

Heartwood Charter School

Agenda for the Special Meeting of the Heartwood Charter School Board of Directors

Location: 170 Liberty School Road, Petaluma, CA 94930

Call in location: 55 Fire Rd, Woodacre, CA 94973

The meeting may be joined by phone: [\(US\) +1 305-224-1968](tel:+13052241968) Passcode: 956982

Or by video conference

Join Zoom Meeting: <https://us06web.zoom.us/j/85045056185?pwd=zUubYEPaM5kle3wflKrCdK2hTnBuWf.1>

Tuesday, September 24, 2024

9:30 AM Public Session

Call to Order

- I. Roll Call
- II. Agenda Adjustments and Approval
- III. Correspondence
- IV. Public Comment
- V. Reports and Information
 - A. Director's Report
 1. Staffing
 2. Academics
 - B. Finance Report
 1. Budget
- VI. Action Items
 - A. The Board will consider the personnel actions, and approve, defer or agree to study further.
 - B. The Board will consider the Unaudited Actuals Budget for 2023-24 and approve, defer or agree to study further.
 - C. The Board will consider the Memo of Understanding with the Girl Scouts of Northern California for the lease of the Bothin Resource Center site for the 2024-25 school year and approve, defer or agree to study further.
 - D. The Board will consider the revised Board Policies and approve, defer or agree to study further.
 1. Policy for Suspension and Expulsion
 2. Policy for Cell Phones and Smartwatches for the Bothin Waldorf Program
 3. Policy for Guidelines for Bothin Program Student Media Use and Exposure
 4. Policy for Student Participation in the Bothin Program
 5. Policy for Donations from the Heartwood Educational Collaborative
 6. Policy for Bothin Program Onsite Volunteers
 7. Policy for Bothin Volunteer Expenses
 - E. The Board will consider the health insurance renewal plan and approve, defer or agree to study further.
 - F. The Board will consider changes to employee health benefits and approve, defer or agree to study further.
- VII. Consent Items
 - A. Health Insurance Renewal
 - B. Settlement for former employees
- VIII. Board Discussion
 - A. CAASPP test results 2023-24
 - B. Charter Renewal

- IX. Closed Session
 - A. Public Employee Performance Evaluation (Gov. Code section 54957(b)(1).)
 - B. Public Employee Discipline/Dismissal/Release (Gov. Code section 54957(b).)
- X. Open Session
- XI. Action Taken in Closed Session
- XII. Dates and Future Agenda Items conditions
- XIII. Adjourn

CHARTER SCHOOL UNAUDITED ACTUALS
FINANCIAL REPORT -- ALTERNATIVE FORM
July 1, 2023 to June 30, 2024

CHARTER SCHOOL CERTIFICATION

Charter School Name: Heartwood Charter
CDS #: 49-70797-0139568
Charter Approving Entity: Liberty Elementary
County: Sonoma
Charter #: 2071

NOTE: An Alternative Form submitted to the California Department of Education will not be considered a valid submission if the following information is missing:

For information regarding this report, please contact:

Table with 3 columns: For County Fiscal Contact, For Approving Entity, For Charter School. Rows include Name, Title, Telephone, and Email address for Felicia Aguirre, Chris Rafanelli, and Bryce Fleming.

To the entity that approved the charter school:

X 2023-24 CHARTER SCHOOL UNAUDITED ACTUALS FINANCIAL REPORT -- ALTERNATIVE FORM: This report has been approved, and is hereby filed by the charter school pursuant to Education Code Section 42100(b).

Signed: [Signature] Date: 9/13/2024
Charter School Official
(Original signature required)
Printed Name: Mark Puccinelli Title: Board President

To the County Superintendent of Schools:

X 2023-24 CHARTER SCHOOL UNAUDITED ACTUALS FINANCIAL REPORT -- ALTERNATIVE FORM: This report is hereby filed with the County Superintendent pursuant to Education Code Section 42100(a).

Signed: [Signature] Date: _____
Authorized Representative of
Charter Approving Entity
(Original signature required)
Printed Name: _____ Title: _____

To the Superintendent of Public Instruction:

X 2023-24 CHARTER SCHOOL UNAUDITED ACTUALS FINANCIAL REPORT -- ALTERNATIVE FORM: This report has been verified for mathematical accuracy by the County Superintendent of Schools pursuant to Education Code Section 42100(a).

Signed: [Signature] Date: _____
County Superintendent/Designee
(Original signature required)

**Heartwood Charter School
Budget Actual Transactions
2023-24 Budget Year**

	Budgeted	Actual	Variance
Total Revenue	\$7,694,842.00	\$8,004,312.46	\$ 309,470.46
Total Salaries	\$3,878,766.49	\$4,221,922.82	\$ 343,156.33
Total Employee Benefits	\$ 908,625.00	\$ 968,529.81	\$ 59,904.81
Total Books & Supplies	\$1,112,941.18	\$ 896,855.42	\$(216,085.76)
Total Services & Other Operating Expenses	\$1,542,527.90	\$1,642,058.10	\$ 99,530.20
Total Expense	\$7,442,860.56	\$7,766,243.22	\$ 323,382.66
Surplus (Deficit)		\$ 238,069.24	

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 CDS #: 49-70797-0139568
 Charter Approving Entity: Liberty Elementary
 County: Sonoma
 Charter #: 2071

This charter school uses the following basis of accounting:
 (Please enter an "X" in the applicable box below; check only one box)

- Accrual Basis (Applicable Capital Assets/Interest on Long-Term Debt/Long-Term Liabilities/Net Position objects are 6900, 6910, 7438, 9400-9489, 9660-9669, 9796, and 9797)
- Modified Accrual Basis (Applicable Capital Outlay/Debt Service/Fund Balance objects are 6100-6170, 6200-6500, 6600, 7438, 7439, and 9711-9789)

