



Safety Operations Plan 2016 - 2017

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Safety Operations Plan

The California Montessori Project's Plan for Ensuring a Safe, Healthy and Productive Learning Environment for our Stakeholders.

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Safety Operations Plan Annual Review

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Governing Board Approval

California Montessori Projects Safety Operations Plan was developed collaboratively with all CMP sites and approved by the CMP Governing Board on February 8, 2016.

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Safety Operations Plan

Preface

California public schools are required to comply with California Education Code (CEC), Section 35294, and dealing with the preparation of "safe school plans." In keeping with this task California Montessori Project (CMP) developed a Comprehensive School Safety Plan which includes a Site Emergency Response Plan and will help guide the CMP school administrators with their safety and response plans. Each of these plans will address policies and procedures, hazard prevention, emergency preparedness, response and recovery. These plans adopt both the framework of the National Incident Management System (NIMS) and the model of the Standardized Emergency Management System (SEMS), developed by the State of California and are designed to centralize, organize and coordinate emergency response among various CMP organizations and public agencies. NIMS/SEMS provide an effective framework for managing emergencies ranging from minor incidents to major earthquakes.

Mission

CMP's mission for the *Safety Operations Plan* is to provide a *Comprehensive Safety Plan* and a *Site Emergency Response Plan* for ensuring a safe, healthy and productive learning environment for all stakeholders.

CMP's Safe School Vision

1. CMP will provide a safe, orderly and secure environment to learning.
2. CMP will create a school in which students will attend regularly and be safe from both physical and social-psychological harm.
3. CMP will solicit the participation and views of stakeholders to promote a safe and healthy environment.
4. CMP will develop a plan to work cooperatively and collaboratively with parents, students, staff, administrators and community agencies to provide a safe and orderly school and neighborhood.
5. CMP will provide training opportunities to staff and students which will promote preparedness in the event of an emergency.

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1-10-1	Campus Specific Drop off and Pick up procedures and/or map
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Plan 1: Comprehensive School Safety Plan

Introduction to the Comprehensive School Safety Plan

State law requires schools to develop a comprehensive safety plan to address the policies and procedures in place that provide for a safe, orderly, school environment conducive to learning (California Education Code 32280 through 32289). The Comprehensive School Safety Plan will describe programs put in place by California Montessori Project (CMP) to assist in offering a safe environment for all stakeholders.

Comprehensive School Safety Plans must include the following elements:

1. School Climate: Assessment of school crime committed on school campuses and at school-related functions
2. Child Abuse Reporting Procedures
3. Behavior and Discipline Procedures
4. Suspension and Expulsion Policies
5. Teacher Notification of Dangerous Students
6. Sexual Harassment and Discrimination Policy
7. Dress Code
8. Peace Education / Anti-Bullying Policy
9. Safe and Orderly Learning Environment
10. Procedures of Safe Ingress and Egress

The Safety Operations Plan will be reviewed and updated by March of each year. Every year, the school will report on the status of its site safety plan including a description of its key elements in the annual school accountability report card (SARC).

Small school districts (with an enrollment of 2,500 students or less) may develop a comprehensive school safety plan to encompass all schools within the district, which would fulfill each individual school's comprehensive safety plan requirement. It is not required that small school districts have their safety plans developed or approved by site councils or designated safety committees; the plans must only be approved by the Governing Board. However, a district plan should be developed in cooperation with local law enforcement agencies, community leaders, parents, pupils, teachers, administration, and others who may be interested in the prevention of campus crime and violence.

For best practices, CMP has chosen to implement a Safety Operations Plan which consists of a Comprehensive School Safety Plan and a Site Emergency Response Plan specific to each site.

CMP recognizes students and staff have the right to a safe and secure campus where they are free from physical and psychological harm. The Board is fully committed to maximizing school safety and creating a positive learning environment which teaches strategies for violence prevention and emphasizes high expectations for student conduct, responsible behavior, and respect for others.

The Governing Board shall review the Safety Operations Plan and individual site safety plans in order to ensure compliance with state law, Board policy and administrative regulation. Approval of the plans shall occur annually at a regularly scheduled meeting.

A copy of the Safety Operations Plan shall be available for review in each school site's administration office, the Central Administration office and online at www.cacmp.org.

Plan 1: Section 1: School Climate

Plan 1: Section 1: School Climate

Leadership at CMP is a shared process. A proactive role is assumed in all phases of the school operation. CMP Administration is committed to developing CMP toward excellence in the areas of academic and social behavior.

There is a high level of cohesiveness among CMP staff members. Cooperation and support between teachers and the administration is evident. Efforts are made by the administration and staff to show concern for all pupils.

All pupils are expected to behave in a manner which promotes safety and order. Pupils are encouraged to bring problems to any CMP staff member. The everyday goal is for the staff to be proactive rather than reactive in all situations of concern. CMP provides professional development for staff members to maintain a proactive approach in providing a safe learning environment.

1.1.1 The Site Safety Committee will do an assessment, Appendix 1-1-1, of current status of school crime at the school campus or school-related functions. They will review the following reports and statistics to assess possible crime rates at the school campus:

- a. Local Law Enforcement Crime Data
- b. Attendance Rates
- c. Suspension/Expulsion Data
- d. Property Damage Data

1.1.2 The Site Safety Committee will identify appropriate strategies to maintain a high level of school safety, Appendix 1-1-2.

Plan 1: Section 2: Child Abuse Reporting and Procedures

Plan 1: Section 2: Child Abuse Reporting and Procedures

1.2.1 Child Abuse Reporting

The Governing Board recognizes CMP has a responsibility to protect students by facilitating the prompt reporting of known and suspected incidents of child abuse and neglect. The Executive Director or designee shall establish procedures for the identification and reporting of such incidents in accordance with law.

