Protect
- 2-1-1
- KOGO 600 AM, KLSD 1360 AM

School Maps



IV. SEMS (Standardized Emergency Management System Plan)

Roles and Responsibilities

Incident Commander: Executive Director

The Incident Commander is the decision maker for the impacted school who is responsible for emergency operations to ensure safety of students, staff and others who are on campus. The Incident Commander (IC) shall remain at the Command Center to observe and direct all operations. Below is a checklist of responsibilities (can be delegated).

1. Assume command
2. Communicate a "signal" to the students and staff identifying the type of emergency
3. Call 911
4. Notify other administration leaders, Campus Supervisors, Support Staff, and on-campus child care of the emergency
5. Activate the Emergency Plan components as needed (Command Staff, Plans, Operations, Logistics, and/or Finance) and establish a Command Center
6. Conduct initial briefing with the Command Staff
7. Monitor local emergency radio stations for local news
8. Utilize your Deputy Incident Commander to cover the Command Center, take regular breaks (5 minutes each hour, away from the Command Center)
9. Create an action plan with specific objectives including strategies to review and evaluate
10. Make provisions for language translators
11. Release teachers, as appropriate
12. Public Information Officer Review all incident information before release to the news media, parents or general public
13. Signal all-clear (Police Only will signal; if present)
14. Begin "Student Release Procedures" when appropriate.
15. Create an action plan with specific objectives for returning to normal operations
16. Debrief staff, parents/community, and students

Deputy Incident Commander: Joy Wash

The Deputy Incident Commander assists the IC and takes over the duties of the IC if the IC is absent, has to leave or is unable to do his/her job. Below is a checklist of responsibilities.

1. Report to, attend briefings from, and assist the IC
2. Keep unauthorized people away from the IC
3. Responsible for Emergency Plans

Command Staff - Emergency Operations Coordinator: Hala Robin

The Emergency Operations Coordinator facilitates the overall functioning of the Command Staff. Below is a checklist of responsibilities.

1. With the assistance of the Liaison Officer, coordinate outside agencies and define roles/responsibilities
2. Report to IC and attend briefings
3. Assist unit coordinators (Plans, Operations, Logistics and Finance), as needed
4. Indicate the process for emergency declarations
5. Develop status boards
6. Maintain a "position" log of staff
7. Monitor Command Staff for signs of stress or under-performance
8. Fill any unstaffed positions

Command Staff - Safety Officer: Mr. H

The Safety Officer ensures that all activities are conducted in as safe a manner as possible under the circumstances. The Safety Officer is the only person other than the IC who has the authority to stop an authorized plan from being put into action. Below is a checklist of responsibilities.

1. Attend briefings with IC
2. Monitor, assess, and correct operational activities for dangerous and unsafe conditions
3. Monitor stress levels of personnel involved in the response
4. If directed by IC, turn off gas supply, water supply and/or electricity
5. Oversee "Logistics" for equipment and supplies

Command Staff - Training Coordinator/Student Support Services: Kat Shaw

The Training Coordinator is responsible for all training prior to the incident. Below is a checklist of responsibilities.

1. Attend briefings with IC
2. Train staff prior to an emergency

Command Staff - Public Information Officer: Lori Rapp

The Public Information Officer acts as the official spokesperson for the school site in an emergency situation. A school site-based PIO should only be used if the media is on campus and the school PIO is not available or forthcoming. Below is a checklist of responsibilities.

1. Contact the Executive Director, Director of Operations Manager, School Board, and families as appropriate.
2. Contact administrator in charge of student support services to assign psychologists and counselors to the site.
3. Attend briefings with IC.
4. Identify yourself as the "PIO" with a vest, visor, or sign.
5. Establish a media information center away from the command post and students. Advise arriving media that the site is preparing a press release and approximate time of its issue.
6. Statements to media should include the following: cause, time, event, current situation, care being given, injuries, evacuation plans, student release location, resources in use, best routes to school, and any other information school wishes to be released to the public.
7. Convey that everything is going to be okay. Answer questions completely and truthfully. Avoid speculation, bluffing, inaccuracies, talking off the record, arguing and using the phrase "no comment." Repeat what you want the press to hear.
8. Ensure announcements and other information are translated into other languages as needed.
9. Assist with rumor control.
10. Keep all documentation to support the history of the event.
11. Remind staff and volunteers to refer all questions from media or waiting parents to the PIO.
12. Monitor new broadcasts about the incident; correct any misinformation heard.

Plans Chief: Marisol Cortes

The Plans Chief oversees the function of the action plan by documenting, disseminating information, assessing the seriousness of the incident, demobilization, etc. Staff is assigned to assist with these jobs. Below is a checklist of responsibilities.