Description	Object Code	Unrestricted	Restricted	Total
A. REVENUES				
1. LCFF Sources				
State Aid - Current Year	8011	3,521,314.00		3,521,314.00
Education Protection Account State Aid - Current Year	8012	116,538.00		116,538.00
State Aid - Prior Years	8019	(14,924.00)		(14,924.00)
Transfers to Charter Schools in Lieu of Property Taxes	8096	3,111,244.00		3,111,244.00
Other LCFF Transfers	8091, 8097			0.00
Total, LCFF Sources		6,734,172.00	0.00	6,734,172.00
2. Federal Revenues (see NOTE in Section L)				
Every Student Succeeds Act	8290			0.00
Special Education - Federal	8181, 8182		123,712.00	123,712.00
Child Nutrition - Federal	8220			0.00
Donated Food Commodities	8221			0.00
Other Federal Revenues	8110, 8260-8299		272,796.00	272,796.00
Total, Federal Revenues		0.00	396,508.00	396,508.00
3. Other State Revenues				
Special Education - State	StateRev SE		633,222.11	633,222.11
All Other State Revenues	StateRev AO	156,340.49		156,340.49
Total, Other State Revenues		156,340.49	633,222.11	789,562.60
4. Other Local Revenues				
All Other Local Revenues	LocalRev AO	84,069.86		84,069.86
Total, Local Revenues		84,069.86	0.00	84,069.86
5. TOTAL REVENUES				
		6,974,582.35	1,029,730.11	8,004,312.46
B. EXPENDITURES (see NOTE in Section L)				
1. Certificated Salaries				
Certificated Teachers' Salaries	1100	2,652,450.23	562,936.32	3,215,386.55
Certificated Pupil Support Salaries	1200			0.00
Certificated Supervisors' and Administrators' Salaries	1300	262,247.23		262,247.23
Other Certificated Salaries	1900			0.00
Total, Certificated Salaries		2,914,697.46	562,936.32	3,477,633.78
2. Noncertificated Salaries				
Noncertificated Instructional Salaries	2100	174,062.30	96,994.73	271,057.03
Noncertificated Support Salaries	2200			0.00
Noncertificated Supervisors' and Administrators' Salaries	2300	102,589.06	87,675.22	190,264.28
Clerical, Technical and Office Salaries	2400	281,377.73	1,590.00	282,967.73
Other Noncertificated Salaries	2900			0.00
Total, Noncertificated Salaries		558,029.09	186,259.95	744,289.04
3. Employee Benefits				
STRS	3101-3102			0.00
PERS	3201-3202			0.00
OASDI / Medicare / Alternative	3301-3302	244,750.54	74,792.87	319,543.41

Health and Welfare Benefits	3401-3402	203,122.79		203,122.79
Unemployment Insurance	3501-3502	104,616.20	19,736.50	124,352.70
Workers' Compensation Insurance	3601-3602	90,251.11		90,251.11
OPEB, Allocated	3701-3702			0.00
OPEB, Active Employees	3751-3752			0.00
Other Employee Benefits	3901-3902	187,103.52	44,156.28	231,259.80
Total, Employee Benefits		829,844.16	138,685.65	968,529.81
4. Books and Supplies				
Approved Textbooks and Core Curricula Materials	4100	258.96		258.96
Books and Other Reference Materials	4200	18.00		18.00
Materials and Supplies	4300	874,584.69		874,584.69
Noncapitalized Equipment	4400	21,993.77		21,993.77
Food	4700			0.00
Total, Books and Supplies		896,855.42	0.00	896,855.42
5. Services and Other Operating Expenditures				
Subagreements for Services	5100			0.00
Travel and Conferences	5200	9,202.58		9,202.58
Dues and Memberships	5300	5,369.80		5,369.80
Insurance	5400	47,760.45		47,760.45
Operations and Housekeeping Services	5500	36,461.91		36,461.91
Rentals, Leases, Repairs, and Noncap. Improvements	5600	190,521.59		190,521.59
Transfers of Direct Costs	5700-5799			0.00
Professional/Consulting Services and Operating Expend.	5800	861,941.32	519,926.85	1,381,868.17
Communications	5900	7,038.67		7,038.67
Total, Services and Other Operating Expenditures		1,158,296.32	519,926.85	1,678,223.17
6. Capital Outlay				
(Objects 6100-6170, 6200-6500 modified accrual basis only)				
Land and Land Improvements	6100-6170			0.00
Buildings and Improvements of Buildings	6200			0.00
Books and Media for New School Libraries or Major				
Expansion of School Libraries	6300			0.00
Equipment	6400			0.00
Equipment Replacement	6500			0.00
Lease Assets	6600			0.00
Subscription Assets	6700			0.00
Depreciation Expense (accrual basis only)	6900			0.00
Amortization Expense - Lease Assets	6910			0.00
Amortization Expense - Subscription Assets	6920			0.00
Total, Capital Outlay		0.00	0.00	0.00
7. Other Outgo				
Tuition to Other Schools	7110-7143			0.00
Transfers of Pass-Through Revenues to Other LEAs	7211-7213			0.00
Transfers of Apportionments to Other LEAs - Spec. Ed.	7221-7223SE			0.00
Transfers of Apportionments to Other LEAs - All Other	7221-7223AO			0.00
All Other Transfers	7281-7299			0.00
Transfers of Indirect Costs	7300-7399			0.00
Debt Service:				
Interest	7438	712.00		712.00
Principal (for modified accrual basis only)	7439			0.00
Total Debt Service		712.00	0.00	712.00
Total, Other Outgo		712.00	0.00	712.00
8. TOTAL EXPENDITURES		6,358,434.45	1,407,808.77	7,766,243.22
Description	Object Code	Unrestricted	Restricted	Total
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5-B8)		616,147.90	(378,078.66)	238,069.24
D. OTHER FINANCING SOURCES / USES				