Section 11166.5 of the California Penal Code states, in part:

Any person who enters into employment on or after January 1, 1985, as a child care custodian, medical practitioner, or nonmedical practitioner,... prior to commencing his or her employment, and as a prerequisite to that employment, shall sign a statement on a form provided to him or her by his or her employer to the effect that he or she has knowledge of the provisions of Section 11166 and will comply with its provisions.

Section 11166 of the California Penal Code states, in part:

...any child care custodian, medical practitioner, nonmedical practitioner..., who has knowledge of or observes a child in his or her professional capacity of within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of a 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 36 hours of receiving the information concerning the incident.

Section 11166.5 of the California Penal Code defines a "child care custodian" as:

... teachers, administrative officers, supervisors of child welfare and attendance, or certificated pupil personnel employees of any public or private school; ... licensed day care workers; administrators of community care facilities licensed to care for children, headstart teachers; ... and social workers.

The California Penal Code, Section 11172(a) provides that mandated reporters are IMMUNE FROM LIABILITY, as provided, in part, as follows:

No child care custodian who reports a known or suspected instance of child abuse shall be civilly or criminally liable for any report required or authorized by this article.

The California Penal Code Section 11172(b) provides penalties for FAILURE TO REPORT as follows:

Any person who fails to report an instance of child abuse which he or she knows exists or reasonably should know to exist, as required by this article, is guilty of a misdemeanor and is punishable by confinement in the county jail for a term not to exceed six months or by a fine of not more than one thousand (\$1,000.00) or by both.

Effective January 1, 2015, Assembly Bill 1432 requires all school districts, county offices of education, charter schools, state special schools and Department of Education diagnostic centers to provide annual training to their employees in child abuse detection and mandatory reporting obligations under the Child Abuse and Neglect Reporting Act ("CANRA").

In the education setting, "mandated reporters" include all certificated and classified employees, administrators, athletic coaches and school resources officers. The School is also required to develop a process to provide proof that employees received training. Under AB 1432, school districts and county offices of education are required to provide child abuse reporting training to all employees within the first six week of each school year. Any new employees hired during the school year must complete the training and provide proof of completion within the first six weeks of their employment. Each employee must submit proof that he or she has completed the training during the designated time frame.

The training must cover child abuse and neglect detection, mandated reporting requirements and procedures, and notice that the failure to report an incident of known or reasonably suspected child abuse or neglect is a misdemeanor punishable by up to six months in jail, a fine of \$1,000, or both. The California State Department of Social Services, with input from the California Department of Education (CDE), has developed an online training module that satisfies these requirements. CMP has chosen to use the online training program for its employees.

1.2.2 Child Abuse Reporting Procedures

Any employee who knows or reasonably suspects a child has been the victim of child abuse shall report the instance to a child protective agency. School employees are required to report an instance of child abuse when the employee has a "reasonable suspicion" that child abuse has occurred. Reasonable suspicion arises when the facts surrounding the incident or suspicion could cause another person in the same situation to suspect child abuse and does not require specific proof of such abuse.

Child abuse should be reported immediately by phone to a child protective agency. The phone call is to be followed by a written report within thirty-six (36) hours. There is no duty for the reporter to contact the child's parents. If a child is released to a peace officer or a child protective agency agent, the reporter shall not notify the parent as required in other instances of removal.

Child abuse is broadly defined as "a physical injury that is inflicted by other than accidental means on a child by another person." Child abuse can take the following several forms:

- Sexual abuse: Sexual abuse means, in general, sexual assault or sexual exploitation. Sexual abuse does not include children who voluntarily engage in sexual activity with children of a similar age. Pregnancy of a minor does not, in and of itself, constitute suspicion of child abuse.
- Neglect: Neglect occurs when a child's custodian has failed to provide adequate "food, clothing, shelter, medical care, or supervision" that may or may not have resulted in any physical injury.

- Unlawful corporal punishment: Unlawful corporal punishment occurs when any person willfully harms or injures a child to such a degree that results in a traumatic condition.
- Willful cruelty or unjustifiable punishment: Child abuse also includes the situation where any "person willfully causes or permits any child to suffer "unjustifiable pain or mental suffering" or when any person endangers a child's health.

Child protective agencies responding to incident reports are prohibited from disclosing a reporter's identity to a reporter's employer.

Any person failing to report child abuse as required by law is guilty of a misdemeanor.

"Child Visitation Monitor" means any person as defined in Section 11165.15.

The signed statements shall be retained by the employer, or the court, as the case may be. The cost of printing, distribution, and filing of these statements shall be borne by the employer or the court.

This subdivision is not applicable to persons employed by child protective agencies, public or private youth centers, youth recreation programs, and youth organizations as members of the support staff or maintenance staff and who do not work with, observe, or have knowledge of children as part of their official duties.

(b) On and after January 1, 1986, when a person is Issued a state license or certificate to engage in a profession or occupation the members of which are required to make a report pursuant to Section 11166, the state agent issuing the license or certificate shall send a statement substantially similar to the one contained in subdivision (a) the person at the same time as it transmits the document indicating licensure or certification to the person. In addition to the requirements contained in subdivision (a), the statement shall also indicate that failure to comply with t[requirements of Section 11166 is a misdemeanor, punishable by up to six months in Jail or by a fine of one thousand dollars (\$1,000) or by both that imprisonment and fine.