1. Attend briefings with IC
2. Documentation Team
 - a. Develop, distribute, and document all actions and site maps
 - b. Receive and record student/staff attendance rosters
 - c. Collect completed student release forms from the Parent Emergency pick-up location
 - d. Complete a list of students/staff missing, absent, and medical for Emergency pick-up location
3. Message Team
 - a. Maintain a message board
4. Communication Team
 - a. Record, collect, and evaluate information (keep all original notes – they are legal documents)
 - b. Monitor radio for local news

- c. Maintain display boards for shelter status, transportation status, telephone numbers, school status, etc.
- 5. Damage Assessment Team
 - a. Report damage to Plans Chief who will report to IC
 - b. Use site and area maps to record site and surrounding area damages (i.e. road closures, utility outages, etc.)
- 6. Demobilization Team
 - a. Deploy and supervise personnel as needed to gather and assess intelligence information
- 7. Disaster Plan Update Team
 - a. Provide ongoing analysis of situation to Plans Chief who will report it to IC
 - b. Report status of resources
 - c. Prepare estimates of incident escalation or de-escalation
 - d. Report missing, absent, and medical students/staff to IC
- 8. Web Page Update Team
 - a. Using the school's or district's web page, communicate disaster updates to the community

Operations Chief: Hala Robin

The Operations Chief exercises the functions of the operation by carrying out the plan, developing tactical objectives and directing all resources. Staff is assigned to assist with the jobs. Below is a checklist of responsibilities

- 1. Attend briefings with IC
- 2. Search and Rescue Team
 - a. Remain in contact with Operations Chief by radio
 - b. Search rooms both visually and vocally. Use chalk, grease pencil, etc. to mark slash (/) on door when entering room, and when leaving room complete search by closing slash in (X) on door.
 - c. As rooms are reported clear, radio to Operations Chief to mark "C" on site map
 - d. Utilize other teams as needed (Patient Transport, Morgue and First Aid). Do not use names of students/staff on radio/map
 - e. Record Triage on site map (I – Immediate; D – Delay; and DEAD – Dead)
- 3. Facilities/Hazardous Materials Team
 - a. Report gas/water leaks, fires or structural damage, to Operations Chief (gas, water and electricity shut-off needs approval of IC. Use yellow caution tape where necessary)
 - b. Record assessment of facilities and hazardous materials on site map
 - c. Photograph damage if possible before repair
- 4. Security Team
 - a. Lock gates and secure major external doors

- b. Verify that campus is locked down to Operations Chief, who will report it to IC
 - c. Report non-staff and non-students to Operations Chief, who will report it to IC
 - d. Route all parents to "Parent Pick-up Area"
- 5. Patient Transport and Morgue Team
 - a. Transport patients to First Aid; do not transport to morgue unless directed by Operations Chief
 - b. Mark DEAD on tag listing date/time found, exact location found, name of DEAD, person who identified, and name of person filling out tag; attach one tag to DEAD and one tag to plastic bag if body is in bag
- 6. Medical-First Aid Team
 - a. Keep accurate records
 - b. Report deaths immediately to Operations Chief who will report it immediately to IC
 - c. Establish what I-Immediate and D-Delayed treatments will be
 - d. Consult with Wing Leaders regarding health care, medications, and meals for students and staff with known medical conditions (asthma, diabetes, etc.)
 - e. Establish scope of disaster with Operations Chief and determine probability of outside emergency medical support and transport needs. Emergency card must accompany student removed from campus to receive advanced medical treatment
- 7. Parent Pick-up Team (in reunification process)
 - a. Designate "Request Area/Gate" and "Release Area/Gate" for parents to pick-up; mark with signs
 - b. Verify that adult completing student release form is on student's emergency card; retain form for record
 - c. If student is in class, have runner go to class and bring student to pick-up area
 - d. Release younger students first
 - e. Escort parent to Safety Response Team if student is missing or with Search and Rescue Team
 - f. Escort parent to medical area if student is receiving treatment
 - g. Teachers/Staff Wing Leaders
 - h. Liaison between teams and students/staff for communication, assistance, etc.
 - i. Assist teachers with attendance; buddy system and supervisor, if needed
- 8. Shelter Set-up Team
 - a. Sleeping/living areas should be 40 square feet per person and good ventilation
 - b. Designate storage area for food and supplies that can be accessed by truck
 - c. Improve toilets, if necessary using 5 gallon buckets/trash cans and trash liners

- d. Keep medication locked up, if possible

Logistics Chief: Joy Wash

The Logistics Chief is responsible for providing facilities, personnel, services and resources to meet the needs of the incident. Below is a checklist of responsibilities.

1. Attend briefings with IC
 - a. Supply Teams (Command, Search and Rescue, Medical, Student/Staff, Transport, Morgue, and Builders/Sanitation)
 - b. Maintain a visible chart of resources
 - c. Determine water supply needs (1/2 gallon/day/person and 5 gallons/day for other uses)
 - d. Determine food supply needs (2500 calories/day/person/; approximately 3 ½ pounds unprepared food)
 - e. Obtain supplies other than food and water
 - f. Provide ability to transport staff/students if necessary throughout the city (i.e. medical, etc.)
2. Builders/Sanitation Team
 - a. Set up food preparation facilities, command post shelter area, parent pick-up area, supply check-out area, medical area, assembly area, morgue, etc.
 - b. Obtain sanitary supplies (1 toilet/40 persons; 6 toilets/200 persons; 14 toilets/500 persons)
 - c. Maintain computer support

Finance Chief: Marisol Cortes

The Finance Chief is responsible for monitoring costs related to incident, procurements, claims and community helpers. Below is a checklist of responsibilities.