1.	Other Sources	8930-8979			0.00	
	Less:					
2.	Other Uses	7630-7699			0.00	
3.	Contributions Between Unrestricted and Restricted Accounts (must net to zero)	8980-8999	(349,766.66)	349,766.66	0.00	
4.	TOTAL OTHER FINANCING SOURCES / USES		(349,766.66)	349,766.66	0.00	
E. NET INCREASE (DECREASE) IN FUND BALANCE /NET POSITION (C+D4)			266,381.24	(28,312.00)	238,069.24	
F. FUND BALANCE / NET POSITION						
1.	Beginning Fund Balance/Net Position					
a.	As of July 1	9791	2,475,019.92		2,475,019.92	
b.	Adjustments/Restatements	9793, 9795	(28,295.66)	28,312.00	16.34	
c.	Adjusted Beginning Fund Balance /Net Position		2,446,724.26	28,312.00	2,475,036.26	
2.	Ending Fund Balance /Net Position, June 30 (E+F1c)		2,713,105.50	0.00	2,713,105.50	
Components of Ending Fund Balance (Modified Accrual Basis only)						
a.	Nonspendable					
1.	Revolving Cash (equals Object 9130)	9711			0.00	
2.	Stores (equals Object 9320)	9712			0.00	
3.	Prepaid Expenditures (equals Object 9330)	9713			0.00	
4.	All Others	9719			0.00	
b.	Restricted	9740			0.00	
c.	Committed					
1.	Stabilization Arrangements	9750			0.00	
2.	Other Commitments	9760			0.00	
d.	Assigned	9780			0.00	
e.	Unassigned/Unappropriated					
1.	Reserve for Economic Uncertainties	9789			0.00	
2.	Unassigned/Unappropriated Amount	9790M			0.00	
3.	Components of Ending Net Position (Accrual Basis only)					
a.	Net Investment in Capital Assets	9796			0.00	
b.	Restricted Net Position	9797			0.00	
c.	Unrestricted Net Position	9790A	2,713,105.50	0.00	2,713,105.50	
Description			Object Code	Unrestricted	Restricted	Total
G. ASSETS						
1.	Cash					
	In County Treasury	9110			0.00	
	Fair Value Adjustment to Cash in County Treasury	9111			0.00	
	In Banks	9120	2,173,684.64		2,173,684.64	
	In Revolving Fund	9130			0.00	
	With Fiscal Agent/Trustee	9135			0.00	
	Collections Awaiting Deposit	9140			0.00	
2.	Investments	9150			0.00	
3.	Accounts Receivable	9200	1,812,161.98		1,812,161.98	
4.	Due from Grantor Governments	9290			0.00	
5.	Stores	9320			0.00	
6.	Prepaid Expenditures (Expenses)	9330	8,119.22		8,119.22	
7.	Other Current Assets	9340			0.00	
8.	Lease Receivable	9380			0.00	
9.	Capital Assets (accrual basis only)	9400-9489			0.00	
10.	TOTAL ASSETS		3,993,965.84	0.00	3,993,965.84	
H. DEFERRED OUTFLOWS OF RESOURCES						
1.	Deferred Outflows of Resources	9490			0.00	
2.	TOTAL DEFERRED OUTFLOWS		0.00	0.00	0.00	
I. LIABILITIES						
1.	Accounts Payable	9500	611,165.34		611,165.34	
2.	Due to Grantor Governments	9590	16,098.00		16,098.00	
3.	Current Loans	9640			0.00	

4. Unearned Revenue	9650	550,430.00		550,430.00
5. Long-Term Liabilities (accrual basis only)	9660-9669	103,167.00		103,167.00
6. TOTAL LIABILITIES		1,280,860.34	0.00	1,280,860.34
J. DEFERRED INFLOWS OF RESOURCES				
1. Deferred Inflows of Resources	9690			0.00
2. TOTAL DEFERRED INFLOWS		0.00	0.00	0.00
K. FUND BALANCE /NET POSITION				
Ending Fund Balance /Net Position, June 30 (G10 + H2) - (I6 + J2) (must agree with Line F2)		2,713,105.50	0.00	2,713,105.50

L. FEDERAL EVERY STUDENT SUCCEEDS ACT (ESSA) MAINTENANCE OF EFFORT REQUIREMENT

NOTE: IF YOUR CHARTER SCHOOL RECEIVED FEDERAL FUNDING, AS REPORTED IN SECTION A2, THE FOLLOWING ADDITIONAL INFORMATION MUST BE PROVIDED IN ORDER FOR THE CDE TO CALCULATE COMPLIANCE WITH THE FEDERAL EVERY STUDENT SUCCEEDS ACT (ESSA) MAINTENANCE OF EFFORT REQUIREMENT:

1. Federal Revenue Used for Capital Outlay and Debt Service

Included in the Capital Outlay and Debt Service expenditures reported in sections B6 and B7 are the following amounts paid out of federal funds:

Federal Program Name (If no amounts, indicate "NONE")	Capital Outlay	Debt Service	Total
a. None	\$		0.00
b. _____			0.00
c. _____			0.00
d. _____			0.00
e. _____			0.00
f. _____			0.00
g. _____			0.00
h. _____			0.00
i. _____			0.00
j. _____			0.00
TOTAL FEDERAL REVENUES USED FOR CAPITAL OUTLAY AND DEBT SERVICE	0.00	0.00	0.00

2. Community Services Expenditures

Provide the amount of State and Local funds reported in Section B that were expended for Community Services Activities:

Objects of Expenditures	Amount (Enter "0.00" if none)
a. Certificated Salaries 1000-1999	0.00
b. Noncertificated Salaries 2000-2999	0.00
c. Employee Benefits 3000-3999	0.00
d. Books and Supplies 4000-4999	0.00
e. Services and Other Operating Expenditures 5000-5999	0.00
TOTAL COMMUNITY SERVICES EXPENDITURES	0.00