(c) As an alternative to the procedure required by subdivision (b), a state agency may cause the required statement to be printed on all application forms for a license or certificate printed on or after January 1, 1986.

(d) On and after January 1, 1993, any child visitation monitor, as defined In Section 11185.15, who desires to act in that capacity shall have received training in the duties imposed by this article, including training in child abuse identification and child abuse reporting. The person, prior to engaging in monitoring the first visit in a case, shall sign a statement on a form provided to him or her by the court which ordered the presence of that third person during

the visit, to the effect that he or she has received this training. This statement may be included in the statement required by subdivision (a) or it may be a separate statement. This statement shall be filed, along with the statement required by subdivision (a), in the court file of the case for which the visitation monitoring is being provided. (Amend. Stats 992, Ch. 459)

P.C. 11167 Telephone Reports

(a) A telephone report of a known or suspected instance of child abuse shall include the name of the person making the report, the name of the child, the present location of the child, the nature and extent of the injury, and any other information, including information that led such person to suspect child abuse, requested by the child protective agency.

(b) Information relevant to the incident of child abuse may also be given to an investigator from a child protective agency who is investigating, the known or suspected case of child abuse.

(c) Information relevant to the incident of child abuse may be given to the licensing agency when it is investigating a known or suspected case of child abuse, including the investigation report, and other pertinent materials.

(d) The identity of all persons who report under this article shall be confidential and disclosed only between child protective agencies, or to counsel representing a child protective agency, or to the district attorney in a criminal prosecution or in an action initiated under Section 602 of the Welfare and Institutions Code arising from alleged child abuse, or to counsel appointed pursuant to subdivision (c) of Section 317 of the Welfare and Institutions Code, or to the county counsel or district attorney in an action initiated under Section 232 of the Civil Code or Section 300 of the Welfare and Institutions Code, or to a licensing agency when abuse in out-of-home care is reasonably suspected or When those persons waive confidentiality, or by court order.

11166.5 Knowledge of Provisions Regarding Reporting

(a) On and after January 1, 1985, any person who enters into employment as a child care custodian, health practitioner, or with a child protective agency, prior to commencing his or her employment, and as a prerequisite to that employment, shall sign a statement on a form provided to him or her by his or her employer to the effect that he or she has knowledge of the provisions of Section 11166 and will comply with those provisions.

On and after January 1, 1993, any person who acts as a child visitation monitor, as defined in Section 11165.15, prior to engaging in monitoring the first visit in a case, shall sign a statement on a form provided to him or her by the court which ordered to presence of third person during the visit, to the effect that he or she has knowledge of the provisions of Section 11166 and will comply with those provisions.

The statement shall include the following provisions:

Section 11166 of the Penal Code requires any child care custodian, health

practitioner, or employee of a child protective agency 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 36 hours of receiving the information concerning the incident.

"Child care custodian" includes teachers; an instructional aide, a teacher's aide, or a teacher's assistant employed by any public or private school, who has been trained in the duties imposed by this article, if the school district has so warranted to the State Department of Education; a classified employee of any public school who has been trained in the duties imposed by this article, if the school has so warranted to the State Department of Education; administrative officers, supervisors of child welfare and attendance, or certificated pupil personnel employees of any public or private school; administrators of a public or private day camp; administrators and employees of public or private youth centers, youth recreation programs, and youth organizations; administrators and employees of public or private organizations whose duties require direct contact and supervision of children and who have been trained in the duties imposed by this article; licensees, administrators, and employees of licensed community care or child day care facilities; headstart teachers; licensing workers or licensing evaluators; public assistance workers; employees of a child care institution including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities; social workers, probation officers, or parole officers; employees of a school district police or security department; or any person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in any public or private school; a district attorney investigator, inspector, or family support officer unless the investigator, inspector, or officer is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor; or a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of this code, who is not otherwise described in this section.

"Health practitioner" includes physicians and surgeons, psychiatrists, psychologists, dentists, residents, interns, podiatrists, chiropractors, licensed nurses, dental hygienists, optometrists, or any other person who is licensed under Division 2 (commencing with Section 500) of the Business and Professions Code; marriage, family and child counselors; emergency medical technicians I or II, paramedics, or other persons certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code; psychological assistants registered pursuant to Section 2913 of the Business and Professions Code; marriage, family or child counselor trainees as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code; state or county public health employees who treat minors for venereal disease or any other condition; coroners; paramedics; and religious practitioners who diagnose, examine, or treat children.

No agency or person listed in this subdivision shall disclose the identity of any person who reports under this Article to that person's employer, except with the employee's consent or by court order.

(e) Persons who may report pursuant to subdivision (d) of Section 11166 are not required to include their names. (Amend. Stats. 1992, Ch. 316)

Plan 1: Section 3: Behavior and Discipline Procedures

Plan 1: Section 3: Behavior and Discipline Procedures

The Montessori philosophy and educational model emphasizes respect for all individuals which is a key component in building a strong school community. Adults serve as models in the way they address the children. Lessons of "Grace and Courtesy" begin at the earliest grades, and students have the opportunity to learn peaceful ways to work through their conflicts. When issues and misbehaviors do occur, a positive discipline approach, based on respectful, relevant, and related consequences, is utilized.

The CMP staff is trained in positive discipline methods such as Love & Logic and Jane Nelsen's "Positive Discipline." The classroom curriculum includes Peace Education, with an emphasis on personal peace and tolerance of others' differences. Conflict resolution tools, such as the Peace Table, as well as Peer Mediation techniques, assist the children in learning these important life skills.

Elements of the B.E.S.T. (Building Effective Schools Together) program, a positive discipline approach are practiced at each site. Students are presented with lessons, which include scenarios for all areas of the school, discussing the reasons for safety, respect, and responsibility in those locations.