1. Attend briefings with IC
2. Claims/Procurements /Community Helpers Team
 - a. Track financial records, staff hours, purchasing, etc.
 - b. Complete state and federal claim forms for IC
 - c. Make prior agreements with close stores (i.e. Safeway, etc.) for supplies
 - d. Make prior arrangements with community helpers (i.e. retired doctors, etc.)
 - e. Do a cost analysis of incident/disaster

V. School Safety Practices, Policies and Procedures

Child Abuse and Neglect Reporting

California Penal Code section 11166 requires any child care custodian who has knowledge of, or observes, a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse to report the known or suspected instance of child abuse to a child protective agency immediately, or as soon as practically possible, by telephone and to prepare and send a written report thereof within thirty-six (36) hours of receiving the information concerning the incident.

Howard Gardner Community School will provide annual training on the mandated reporting requirements, using the online training module provided by the State Department of Social Services, to employees who are mandated reporters. Mandated reporter training will also be provided to employees hired during the course of the school year. This training will include information that failure to report an incident of known or reasonably suspected child abuse or neglect, as required by Penal Code section 11166, is a misdemeanor punishable by up to six (6) months confinement in a county jail, or by a fine of one-thousand dollars (\$1,000), or by both that imprisonment and fine.

All employees required to receive mandated reporter training must provide proof of completing the training within the first six (6) weeks of each school year or within the first six (6) weeks of that employee's employment.

Suspension and Expulsion Policy and Procedures

Please see policy appendix A attached at the end of this document.

Notification of Dangerous Pupils

Howard Gardner Community School desires to provide a safe, orderly working environment for all employees. The school shall ensure that employees are informed, in accordance with law, regarding crimes and offenses by students who may pose a danger in the classroom. Pursuant to Welfare & Institution Code section 827(b) and Education Code section 48267, a criminal court will notify school administration when a student has engaged in certain criminal conduct. This information is forwarded to the Executive Director, who is responsible for prompt notification of the student's teachers, other administrators, and the student's counselor. This information must be kept confidential and may not be disseminated by any employee receiving such a notification to any other person.

Additionally, all teachers will be provided with a list of students in their classes who have one or more suspensions of a serious or violent nature in the current year or in the

previous three years. This information will be provided at the beginning of the year or semester or whenever new students are enrolled or added to a class. Teachers will be advised that such information is confidential and not to be further disseminated.

Anti-Discrimination/Anti-Harassment Policy and Hate Crime Reporting

Harassment, Intimidation, Discrimination & Bullying Policy /Hate Crime Reporting Procedures and Policies

Howard Gardner Community School (“HGCS” or the “Charter School”) does not discriminate against any person on the basis of actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, citizenship, immigration status, religion, religious affiliation, sexual orientation, pregnancy status, or any other characteristic that is contained in the definition of hate crimes in the California Penal Code.

HGCS adheres to all provisions of federal law related to students with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990 (“ADA”), and the Individuals with Disabilities Education Improvement Act of 2004 (“IDEA”).

HGCS does not discourage students from enrolling or seeking to enroll in Charter School for any reason, including, but not limited to, academic performance, disability, neglect or delinquency, English proficiency, for being homeless or a foster/mobile youth, economic disadvantage, nationality, race, ethnicity, or sexual orientation. Charter School shall not encourage a student currently attending Charter School to disenroll or transfer to another school based on any of the aforementioned reasons except in cases of expulsion and suspension or involuntary removal in accordance with HGCS’s charter and relevant policies.

HGCS does not request nor require student records prior to a student’s enrollment.

HGCS is committed to providing an educational atmosphere that is free of unlawful harassment under Title IX of the Education Amendments of 1972 (sex); Titles IV, VI, and VII of the Civil Rights Act of 1964 (race, color, or national origin); The Age Discrimination Act of 1975; the IDEA; and Section 504 and Title II of the ADA (mental or physical disability).

HGCS also prohibits sexual harassment, including cyber sexual bullying, and harassment based upon pregnancy, childbirth or related medical conditions, race or ethnicity, religion, religious affiliation, creed, color, citizenship, immigration status, gender, gender identity, gender expression, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal, state, local law, ordinance or regulation.

HGCS does not condone or tolerate harassment of any type, including but not limited to unlawful discrimination, intimidation, or bullying, including cyber sexual bullying, by any employee; independent contractor or other person with which the Charter School does business; student; volunteer; or community member regardless of position or gender. HGCS will promptly and thoroughly investigate any complaint of harassment and take appropriate corrective action, if warranted.

The lack of English language skills will not be a barrier to admission or participation in HGCS's programs or activities. HGCS prohibits retaliation against anyone who files a complaint or who participates or refuses to participate in a complaint investigation.