3. Supplemental State and Local Expenditures resulting from a Presidentially Declared Disaster

Date of Presidential Disaster Declaration	Brief Description (If no amounts, indicate "None")	Amount
a. _____		
b. _____		
c. _____		
d. _____		
TOTAL SUPPLEMENTAL EXPENDITURES (Should not be negative)		0.00

4. State and Local Expenditures to be Used for ESSA Annual Maintenance of Effort Calculation:

Results of this calculation will be used for comparison with 2022-23 expenditures. Failure to maintain the required 90 percent expenditure level on either an aggregate or per capita expenditure basis may result in reduction to allocations for covered programs in 2025-26.

a. Total Expenditures (B8)	7,766,243.22
b. Less Federal Expenditures (Total A2)	
[Revenues are used as proxy for expenditures because most federal revenues are normally recognized in the period that qualifying expenditures are incurred]	396,508.00
c. Subtotal of State & Local Expenditures [a minus b]	7,369,735.22
d. Less Community Services [L2 Total]	0.00
e. Less Capital Outlay & Debt Service [Total B6 plus objects 7438 and 7439, less L1 Total, less objects 6600 and 6910]	712.00
f. Less Supplemental Expenditures made as the result of a Presidentially	0.00

Declared Disaster

TOTAL STATE & LOCAL EXPENDITURES SUBJECT TO MOE

[c minus d minus e minus f]

\$ 7,369,023.22

Heartwood Charter School

Board Policy for Suspension and Expulsion

09-20-2024 Proposed

The Pupil Suspension and Expulsion Policy has been established in order to promote learning and protect the safety and well-being of all students at Heartwood Charter School. In creating this policy, Heartwood Charter School has reviewed Education Code Section 48900 et seq. which describes the non-charter schools' list of offenses and procedures to establish its list of offenses and procedures for suspensions and expulsions. The language that follows closely mirrors the language of Education Code Section 48900 et seq. Heartwood Charter School is committed to an 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 Heartwood Charter School. This policy shall serve as Heartwood Charter Schools' 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 comply with legal requirements. Charter School staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This Policy and its Procedures will clearly describe discipline expectations.

Discipline includes but is not limited to advising and counseling students. 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.

Heartwood Charter School administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline policies and procedures. The notice shall state that this Policy and Procedures are available in the Parent/Student Handbook.

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 Heartwood Charter School has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to regular education students except when federal and state law mandates additional or different procedures. Heartwood Charter School will follow all applicable federal and state laws, including, but not limited to, the IDEA, Section 504, the California Education Code, and their implementing regulations, when imposing

any form of discipline on a student identified as an individual with disabilities or for whom Heartwood 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. No student shall be involuntarily removed by the Charter School for any reason unless the parent or guardian of the student has been provided written notice of intent to remove the student no less than five (5) schooldays before the effective date of the action. The written notice shall be in the native language of the student or the student's parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder, and shall inform him or her of the right to initiate the procedures specified below for suspensions, before the effective date of the action. If the student's parent, guardian, or educational rights holder initiates the procedures specified below for suspensions, the student shall remain enrolled and shall not be removed until the Charter School issues a final decision. As used herein, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions or expulsions pursuant to the suspension and expulsion procedures described below.

- 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; d) during, going to, or coming from a school-sponsored activity.
- B. Enumerated Offenses
 - a. Discretionary Suspension Offenses. Students may be suspended for any of the following acts when it is determined the pupil:
 - i. Caused, attempted to cause, or threatened to cause physical injury to another person.
 - ii. Willfully used force or violence upon the person of another, except self-defense.
 - iii. 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.
 - iv. 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.
 - v. Committed or attempted to commit robbery or extortion.
 - vi. Caused or attempted to cause damage to school property or private property, which includes, but is not limited to, electronic files and databases.
 - vii. Stole or attempted to steal school property or private property, which includes, but is not limited to, electronic files and databases.

- viii. 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.
- ix. Committed an obscene act or engaged in habitual profanity or vulgarity.
- x. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
- xi. 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. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- xii. Knowingly received stolen school property or private property, which includes, but is not limited to, electronic files and databases.
- xiii. 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.
- xiv. 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.
- xv. 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.
- xvi. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. 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.
- xvii. Made terroristic threats against school officials and/or school property, which includes, but is not limited to, electronic files and databases. 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
- xviii.

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, which includes, but is not limited to, electronic files and databases, or the personal property of the person threatened or his or her immediate family.

- xix. 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.
- xx. 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.
- xxi. Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder and invading the rights of either school personnel or volunteers and/or student(s) by creating
- xxii. an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
- xxiii. 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:
 - a. 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.
 - b. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.

- c. Causing a reasonable student to experience substantial interference with his or her academic performance.
 - d. 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 or 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:
 - a. A message, text, sound, video, or image.
 - b. A post on a social network Internet Web site including, but not limited to:
 - i. Posting to or creating a burn page. A "burn page" means an Internet Website created for the purpose of having one or more of the effects as listed in subparagraph (1) above.
 - ii. Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in subparagraph (1) above.
 - iii. "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.
- 3. An act of cyber sexual bullying.
 - a. For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a

minor where the minor is identifiable from the photograph, visual recording, or other electronic act.

b. For purposes of this clause, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities. educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

4. 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. 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)(a)-(b). 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 Superintendent or designee's concurrence.

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

1. 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 student had obtained written permission to possess the item from a certificated school employee, with the Superintendent or designee's concurrence.

xxv. Discretionary Expellable Offenses: Students may be recommended for expulsion for any of the following acts when it is determined the pupil:

1. Caused, attempted to cause, or threatened to cause physical injury to another person.

2. Willfully used force or violence upon the person of another, except self-defense.

3. 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.