When a student is observed not following a rule, the child is asked if they know the rule and is then redirected to show the appropriate behavior. Only when a child repeatedly misbehaves are they referred to the school office and parents contacted. Data is collected to determine if further training is necessary for all of the students when issues occur often and by numerous students. The emphasis is on training and positive reinforcement for the desired behavior, as opposed to a punitive approach.

Physical violence will result in immediate action. Parents will receive a written notification (Incident Report), and a phone call made if it is deemed necessary. Students disrupting their classroom may be removed to do work in another room or in the office. Generally, once a child has completed a designated amount of work, they are invited to return to their own classroom.

Communicating with parents is an important element in building a team of staff and families. Phone calls and written notes or reports sent home are ways the school can keep parents informed about how their child is doing in the school environment. When necessary, parent/teacher conferences and meetings with the administrator will be scheduled to assist teachers and parents in finding the most beneficial ways to support a student's success at school.

When behavior which is unacceptable occurs, the following steps will be taken:

1. For minor incidents, staff will provide opportunities for re-direction and a chance to "try again."
2. Repeated offenses may initiate a progressive system of meetings starting with a conference between the parents/guardians and teachers.

3. Should the behavior(s) continue, a meeting may be scheduled with a campus administrator, the teacher(s), and the parents/guardians. Other school staff and family members may also be included if deemed appropriate. In this process, the team identifies concerns, works together on solutions, and creates an action plan. It is customary for follow-up meetings to take place to discuss progress or the need for additional interventions.
4. Serious incidents may lead to an immediate referral to a campus administrator. Parents/guardians will be notified by phone or in writing, and a suspension warning may be issued.
5. It may be deemed appropriate for the student to be placed in an alternate setting on campus for the school day (another classroom or in the school office).
6. Serious or repeated infractions may result in one or more days of suspension from school (refer to the following Suspension Policy).

Plan 1: Section 4: Suspension and Expulsion Procedures

Plan 1: Section 4: Suspension and Expulsion Procedures

SUSPENSION AND EXPULSION PROCEDURES

Governing Law: *The procedures by which pupils can be suspended or expelled. Education Code Section 47605(b)(5)(J).*

This Pupil Suspension and Expulsion Policy has been established in order to promote learning and protect the safety and well being of all students and staff at California Montessori Project ("Charter School"). In creating this policy, the Charter School has reviewed Education Code Section 48900 *et seq.* which describes the noncharter 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.* The 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 Charter School'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.

Staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This Policy and its Procedures will clearly describe discipline expectations, and it will be printed and distributed as part of the Student Handbook which is sent to each student at the beginning of the school year. The Charter School administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline policies and procedures.

Discipline includes but is not limited to advising and counseling students, conferring with parents/guardians, detention during and after school hours, use of alternative educational environments, suspension and expulsion.

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of or willfully causing the infliction of physical pain on a student. For purposes of the Policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to school property.

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

A student identified as an individual with disabilities or for whom Charter School has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act of 2004 ("IDEIA") or who is qualified for services under Section 504 of the

Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to regular education students except when federal and state law mandates additional or different procedures. Charter School will follow all applicable federal and state laws when imposing any form of discipline on a student identified as an individual with disabilities or for whom Charter 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.

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 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; or
- 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) (1) 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.

(2) Except as provided in Education Code Section 48910, pupil enrolled in kindergarten or any of grades 1 to 3, inclusive, shall not be suspended for any of the acts enumerated in this subdivision.
- 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 preinitiation 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 transmission 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, of a communication, including, but not limited to, any of the following:
- i. A message, text, sound, or image.
 - ii. A post on a social network Internet Web site including, but not limited to:
 - (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.
- b) Brandishing a knife at another person.
- c) Unlawfully selling a controlled substance listed in chapter 2 (commencing with section 11053) of Division 10 of the Health and Safety Code.
- d) Committing or attempting to commit a sexual assault as defined in subdivision (n) Section 48900 or committing sexual battery as defined in subdivision (n) of Section 48900.
- e) Causing serious physical injury to another person except in self-defense.
- f) Robbery or Extortion.
- g) Assault or battery, as defined in sections 240 and 242 of the Penal Code, upon a school employee.

3. **Discretionary Expellable Offenses:** Students may be recommended for expulsion 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 Sections 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) Knowingly received stolen school property or private property.
- l) 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.
- m) 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.
- n) 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.
- o) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- p) Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, "hazing" means a method of initiation or preinitiation 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.
- q) 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.

- r) 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.
- s) 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.
- t) 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.
- u) 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 transmission 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, of a communication, including, but not limited to, any of the following:
- i. A message, text, sound, or image.
 - ii. A post on a social network Internet Web site including, but not limited to:
 - (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.
- v) 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).
- w) 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.

4. Non-Discretionary Expellable Offenses: Students must be recommended for expulsion for any of the following acts when it is determined pursuant to the procedures below that 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.
 - b) Brandishing a knife at another person.
 - c) Unlawfully selling a controlled substance listed in chapter 2 (commencing with section 11053) of Division 10 of the Health and Safety Code.
 - d) Committing or attempting to commit a sexual assault as defined in subdivision (n) Section 48900 or committing sexual battery as defined in subdivision (n) of Section 48900.
 - e) Causing serious physical injury to another person except in self-defense.
 - f) Robbery or Extortion.
 - g) Assault or battery, as defined in sections 240 and 242 of the Penal Code, upon a school employee.