The Charter School's Nondiscrimination Statement relevant to employees is located within HGCS's Employee Handbook and can be located at the Front office.

School Dress Code

Any clothing, signs, attire, or paraphernalia which are identified by site administration as being "gang related" or which cause rival gangs to be openly hostile to each other or create an atmosphere of intimidation on campus may be forbidden. Students are prohibited from wearing gang-related apparel, carrying gang paraphernalia, or making gestures that symbolize gang membership when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities.

Safe Ingress/Egress Procedures

Classroom and School Volunteer, Visitation, and Removal Policy

While Howard Gardner Community School encourages parents/guardians and interested members of the community to visit the charter school and view the educational program. Nevertheless, to ensure the safety of students and staff as well as to minimize interruption of the instructional program, the school has established the following procedures, to facilitate volunteering and visitations during regular school days:

Volunteering

Parents or guardians who are interested in volunteering in the classroom must adhere to the following guidelines:

1. Volunteers who will volunteer outside of the direct supervision of a credentialed employee shall be (1) fingerprinted and (2) receive background clearance prior to volunteering without the direct supervision of a credentialed employee.
2. A volunteer shall also have on file with the school office a certificate showing that, upon initial volunteer assignment, the person submitted to a tuberculosis risk assessment and, if tuberculosis risk factors were identified, was examined and found to be free of infectious tuberculosis. If no risk factors are identified, an

examination is not required. At the discretion of the Board of Directors, this paragraph shall not apply to a volunteer whose functions do not require frequent or prolonged contact with pupils.

3. Volunteering must be arranged with the classroom teacher and Executive Director or designee, at least forty-eight (48) hours in advance.
4. Except for special circumstances, approved by the Executive Director, a volunteer may not volunteer in the classroom for more than three (3) hours per month.
5. Prior to volunteering in the classroom, the volunteer should communicate with the teacher to discuss the expectations for volunteering needs. Classroom volunteers are there to benefit the entire class and are not in class solely for the benefit of their own child. Classroom volunteers must follow the instructions provided by the classroom teacher or aide. Classroom rules also apply to volunteers to ensure minimal distraction to the teacher. If a volunteer is uncomfortable following the direction of the teacher or aid the volunteer may leave their volunteer position for that day.
6. Information gained by volunteers regarding students (e.g. academic performance or behavior) is to be maintained in strict confidentiality.
7. Volunteers shall follow and be governed by all other guidelines indicated elsewhere in this Policy. This includes, but is not limited to, the process of registering and signing out of the campus at the main office as indicated below.
8. This Policy does not authorize the school to permit a parent/guardian to volunteer or visit the campus if doing so conflicts with a valid restraining order, protective order, or order for custody or visitation issued by a court of competent jurisdiction.

Visitation

1. Visits during school hours should first be arranged with the teacher and Executive Director or designee, at least forty-eight (48) hours in advance. If a conference is desired, an appointment should be set with the teacher during non-instructional time, at least forty-eight (48) hours in advance. Parents seeking to visit a classroom during school hours must first obtain the approval of the classroom teacher and the Executive Director or designee.
2. All visitors shall register in the Visitors Log Book and complete a Visitor's Permit in the main office immediately upon entering any school building or grounds during regular school hours. When registering, the visitor is required to provide his/her name, address, age (if under 21), his/her purpose for entering school grounds, and proof of identity.
3. If the visitor is a government officer/official (including but not limited to local law enforcement officers, social workers, district attorneys, or U.S. attorneys) the officer/official will also be asked to produce any documentation that authorizes school access. Howard Gardner Community School shall make reasonable efforts to notify parents or guardians prior to permitting a student to be interviewed or searched, consistent with the law and/or any court order, warrant or instructions from the officer/official. A copy of the documentation provided by the officer and notes from the encounter may be maintained by the school consistent with the law.

The Governing Board and Bureau of Children's Justice in the California Department of Justice, at BCJ@doj.ca.gov, will be timely informed regarding any attempt by a law-enforcement officer to access a school site or a student for immigration-enforcement purposes, as recommended by the Attorney General.