4. 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.

5. Committed or attempted to commit robbery or extortion.
6. Caused or attempted to cause damage to school property or private property, which includes, but is not limited to, electronic files and databases.
7. Stole or attempted to steal school property or private property, which includes, but is not limited to, electronic files and databases.
8. 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.
9. Committed an obscene act or engaged in habitual profanity or vulgarity.
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
11. Knowingly received stolen school property or private property, which includes, but is not limited to, electronic files and databases.
12. 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.
13. 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.
14. 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.
15. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
16. 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.

17. Made terroristic threats against school officials and/or school property, which includes, but is not limited to, electronic files and databases. 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, which includes, but is not limited to, electronic files and databases, or the personal property of the person threatened or his or her immediate family.
18. 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.
19. Caused, attempted to cause, threatened to cause or participated in an act of hate violence, as defined in subdivision oof Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.
20. Intentionally harassed, threatened or intimidated school personnel or volunteers and/or a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder and invading the rights of either school personnel or volunteers and/or student(s) by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.
21. Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act.
 - a. "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.
- b. "Electronic Act" means the creation or 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:
1. A message, text, sound, video, or image.
 2. 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.
3. An act of cyber sexual bullying.
 - a. For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (i) to (iv), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
 - b. For purposes of this clause, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
 4. 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.

- ii. 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 (3)(a)-(b).
- iii. 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 Superintendent or designee's concurrence.
 - 1. 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 student had obtained written permission to possess the item from a certificated school employee, with the Superintendent or designee's concurrence. If it is determined by the Administrative Panel and/or Board of Directors that a student has brought a firearm or destructive device, as defined in Section 921 of Title 18 of the United States Code, onto 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:
- a. Conference Suspension shall be preceded, if possible, by a conference conducted by the Superintendent or designee with the student and his or her parent and, whenever practical, the teacher, supervisor or Charter School employee who referred the student to the President & CEO or designee. The conference may be omitted if the Superintendent 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 Charter 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, in accordance with Education Code Section 47605(b)(5)(J)(i). This conference shall be held within two (2) 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 Charter School officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil’s parent or guardian at the conference.

- b. Notice to Parents/Guardians At the time of the suspension, the Superintendent 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 Charter 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.
- c. 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 Superintendent or 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 Superintendent 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: As required by Education Code Section 47605(b)(5)(J)(ii), students recommended for expulsion are entitled to a hearing adjudicated by a neutral officer to determine whether the student should be expelled. The procedures herein provide for such a hearing and the notice of said hearing, as required by law. A student may be expelled either by the neutral and impartial Charter School Board of Directors following a hearing before it or by the Charter School Board of Directors upon the recommendation of a neutral and impartial Administrative Panel to be assigned by the Board of Directors as needed. The Administrative Panel shall consist of at least three members who are certificated and neither a teacher of the pupil nor a member of the Charter School Board of Directors. Each entity shall be presided over by a designated neutral hearing chairperson. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense, and the Board of Directors shall make the final determination.
- 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 Superintendent 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 Governing 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:

- a. The date and place of the expulsion hearing
 - b. A statement of specific facts, charges and offenses upon which the proposed expulsion is based
 - c. A copy of Heartwood Charter School' disciplinary rules which relate to the alleged violation
 - d. Notification of the student's and/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
 - e. The opportunity for the student and/or the student's parent/guardian to appear in person or to employ and be represented by counsel or a non-attorney advisor
 - f. The right to inspect and obtain copies of all documents to be used at the hearing
 - g. The opportunity to confront and question all witnesses who testify at the hearing
 - h. 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: Heartwood 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.
- a. 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 (5) 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.
 - b. Heartwood 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.
 - c. 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.
 - d. 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.
 - e. 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.

- f. 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.
 - g. If one or both of the support persons is also a witness, Heartwood Charter School must present evidence that the witness' presence is both desired by the witness and will be helpful to Heartwood 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.
 - h. 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.
 - i. 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.
 - j. 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 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 accused pupil, the hearing is held at a public meeting, and the charge is committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public. The decision of the Administrative Panel shall be in the form of written findings of fact and a written recommendation to the Board of Directors, which will make a final determination regarding the expulsion. The final decision by the Board of Directors shall be made within ten (10) school days following the conclusion of the hearing. The decision of the Board of Directors 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 Superintendent or designee, following a decision of the Board of Directors to expel, shall send written notice of the decision to expel, including the Board of Directors' adopted findings of fact, to the student or parent/guardian. This notice shall also include the following: (a) Notice of the specific offense committed by the student; and (b) 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 Superintendent or designee shall send a copy of the written notice of the decision to expel to the authorizer. This notice shall include the following: (a) The student's name; and (b) The specific expellable offense committed by the student.
- J. **Disciplinary Records** Heartwood Charter School shall maintain records of all student suspensions and expulsions at the Charter School. Such records shall be made available to the authorizer upon request.
- K. **No Right to Appeal** The pupil shall have no right of appeal from expulsion from Heartwood Charter School as the Heartwood Charter School Board of Directors' 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. Heartwood Charter School shall work cooperatively with parents/guardians as requested by parents/guardians or by the school district of residence to assist with locating alternative placements during expulsion.
- M. **Rehabilitation Plans** students who are expelled from Heartwood Charter School shall be given a rehabilitation plan upon expulsion as developed by the Board of Directors at the time of the expulsion order, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date not later than one year from the date of expulsion when the pupil may reapply to Heartwood Charter School for admission.