If it is determined by the Administrative Panel and/or 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. In such instances, the pupil shall be provided due process rights of notice and a hearing as required in this policy.

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.

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

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

This conference shall be held within two school days, unless the pupil waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization.

No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with school officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference.

2. Notice to Parents/Guardians

At the time of suspension, the Principal or designee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension and the date of return following suspension. This notice shall state the specific offense committed by the student. In addition, the notice may also state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent/guardian respond to such requests without delay.

3. Suspension Time Limits/Recommendation for Placement/Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension.

Upon a recommendation of expulsion by the Principal or Principal's designee, the pupil and the pupil's guardian or representative will be invited to a conference to determine if the suspension for the pupil should be extended pending an expulsion hearing. In such instances when the Charter School has determined a suspension period shall be extended, such extension shall be made only after a conference is held with the pupil or the pupil's parents, unless the pupil and the pupil's parents fail to attend the conference.

This determination will be made by the Principal or designee upon either of the following determinations: 1) the pupil's presence will be disruptive to the education process; or 2) the pupil poses a threat or danger to others. Upon either determination, the pupil's suspension will be extended pending the results of an expulsion hearing.

D. Authority to Expel

A student may be expelled either by the CMP Board following a hearing before it or by the CMP Board upon the recommendation of an Administrative Panel to be assigned by the CMP 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 member of the CMP Board. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense.

E. Expulsion Procedures

Students recommended for expulsion are entitled to a hearing to determine whether the student should be expelled. Unless postponed for good cause, the hearing shall be held within thirty (30) school days after the Principal 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 CMP Board for a final decision whether to expel. 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 in open session three (3) days prior to the date of the scheduled hearing.

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least ten (10) calendar days before the date of the hearing. Upon mailing the notice, it shall be deemed served upon the pupil. The notice shall include:

1. The date and place of the expulsion hearing;
2. A statement of specific facts, charges and offenses upon which the proposed expulsion is based;
3. A copy of Charter 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 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 Charter School may, upon finding a good cause, determine that the disclosure of either the identity of the witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations which shall be examined only by the Charter 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 legal counsel, and (c) elect to have the hearing closed while testifying.
2. The Charter 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 entity presiding over the hearing 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 Charter School must present evidence that the witness' presence is both desired by the witness and will be helpful to the Charter 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 the public at the request of the pupil being expelled, the complaining witness shall have the right to have his/her testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are not alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing by means of closed-circuit television.
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, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

G. Record of Hearing

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

H. Presentation of Evidence

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

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 CMP 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 CMP Board who will make a final determination regarding the expulsion. The final decision by the CMP Board shall be made within ten (10) school days following the conclusion of the hearing. The decision of the CMP 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 Principal or designee, following a decision of the CMP Governing Board to expel, shall send written notice of the decision to expel, including the CMP Governing 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 Charter School.

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

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

J. Disciplinary Records

The Charter School shall maintain records of all student suspensions and expulsions at the Charter 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 the Charter School as the CMP Board's decision to expel shall be final.

L. Expelled Pupils/Alternative Education

Parents/guardians of 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 the Charter School shall be given a rehabilitation plan upon expulsion as developed by the CMP 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 (1) year from the date of expulsion when the pupil may reapply to the Charter School 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 CMP Board following a meeting with the Principal and the pupil and guardian or representative to determine whether the pupil has successfully completed the rehabilitation plan and to determine whether the pupil poses a threat to others or will be disruptive to the school environment. The Principal shall make a recommendation to the CMP Board following the meeting regarding his or her determination. The CMP Board shall then make a final decision regarding readmission during the closed session of a public meeting, reporting out any action taken during closed session consistent with the requirements of the Brown Act. 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

The Charter School 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 the Charter School or 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 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, the Charter School, 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 the conduct in question was the direct result of the local educational agency's failure to implement the IEP/504 Plan.

If the Charter School, 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 the Charter School, 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 and implement a behavioral intervention plan for such child, provided that the Charter

School 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 the Charter School agree to a change of placement as part of the modification of the behavioral intervention plan.

If the Charter School, 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 the Charter School 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 the Charter School 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 the Charter school, the hearing officer shall determine whether 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 the Charter School 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 Principal 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 interim alternative educational setting shall be determined by the student's IEP/504 Team.

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

A student who has not been identified as an individual with disabilities pursuant to IDEIA and who has violated the School's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the Charter School had knowledge that the student was disabled before the behavior occurred.

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

If the Charter School had no basis for knowledge of the student's disability, it shall proceed with the proposed discipline. The Charter School shall conduct an expedited evaluation if requested by the parents; however the student shall remain in the education placement determined by the Charter School pending the results of the evaluation.

The Charter School 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.

Plan 1: Section 5:
Teacher Notification of Dangerous Students

Plan 1: Section 5: Teacher Notification of Dangerous Students

The Executive Director or designee, in accordance with law, shall ensure administrators, teachers, and all applicable staff shall be notified of students who may pose a danger in the classroom. All information regarding suspension and expulsion is **CONFIDENTIAL**, and shall not be shared with any unauthorized parties.

CMP shall define a potentially dangerous student as a pupil who has: (1) during the previous three school years, engaged in an act resulting in a suspension or expulsion (except actions concerning tobacco use) or (2) committed a crime reported to CMP by a family member, local law enforcement, court services, probation department or social services.

In the event CMP is provided information from a previous school or agency or becomes aware of such behavior during the course of the student's enrollment at CMP, this information shall be used to develop awareness, assign appropriate discipline consequences, assist in allocating resources, and may be a factor in determining which services are provided to the student or recommended to the parent/guardian.