4. For purposes of school safety and security, the Executive Director or designee may design a visible means of identification for visitors while on school premises.
5. Except for unusual circumstances, approved by the Executive Director, visits should not exceed approximately sixty (60) minutes in length and may not occur more than twice per semester.
6. While on campus, visitors are to enter and leave classrooms as quietly as possible, not converse with any student, teacher, or other instructional assistant unless permitted, and not interfere with any school activity. No electronic listening or recording device may be used in a classroom without the teacher's and Executive Director's written permission.
7. Before leaving campus, the visitor shall return the Visitor's Permit and sign out of the Visitors Log Book in the main office.
8. The Executive Director, or designee, may refuse to register a visitor or volunteer if it is believed that the presence of the visitor or volunteer would cause a threat of disruption or physical injury to teachers, other employees, or students.
9. The Executive Director or designee may withdraw consent to be on campus even if the visitor has a right to be on campus whenever there is reason to believe that the person has willfully disrupted or is likely to disrupt the school's orderly operation. If consent is withdrawn by someone other than the Executive Director, the Executive Director may reinstate consent for the visitor if the Executive Director believes that the person's presence will not constitute a disruption or substantial and material threat to the school's orderly operation. Consent can be withdrawn for up to fourteen (14) days.
10. The Executive Director or designee may request that a visitor who has failed to register, or whose registration privileges have been denied or withdrawn, promptly leave school grounds. When a visitor is directed to leave, the Executive Director or designee shall inform the visitor that if he/she reenters the school without following the posted requirements he/she will be guilty of a misdemeanor.
11. Any visitor that is denied registration or has his/her registration revoked may request a conference with the Executive Director. The request shall be in writing, shall state why the denial or revocation was improper, shall give the address to which notice of conference is to be sent, and shall be delivered to the Executive Director within fourteen (14) days of the denial or revocation of consent. The Executive Director shall promptly mail a written notice of the date, time, and place of the conference to the person who requested the conference. A conference with the Executive Director shall be held within seven (7) days after the Executive Director receives the request. If no resolution can be agreed upon, the Executive Director shall forward notice of the complaint to the Board of Directors. The Board of Directors shall address the Complaint at the next regular board meeting and make a final determination.

12. At each entrance to the campus, signs shall be posted specifying the hours during which registration is required, stating where the office of the Executive Director or designee is located, and what route to take to that office, and setting forth the penalties for violation of this policy.
13. The Executive Director or designee shall seek the assistance of the police in managing or reporting any visitor in violation of this Policy.

Penalties

1. Pursuant to the California Penal Code, if a visitor does not leave after being asked or if the visitor returns without following the posted requirements after being directed to leave, he/she will be guilty of a crime as specified which is punishable by a fine of up to \$500.00 (five hundred dollars) or imprisonment in the County jail for a period of up to six (6) months or both.
2. Under California Education Code section 44811, disruption by a parent, guardian or other person at a school or school sponsored activity is punishable, upon the first conviction by a fine or no less than \$500.00 (five hundred dollars) and no more than \$1,000.00 (one thousand dollars) or by imprisonment in a County jail for no more than one (1) year, or both the fine and imprisonment.
3. Disruptive conduct may lead to pursuit of a restraining order against a visitor, which would prohibit him/her from coming onto school grounds or attending school activities for any purpose for a period of up to three (3) years.

Drop-off And Pick-up Policy

Pick up



Drop off



Flow of Traffic – Drop Off

Every day of the week parents must enter campus through the WEST GATE on E Street. Please pull your car all the way forward to allow for the maximum amount of parents to do drop off. Staff greeters are there to help your children get out of the car and safely walk to line up. Once you depart campus, make a right on Jefferson Avenue and loop around to exit the area. Please note: You may only make a right hand turn when going back onto E Street.

Pickup

Eldest siblings of students at HGCS should pick up their younger sibling(s) and wait at the youngest siblings pickup spot. All students will wait with a teacher

outside in a designated area for pickup by parents/guardians. All guardians/parents must be on the authorized pickup list.

For the safety of your child, if you need to have someone else them up on particular day or an ongoing basis, please call the school to receive clearance. Students not attending the afterschool program 6 to 6 must be picked up no later than 3:45pm. All students are welcome to participate in this before/ after school program. Please sign up before leaving your student after school. Please note that California law requires all children under the age of 8 to be in booster seats.

Parents walking westbound on E Street please cross over the EAST GATE entrance, following the instructions of the traffic duty personnel and enter only the WEST GATE. Do the same upon departure, exiting only from the WEST GATE and following the sidewalk east – obeying all signs from the Traffic Duty Personnel.

Flow of Traffic – Pickup

TK & Kindergarten parents may enter school through the E Street (WEST GATE) and park (3:00 – 3:30 pm). If you choose to park, all vehicles must move to an alternate location no later than 3:30pm due to after-school activities. Alternatively, parents may circle around to pickup their children. When exiting campus, all parents must only make a right turn (West) on E Street. This is an extremely busy street with multiple angles.

1st – 6th Grade parents enter school through the E Street (WEST GATE) and park (3:30 – 3:45 pm). If you choose to park, all vehicles must move to an alternate location no later than 3:45pm due to after-school activities. Alternatively, parents may circle around to pickup their children. When exiting campus, all parents must only make a right turn (West) on E Street. This is an extremely busy street with multiple angles.

7th – 8th Grade parents proceed down Jefferson Avenue, pickup their children and loop around making ONLY A RIGHT TURN on E Street when exiting.

Biking: Students who ride bicycles to school must use extreme caution around the heavy traffic in the area. We recommend students ride bikes on the sidewalk and – by law – they must “go with the flow,” always riding in the direction the cars are traveling. HGCS does not assume any responsibility for bikes parked at school.

Safe and Orderly Environment/Disciplinary Procedures

Howard Gardner Community School maintains a safe and orderly learning environment by, among other things, enforcing its rules and procedures on student discipline as set forth in this safety plan and in the Student Handbook.