- N. Readmission The decision to readmit a pupil or to admit a previously expelled pupil from another school district or charter school shall be in the sole discretion of the Board of Directors following a meeting with the Superintendent or designee and the pupil and parent/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 Superintendent or designee shall make a recommendation to the Board of Directors following the meeting regarding his or her determination. The 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 Heartwood Charter School' capacity at the time the student seeks readmission.
- O. Special Procedures for the Consideration of Suspension and Expulsion of Students with Disabilities
- a. Notification of SELPA: Heartwood Charter School shall immediately notify the SELPA and coordinate the procedures in this policy with the SELPA of the discipline of any student with a disability or student that Heartwood Charter School or the SELPA would be deemed to have knowledge that the student had a disability.
 - b. 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 (which could constitute a change of placement and the student's IEP would reflect this change), 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.
 - c. 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, Heartwood Charter School, the parent/guardian, 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:
 - i. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
 - ii. If the conduct in question was the direct result of the local educational agency's failure to implement the IEP/504 Plan.If Heartwood Charter School, the parent/guardian, 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 Heartwood Charter School, the parent/guardian, 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/guardian and Heartwood Charter School agree to a change of placement as part of the modification of the behavioral intervention plan. If Heartwood Charter School, the parent/guardian, 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 direct result of the failure to implement the IEP/504 Plan, then Heartwood 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.

- d. **Due Process Appeals** The parent/guardian of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or Heartwood 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/guardian or Heartwood Charter School, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer in accordance with state and federal law, including 20 U.S.C. Section 1415(k), until the expiration of the fortyfive (45) day time period provided for in an interim alternative educational setting, unless the parent/guardian and Heartwood Charter School agree otherwise. In accordance with 20 U.S.C. Section 1415(k)(3), if a parent/guardian disagrees with any decision regarding placement, or the manifestation determination, or if 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, the parent/guardian or Charter School may request a hearing. In such an appeal, a hearing officer may: (1) return a child with a disability to the placement from which the child was removed; or (2) order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing

officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.

- e. Special Circumstances Heartwood 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 Superintendent or designee may remove a student to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability in cases where a student:
 - i. Carries or possesses a weapon, as defined in 18 U.S.C. Section 930, to or at school, on school premises, or to or at a school function;
 - ii. 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
 - iii. Has inflicted serious bodily injury, as defined by 20 U.S.C. Section 1415(k)(7)(D), upon a person while at school, on school premises, or at a school function.
- f. Interim Alternative Educational Setting: The student's interim alternative educational setting shall be determined by the student's IEP/504 Team.
- g. Procedures for Students Not Yet Eligible for Special Education Services A student who has not been identified as an individual with disabilities pursuant to IDEA and who has violated Heartwood Charter School' disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if Heartwood Charter School had knowledge that the student was disabled before the behavior occurred.

Heartwood Charter School shall be deemed to have knowledge that the student had a disability if one of the following conditions exists:

1. 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 Heartwood 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.
2. The parent/guardian has requested an evaluation of the child.
3. The child's teacher, or other Heartwood 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 Heartwood Charter School supervisory personnel.

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

If Heartwood Charter School had no basis for knowledge of the student's disability, it shall proceed with the proposed discipline. Heartwood Charter School shall conduct an expedited evaluation if requested by the parent/guardian; however, the student shall remain in the education placement determined by Heartwood Charter School pending the results of the evaluation. Heartwood Charter School shall not be deemed to have knowledge that the student had a disability if the parent/guardian has not allowed an evaluation, refused services, or if the student has been evaluated and determined to not be eligible.

Heartwood Charter School

Board Policy for Phone and Smartwatch Use for the Bothin Waldorf Program

9/20/2024 Proposed

[Media Guidelines HCS 2024-2025](#)

Cell phones and smart watches are not permitted on the Bothin campus. If there is a special circumstance that needs to be considered by Steering, please contact them for approval. If a cell phone or smart watch is brought to campus by a student, the guidelines presented below must be followed:

- Devices must be turned into the office at the start of the school day
- All devices should be clearly labeled with the student's first and last name
- If a device is not labeled, we will attach a label
- Devices may be retrieved at the end of the school day but may not be used on school grounds.
- The office will facilitate a phone call home when needed

If your student brings one of these devices to school and does not follow the above protocol, items may be confiscated. The administration will contact the parent/guardian. Confiscated devices will be returned only to the parent or guardian, please come to the office to collect the device

Heartwood Charter School

Board Policy for Guidelines for Student Media Use and Exposure

9/20/2024 Proposed

Heartwood Charter School on the Bothin Campus is dedicated to nurturing each child's capacity for creative imagination, independent thinking, and positive action.

The school strives to foster students' healthy emotional development and meaningful relationships with their environment. These experiences are undermined by encounters with media that separate children from direct authentic experiences. Students best learn to use electronic media as a resource when these media are introduced after children have developed a rich experiential foundation. Media thus becomes a supplement to, not a substitute for, the richness of direct experience.

As educators and parents, we are unified by the idea of protecting the sanctity of childhood. The goal of the media policy is to help guide and support families as they mindfully navigate the world of media and technology and to support the objectives of Waldorf-methods education. Each family's respect for the Media Policy has a positive effect on the student's educational and social experience at school, which is important for the health of the entire Heartwood Charter School community.

The younger the child, the more vitally important it is to protect the sanctity of childhood. The young child needs to maximize opportunities for movement, social interaction, and natural experiences to actively engage in the world. Ideally, a child would remain screen-free for as long as possible, at least until middle school, but that is not always possible. As a child progresses through the grades, it is important to introduce media usage slowly and judiciously.

Our recommendation for students:

Kindergarten through Grade 3

- Screen-free until 3rd Grade

Grades 3 through 5

- Ideally remaining screen-free
- Screen-free during the school week
- Screen-free play dates, birthday parties and sleepovers
- Mindful rules for media usage
- Monitoring of all media usage
- Observe G or PG ratings for movies

Middle School, Grades 6 through 8

- Ideally continuing to minimize screen time
- Delay personal cell phones and social media usage until high school.