Plan 1: Section 6:
Sexual Harassment and Discrimination Policy

Plan 1: Section 6: Sexual Harassment and Discrimination Policy

CMP is committed to providing a workplace free of sexual harassment, and any form of such harassment shall not be tolerated. CMP considers sexual harassment to be a major offense that may result in disciplinary action, up to and including dismissal, of the offending employee.

Sexual harassment consists of un-welcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

1. submission to that conduct is either made explicitly or implicitly a term or condition of an individual's employment;
2. an employment decision is based upon an individual's acceptance or rejection of that conduct;
3. that conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

It is also unlawful to retaliate or take reprisals in any way against an employee who has articulated a good faith concern about sexual harassment or discrimination against him or her or against another individual.

Staff shall annually receive trainings and/or instruction concerning sexual harassment in the workplace.

Any employee who believes that he or she has been sexually harassed or has witnessed sexual harassment is encouraged to immediately report such harassment to one of the Directors.

Sexual harassment may include, but is not limited to:

- Physical assaults of a sexual nature, such as:
 1. Rape, sexual battery, molestation or attempts to commit these assaults; and
 2. Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body.
- Unwanted sexual advances, propositions or other sexual comments, such as:
 1. Sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee who indicates or who has indicated in any way that such conduct is unwelcome in his or her presence;
 2. Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for

compensation or reward; and

3. Subjecting or threats of subjecting an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of the employee's sex.
- Sexual or discriminatory displays or publications anywhere at the workplace by employees, such as:
 1. Displaying pictures, cartoons, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning or pornographic, or bringing to the work environment or possessing any such material to read, display, or view at work.
 2. Reading publicly or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning, or pornographic; and
 3. Displaying signs or other materials purporting to segregate an employee by sex in any area of the workplace (other than restrooms and similar semi-private lockers and changing rooms).

The illustrations above are not to be construed as an all-inclusive list of prohibited acts under this policy.

Employees who wish to file a formal sexual harassment complaint may complete and submit a Sexual Harassment Complaint Form, located in Policies and Procedures Manual – Section V - Forms, or may obtain one from the office of one of the Site Director. Complaints may also be made to the Site Director or a member of the site council.

Complainants and witnesses under this policy will be protected from further harassment and will not be retaliated against in any aspect of their employment due to their participation in the filing of a complaint or the reporting of sexual harassment.

CMP will investigate complaints promptly and provide a written report of the investigation and decision within thirty (30) days of receipt of the complaint unless that time is extended for good cause.

All complaints of sexual harassment will be kept confidential and only those persons with a need to know of information or the identity of a complainant will receive such information. Individuals participating in a sexual harassment investigation will be advised that the matter is confidential and that retaliation in any form is prohibited.

Plan 1: Section 7: Dress Code

Plan 1: Section 7: Dress Code

In accordance with Governing Board policy and the Education Code 35183. 35183.5, 48907, 49066, and Code of Regulations Title 5, 302, both students and staff of the school campus have the constitutional right to be safe and secure in their schools. Students will come to school having paid proper attention to their personal cleanliness and neatness of dress.

1.7.1 POLICY

A student may not attend classes in a manner which:

1. Creates a safety hazard
2. Distracts from learning
3. Disrupts any school activity
4. The Administration reserves the right to determine:
 - a. Clothing or accessories which the Administration feels presents a threat to the students' well being or safety
 - b. Clothing, hairstyles, or accessories which are distracting or disruptive to the learning environment

1.7.2 GUIDELINES

The following are NOT permitted on campus:

1. Dresses and shorts which are shorter than mid-thigh
2. Spaghetti straps (smaller than 2" or the width of a credit card)
3. Tank tops (white, ribbed undershirts)
4. Clothing or accessories which are sexually provocative
5. Clothing or accessories which identify a student with non-school clubs, profanity, obscenity, reference to drugs, alcohol, tobacco, gangs (excessive color) or prison culture name insignia
6. Attire with writing that degrades individuals or groups
7. Body piercing that creates a safety hazard; moderate sized earrings are acceptable
8. Platform shoes or high heels over 2.5 inches high
9. No underwear or undergarment may be seen at any time
10. Tops must completely cover the midriff area at all times
11. Pants must be properly worn around the waist
12. No torn pants or jeans
13. Shoelaces must be tied
14. Sunglasses or hats may not be worn in the building, but may be worn outside to protect from the sun

1.7.3 Campus Dress Code

CMP Campuses may have a campus specific dress code.

Plan 1: Section 8: Peace Education/Anti-Bullying Policy

Plan 1: Section 8: Peace Education/Anti-Bullying Policy

CMP's Focus on a Peaceful School Environment (A proactive approach to prevent bullying in our schools)

The California Montessori Project recognizes that the role of the parent/guardian is paramount in developing civic values and ethical behavior in their children. Montessori curriculum is developed to encourage and support students in the further development of the civic values and ethical behaviors that support them to become responsible and caring citizens, family members, and workers within society. Character education is interwoven throughout the educational program and fosters qualities such as: honesty, respect for self, others and property, morality (understanding what is right, legal and ethical), responsibility, human dignity, empathy, justice, civility, courage, and concern for the common good. CMP encourages all students to participate in community service projects to learn the importance of giving back to their community.

The California Montessori Project believes in the dignity of all and that everyone, including students, families and staff, should be treated with dignity and respect. There is a great deal of diversity in the families we serve, and we strive to ensure that everyone feels welcome within our schools. Differences are celebrated! As a part of Cosmic Education (a study of each cosmic unit in relation to the whole), Maria Montessori was an advocate of Peace Education: the idea that the study and understanding of different cultures and societies would lead to acceptance and peace between nations. The breadth of the Montessori curriculum is designed to provide students with this exposure to a variety of cultures, societies, and beliefs, and to support students to be good citizens, as well as progressive and compassionate thinkers and high-level communicators.