Howard Gardner Community School students are required to adhere to the Student Code of Conduct, which is included in the Student Handbook.

Reporting of Dangerous, Violent, or Unlawful Activities

Howard Gardner Community School takes its role in providing a safe and trusted learning environment very seriously. If any student, family member, or member of Howard Gardner Community School's extended community learns of any dangerous, violent, or unlawful activity that they believe has occurred, is occurring, or may occur at the school or at or near any school-sponsored or school-related event or location, they are strongly encouraged to report that activity—anonously if necessary—to the Executive Director.

A report can be sent by a legible written note, by email, or by telephone to the following: Kat Shaw, 619 934 0300. Reports should include place, time, the general nature of the activity being reported, whether any life-threatening activity or weapons are involved, and any other important details. Any report of activity that imminently threatens or involves an imminent potential loss of life should first be made to 9-1-1, immediately.

Howard Gardner Community School shall promptly review every report received as soon as possible, shall make a record of every report received, and shall make a reasonable inquiry into each, as necessary, to ensure to the greatest reasonable extent that no dangerous, violent, or unlawful act occurs at any school-related or school-sponsored event, or on school-provided transportation to any such event. The investigatory response taken by the school and actions taken will be logged as well.

Response to Apparent Opioid Overdose

Opioid Overdose Response Protocol

STEP 1: Evaluate for Signs of Overdose.

- a. All employees will be trained to recognize the following signs of an opioid overdose:
 - Unconsciousness or inability to awaken;
 - Slow or shallow breathing or breathing difficulty, such as choking sounds or a gurgling/snoring noise from a person who cannot be awakened; and
 - Fingernails or lips turning blue/purple.
- b. If any person is suspected of suffering an overdose, any employee shall first attempt to stimulate the person by:
 - Calling the person's name;
 - Then, vigorously grinding knuckles into the sternum (breastbone) or rub knuckles on the person's upper lip.
- c. If the person responds, assess whether he or she can maintain responsiveness and breathing.
- d. Continue to monitor the person, including breathing and alertness, and try to keep the person awake and alert.
- e. If unresponsive, call 911, provide rescue breathing if the person is not

breathing on their own, and otherwise follow 911 operator instructions until emergency responders arrive.

STEP 2: Call 911. Calling 911 at the appropriate time is an essential step to getting someone with medical expertise to care for the person suspected of experiencing an opioid overdose. If no emergency medical services (EMS) or other trained personnel are on campus, activate the 911 emergency system immediately. All that needs to be reported is “Someone is unresponsive and not breathing” and then report the specific address and/or description of the location on the campus where the person is located. After relaying this information, follow the dispatcher’s instructions. If appropriate, the 911 operator will instruct you to begin CPR and implement rescue breathing. Follow these and all instructions given by 911 operators until emergency responders arrive.

STEP 3: Support the Person’s Breathing. Supporting breathing is an important intervention and may be lifesaving on its own. Rescue breathing can be very effective in supporting respiration, and chest compressions can provide ventilatory support. If trained to perform rescue breathing and comfortable doing so, it is recommended that you administer it to someone experiencing opioid overdose symptoms if they are having difficulty breathing. If you are not trained in rescue breathing or are not comfortable administering rescue breathing, call for help from school medical personnel, if any, or other individuals who may be trained in rescue breathing or other emergency medical response techniques.

- a. Rescue breathing for adults involves the following steps:
 - Be sure the person’s airway is clear (check that nothing inside the person’s mouth or throat is blocking the airway).
 - Place one hand on the person’s chin, tilt the head back, and pinch the nose closed.
 - Place your mouth over the person’s mouth to make a seal and give two slow breaths.
 - Watch for the person’s chest (but not the stomach) to rise.
 - Follow up with one breath every 5 seconds.
- b. Chest compressions for adults involve the following steps:
 - Place the person on his or her back.
 - Press hard and fast on the center of the chest.
 - Keep your arms extended.

STEP 4: Assist Emergency Responders. After emergency responders arrive on site, assist them with any requests they may have while tending to the individual experiencing the overdose. Keep other students and unnecessary persons out of the way and make sure the path is clear to the individual needing emergency assistance and back to an ambulance, if necessary. Continue to comply with 911 operator instructions until told to hang up.

DO's and DON'T's:

DO attend to the person's breathing and cardiovascular support needs by administering oxygen or performing rescue breathing and/or chest compressions.

DO put the person in the "recovery position" on the side, if you must leave the person unattended for any reason.

DO stay with the person and keep them warm.

DON'T slap or forcefully try to stimulate the person; it will only cause further injury. If you cannot wake the person by shouting, rubbing your knuckles on the sternum, or light pinching, the person may be unconscious.

DON'T put the person into a cold bath or shower. This increases the risk of falling, drowning, or going into shock.

DON'T try to make the person vomit drugs that may have been swallowed. Choking or inhaling vomit into lungs can cause a fatal injury.