- Put the computer in a public place in the home and use a password for access
- Provide rules for computer and internet usage, and stick to them.
- Screen-free on any evening preceding a school day, including all electronic communication except for homework and projects.
- Prohibit access to websites where the child may post personal information.
- Encourage regular study habits in a quiet environment, without a backdrop of recorded music and video.
- Limit time spent listening to iPods and other portable music players. Review all media content beforehand and discuss it afterward.
- No R-rated movies.

Media Resource: Common Sense Media provides information, education, and tools for parents to help their children

safely and thoughtfully navigate their way through the world of media and technology.

<http://www.commonsensemedia.org>

Heartwood Charter School

Board Policy for Donations from Heartwood Educational Collaborative

Proposed 9/20/2024

This policy governs the conditions for acceptance of donations by Heartwood Charter School from Heartwood Educational Collaborative. Heartwood Educational Collaborative is an independent, non-profit fundraising affiliate of Heartwood Charter School ("School"). For the purposes of this policy, the School shall mean Heartwood Charter School, the Board shall mean the Heartwood Charter School Board, and Administration shall be Heartwood Charter School chief administrators with the correct purchasing authority.

The School accepts donations from HEC as granted funds, to be used for the purposes of supporting the School's Bothin Waldorf Program. The School will request a grant from HEC in an amount agreeable to both parties.

The School will make a determination on how funds shall be spent, and will create a spending plan, which will be approved by the School Board. The School Board will make the sole determination on how funds will be spent, unless the funds were collected for a specific purpose by HEC.

The School will not accept specific purpose funds offered by HEC unless previously approved and requested by the School Board in advance of collecting funds. The Board will not accept donations of materials, goods, equipment, facilities or services unless previously approved by the Board prior to HEC's acquisition of such items.

The School will not allow direct payment of School expenses by HEC, unless approved by School Administration and Board.

Heartwood Charter School

Board Policy for Bothin Program Onsite Volunteers

9/20/2024 Proposed

Before an individual can volunteer onsite or on field trips, please make sure you have completed the following items:

1. Email bothin@heartwoodcharterschool.org and the Bothin teacher with your request to volunteer. Please include the following information:
 - Full Name
 - Contact Phone Number
 - Class or grade you will be volunteering in
 - Relationship to the student in the class(es) listed above
2. The Bothin Admin team will let you know that your request to volunteer is being processed and the following items are needed before coming to campus
 - Copy of your Drivers License
 - Copy of vehicle insurance
 - Driver Authorization must be completed and provided to the Office Staff at the Bothin campus
 - Clear TB results- for more information on the Marin County Health and Human Services TB requirements view this webpage. They also provide several days and time throughout the week for FREE TB tests and results
 - Completed Livescan form with receipt

No more than \$55 will be reimbursed to the person who will be volunteering on campus. If you are seeking reimbursement. [Make a copy of this form](#) (please do not use the original) and email it back to bothin@heartwoodcharterschool.org

Heartwood Charter School

Board Policy for Participation in the Bothin Waldorf Program

9/20/2024 **Proposed**

The Bothin Waldorf Program at Heartwood Charter School requires enrolled students to primarily receive their academics on site, via consistent and structured in-person instruction. The academics provided via this program are not available off site for families desiring frequent or extended periods of home study or virtual instruction.

It is very important to note that the exchange with students being dropped off late or picked up early needs to happen at Little House and not at the classroom with the exception of the students enrolled in the Kindergarten classes.

Tardiness

Unexcused Tardy

A student will accrue an unexcused tardy if they are late for the official start time for their class without a valid excuse (physician or dental appt) having been submitted to the office via School approved forms of communication as described in the Parent Handbook. If a student is more than 30 minutes late it will count as an incident of non-participation as noted below.

If a student accumulates 7 or more unexcused tardies they are then considered to have chronic unexcused tardies. When the student reaches chronic tardy status, the parent/guardian will be asked to attend a conference to address ways to improve attendance and curtail tardy arrivals.

Non-participation on campus

Non- participation is defined as missing at least 30 minutes of the in-person instructional day at the Bothin Program. If 30 minutes or more of the in-person instructional day is missed three times, it will count as a full day of non-participation. This includes arriving late or leaving early.

Excused Non-Participation

Excused non-participation occurs on days ~~that have been approved by the classroom teacher as independent learning days or times~~ that the student has a valid medical excuse for being away from campus. Examples of approved medical excuses:

- Physician's appts
- Dentist appts
- Illness (after 5 days with a doctors note)
- All other absences require pre-approval by the steering group and the classroom teacher to be considered as excused non-participation days. Pre-approval will be granted for no less

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than [5 instructional days and no more than a total of 15 days of instruction for the entire school year](#). [Pre-approval of absences of a week to three weeks of duration requires steering approved independent study plans overseen by the class teacher.](#)

Commented [1]: I don't understand the minimum of 5 days. Less than 5 days won't be approved? Or less than 5 days will be unexcused?

Unexcused Non-Participation

Unexcused non-participation accrues when a student is absent without a valid medical reason or when absent without an approved independent learning plan.

Participation Improvement Plans / Transition to Independent Homeschool Learning Program

If a student has unexcused non-participation for 5 days or more without a valid excuse, the parent or guardian will be sent a Notification of Non-Participation Letter and a meeting with the school may be requested to create a Participation Improvement Plan.

If a student is absent 8 days or more without a valid excuse or a note from the student's doctor, the parent or guardian will be sent a Notification of Non-participation Letter and a meeting with the school may be requested to create a Participation Improvement Plan to resolve the lack of regular participation at the Bothin Program.