In accordance with this aim, CMP will not tolerate behavior by students, families, staff or visitors which is insulting, degrading or stereotyping of any race, religion, gender, disability, physical characteristics, ethnic group, sexual preference, age, or nationality.

The Montessori philosophy and educational model emphasizes respect for all individuals which is a key component in building a strong school community. Adults serve as models in the way they address the children. Lessons of "Grace and Courtesy" begin at the earliest grades, and students have the opportunity to learn peaceful ways to work through their conflicts. When issues and misbehaviors do occur, a positive discipline approach, based on respectful, relevant and related consequences, is utilized.

The California Montessori Project staff is trained in positive discipline methods such as Love & Logic and Jane Nelsen's "Positive Discipline." The classroom curriculum includes Peace Education, with an emphasis on personal peace and tolerance of others' differences. Conflict resolution tools, such as the Peace Table, as well as Peer Mediation techniques, assist the children in learning these important life skills.

A team from each CMP campus, comprised of administration, teachers, and parents, has been trained to implement a Positive Discipline Approach through the B.E.S.T. Program (Building Effective Schools Together). Each campus has created a slogan emphasizing Safety, Respect, and Responsibility. Students are presented with lessons, which include scenarios for all areas of the school, discussing the reasons for safety, respect, and responsibility in those locations. Positive reinforcement is stressed, and students are "caught" following the rules and guidelines.

When a student is observed not following a rule, the child is asked if they know the rule and is then redirected to show the appropriate behavior. Only when a child repeatedly misbehaves are they referred to the school office and parents contacted. Data is collected to determine if further training is necessary for all of the students when issues occur often and by numerous students. The emphasis is on training and positive reinforcement for the desired behavior, as opposed to a punitive approach. If unacceptable school behavior is observed, the student will be subject to CMP's Student Discipline Policy. CMP creates a peaceful community for our students and family through a layered approach. Here is a quick list of how we ensure a peaceful school environment for our students-

- *Building Effective Schools Together* (BEST) Program incorporating classroom lessons and school wide assemblies that focus on Be Safe, Be Respectful, Be Responsible.
- Montessori Peace Education
- Assemblies from contracted agencies on bully prevention
- Peer mediation
- Low student to teacher ratio in the classroom and playground
- Multi Age classrooms which encourages peer mentoring
- Classroom morning meetings with opportunities for conflict resolution
- Jonathan Wolff's *Character Traits* Program
- Computer based cyber-bully prevention lessons
- School Communication (voice dialer, web site, regular school/classroom newsletters)
- Twice annual Parent/Teacher Conferences
- Parent Education Workshops
- Parent Volunteer program
- Administration is available via phone, email, or appointment to discuss any safety concerns.

Hazing, bullying, and harassment are degrading activities. To clarify, *hazing* is an activity by a group that is done to a person as a type of initiation into their "group". A *bully* is a person who is habitually cruel or overbearing, especially to a smaller or perceived weaker person. Bullying occurs both in person and/or through various forms of communication (Internet, notes, texting, social networking, etc.). *Sexual harassment* is when one student, staff member, or other individual makes sexually charged remarks at, about, or around another individual. These remarks may make others uncomfortable and are not acceptable. Other forms of *harassment* include, but are not limited to: name calling, throwing items at another person, taking someone else's possessions (i.e. backpacks, shoes, binder) and "hiding" or removing them from view, starting or facilitating rumors about individuals, physical intimidation, and making slurs or remarks intended to be insulting or derogatory. Any

student suspected of or caught participating in hazing, bullying, or harassing another student or staff member will be subject to disciplinary action as outlined in the CMP Family Handbook.

If a student is being bullied, hazed or harassed in any manner, it is essential that they report the incident and/or behavior to a staff member to receive support and guidance. Many comments and bullying type behavior can go on undetected by staff. For the issues to be properly addressed, they must be identified. Children are empowered to share their experiences directly through their classroom/ community meetings.

As stated previously, the California Montessori Project believes that all students have a right to a safe and healthy school environment. The organization, school, and community have an obligation to promote mutual respect, tolerance, and acceptance.

The California Montessori Project will not tolerate behavior that infringes on the safety of any student. A student shall not intimidate, harass, or bully another student through words or actions. Such behavior includes: direct physical contact, such as hitting or shoving; verbal assaults, such as teasing or name calling; and social isolation or manipulation.

CMP will provide staff development training in peace education/ conflict resolution/ bullying prevention. This will help to cultivate acceptance and understanding in all students and staff to build each individual CMP school's capacity to maintain a safe and healthy learning environment.

Teachers should discuss this policy with their students in an age appropriate manner and should assure them that they need not endure any form of bullying. Students who bully are in violation of this policy and are subject to disciplinary action up to and including expulsion.

The California Montessori Project expects staff, students, and parent/guardians to immediately report incidents of bullying. Reports may be made to any school employee either verbally, in writing, or through electronic communications such as email. Reports may also be made by completing the CMP Suspected Bully Incident Form and submitting it to the campus Principal, or designee. Staff who witness such acts should take immediate steps to intervene when safe to do so and should also utilize the CMP Suspected Bully Incident Form to document the bullying behavior.

Each complaint of bullying will be investigated by the campus Principal, or designee utilizing the CMP Bullying Response and Investigation Form. The campus Principal or designee will begin investigation into the bullying complaint within 1 school day. This policy applies to students on school grounds and during a school sponsored activity.