Appendix A: Suspension and Expulsions:

Howard Gardner Community Charter School Pupil Suspension and Expulsion Policy has been established in order to promote learning and protect the safety and well-being of all students at Howard Gardner Community Charter School. In creating this policy, Howard Gardner Community Charter School has reviewed Education Code Section 48900 et seq. which describes the non charter schools' list of offenses and procedures to establish its list of offenses and procedures for suspensions and expulsions. The language that follows closely mirrors the language of Education Code Section 48900 et seq. Howard Gardner Community Charter School is committed to annual review of policies and procedures surrounding suspensions and expulsions and, as necessary, modification of the lists of offenses for which students are subject to suspension or expulsion.

When the Policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. This policy shall serve as HGCS's policy and procedures for student suspension and expulsion and it may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements.

School staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This policy and its procedures will be printed and distributed as part of the Student Handbook and will clearly describe discipline expectations, as well as posted on our website and review with students during the 1st month of school.

Discipline includes but is not limited to advising and counseling students, conferring with parents/guardians, support or 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.

HGCS administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline policies and procedures.

Suspended or expelled students shall be excluded from all school and school-related activities unless otherwise agreed during the period of suspension or expulsion at the sole discretion of the Executive Director.

A student identified as an individual with disabilities or for whom the School has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities in Education Act ("IDEA") 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. HGCS will follow Section 504, the IDEA, and all applicable federal and state laws including but not limited to the California Education Code, when imposing any form of discipline on a student identified as an individual with disabilities or for whom the School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students. HGCS shall notify the District of the suspension of any student identified under the IDEA (or for whom there may be a basis of knowledge of the same) or as a student with a disability under Section 504 and work with the District to ensure that all applicable laws related to discipline for students with be provided with the procedural protections as outlined below in this policy.

A. *Grounds for Suspension and Expulsion of Students*

A student may be suspended or expelled for prohibited misconduct if the act is related to school activity or school attendance occurring at the School or at any other school or a School sponsored event at any time including but not limited to: a) while on school grounds; b) while going to or coming from school; c) during the lunch period, whether on or off the school campus; d) during, going to, or coming from a school-sponsored activity.

B. *Enumerated Offenses*

1. Discretionary Suspension Offenses. Students may be suspended for any of the following acts when it is determined the pupil:
 - a. Caused, attempted to cause, or threatened to cause physical injury to another person.
 - b. Willfully used force or violence upon the person of another, except self-defense.
 - c. Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind.
 - d. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.
 - e. Committed or attempted to commit robbery or extortion.
 - f. Caused or attempted to cause damage to school property or private property.
 - g. Stole or attempted to steal school property or private property.
 - h. Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section

- does not prohibit the use of his or her own prescription products by a pupil.
- i. Committed an obscene act or engaged in habitual profanity or vulgarity.
 - j. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
 - k. 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.
 - l. Knowingly received stolen school property or private property.
 - m. 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.
 - n. Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.
 - o. 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.
 - 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 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 mental harm to a former, current, or prospective pupil. For purposes of this section, “hazing” does not include athletic events or school- sanctioned events.
 - r. Made terroristic 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 property, or the personal property of the person threatened or his or her immediate family.
 - s. 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 4 to 12, inclusive.

- t. Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- u. 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 4 to 12, inclusive.
- v. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.

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

- i. Placing a reasonable student (defined as a student, including, but is not limited to, a student with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
- ii. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
- iii. Causing a reasonable student to experience substantial interference with his or her academic performance.
- iv. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.

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

- i. A message, text, or email.
- ii. A message, text, sound, or image.
 - (a) Posting to or creating a burn page. A "burn page" means an Internet Web site created for the purpose of having one or more of the effects as listed in subparagraph (1)

above.

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

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

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

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

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

2. Non-Discretionary Suspension Offenses: Students must be suspended and recommended for expulsion for any of the following acts when it is determined the pupil:

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

If it is determined by the Board of Directors that a student has brought a fire arm or destructive device, as defined in Section 921 of Title 18 of the United States Code, on to campus or to have possessed a firearm or dangerous device on campus, the student shall be expelled for one year, pursuant to the Federal Gun Free Schools Act of 1994.

The term "firearm" means (A) any weapon (including a starter gun) which will or is

designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

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

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

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 Executive Director (or administration designee) with the student and his or her parent and, whenever practical, the teacher, supervisor or school employee who referred the student. The conference may be omitted if the Executive Director (or administration 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 conference, both the parent/guardian and student shall be notified in writing of the student's right to return to school for the purpose of the 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 the suspension, the Executive Director (or administration 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. Parents can appeal the suspension within five days in writing to the Executive Director or Administrative designee.

3. Suspension Time Limits/Recommendation for Placement/Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five

(1) consecutive school days per suspension. Upon a recommendation of expulsion by the Executive Director the pupil and the pupil's guardian or representative will be invited to a hearing if the suspension for the pupil should be extended pending an expulsion hearing. This determination will be made by the Administrative Team (and/or Executive Director) 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.