If a student has 10 or more days of non-participation for any reason their non-participation will be considered excessively below expected participation levels, and the parent or guardian will be sent a Notification of Non-participation Letter and a parent conference with the school will be requested. Also:

- The parent conference will require that the parent or guardian agree to a Participation Contract stating how the student will participate at the Bothin program with the required regularity.
- The Participation Contract will be signed by the parent or guardian.
- If the student and parent or guardian do not meet the requirements of the Participation Contract the student will be transitioned to Heartwood's independent homeschool learning program.

If a student is not participating at the Bothin program for 15 or more days for any reason, without mitigating circumstances or prior agreements with the Bothin program Steering Team, the student will be transitioned out of the Bothin Waldorf Program to Heartwood's Homeschool Program and assigned to a Credentialed Support Teacher (CST).



Executive Summary

Current/Renewal	EE Count	Current Annual Premiums	Renewal Annual Premiums	Option 1 Add Life/AD&D	Alternative Renewal Annual Premiums	Option 2 Upgrade Medical & Dental, add Life/AD&D	Alternative Renewal Annual Premiums	Option 3 Downgrade Medical, add Life/AD&D	Alternative Renewal Annual Premiums
Medical - CalChoice				Medical - CalChoice		Medical - CalChoice		Medical - CalChoice	
Kaiser Gold HMO B	15	\$203,066	\$231,684	Kaiser Gold HMO B	\$231,684	Kaiser Platinum HMO B	\$253,091	Kaiser Silver HMO B	\$190,772
Kaiser Silver HMO C	4	\$46,796	\$52,555	Kaiser Silver HMO C	\$52,555	Kaiser Gold HMO D	\$61,059	Kaiser Bronze HMO B	\$44,257
Anthem Gold PPO E	2	\$17,238	\$18,984	Anthem Gold PPO E	\$18,984	Anthem Platinum PPO A	\$21,866	Anthem Silver PPO C	\$15,599
Anthem Silver PPO B	5	\$68,402	\$77,692	Anthem Silver PPO B	\$77,692	Anthem Gold PPO G	\$93,601	Anthem Bronze PPO D	\$70,824
Sutter Health Silver HMO B	0	\$0	\$0	Sutter Health Silver HMO B	\$0	Sutter Health Gold HMO A	\$0	Sutter Health Bronze HMO A	\$0
Anthem Silver PPO C	0	\$0	\$0	Anthem Silver PPO C	\$0	Anthem Silver PPO C	\$0	Anthem Gold PPO E	\$0
Total Annual Premium	26	\$335,503	\$380,915	Total Annual Premium	\$380,915	Total Annual Premium	\$429,617	Total Annual Premium	\$321,452
\$ Difference vs. Current			\$45,412	\$ Difference vs. Current	\$45,412	\$ Difference vs. Current	\$94,114	\$ Difference vs. Current	-\$14,050
% Difference vs. Current			13.5%	% Difference vs. Current	13.5%	% Difference vs. Current	28.1%	% Difference vs. Current	-4.2%
Dental				Dental		Dental		Dental	
Delta Dental PPO \$1,500	52	\$68,876	\$68,876	Delta Dental PPO \$1,500	\$68,876	Delta Dental PPO \$2,000	\$73,623	Delta Dental PPO \$1,500	\$68,876
Total Annual Premium	52	\$68,876	\$68,876	Total Annual Premium	\$68,876	Total Annual Premium	\$73,623	Total Annual Premium	\$68,876
\$ Difference vs. Current			\$0	\$ Difference vs. Current	\$0	\$ Difference vs. Current	\$4,747	\$ Difference vs. Current	\$0
% Difference vs. Current			0.0%	% Difference vs. Current	0.0%	% Difference vs. Current	6.9%	% Difference vs. Current	0.0%
Basic Life/AD&D				Basic Life/AD&D		Basic Life/AD&D		Basic Life/AD&D	
<i>Not Currently Offered</i>				Principal LADD	\$4,514	Principal LADD	\$4,514	Principal LADD	\$4,514
				Total Annual Premium	\$4,514	Total Annual Premium	\$4,514	Total Annual Premium	\$4,514
Benefits Annual Total		\$404,379	\$449,791	Benefits Annual Total	\$454,305	Benefits Annual Total	\$507,755	Benefits Annual Total	\$394,843
\$ Difference from Current			\$45,412	\$ Difference from Current	\$49,927	\$ Difference from Current	\$103,376	\$ Difference from Current	-\$9,536
% Difference from Current			11.2%	% Difference from Current	12.3%	% Difference from Current	25.6%	% Difference from Current	-2.4%

Heartwood Charter School

Health Benefit School Contributions

9/24/2024 **Proposed**

Background

Medical insurance costs are expected to rise 13.5% for the (2024-25 plan year. It is proposed to the Board that the School raise the annual contribution allowance for employee medical insurance, currently \$9,000 annually to \$9,500 or \$10,000 annually. The expected increase to School medical insurance costs will be as shown below.

No changes are proposed to dental or vision plans, which have no expected cost increase this year.

The Board will confirm the amount paid to eligible employees who decline to enroll in medical insurance coverage in the Heartwood plan. This amount has been \$1,000 in the past and has high participation among those waiving medical insurance. Another amount may be selected.

The Board may consider an option to implement term life insurance for all employees at the rate of 1x annual pay, at no cost to the employee. Additional coverage would be at employee cost. The cost of this option is shown below.

Action

Board is requested to confirm or state new values for Annual School Contribution for medical, and stipend for waiver of benefits, and whether to offer term life insurance for all benefits-eligible employees. Employees would need to enroll.

	School Contribution	Cost Increase
Current	\$9,000	\$0.00
Proposed	\$9,500	\$3,835
Proposed	\$10,000	\$7,435
Stipend for Waiver	\$1,000	\$20,000 (total cost)
Term life 1x all empl.	\$4,514	\$4,514 (total cost)