In summary:

- Any student who engages in bullying may be subject to disciplinary action up to and including expulsion, per the CMP Suspension and Expulsion Policy.
- Students are expected to immediately report incidents of bullying to a school employee, Principal, or designee.

- Students can rely on staff to investigate each complaint of bullying in a thorough and confidential manner.
- If the complainant student or the parent of the student feels the appropriate resolution of the investigation or complaint has not been reached, the student or the parent of the student should contact a teacher or the campus principle and/or utilize the CMP Dispute Resolution Policy or the CMP Uniform Complaint Policy and Procedure, if applicable.

Plan 1: Section 9:
Safe and Orderly Learning Environment

Plan 1: Section 9: A Safe and Orderly Environment for Learning

California Montessori Project (CMP) offers an environment which has the tools, programs, resources and support to enable students to become educated to high academic standards and to develop themselves to their fullest capacity as competent, happy, productive individuals, family members, workers, and contributors to a better society and a peaceful world.

This is achieved through a commitment from the community: parents, teachers, community groups, the legislature and, most importantly, the individual child.

CMP provides a Montessori curriculum, integrated with the California Common Core State Standards, for students ranging from Transitional Kindergarten/Kindergarten through eighth grade. CMP is committed to serving the best interest of the student. Parental participation is highly valued in terms of the contribution it makes to the child's education and the school community.

High academic standards and expectations of achievement, with emphasis on core subjects, are maintained through adherence to these values:

- Low student/teacher ratios
- Creative, passionate, progressive teachers who are committed to Montessori philosophy
- Responsibility, accountability, and freedom for individual student progress within the academic framework
- Challenges to develop critical reasoning, openness to encourage creativity, and opportunities to facilitate service
- High, unwavering standards of conduct, emphasizing respect for self and others, honesty, responsibility, courtesy, and safety
- Emphasis on collaboration, peer governance, problem-solving, and goal-setting according to developmental readiness
- High parental involvement and collaboration in education and governance

Core Beliefs

Dr. Montessori's fundamental goal was to prepare the child for the "real world" and recognized that each child is a unique individual with unique personal, social, and educational needs. As a result, interactions with individual children may be unique in nature. In response to this, CMP has chosen to adopt a "principles-based" approach to professional conduct and school-wide behavior management. Under such an approach, CMP staff members have met and agreed upon a common set of principles, which shall serve as the basis for all interactions and decisions that may arise within the school community.

Empirical research has shown us that people learn in two ways: through experience and by modeling. Recognizing that each person comes to our community with a different personality and a different set of life experiences, it is almost impossible to achieve total consistency of beliefs and actions within a staff. As we strive to acknowledge the unique

nature of each student and staff member, consistency is achieved when social, academic and professional decisions are handled in a manner consistent with an agreed set of principles. Thus staff members are encouraged to approach situations and decisions with the understanding that the coaching, counseling, and/or consequence implemented shall be consistent with the set of values and principles agreed upon by the staff as a whole.

The following list of core beliefs outlines the professional attitudes and actions of all staff members of this school:

1. Our professional attitude is a mindset with a core belief that our actions and our words should always maintain the dignity and respect of both child and adult.
2. Adults will model appropriate and respectful behavior for students and will guide students to solve their own problems in any way that does not create a problem for others.
3. Students will be given opportunities to make decisions and live with the consequences, both positive and negative. These experiences shall serve as valuable learning opportunities for our students.
4. Students will be given the opportunity to make decisions about issues which affect themselves. Outcome of choices, including misbehavior, will be handled with natural and/or logical consequences instead of punishment, whenever possible.
5. Outcomes of choices and misbehavior will be viewed as opportunities for individual problem solving and preparation for the real world. Staff acknowledges that misbehaviors are not necessarily a personal attack on school or staff and acknowledge other underlying personal or emotional issues may need to be considered.
6. In the event a consequence appears to be unfair, students are encouraged to request an opportunity to fully communicate their viewpoints and any additional facts regarding a situation with which they were involved.
7. School problems will be handled by school personnel. Criminal activity will be referred to the proper authorities.

**Plan 1: Section 10:
Procedures of Safe Ingress and Egress of Stakeholders**

Plan 1: Section 10: Procedures of Safe Ingress and Egress of Stakeholders

1.10.1 Drop Off and Pick Up Procedures

Due to traffic and facility configurations, each CMP campus has its own drop off and pick up procedures. In general, parents should plan to drop off their children at the designated location. Likewise, parents should plan to pick up their students at the end of the school day in the designated location to alleviate traffic and campus congestion. See Appendix 1-10-1 for a campus specific drop-off and pick-up procedures and/or map

1.10.2 Visitor Procedures

CMP uses continuing efforts to minimize the number of campus entrance and exit points used daily. Access to school grounds is supervised on a regular basis by individuals, such as campus staff who are familiar with the student body. Campus traffic, both pedestrian and vehicular, flows through areas which can be easily and naturally supervised. Delivery entrances used by vendors are also checked regularly.

To ensure the safety of students and staff and avoid potential disruptions, all visitors to the campus, except students of the school and staff members, must register immediately upon entering any school building or grounds when school is in session. Upon registering with the school office, visitors will receive a visitor's badge which is to be worn during the duration of their visit on the campus premises and returned to the office upon signing out of the campus.

The principal or designee may direct an individual to leave school grounds if he/she has a reasonable basis for concluding the person is likely to interfere with the peaceful conduct of school activities or the person has entered the campus with the purpose of committing a disruptive or unsafe act.