4. Returning from a suspension: To support a student's return to the learning environment after causing harm, a focused learning activity may be assigned in a designated area. This activity will help the student reflect and prepare for a restorative conference.

meet with the person they impacted to discuss the incident, its impact, and how to move forward. Successful participation in this conference allows the student to rejoin their regular classroom.

D. Authority to Expel

A student may be expelled by the Board 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. The Administrative Panel may recommend expulsion of any student found to have

committed an expellable offense.

E. Expulsion Procedures

Students recommended for expulsion will participate in a hearing to gather information to present to the Board of Directors. Unless postponed for good cause, the hearing shall be held within thirty

(30) school days after the Executive 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 Board for a final decision whether to expel. Howard Gardner Community Charter School' Board decision is final. The hearing shall be held in closed session (complying with all pupil confidentiality rules under FERPA) 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 the specific facts, charges and offenses upon which the proposed expulsion is based;
3. A copy of the School'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 Charter 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 for Expulsion Hearings Involving Sexual Assault or Battery Offenses

The School may, upon a finding of 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 School 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.

1. 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 non-attorney advisor, and (c) elect to have the hearing closed while testifying.
2. The School must also provide the victim a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.
3. At the discretion of the entity 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.
4. The entity conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.
5. The entity 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.
6. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the Hearing Officer from removing a support person whom the presiding person finds is disrupting the hearing. The entity conducting the hearing may permit any one of the support persons for the complaining witness to accompany him or her to the witness stand.
7. If one or both of the support persons is also a witness, the School must present evidence that the witness' presence is both desired by the witness and will be helpful to the School. 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.

8. 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.
9. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in 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 no alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.
10. 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, or other support person including a non-attorney. 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 and decision by the Board to expel must be supported by substantial evidence that the student committed an expellable offense.

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 Board or Administrative Panel 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 expelled 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 Board who will make a final determination regarding the expulsion. The final decision by the Board shall be made within ten (10) school days following the conclusion of the hearing. The decision of the Howard Gardner Community Charter School Board is final.

If the Administrative Panel decides not to recommend expulsion, the pupil shall immediately be returned to his/her educational program.

I. Written Notice to Expel

The Executive Director or designee following a decision of the Board to expel shall send written notice of the decision to expel, including the Board'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 the School.

The Executive Director or designee shall send a copy of the written notice of the decision to expel to the District. This notice shall include the following:

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

Additionally, in accordance with Education Code Section 47605(d)(3), upon expulsion of any student, HGCS shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card and health information.

J. Disciplinary Records

The School shall maintain records of all student suspensions and expulsions

at the School. 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 HGCS as Howard Gardner Community Charter School Board's 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

Students who are expelled from HGCS shall be given a rehabilitation plan upon expulsion as developed by the 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 HGCS 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 CEO and Executive Director. The pupil's readmission is also contingent upon the Charter School's capacity at the time the student seeks readmission.

O. Special Procedures for the Consideration of Suspension and Expulsion of Students with Disabilities

1. Notification of SELPA

HGCS shall immediately notify the SELPA and coordinate the procedures in this policy with the SELPA for the discipline of any student with a disability or student who HGCS or the SELPA would be deemed to have knowledge that the student had a disability.

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/504 Plan; 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, HGCS, the parent, and relevant members of the IEP/504 Team shall review all relevant information in the student's file, including the child's IEP/504 Plan, any teacher observations, and any relevant information provided by the parents 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 HGCS in question was the direct result of the local educational agency's failure to implement the IEP.

If HGCS, the parent, and relevant members of the IEP/504 Team determine that either of the above is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability.

If HGCS, the parent, and relevant members of the IEP/504 Team make the determination that the conduct was a manifestation of the child's disability, the IEP/504 Team shall:

- a) Conduct a functional behavioral assessment or a functional analysis assessment, and implement a behavioral intervention plan for such child, provided that HGCS 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 and HGCS agree to a change of placement as part of the modification of the behavioral intervention plan.

If HGCS, the parent, and relevant members of the IEP/504 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/504 Plan, then HGCS 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 of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or HGCS 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 or by utilizing the dispute provisions of the 504 Policy and Procedures.

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or HGCS, 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 and HGCS agree otherwise.

5. Special Circumstances

Charter School 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 Executive 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

- 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 IEP/504 Team shall determine the student's interim alternative educational setting.

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 IDEA and who has violated the School's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if HGCS had knowledge that the student was disabled before the behavior occurred.

HGCS 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 Charter School 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 has requested an evaluation of the child.
- c) The child's teacher, or other Charter School personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education or to other Charter School supervisory personnel.

If HGCS 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 IDEA-eligible children with disabilities, including the right to stay-put.

If HGCS had no basis for knowledge of the student's disability, it shall proceed with the proposed discipline. HGCS shall conduct an

expedited evaluation if requested by the parents; however the student shall remain in the education placement determined by HGCS pending the results of the evaluation.

HGCS shall not be deemed to have knowledge that the student had a disability if the parent has not allowed an evaluation, refused services, or if the student has been evaluated and determined to not be eligible.